

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

p6569b-6632a

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

WORKFORCE REFORM BILL 2013

Second Reading

Resumed from 21 November.

MR B.S. WYATT (Victoria Park) [3.02 pm]: I rise to speak to the Workforce Reform Bill 2013. The Leader of the Opposition spent considerable time outlining the reasons for our opposition to this bill, of which there are primarily three—I will not go into the great detail that the Leader of the Opposition did. Firstly, the laws are unfair and discriminatory; secondly, and importantly, they are based on broken promises—a theme that has been the focus of the Parliament in the last seven or eight months. These laws will directly overturn promises made by the government prior to and after the state election held in March. Thirdly, there is a range of inconsistency between these laws and the public statements made by the government about the issues these laws will cover. I have posed questions to the Treasurer and the Premier on matters of public interest in this place and I have said that this bill reflects, and is the legislative embodiment of, the utter failure of the government to deliver on the fiscal targets that it set itself in its first term. That is reflected primarily by the real per capita cap that was part of the government's fiscal strategy that the Treasurer, when he sat on this side of the house as the member for Vasse, demanded of the previous government. The real per capita cap was removed from the fiscal strategy in the latest budget. It has simply disappeared because, quite frankly, the government could never meet it. There also has been the failure to deliver on the first-term wages policy that the member for Vasse, the now Treasurer, oversaw.

This bill recognises that the government, which has been unable to deliver on its own fiscal targets, is now simply seeking to farm that out to the Western Australian Industrial Relations Commission; that is effectively what the government is doing. It is saying, "We can't do it. We've been unable to implement our own wages policy, so we'll get WAIRC to do it for us." The Leader of the Opposition said in his second reading contribution that this is a new way of setting wages policy—to be precise, it is a new way of delivering wages policy. The government can and will set the wages policy of the day, but because of its utter inability to deliver on it in the first term, it is now asking the Western Australian Industrial Relations Commission to deliver it on the government's behalf.

That feeds in nicely to the fully funded, fully costed Liberal lie of the 2013 election campaign. When a political party says that the election commitments it is making are fully funded and fully costed, there is a view that it is taking responsibility for the delivery and funding of those election promises. When it emerged that the Premier was wandering around making election promises on the basis that the federal government would fund and deliver them for the Liberal Party, I made the comment that if I had known we could have made election promises on the basis that a third party would pay for them and deliver them for us, I would have promised a canal from the Kimberley. I made the point that I would have promised anything, and stamped the Labor Party election material with "fully funded, fully costed". It is the Aunty Mavis strategy of delivery: money will be left in a will from Aunty Mavis and she is going to fund that. Now, instead, when it emerges that actually, surprisingly, the federal government is not going to fund those commitments, what do we see from the Liberal Party, the philosophy of which suggests that it is perhaps a conservative manager of the public purse? Do we see a prioritisation? No, we do not. It simply says, "We'll take it all on, and dump it all in debt. Debt will now fund this." We see in the *Economic and Fiscal Outlook*, budget paper No 3 of the 2013-14 budget, that there has been a sudden change in the way the government manages its finances from last year through to this budget. I have talked about it at length. Just last year, the then Treasurer, Christian Porter, made the point while standing right over there nearly 18 months ago that the 2012-13 budget showed net debt peaking and then commencing its decline. In the space of one year—importantly, disrupted by the fully funded, fully costed Liberal lie—the government has walked away from broadly the parameters that have guided the decisions upon which the allocation of public moneys have been made over the past 20 years. As we see in the budget papers, net debt will continue its rise for the next 10 years, out to some \$48 billion. In the space of one year, net debt has gone from peaking and declining to continuing a path of continual increase for the next 10 years. This bill represents an acknowledgment that the government cannot do the job of financial management, and it will now be up to the Western Australian Industrial Relations Commission to do the government's job for it.

We know that in the general government sector about three-quarters of what we spend goes on salaries, which is why it is important to control salary growth. We know all that. A huge part of the general government sector expense is salaries, which is why in 2009 the Treasurer came into this place and talked at length about the wonderful wages policy of the Barnett government—a full-time equivalent cap that has since been abandoned—and the policy that stated that for enterprise bargaining agreements, people are entitled to a consumer price index

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increase, and if they can then bargain productivity or efficiency outcomes, they can get up to the wage price index. That was the government's first-term wages policy. What should that have delivered in the first term of the Barnett government? It should have delivered wage growth of between 12.25 per cent and 21.5 per cent. That is what the CPI and WPI increase would have delivered during the first term of the Barnett government. But we saw an increase of 37 per cent—\$3 billion extra a year—in the spend on salaries. That is what we receive now compared with when the Barnett government was first elected. The utter failure of the government to implement its wages policy in its first term has led us to this point, and we expect the Western Australian Industrial Relations Commission to deliver the government's wages policy.

By way of aside, the member for Forrestfield beat us to the punch a little in Friday's cricket game. The members of Parliament had a resounding victory over the media team of one wicket, largely because of the member for Forrestfield's performance with the bat.

Mr A.J. Simpson interjected.

Mr B.S. WYATT: I think the minister was carried by the member for Forrestfield. Before I read a short part of an article by Gareth Parker, I must say that there is nothing more humiliating than having written next to one's name "Caught Parker, bowled Emerson", which is what was written next to mine. The most vocal of cricketers, Mr Parker, made the point on 20 June this year in *The West Australian* —

When Eric Ripper was treasurer, he squirreled away windfall stamp duty gains from the property boom as surpluses and spent some on infrastructure.

That fiscal responsibility probably contributed to Labor's downfall as the voters looked for a visible payoff from the first boom. Mr Barnett, however, treated a similar iron ore royalties windfall from the second boom, which appears to be coming to a rapid end, in a rather different fashion.

He booked all sorts of recurrent spending against highly volatile revenue that now appears to be on the wane (and without sufficient heed to the effects a broken but nonetheless real GST system has on the State Budget). Now Mr Buswell must tackle what he calls an "underlying structural Budget issue".

Mr C.J. Barnett: The adjustment from the iron ore royalty went entirely into the new children's hospital.

Mr B.S. WYATT: Could the Premier say that again?

Mr C.J. Barnett: The adjustment—in other words, the removal of the iron ore royalty concessions, which was a substantial amount of money—went into the children's hospital.

Mr B.S. WYATT: I do not think we are talking about that; we are talking about the overreliance —

Mr C.J. Barnett: That is where the money came from.

Mr B.S. WYATT: No, no, no. The Premier is talking about one little issue. The government got rid of that historic exemption. I accept that. Mr Parker is saying that the Barnett government booked all sorts of recurrent spending against highly volatile revenue. We all know that when revenue is based around the commodity price, or the Australian dollar, inherently that is going to be volatile. Over the years, the Premier made the decision to book all sorts of recurrent spending against highly volatile revenue. We all acknowledge that. The Premier owned that decision. Eric Ripper certainly owned his decision of a large surplus. I think Mr Parker is right; I think the former Labor government paid a political price for large surpluses, just as Mr Parker is right about the way the Premier booked recurrent spending against a volatile revenue source. Revenue has increased some 33 per cent since the member for Cottesloe became Premier, up to and including this budget. The government's expense growth has also increased by 52 per cent. That is the underlying structural issue that Mr Buswell talks about. The government cannot spend well beyond its revenue stream, even when the revenue stream is growing strongly, without creating a structural problem. That is what this legislation is about. As I said, when 75 per cent of the spend in the general government sector is salaries and the government cannot control its salaries growth, as it has been unable to do, as per its first-term wages policy, indeed, there are consequences.

I remember when the Treasurer, the member for Vasse, came into this place on 31 March 2009 and announced the public sector wages policy. I will read from *Hansard*. The Treasurer said —

In this economic climate the government's first preference is to take hard decisions to cut fat rather than jobs. Our new policy provides for moderation in wage outcomes to help control the growth in public sector wages expenditure.

That is interesting. I am going to quote the next sentence because it uses a word I will reflect on in a minute. He continues —

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It provides increases that will assist in maintaining the real value of wages, relative to projected growth in the Western Australian consumer price index, while requiring improved efficiency and work practice reform initiatives to be implemented when increases above CPI are proposed.

The Treasurer went on to make the point that it could go up to the WPI, with no breaker in the wage price index. He went on to make the point —

The policy applies a more strategic and coordinated approach to public sector negotiations, with an emphasis on early preparation and planning for bargaining to eliminate the need to grant or negotiate retrospective wage increases.

...

The new policy will have effect for the renegotiation of agreements that expire after 1 July 2009.

I will make the point—I will re-visit this as well shortly—that the Treasurer made this announcement prior to the budget being tabled in the Parliament. On 9 June 2009, in response to a dorothy dix question from the member for Scarborough—I point out that this is a question to the Treasurer, not a question to the Minister for Commerce—about the wages policy that he announced in March the government would apply, the Treasurer said —

In March this year cabinet endorsed a new Western Australian government approach to wage negotiations. It was quite a departure from the approach adopted by the former government. Its wages policy was to neither lead nor lag. Another thing cabinet did, for better or for worse, was to ask me to lead government wage negotiations on EBAs across all government agencies.

I was not surprised. The Treasurer is probably the right person to lead government wage negotiations on enterprise bargaining agreements across all government agencies. That makes sense. The Treasurer and the Premier head the two central agencies in government, with the Treasurer having responsibility for financial management, setting the course and making sure the course of financial management of government is delivered each year. However, that issue around requiring the efficiency improvements before it got above CPI causes me some concern. I note that paragraph 3 of the “Public Sector Wages Policy Statement 2014” states —

The Government of Western Australia requires that increases in wages and associated conditions for all industrial agreements be capped at the projected growth in the Perth Consumer Price Index, as published from time to time by the Department of Treasury.

We now have the new policy of 2014 that no longer requires the WA Industrial Relations Commission to implement this new policy of the CPI. I asked the Treasurer a week or two ago whether we can get above CPI in any circumstances. He said that we cannot. That is the fundamental difference from the first failed wages policy of the government. Let us not forget that when it was up to the Treasurer to implement the first wages policy, he also required improved efficiency outcomes. I want to go through three examples of how this failure to deliver on the first-term wages policy and the failure to deliver salaries and conditions in EBAs to public servants has found this government wanting terribly. The first one—I have spent some time on this in the Parliament previously—relates to the nurses’ EBA. I remember this quite clearly because when the Barnett government made the offer to the nurses during the caretaker period of government, I was surprised.

Mr C.J. Barnett: What’s wrong with that?

Mr B.S. WYATT: I am going to tell the Premier. Initially, the Premier said that the government could not make an offer as it was in caretaker period. I wish the Premier would stay in the chamber; he could learn something about why he made that offer. The Premier said that the government was in a caretaker period and he could not make an offer to the nurses. He was sorry for the Australian Nursing Federation but he said he could not do it. As the shadow Treasurer, costing policies on behalf of the opposition, I was not surprised, to be frank, that that position was initially taken by the Premier. It was in a caretaker period; historically, that is the Westminster tradition. That is the protocol. I was somewhat surprised when shortly thereafter, Mr Peter Conran, the director general of the Department of the Premier and Cabinet, either on behalf of the Barnett government or on behalf of the Liberal Party—either way, the results were the same—made an offer to the nurses of 14 per cent over three years. The reason I was surprised at that was that I had just been reading in *Hansard* what the Treasurer said in 2009, when it was consumer price index up to wage price index, and to get wage price index, people were required to have improved efficiency and work practice reform—it was required. That was the first-term wages policy.

[Member’s time extended.]

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Mr B.S. WYATT: I was surprised when 14 per cent was offered to the nurses, simply because under the policy at the time, bearing in mind there were no productivity offsets, the nurses were entitled to the CPI, which was 8.25 per cent. I thought, “Well, the nurses have got far more than 8.25 per cent”, which was CPI. “There must have been some considerable productivity offsets to get up to 14 per cent”, because 14 per cent was even greater than the wage price index, which was 12 per cent. There must have been a huge productivity offset. The Treasurer—remember, he was appointed by the government to lead the government enterprise bargaining agreement negotiations—must have got a sterling productivity reform from the nurses so that they could get that 14 per cent pay rise. Therefore, I asked the Treasurer a question—this is just paraphrasing—during budget estimates, some six or seven months after the deal was done with the nurses: in light of the fact that the Treasurer had been appointed to lead government negotiations, as he had told the Parliament on a number of occasions, what was the offset of those conditions that he obviously negotiated with the nurses to get that 14 per cent? This is what the Treasurer told the budget estimates committee —

There is actually a risk that the arbitrated settlement of the dispute around some of those conditions may further inflate the totality of that wages outcome, so that is something that is still being worked on.

That was in August, some seven months after the deal was done. My first response was, “Congratulations to the nurses federation. Those members of the nurses union are getting value for their membership, because they comprehensively towelled up the government and the tough-talking Treasurer”, who came in here year after year after year, berating the former Labor government over increases in salaries, yet during his term he has shown such incredible generosity. The Treasurer comes into this place and says, “The former Labor government’s policy was to neither lead nor lag. No-one knew what that meant. Ours is CPI to WPI. We know what that means.” That is fine providing the Treasurer delivers on that policy. It is pointless having a policy and gloating about it if he is going to simply ignore it.

The DEPUTY SPEAKER: Order, members! Can the conversation be quieter or outside, please.

Mr B.S. WYATT: Thank you, Madam Deputy Speaker.

That was in August this year. I bowled up a question to the Treasurer again on 14 November, just the other week. It is now nearly 10 months since the deal was done with the nurses. What is the total cost of those conditions? Back in August, the Treasurer said that more than the 14 per cent would be offered to the nurses. The Treasurer, always on top of his brief, I find, in light of the fact, let us not forget, members, that he is leading the government’s EBA negotiations, said on 14 November this year —

In relation to the particulars around the conditions that sit off the back of nurses’ pay, I have not had any recent advice on that so I cannot give the member any detail.

This is the minister who has been given the responsibility to deliver the wages policy of the first term. Not only does he not stick with that policy by offering the nurses 14 per cent, but also he cannot even tell us nine months later what the total cost of that deal is. The Treasurer comes in here and tells us that the Workforce Reform Bill 2013 is a test for us. All this bill is is a test for the Western Australian Industrial Relations Commission. During budget estimates this year, I further pursued this matter with the Treasurer. In light of the fact that the Treasurer had told the Parliament that he is the lead person for the government in the EBA negotiations, what role did Treasury play? Clearly, when the nurses were entitled to 8.25 per cent, they got 14 per cent. What role did the Treasurer play and what role did the Treasury play? During estimates, the answer from the Treasurer was —

My understanding is that Treasury certainly did not play the lead agency role in that —

I asked again —

Was Treasury at least involved in the costing of the offer from Peter Conran before it was made?

The Treasurer’s response was —

Not entirely. ... This issue was taken over at the highest level of government because it was serious.

What I find surprising about that is not that it was taken over at the highest level of government, but that the Treasurer and Treasury are not at the highest level of government. That is what I find surprising about that statement from the Treasurer. He admits that he, the Treasurer—the lead negotiator for EBAs on behalf of the government—and the Treasury are not at the highest level of government because it was serious. That is the fundamental problem that we have had over the term of the Barnett government; namely, the Treasury has been sidelined, which is why we have had this 52 per cent expense growth on the back of 33 per cent revenue growth. Now we see in the 2013–14 budget that has just been delivered this so-called fiscal action plan. The first example was the nurses’ deal and, as I said, the nurses certainly get the value of their membership of the

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Australian Nursing Federation. The second example is the commitment made by the government during the election campaign, and confirmed, despite today's announcement of voluntary redundancies in the police force. All members should read the statement of risks in the budget. It is a haunting read. I refer to page 70 of the *Economic and Fiscal Outlook*. This is Treasury making some comments around the government's commitment to employ 700 police officers. However, as the police minister confirmed today, that is now over 900 police officers to be employed in this term of government. Page 70 states —

Police Officers

The current allocation of \$282 million for the commitment to recruit an extra 550 police and auxiliary offices over the next four years does not include the recruitment and deployment costs of additional public servants or the resulting accommodation requirements for the additional officers.

When Treasury released the costings of the Liberal Party in the last couple of days of the election campaign, it made the point that that was likely to be an extra \$60 million. That is the second example that makes the point that the Barnett government has been utterly abysmal in the delivery of its own wages policy and in the way it has managed EBAs and the delivery of public servants and police since it came to power.

The third example I want to give is the line given by the Treasurer that the new wages policy, CPI, which will be delivered for the government by the WA Industrial Relations Commission because the government cannot do it—it has thrown its arms up and said that it is way too hard; the Industrial Relations Commission can do it on behalf the government—is a tough policy that does not start until 1 November 2013. I remember thinking at the time that that was curious and I wondered why there was the delay. I asked the Treasurer about why it did not simply start at budget cut-off—9 July 2013. If the finances are in such a bad shape, why not implement immediately this new wages policy that is designed to limit the growth of 75 per cent of the general government expense? On 29 October 2013, I asked the Treasurer that very question, and he said in his response —

It is very hard to have a policy that applies at the cut-off date for the budget when we did not announce it until the budget, which is after the cut-off date.

Interestingly, the first-term wages policy was announced three months before the budget came down. I think the obvious conclusion is that the reason why the 1 November date was implemented was that the doctors' EBA was coming up. We knew that there was going to be a tough battle. I am always stunned at the ability of the health minister to get easy access to money from the Premier and the Treasurer—rivers of money. I should think the health minister is somewhat surprised at the ability he has to get rivers of money flowing to his portfolio.

Ms R. Saffioti interjected.

Mr B.S. WYATT: That is true. I think the health minister would have preferred to keep tourism and lose health.

The Weekend West of 26 October 2013 reported —

The State Government will ignore its own tough new wages policy to deliver doctors in the public health system an 11–12 per cent pay rise over three years.

That article points out that doctors should get no more than a 7.7 per cent pay rise over three years. If the state's finances were in such a deleterious state as the Treasurer complained when he was trying to sell his fiscal action plan—do members remember the fiscal action plan, as he buried that in the ground—why was it okay to put that off until 1 November? Anything before that could be ignored because ultimately that is when we will start to get some financial rigor in the finances. The key component of the fiscal action plan that the Treasurer —

Ms S.F. McGurk: It can wait until 1 November.

Mr B.S. WYATT: That is right; it can wait until 1 November. The component that was designed to stop the growth of 75 per cent of the general government spend would start halfway through the first financial year in which it is supposed to start. This is the legislative embodiment of the failure of those three examples. The Treasurer comes in here and says, "This is a test for the opposition. We have not been able to control expense growth, so it is a test for the opposition to control it for us." The Treasurer said that in an extraordinary performance; it was an admission that that first-term wages policy failed miserably. Despite the Treasurer's assurances that he was put in charge to lead the EBA negotiations, in the end he was not senior enough in government to be involved. That says everything about the management of the state's finances around salaries under this government.

I have not reflected in any great detail on the broken promises. The Leader of the Opposition has done that, and I do not intend to repeat what the Leader of the Opposition said in my two minutes remaining. However, I make

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this point: it would be foolhardy of an opposition not to mention that not long ago it fought an election with the government of the day, when the government made the point to the people of WA that its commitments were fully funded and fully costed, everything was fine and it had no intention of getting rid of staff. When the opposition outlined its savings, the Premier said that the Labor Party had gone mad, that all of this is important and the government would just keep borrowing. I remind all members that in the space of one year, the government's budget position has gone from net debt peaking and declining to increasing every single year across the next 10 years. That is always based around the assumption that the fiscal action plan will be delivered, when clearly it will not be delivered. The Labor Party will oppose this legislation. I have outlined in detail why the government's performance in its first term has led us to where we are today.

MS S.F. McGURK (Fremantle) [3.32 pm]: I, too, rise to voice my opposition to the Workforce Reform Bill 2013 for a number of reasons, many of which have been already covered by speakers on this side of the house, but which I wish to also place on the record. People on this side of the house, people who work in the public sector and people who rely on the services delivered by the public sector are concerned about the bill for a number of reasons. People concerned about the integrity of government are also concerned about this bill. As the Leader of the Opposition outlined in his second reading contribution, this bill represents yet another example of the broken promises of the Barnett government. I do not know how the Premier interprets these actions, but his record on these points is clear. On 27 September last year, as detailed in *Hansard*, he said very explicitly —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, and that was made very clear by the Treasurer —

He further stated —

No-one is going to be losing their job, no-one is going to be laid off, but there will be flexibility in it because there will be some initiatives that will require that.

The Premier said that in September 2012—about five months before the state election. Then we had the state election campaign during which the Premier had numerous opportunities to make clear the government's intention regarding the public sector and public sector employment. People who work in the public sector, people who rely on those services and people who were making up their minds about how they would vote in the state election were given no clue whatsoever about the government's intention to implement forced redundancies. In August 2013, after the election, the Premier said —

I say to the public servants and those in the gallery that you do have a job, and unless you choose voluntary redundancy, your employment and your wage level is protected.

Mr C.J. Barnett: And that is correct

Ms S.F. McGURK: This bill, as the Premier well knows, will empower the government to force redundancies if people do not feel that they are given suitable alternative employment. That is what this bill does.

Mr D.J. Kelly: Wouldn't you say that that is the whole point of the bill?

Ms S.F. McGURK: That is the whole point of the bill, Premier. When the Leader of the Opposition spoke on this bill, interjections were made about the substance of this bill. I understand that the Premier confirmed that the whole point of the bill was to allow forced redundancies. That is outlined in clause 14 of the bill that amends section 95 of the Public Sector Management Act.

Opposition members have already quoted the commitments given by the Premier that gave no clue about possible forced redundancies and the deception of employees, members of the public and people who voted for the Liberal or National Parties, and outlined the frustration people feel about this bill, which will force redundancies. I will talk more about that shortly.

I now turn to the wages policy component of the bill and people's concern that this bill also will challenge the independence of the Western Australian Industrial Relations Commission. Through this bill, the government is seeking to constrain the independence of the Industrial Relations Commission, effectively making it an instrument of government policy—a policy, I might add, that gives mixed messages. The member for Victoria Park, Labor's Treasury spokesperson, in his speech just prior to mine elaborated on this wages policy, which is very difficult to take seriously. The government has given mixed messages. It has applied that policy when it has been able to get away with it, but it has broken its wages policy a number of times when it has been politically expedient to do so. The wage increases that nurses were able to achieve prior to the state election was a blatant example of that. Recently, the doctors' EBA was struck at the eleventh hour before the implementation of a new wages policy—that is, the government will stick to a consumer price index-related increase for wages. In reality,

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the Industrial Relations Commission currently takes into account the government wages policy. Through the Workforce Reform Bill, the government is seeking to tighten and make more restrictive the Industrial Relations Commission's considerations on a range of different items—particularly to ensure that the government wages policy is not altered and that the IRC takes primary consideration of that wages policy.

As I said, under the current wage-fixing guidelines, the government's wages policy is given serious consideration, but under this bill that policy will be escalated to the extent that the effect of it will be to frustrate the independence of the Western Australian Industrial Relations Commission. As I said, and as speakers on my side of the house have pointed out, the main point of the bill is to allow for forced redundancy. The challenge is that we have a series of broken promises and they affect job security, because that is one of the things people consider when deciding to work in the public sector. The government, through this bill, will remove one of the key attractors to people working in the public sector. Job security was a major consideration in the labour market in Western Australia in the last five to eight years when people were deciding whether they would work in WA schools, WA hospitals, the police force and a range of different environments in the state public sector, or they would go for the big bucks in the mining sector, the resources sector generally and other related industries. Job security, which state public sector employment offered, was a major attractor.

The government actually boasts of paying high wages in some areas of the public sector. However, the reality is that high wages are not as a result of largesse on the part of the government or an appreciation of the work done in those occupations. The government had to pay high wages to attract and retain people in public sector occupations, particularly some of the more skilled, degree-related occupations. High wages may have therefore been paid, but the government has not done it out of any great appreciation of those employees. In fact, we see now in the government's actions, whether it be this bill or cuts to sectors such as school education, the demonstration of a very scant appreciation of the work done by public sector workers. The government may have paid high wages to attract people. Another thing the government needed to do was to offer job security, but this bill, when it is enacted, will take away that major attractor. That is a shame, because we need to attract quality people into a range of important public sector jobs such as in schools, hospitals, the police force and the public sector generally. I believe there are well over 130 000 public sector workers in this state. We need to not only attract quality people, but also use a range of different ways to retain them in those jobs. That is one of the reasons that the opposition is opposed to this bill. This bill will take away important job security and the value that has been placed on public sector workers until now.

Another key objection to this bill is that it will disallow any independent examination of whether a position is genuinely redundant. There will now be no ability for a position that is made redundant as a result of this bill or the regulations to be made under the bill to be tested by an independent umpire. Section 94 of the Public Sector Management Act states that regulations can be made under the act for —

- (a) redeployment and retraining; and
- (b) redundancy,

for employees who are surplus to the requirements of any department or organisation, or whose offices posts or positions have been abolished, and specifying which parts of the Public Sector must comply with those regulations.

I would think that sort of terminology would provide a fair test for someone who was made redundant and who questioned whether they were genuinely made redundant. They could go to an umpire and say, "In fact I don't know that my position is actually being abolished. I don't know whether I am actually surplus to requirements. I question that." That person could go to an independent arbiter and test whether that position has genuinely been made redundant. However, this bill takes away the ability for that test to be applied.

In an interjection in this debate last week, the Premier confirmed that in fact the Industrial Relations Commission will have the ability to ensure only that correct entitlements have been paid—not whether the position is genuinely redundant. Why would that be? As I said, if the government is motivated by frustration and an inability to find suitable employment for redeployees in the public sector—those people for whom suitable employment has not been found; I have heard various numbers between 70 and 90—then the government would not be afraid of a close examination of whether genuine redundancy had occurred. However, this bill will take away the ability of an independent umpire to closely examine whether genuine redundancy had taken place.

A public sector employee could be fearful of being targeted as an individual by their employer. Their employer, manager or department head could feign redundancy as a way to dismiss that employee only to replace them soon after. I cannot see any protection in this bill from those circumstances. As a result, the government with this bill will deliver a lower standard of employment protection than currently applies in the private sector. Someone

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made redundant in the private sector who is not convinced that it is a genuine case of redundancy can go to the independent umpire and ask that the matter be tested; and, as I said, the usual definition includes terminology that indicates the work no longer needs to be done by anyone et cetera.

Another element of this bill that we object to is that it explicitly denies the opportunity to employees to achieve better outcomes through negotiations at a workplace level. This is despite years of Liberal Party rhetoric about deregulating the labour market and wanting workplace laws that allow negotiations between employees and employers to take place unfettered. We heard a few speakers last week, including the member for Bassendean, talk about enterprise bargaining agreements that were struck in the public sector to cover support staff in schools and hospitals. Those agreements, some of which were struck just before the state election, contain explicit provisions that refer to no forced redundancy. Union members saw these provisions as a major win and signed on to agreements with wages outcomes that they had hoped would be better, but they put their hands up and agreed to the packages because the agreements included job security provisions. The clauses contained in those agreements envisaged the possibility that the government might try to move against public sector workers and their classifications. Knowing that privatisation might be on the agenda, as this government has a taste for privatisation through awarding contracts to Serco and St John of God Health Care and for the juvenile detention centre and the like, the union and the members it covers were proactive and put in place specific provisions saying that the people could not be forcibly made redundant. Also, they ensured that there would be classification and wage maintenance in the event that any privatisation occurred. They therefore put in place explicit provisions to make sure that someone redeployed would have maintenance of salary and adjustments to their salary. Those adjustments varied in the first period of 12 months and then after 12 months.

[Member's time extended.]

Ms S.F. McGURK: They were proactive over that issue only to find that the employer—that is, the state government—could make laws. The agreement was struck in good faith and then after the election, the government said, “That’s okay; we will just move the goalposts and change the rules,” and this legislation is the result.

Mr C.J. Barnett: I know what you’re doing. You’re deliberately exaggerating the impact of these clauses. These will apply to people who cannot, after every effort is made, be reasonably employed in the public sector. You’re trying to provide some witch-hunt against the public service. You know you’re wrong. You know you’re fabricating and you will be caught and you will be shown to have done so.

Ms S.F. McGURK: No, I am reading the bill, which gives no comfort to ordinary public sector workers about whether they can be forcibly made redundant. If the Premier was confident that these provisions would be used only in the case of redeployees for whom suitable employment could not be found, he would not have taken away the section that provides that whether it is genuine redundancy can be tested in the Industrial Relations Commission. This bill takes that away. If the Premier is so confident that he would apply forced redundancies only to the people who were genuinely redundant and who were redeployees for whom suitable employment could not be found, he would not have taken away that independent test of the definition of redundancy, thereby applying a lower standard of dismissal than currently applies in the public sector. When a public sector worker asks whether their job is safe, opposition members will tell them that at the moment it may be, but we do not know. If their employer decides to enact —

Mr C.J. Barnett: You are scaring them unnecessarily.

Ms S.F. McGURK: No, I am reading the bill.

Mr R.H. Cook: Why do you have that clause if that is the case?

Ms S.F. McGURK: The member for Kwinana is right, Premier. We will have an opportunity to go through this in detail later. We would welcome statements by the government, and any necessary adjustments to the bill to protect existing workers against forced redundancy, that would honour any agreement that has already been entered into.

Some of those people to whom I referred had sought lower wage outcomes than they might have otherwise. A patient care assistant might earn \$46 000 a year and try to raise a family on that amount. They could perhaps earn more if they had shift loadings—about \$57 000 a year. A level 2 education assistant earns less than \$40 000 a year. These are not highly paid workers and they need job security. We welcome news from the Premier that there will not be forced redundancies and that there will be an independent test of whether genuine redundancy has taken place. As a previous official for the Australian Manufacturing Workers’ Union, I had a case of a lift

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manufacturer that closed down and the employer argued that it was not redundancy and that those employees should not get redundancy payments because the fact that the lift manufacturer and repairer was closing down did not meet the definition of redundancy. To any observer that seems ludicrous, but that is what the employer argued and that is why we had to take the case to the Industrial Relations Commission. We argued very rigorously that the definition of redundancy applied in that instance, and we were successful in getting those employees the redundancy payments to which we thought they were entitled. Unless there is an independent examination of redundancy, people feel no comfort and no protection at all from an employer that might abuse the definition.

Clauses were entered into that, as I said, in the case of United Voice members, allowed for no forced redundancy wage maintenance. They also provided that being offered alternative employment with a private contractor in the case of privatisation did not constitute suitable alternative employment in the case of a redeployee. The union explicitly entered into those provisions, and I am sure that it would welcome news from the Premier and any adjustments that need to be made to this bill to ensure that those provisions are honoured by the state government. The union entered into an agreement with the state government and could reasonably expect that the government would honour those provisions.

Finally, on the weekend I read Robert Drewe's column in the *West Weekend* magazine. People would know Robert Drewe as the author of *The Shark Net*. Perhaps that is topical because shark attacks have stimulated the mind and got on to the front pages of our papers for some years. Of course, his poetry is now in Forrest Place. In this article from last weekend, he wrote about a wordsmith called Mark Forsyth, who has written a book that has uncovered a lot of words that are not really used that much anymore. Most of the words he refers to I would not try to pronounce, but one attracted my attention. It is a nineteenth-century American word for "a dishonest ... politician who'll do anything to win", and that term is a snollygoster. I do not know whether that will stick, but I hope for the Premier's sake that it does not and that it is not something that applies to him. As I said, I look forward to some confirmation from the Premier that the government will honour previous agreements made with public sector workers. I also ask that in consideration in detail he clarifies that there will not be forced redundancies under these rules. However, from everything that we have read, that is the entire purpose of this bill and that is why public sector workers are worried.

MRS M.H. ROBERTS (Midland) [3.58 pm]: I wish to add to the debate on the Workforce Reform Bill 2013 and also to indicate that I oppose the bill. Many of my colleagues have already spoken eloquently on this bill. The reasons that we oppose this bill are numerous. First of all, this is a significant breach of trust by the Premier and his government, as a couple of my colleagues have already alluded to. The Premier said in *Hansard* last year —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all ...

He then went on to say —

No-one is going to be losing their job, no-one is going to be laid off ...

On 6 August 2013 the Premier said in Parliament —

Public servants are secure in their employment unless they put up their hand for a voluntary—I stress "voluntary"—redundancy.

Just three months later, the government has introduced a bill to provide for involuntary redundancy. I think it is very clear; I believe that the Premier has gone back on his word—the word he gave to 130 000 public sector workers at the recent election in March and the word that he repeated in this place only three months ago when he assured public servants that all redundancies would be voluntary and not involuntary.

One has to wonder, where is the Premier's integrity if he says one thing and then does another? What is the need for this draconian legislation unless he intends to use it? The Premier has interjected on numerous speakers of ours that this is some kind of a beat-up or misrepresentation by the Labor Party. We will deal with the words of the actual clauses when we go through the consideration in detail of this bill. This is not a beat-up by the Labor Party; this is not an exaggeration. These are the facts. The whole point of this bill is to allow involuntary redundancies and to put pressure on wage negotiations for public sector employees. I will go into that in some more detail in a moment. The fact of the matter is that once this bill is in place, public sector workers will have fewer protections. Indeed, as a couple of my colleagues have pointed out, including the member for Cannington, they will have fewer protections than private sector workers.

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Clause 13 of the bill amends section 94 of the Public Sector Management Act 1994, where the process of registered employees is created; people can look to section 94(1) to see that. Clause 13 states, in part —

registrable employee means —

- (a) an employee who is surplus to the requirements of a department or organisation; or
- (b) an employee whose office, post or position has been abolished; or
- (c) an employee in a category prescribed by regulations.

That provision would not be needed unless there are going to be involuntary redundancies—something that the Premier said, only three months ago, would not be happening. A private sector employer does not have the right to arbitrarily dismiss or terminate an employee, but it seems that this government wants to be able to do that to public sector workers. If I may partly digress for one moment about the history of the public service, I think most people in the community understand in general that public servants are often paid at a lesser rate than those in private enterprise. That has largely been because of a couple of things: firstly, security of tenure or employment. Once upon a time when one joined the public service, one had a job for life. A lot of other careers were probably jobs for life as well. If a person did their job and did it well, they did not face the axe, or losing their job arbitrarily.

Mr C.J. Barnett: What about if they do not do their job well?

Mrs M.H. ROBERTS: The Premier interjects that, but of course, there were provisions put in place by the Court government in the 1990s, of which he was part, that provided for people to be terminated when they failed to do their job. That can be done in the private sector as well. That is a little furphy that the Premier has thrown in there. This is not about people who are not doing their job or people who are underperforming; this is about—I have just quoted it—an employee who is surplus to the requirements, or a person whose post or position has been abolished, or an employee to be prescribed in regulations that we have not yet seen. Let us not pretend that this is about people who are not doing their job; this is about people that the government wants to cut from its payroll.

Generally, the government has had a very good deal with its public sector workforce. There are people who work in the public sector because they actually value the role of the public sector and the community service that they provide. The term “public servant” is correct; these are people who service the public in many roles in our schools, our hospitals, our police force and every other area of government endeavour. They generally perform a vital role and they do not get some of the benefits that private sector employees get. Often people in the private sector are paid more and, yes, they have less security of tenure. The fact of the matter is that now there is going to be less security of tenure in the public sector, yet I am sure that this government does not want to pay the additional money that comes with that. I suggest that this will have a very real impact on people’s budgets and ability to get a mortgage to buy a house. Permanent public sector employees are generally regarded as being very reliable in servicing a housing loan. With provisions such as these, it will make it more difficult for people in the public sector to be guaranteed a housing loan, or indeed, any other kind of loan.

Private sector employees have rights in regard to unfair dismissal. They cannot be arbitrarily dismissed in what could be considered an unreasonable way or a harsh way; yet, in this bill, the government can create positions that are somehow surplus to their requirements and move people on. Some of my colleagues have addressed areas where there is potential for this to happen sooner rather than later. I will be very interested to see whether the Premier rules out each one of the circumstances that my colleagues have raised when he rises to give his response to the second reading debate. As the member for Bassendean and other colleagues of mine have pointed out, clause 14 of the Workforce Reform Bill 2013 proposes an amendment to the Public Sector Management Act 1994 with proposed section 95B, which, if passed, will actually override an enterprise bargaining agreement that is already in place. The member for Mirrabooka gave some examples of the wording in some of those agreements that have been negotiated with government and, I might add, with very low-paid government employees such as teaching aides, cleaners and the like. Their EBAs, which were negotiated in good faith, include clauses such as —

No employee will be required to accept alternative employment in the private sector.

And another clause from another agreement —

No employee will be required to accept a redundancy.

I will turn to the matter of the police force in a moment, but in my own electorate the public Swan District Hospital will be closed and the so-called Midland public hospital, to be operated by St John of God Health Care,

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a private group, will be opened. Mainly low-paid workers, but also all workers at the current Swan District Hospital, are wondering what their future will be. It is all very well to say that they can get a job at the new private hospital, but the problem is that if someone effectively terminates their public employment and they then take up private employment, they stand to lose a whole range of entitlements that they have accumulated over a potentially long period of time, including entitlements towards sick leave and pro rata long service leave. I can only imagine that someone who is very close to achieving, for example, long service leave, may want to continue in public sector employment so that they can get their three months of long service leave. If they quit their employment with the public sector and take up employment with St John of God, that will be lost. It will be a loss to every individual in that circumstance and an overall gain to government. Treasury will be able to rub its hands together, because there will be a whole lot of leave liabilities that the government will simply rid itself of at the expense of many low-paid workers.

Indeed, I think the member for Mirrabooka also referred to the Government Employees Superannuation Board and its 200 employees. She referred to the fact that the government is looking to outsource the management of \$16.5 billion of members' funds and that there are 200 GESB employees. If a private provider takes over, yes, all 200 of those employees may be able to get a job with the private provider, but they will no longer be public sector workers and they will no longer have their accumulated leave entitlements. It is yet another way that this government and Treasury will save money at the expense of public sector workers. Those are some examples. When we see a government that lost the state's AAA credit rating, has taken us down to a AA+ credit rating and has mismanaged the state's finances, we wonder what it will privatise next. As the government moves to privatise areas of government, what happens to that workforce? In the case of Midland hospital, I expect that many of the current workers at Swan District Hospital will feel very vulnerable. They will look at this legislation and fear that, because their positions at that hospital are being abolished, the government will be able to arbitrarily sack them and they will be left with not only no entitlements but also no job. If someone has a family to bring up and bills and a mortgage to pay, they cannot afford to be in that situation. It is effectively bullying or pushing those people into taking up jobs in the private sector workforce—we will be told that they volunteered to leave their previous positions. It is a matter of semantics. The government and the Premier can call it volunteering to leave, but with the sword of Damocles hanging over their heads, these people will have very little option. I understand that my colleagues have referred to other areas, which I do not have time to refer to in the time allowed to me today.

As I alluded to near the beginning of my speech, this is not any kind of an exaggeration or beat-up by the Labor Party. The provisions of the Workforce Reform Bill 2013 will be dramatic and they will significantly impact on public sector workers. Chief amongst those public sector workers, from my point of view, are police officers. As we heard today, this government will have to engage somewhere in the order of 1 700 police officers over the next four years. The government will have to engage the 720 police officers that it promised at the election in March. It has now promised to replace the 196 police officers who have been offered redundancy today. In addition, generally at least 200 police officers a year retire or resign through natural attrition. That 200 times four is about 800. Therefore, somewhere in the order of 1 700 officers will have to go through the Western Australia Police Academy in a four-year period. I wonder what the attraction will be when this government places the workforce in a vulnerable position. I wonder really what the government expects to be able to negotiate as a wage outcome with the police union. The Western Australian Police Union and police officers are very mainstream members of the community; they are not left-wingers and they are not radicals. They look at things, analyse them and come to a pretty objective conclusion. Most members of this house will have received a letter over the course of the last week or so from the Western Australian Police Union of Workers. In that letter, the union states —

We are concerned at the recently tabled Workforce Reform Bill, the deleterious impact that it will deliver to the wider public sector workforce and the adverse effect it will have on our Members.

These are not radicals; it is police officers saying this. The police union goes on to state in the correspondence from its president —

We find the new wages policy to be an oppressive and highly restrictive framework which does not give sufficient consideration, or capacity, to explore the potential merits of any claim brought by employees or agencies and in its current form, will not assist our Members with obtaining fair and reasonable wage outcomes.

Further, the provisions of the Workforce Reform Bill which mandate the wages policy into considerations of the WAIRC will likely impede the delivery of satisfactory arbitrated outcomes for

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public sector workers, and when combined to the content of the wages policy itself, the ability to settle negotiations and/or arbitration in a timely manner is improbable.

[Member's time extended.]

Mrs M.H. ROBERTS: It goes on to state —

Further, to protect past awards, agreements and interpretations which were issued from the WAIRC since our first award was registered in 1927, the amendment also inserted that “before the coming into operation of the amendment the Act is taken to have applied to and in respect of a police officer and to have had effect accordingly, as if the police officer were an employee and the Minister for Police were the employer”.

In inserting the provision, several industrial matters which the Arbitrator has jurisdiction to inquire into or deal with, or refer to the Commission in Court Session or the Full Bench, for all other government officers were not applied to police officers. These being “any matter relating to or arising from the transfer, demotion, reduction in salary, suspension from duty, removal, discharge, dismissal or cancellation of appointment under the Police Act of a police officer, police auxiliary officer ... or Aboriginal police liaison officer or in the case of a special constable, the cancellation under that Act of the constables appointment”.

In the course of that letter, the union outlines why police officers should not be subject to the WA public sector wages policy and states —

Police officers' working conditions are unique and different to other public sector employees, including other emergency services employees in the following areas:

1. Police officers, police auxiliary officers and Aboriginal police liaison officers are the only occupational groups in the WA Public Sector which have restricted access to the WAIRC.

Police officers are the only group of WA Public Sector employees who are agents of the Crown. As such, members of WA Police are never off duty, due to their oath of office and common law responsibility as a constable of police to uphold the law. As the holder of the office of constable there is a responsibility to uphold the law at all times and there is a community expectation that where police intervention is needed, whether on or off duty, members of WA Police would come to the aid of those requiring assistance.

Further, as agents of the Crown they are also subject to removal under the loss of confidence provisions in Section 8 of the Police Act.

2. Unlike other State and Federal police a member of WA Police is only covered by the Workers Compensation and Injury Management Act if he or she suffers an injury and dies as a result of the injury.

There are a lot of very serious injuries that can befall police officers but do not kill them and they have no access to the Workers' Compensation and Injury Management Act in that circumstance. The letter continues —

3. Police officers are covered by WA OSH Legislation, however, unlike other emergency service workers in WA, and members in every other Police jurisdiction in Australia, who perform similar dangerous duties and who can exercise their right to refuse dangerous work, Police officers in WA are not able to use Section 26 of the Act to refuse to perform dangerous work when involved in covert or dangerous operations.

[Quorum formed.]

Mrs M.H. ROBERTS: The police union therefore states —

... police officers should not be subjected to the Public Sector Wages Policy.

It encourages the government to add the following rider to its policy statement —

“This policy does not apply to the employees appointed under the Police Act and covered industrially by the WA Police Union of Workers”.

The WA Police Union of Workers states that it would also like —

The Workforce Reform Bill be amended to seek an additional sub-clause in Schedule 3 — Police Officers of the Industrial Relations Act, to ensure that the WA Industrial Relations Commission is not restricted by the Public Sector Wages Policy when dealing with claims relating to police officers.

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It also seeks an amendment to schedule 3, to state —

- 2.(4) “Despite any other provision in this Act the provisions of Section 2(A), 2(B), 2(C), 2(D) and 2(E) shall not apply to police officers, police auxiliary officers, Aboriginal police liaison officers or special constables appointed under the Police Act”.

I believe the Premier needs to give a full answer to that request from the Western Australian Police Union. He needs to explain why he will accept such an amendment, if he does, or if he does not accept that it is a reasonable amendment to the Workforce Reform Bill 2013 and not a reasonable suggestion to amend policy, he needs to explain fully and frankly to this house, to the police union and to the community of Western Australia why that is so and why he is subjecting Western Australian Police Union members and all other public sector workers to this legislation.

The Premier might also like to tell us who in his cabinet is currently standing up for police officers in this state. Who is the voice for police officers? Who in his cabinet is familiar with the Police Act? He used to have people in his cabinet familiar with the Police Act, such as, until recently, the member for Hillarys, who was very familiar with it. He was a voice for police officers within cabinet. He knew his stuff. He spent a total of seven years in government and opposition representing the interests of police. I did not agree with him all the time about everything, but I accepted him to be earnest in what he put forward on behalf of police, and that he had actually read the Police Act and other material and knew what was actually going on in his portfolio. Up until recently, we also had in cabinet the member for Murray–Wellington, a former police sergeant, who also knew a little about the Police Act, had the interests of police officers at heart and understood that they were officers of the Crown who are on duty 24/7 if required. Now the Premier has no-one. In fact he does not even have the former Attorney General, who I am confident would have at least read the Police Act and been able to say something intelligent about it. But I expect that the Premier’s cabinet is probably as ignorant as the police minister. There is not even much point in me asking whether the Minister for Police, the member for Scarborough, was actually present at the cabinet meeting at which the Workforce Reform Bill 2013 was debated, because if she was there, she knew nothing about it! When I asked her last week in Parliament whether the Workforce Reform Bill 2013 applies to police officers, she said no, with words to the effect, “We are dealing with them separately”, and, “Police are not part of that legislation at this moment in time. It would be premature to include police in this package at this moment in time”, and “We are dealing with them separately from the Workforce Reform Bill.” What a load of rubbish! People sitting on the opposite side of the house shut down the debate; they voted to not even let us debate a motion censuring the member for Scarborough for misleading the house on this vital issue.

We know that the member for Scarborough, the Minister for Police, did not even think the Workforce Reform Bill applied to police. Whether she was at cabinet or not, it just went completely over her head! Did she represent the interests of police officers while sitting around the cabinet table when a bill that will directly impact on their employment, wage conditions and what happens to them in terms of their impending enterprise bargaining agreement? Let us note that 1 November appears in the bill as the date from which these provisions will apply. I wonder who will be the first major public sector workforce to be victimised by this legislation. Anyone like to guess?

Mr J.R. Quigley: Police.

Mrs M.H. ROBERTS: Spot-on! The first set of workers who will fall under the jurisdiction of this bill will be police.

What do we know? We know the Premier has now left the chamber; he does not want to hear me talking about this bill and how it applies to police. Maybe he will deign to answer my question about whether he will support an amendment to his policy or bill. Maybe he will tell us who around the cabinet table put the case for police officers. Did anyone? What advice did they receive? Did the Premier know the various provisions of the Police Act? I will alert the Premier to some of them. Section 8 of the Police Act 1892 reads —

Commissioned and non-commissioned officers, removal of

- (1) The Governor may, from time to time as he shall see fit, remove any commissioned officer of police, and upon any vacancy for a commissioned officer, by death, removal, disability, or otherwise, the Governor may appoint some other fit person to fill the same; ...
- (2) The powers of removal referred to in subsection (1) can be exercised only if the Commissioner of Police has complied with section 33L and that removal action has not been revoked under section 33N(1).

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Section 9 is “Commissioner may make rules, orders and regulations for members of the Police Force and others and for related matters”, and section 10 is “Engagement to be subscribed by officers and constables”. Section 14 is headed “Officers and constables subject to duty in any part of the State, as if no Police District had been established”, and it deals with the matter of transfers. Section 23 is “Disciplinary offences, how they are dealt with”. The jurisdiction for a lot of these issues is not the Western Australian Industrial Relations Commission; it is actually the Police Appeal Board. Does the Premier know how the Police Appeal Board works or how many people are on it? No? Does the Premier know how many people are on it or who appoints them?

Mr C.J. Barnett: Answer your own questions.

Mrs M.H. ROBERTS: No, the Premier does not, because nobody around his cabinet table knows the first thing about the operation of the Police Act or police working conditions!

Mr C.J. Barnett: So you say.

Mrs M.H. ROBERTS: The Premier has made an arbitrary decision to apply the Workforce Reform Bill to all public sector workers. I am telling the Premier here and now that it is a mistake to include police as part of this. The Premier needs to make sure his senior government officers have a very close look at the Police Act 1892, because when they do, they will find that police are not covered by the jurisdiction of the Western Australian Industrial Relations Commission to the same extent as other public sector workers. Can the Premier tell me whether anybody from his government raised the issue around the cabinet table?

Mr C.J. Barnett: The guidelines for the policy will apply to police. The content in terms of the public sector act relates to public servants. That is pretty straightforward.

Mrs M.H. ROBERTS: Does the Premier have the letter from the WA Police Union, and is he going to consider its amendment? No; he is going to run away. This is a disgrace. I think police officers around this state are right to be concerned and very angry.

MR J.R. QUIGLEY (Butler) [4.28 pm]: I rise to also lend my voice to the opposition to this Workforce Reform Bill 2013. I will go over several of the points dealt with by the Leader of the Opposition as to why this bill should be rejected by this chamber, but before I do I will first of all touch upon the deal-breaker.

Before we get into the esoteric argument as to whether the government is outsourcing its policy to the Western Australian Industrial Relations Commission because it is unable to deliver on fiscal discipline, which has seen our budget get into this situation, I want to touch upon that which the member for Midland has traversed; namely, the situation of Western Australian police officers vis-a-vis this legislation. I want to point out that no matter what response I get from the government relating to these other very serious points, the inclusion of Western Australia Police in the Workforce Reform Bill is an absolute non-negotiable deal-breaker in trying to engender any support from the opposition on this legislation. I will give my reasons. I know that representatives from the Western Australian Police Union of Workers have canvassed many members of this chamber with their views. However, in their letter they touch upon some very important issues; firstly, the relationship between the police and the state. The police have always seemed to be a holder of a crown office, an agent of the state, but not an employee of the state. That has driven the relationship between the police and the state from the inception of the Western Australian police force until today.

It is true, of course, that in 1927 the first award for police officers was registered with the commission. However, the Industrial Relations Amendment Bill 2000 inserted clause 2(1) into schedule 3 of the act, which reads —

Before the coming into operation of the *Industrial Relations Amendment Act 2000* this Act is taken to have applied to and in respect of a police officer, and to have had effect accordingly, —

I want to emphasise the next words —

as if —

- (a) the police officer were an employee; and
- (b) the Minister for Police were the employer of the police officer.

That award goes back to 1927. It gave statutory recognition to the fact that police officers are not employees of the minister, but for the purposes of registering their award, it would be regarded as if they were. However, they are not. We all know that the Minister for Police is not the employer of anyone holding the office of constable of police. Fortunately, in our democracy and jurisdiction, no Minister for Police can sack a police officer because they are not their employer, and no Commissioner of Police can give direction to any holder of the position of officer of constable of police because he is not the employer and nor should he be. In some Third World

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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

republics, that is not necessarily the case; the police are employees and an arm of the government to enforce the government's will. That is not the case in the democracy of Western Australia. These serving police officers occupy a crown role that has been recognised since the days of Jonathan Peel; a separate crown office of constable of police over which they are independent, for very good reasons.

Everyone knows that I spent a quarter of a century working with the WA Police Union. From that experience, I well know that a superior officer can make a suggestion to a junior officer to arrest a person, but ultimately it is that constable's responsibility to make the call as to whether to effect the arrest or not. If, at the end of the day, there were no grounds for arrest, it is not the employer—the Commissioner of Police or the Minister for Police—who carries the liability but the constable who effected the arrest, because he is exercising his independent statutory powers. This casts a huge obligation and responsibility on all police officers and leaves them open to liability.

The government has attracted headlines by saying that it is on the side of the police and it will do everything it can to support police. The Premier said in this Parliament that his government would introduce laws so that anyone who touches a police officer and injures them in any way will go to jail—no ifs and no buts! We have had tabled in this Parliament the report prepared for and signed off by the president of the WA Police Union dated April 2013 on mandatory sentencing saying that that is not the case, because —

Point of Order

Mr C.J. BARNETT: Mr Acting Speaker, I think everyone has been very tolerant in this debate, but a debate on mandatory sentencing has got absolutely nothing to do with this amendment to the Public Sector Management Act.

The ACTING SPEAKER (Mr P. Abetz): Point taken, Premier. I urge the member for Butler to focus his attention on the bill before the house.

Debate Resumed

Mr J.R. QUIGLEY: I am focusing on the bill, because the government is saying that it supports the police. If this government was really about supporting the police, it would move the amendment requested by the police union. It is a reasonable amendment to exclude the police from the operation of the Workforce Reform Bill. The Minister for Police intuitively knew that this bill should not apply to police, and when she came into this chamber and was asked whether they were captured by this legislation, she said, "Of course not!" That is because she had some idea of what this legislation provided in terms of wage negotiations with the police.

The Workforce Reform Bill contains a number of references to involuntary redundancy, which are non-applicable to police. There again, police do not have recourse to the Western Australian Industrial Relations Commission. For example, the workplace of police is throughout the entire jurisdiction of Western Australia; ultimately, police do not have any say over where they are deployed or transferred. I do not know whether it is still happening today, but before I came to this place in 2001, in my experience, some police who had some falling out or some abrasive relationship with other more superior officers found themselves being transferred to remote country locations. My personal experience was based on writing submissions on behalf of these transferred police officers. That does not happen in the public sector. We cannot just walk around to a person in any branch of the public service and say, "You're off to Derby. We'll find you a Government Employees' Housing Authority house in Derby. Take your kids out of school and go up there." We cannot do that with public servants, but the commissioner can deploy his men anywhere.

Whilst there are some occupational health and safety implications for the department in the way it runs stations, ultimately under the Police Act a police officer cannot say, "What you're asking me to do by placing me in that situation is too dangerous; I refuse". The police cannot do that. They are a special category of workers within our workforce. In the case of the discovery of the TAPT explosives in the Leschenault Estuary, officers did not have the capacity to say to superiors, "That's too dangerous; I'm not going near that submerged package." It is their job, which they do magnificently; they are a disciplined force. They should not be brought within this legislation, given that the government can benefit by requiring the commission to apply any wages policy that from time to time it may announce by taking into account the overall fiscal state of the Western Australian economy. The commission will determine the issue, irrespective of the police officers' or police union's strength of case based on the changing nature of policing work. The commission cannot take that into account. They have to abide by the umpire's ruling, which is to be determined within the bracket specified by the government in its wages policy and the consumer price index.

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I really object in the strongest terms to the inclusion of police in the legislation. What other workforce is required to operate in the dangerous conditions that police do, and to operate in those conditions as a matter of obligation? They do it not just because of an altruistic motive of serving the community; they do that when they join the force—I say, “as a matter of obligation”. If they are assigned to dismantle a clandestine methamphetamine laboratory, with all the dangers that that involves, not just by way of explosion, but by the ingestion of poisonous gases et cetera, that is what they are obliged to do, and they cannot take issue with that with the Industrial Relations Commission. They cannot go to the commission and say, “We are being required to take risks with our health and safety.” They cannot do that like other workers can and have issues determined before the commission.

As the member for Midland remarked and touched upon, in this legislation there is provision, which I will come to in a moment when speaking about it generally, for involuntary redundancy. Of course, that section does not apply to police, but they do not need it, because they have section 8, and what other workforce has the equivalent of a section 8 provision? I would bet the Premier would like a section 8 in the Liberal Party rules so that he could turn around and say, “I’ve lost confidence in you. You leave the chamber.” There would be hardly anyone left. He could say, “I’ve lost confidence in you, Minister for Energy. You’ve mucked up Muja power station. You leave the chamber. I’ve lost confidence in you, Minister for Corrective Services. You’re going backwards on fines enforcement. You’re costing us more to enforce the fine than you’re collecting. Under section 8, you leave the chamber.” The Premier would love it, but that is what police face on a daily basis.

When I was just a little younger than the young man I am currently, I defended some officers. I have gone down to the courts and defended officers who had been charged with offences. They had given evidence in their own cause, and the jury had taken about 10 minutes to acquit them. My office was then situated at 26 St Georges Terrace—what was known as International House. The internal affairs unit used to be located about three floors above my office. I would come back from court to my office with the victorious officer having been acquitted of the offence to find internal affairs officers already waiting in the lobby at my legal practice, and as soon as I walked in with the officer, they served the officer with a section 8 notice, giving him notice that the commissioner called upon him to show cause why he should not be dismissed. Because the whole trial was too embarrassing, they would just cut his throat and get rid of him, irrespective of whether he was guilty or innocent. That is what used to happen and that is what did happen.

This particular workforce, Western Australia Police, performs a very, very dangerous occupation in some very problematic circumstances. I will go to those problematic circumstances. If the government really wanted to look after the police, it would start looking after them with vicarious liability. Just quickly, for the benefit of the chamber, that means that an employer is vicariously liable for the wrongful actions committed by his employees in the course of their duties. Here is where the state does the police in again. When an action is brought—I do not know what the current practice is, but this was the practice for the 25 years that I was practising—against the police department for a wrongful arrest, an assault or whatever, the first thing the commissioner says is, “You’re not my employee. We’re not vicariously liable. You’re on your own, constable. If you get off the lawsuit, come and see us then.” That is why the mighty Western Australian Police Union of Workers was so loved and needed by the membership; it was only the union that was standing behind these officers who were charged with civil wrongdoings. There we have it. On the one hand, we have seen that the government will go to great lengths to distance itself from legal responsibility for the actions undertaken by police in the course of their work on the basis that they are not government employees.

[Member’s time extended.]

Mr J.R. QUIGLEY: On the other side of the coin, having distanced itself from legal responsibility, the government will then say, “But as government employees, it is”, to use the words of the 1927 amendment, “as if the police officer were an employee and the Minister for Police were the employer”—in other words, it would contrive an employee–employer relationship that does not in fact exist in law to put them into the Industrial Relations Commission for the purpose of constraining any just negotiation for wage increases beyond CPI, plus the government’s wages policy. As the member for Victoria Park mentioned in his very good speech, the government said in its first term that it would contain wages across the government sector by limiting them to CPI, and that people could go up to the wage price index only by proving productivity gains. However, when the nurses went into negotiations with the government, they were granted 14 per cent, whereas CPI plus productivity would have seen them get about 12 per cent. They did very well and argued very compellingly about their work conditions and about comparative pays across Australia.

In these months after the government has blown the AAA credit rating, this chamber should not forget what happened during 2007 and 2008. The Western Australian police force faced real challenges in keeping its

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workforce, in keeping experienced constables, because the wages structure outside the police force was luring constables to resign and to join the mining boom, with the big wages on offer there. We, as a community, cannot afford to lose that experience out of the Western Australian police force. Faced with times such as that, there are all sorts of reasons—I have cited only one—why the police workforce might need to go to the government and say that it has to negotiate a different structure of wages, because, comparatively, it is falling behind other police workforces around Australia, and even workforces in other sectors in Western Australia, and it is losing experienced officers.

It is very close to White Ribbon Day, when we concentrate on domestic violence. I take my hat off to the Commissioner of Police for South Australia, who said on White Ribbon Day that the South Australia Police would have a really tight focus on domestic violence, which it regarded as being as bad as burglary and other serious crimes within the community. Here, on a day so close to White Ribbon Day, we have come to learn that the resources of the Western Australian police department are being depleted and that the domestic violence unit, for example, in Armadale is being disbanded.

We need more police. We need them well motivated. The only way to get the workforce well motivated is for the government to show recognition that they regard these people as a special category of the workforce. What other category of the workforce would end up on a dangerous driving causing death charge, when they have done nothing more than carry out their sworn duty? That is what we have seen. An officer has gone through nearly 18 months of stress and misery after a very tragic accident—an accident, I emphasise, with a capital A—after doing nothing more than his duty at work. We are asking police officers to operate in the most problematic circumstances, where they can end up on a criminal charge, and we are saying to them, “We will put you in the basket with every other public servant in our wages policy.” That has got to be wrong.

I said at the outset that I will touch upon a couple of other areas, and in the few minutes remaining I will leave what I call the “deal-breaker”. I hope that the government, after reflecting upon what I and the member for Midland have said today, and after reflecting upon the entreaties made to it by the Western Australian Police Union of Workers, does not let arrogance stand in the way and will yield to the reasonable argument and amend schedule 3 of the Workforce Reform Bill to remove police officers, police auxiliary officers, Aboriginal liaison officers and special constables from the operation of this legislation. It would be a fair and decent thing for this government to do for this hardworking workforce that operates in the most problematic of circumstances.

As to the remainder of the arguments, so much has been said by my opposition colleagues who have pointed out that the laws are generally discriminatory against public sector workers over private sector workers. I will only just touch on the headline sentences, because we know that in the private sector, involuntary redundancy cannot be forced on workers in the same way as it is being effected upon public servants in this legislation.

Before the state election, in September 2012, the Premier said in this very place —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, and that was made very clear by the Treasurer —

The Premier went on to state —

No-one is going to be losing their job, no-one is going to be laid off, but there will be flexibility in it because there will be some initiatives that will require that.

If that is the case, Premier, why do we have this legislation and this provision in this legislation for involuntary redundancy? It clashes head-on with the Premier’s statements prior to going into the election. But so much of what has transpired since the election, of course, is at complete odds with what government members said prior to the election.

There will now be a new way of setting the wages policy that was not flagged prior to the election and there will now be a new way of involuntary redundancy put upon public servants. For those reasons, I will be voting most assuredly with the noes in the vote on the second reading of this bill. Other than stubbornness, there is no sane or rational reason to not exclude the police from the operation of this bill.

MR D.A. TEMPLEMAN (Mandurah) [4.55 pm]: I would like to make a contribution to the debate on the Workforce Reform Bill 2013. I have listened to and read a number of speeches presented to the chamber today and last week when the bill commenced the second reading stage. I have also noted the comments of the members for Midland, Fremantle, Victoria Park and Butler. I am particularly interested in the contributions that I hope we receive from members of the government, other than the Premier who, of course, introduced this legislation.

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In the past two weeks a number of opposition members have met with representatives of the WA Police Union of Workers, and tomorrow and on Thursday a number of opposition members are to meet with police union representatives to hear their plea, very effectively articulated by the shadow Minister for Police, the member for Midland, and, prior to my contribution, the member for Butler, who quoted a number of comments. I am interested in hearing from members of not only this side but also the government on the implications of this bill on public sector workers, including, of course, members of the police service of Western Australia.

As has been highlighted clearly and effectively, all of us—most of us on this side at least—acknowledge the contribution and dedication of the more than 130 000 public sector workers in Western Australia who work across the public sector in a variety of positions. They include workers in licensing centres and various government departments at all levels. As the Leader of the Opposition said in this place last week, there is a very strong acknowledgment of the work ethic of our public sector, and our public sector delivers quality services to the people of Western Australia. I would think that that contribution and that commitment—for many people in the public sector it is virtually decades of commitment and contribution—would be acknowledged in some way. Instead, we see here a bill that seeks to effectively treat them differently. That is one of the key reasons the opposition is opposing this bill.

The member for Victoria Park and the Leader of the Opposition in their contributions outlined the fiscal position in which this government finds itself and the reasons that the economy is in the state it is in. The AAA rating, which is a primary measure of a government's capability to manage the economy, was lost under this government. Only a few months ago, under this government, Standard and Poor's announced that the much-revered AAA credit rating, which the state had enjoyed for some period, had been lost. It was lost under this Premier, under this Treasurer and under this government. The member for Victoria Park in his contribution to this debate, and indeed in his contribution to debate on other bills, outlined why the government finds itself in this situation in a fiscal context.

This bill was introduced and is aimed at the so-called reining in of wages policy and putting in place constraints—in this case, constraints on public sector workers. Some exceptions from the reining in are highlighted in the bill but, as has been highlighted in this place today, it is the police men and women in particular who have lobbied strongest about their circumstances. That is why I am interested to know whether the member for Belmont, who is in the chamber, has met with Western Australian Police Union representatives who have made an application to meet with all members of Parliament to hear their particular cause, call or appeal about their circumstances. I welcome an interjection from the member for Belmont—she is in the chamber—on whether or not she has done that.

Mrs G.J. Godfrey: No, I haven't done that.

Mr D.A. TEMPLEMAN: Has the member for Belmont been told not to?

Mrs G.J. Godfrey: No, of course not.

Mr D.A. TEMPLEMAN: Why has she not met —

Mrs G.J. Godfrey: They haven't asked me anything. They haven't come to my office.

Mr D.A. TEMPLEMAN: They have written to everyone. Why has she not —

Mr P. Papalia interjected.

The ACTING SPEAKER: Members!

Mr D.A. TEMPLEMAN: I have heard the member for Belmont speak in this place in debates on law and order, including questions without notice to the Minister for Police, about how much she supports the police men and women who work and service her constituency. One would think that when the union that represents those hardworking police men and women, who work in I think the Cannington district that covers the locale of Belmont, contacted her, she would have made it a point to hear their case. The member for Belmont, like every other new member of this place, will be asked very shortly, probably later tonight, to vote on the second reading of this bill. It will be very interesting to know, first, whether she has made any attempt to talk to the union representatives to ascertain why they are so keen to be heard on the impact of the Workforce Reform Bill, and, second, whether she will actually make a contribution to the debate itself. I understand that the member for Belmont will probably silently follow the direction that has been given to her by the Liberal party room without questioning any of these aspects.

It brings me to ask the same question of other new members of this place, including the member for Forrestfield who in question time and in numerous speeches in this place has talked about the tremendous value he has for

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the police men and women in this community. Again I wonder whether the member for Forrestfield is true to his word and has made an attempt to understand where the police union, on behalf of the five or so police service members, is coming from.

Mr P. Papalia: Thousand.

Mr D.A. TEMPLEMAN: Sorry—5 000 police service members. Has that been done by the member for Forrestfield? I ask that because, as has been highlighted by the member for Butler, particular circumstances affect men and women who work for our police service. As was highlighted last Wednesday during question time, the member for Midland asked the police minister whether the police were covered under this bill. Of course, the police minister was found absolutely wanting in her response. When we tried to get the Minister for Police to correct her misleading of Parliament, she failed to do so; in fact, she was protected by the other side of the chamber from even admitting that she had made an error. I therefore ask the member for Forrestfield again whether he has made an attempt to speak to the police union. Has he made an attempt in that connection before he casts his vote on the second reading and, indeed, made that query, so that he can be well and truly versed in this bill and its implications? This bill affects not only tens of thousands of public sector workers, but also the police men and women for whom the member for Forrestfield has so eloquently cited his support on a number of occasions in this place.

Mr P. Papalia: Too afraid to answer!

Mr D.A. TEMPLEMAN: Of course! Government members have been told to not respond.

Mr P. Papalia: Too afraid to stand up!

The ACTING SPEAKER: Member for Warnbro!

Mr D.A. TEMPLEMAN: The member for Forrestfield is very happy to jump up and defend the cuts to education that this government has placed upon the children, teachers and education assistants of Western Australia, but falls silent when it comes to this matter.

Again the question needs to be asked of the member for Balcatta, another new member of this place, who, although not a frequent contributor to debate in this place, has on occasion made comment about the importance of police men and women. Before he chooses to stay on that side of Parliament when this second reading comes to a conclusion, can he say that he has spoken to members of the police union and indeed to those people whom he has claimed in this place to support—those police men and women who service his jurisdiction of Balcatta? We are not likely to have a response from him, particularly as he is not in the chamber!

In the last few months I have noticed the member for Bateman has become much more chirpy from the back bench.

Mr P. Papalia: Not lost for words!

Mr D.A. TEMPLEMAN: The member for Bateman is not normally lost for words.

Ms R. Saffioti: He is on Twitter.

Mr D.A. TEMPLEMAN: The member for Bateman is a well-known twitterer. Again, he represents the good people of Bateman, including my sister and her husband.

Mr M.H. Taylor: Very well looked after, they are.

Mr D.A. TEMPLEMAN: They do not have a nice thing to say about the member for Bateman, but I will not demean them in their comments about him.

Mr M.H. Taylor: They are associated with Labor.

Mr D.A. TEMPLEMAN: They are associated with whom?

Mr M.H. Taylor: Labor.

Mr D.A. TEMPLEMAN: How does the member for Bateman know that? He would not know.

Mr M.H. Taylor: Being your relatives.

Mr D.A. TEMPLEMAN: I was born and bred in Northam and my grandparents farmed in Narrogin; I do not know whether they would have necessarily voted for the Labor Party. While the Workforce Reform Bill has laid on the table of the house over the past three weeks, has the member for Bateman made contact with the police union representatives who have sought to meet with as many members of Parliament as possible to explain the

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reasons why they have major concerns with this bill, which has been to the member for Bateman's party room and has been introduced to this place by the Premier; and, if not, why not? If he has not, why would he contemplate voting for it without having at least some understanding of the concerns of the police service that have been expressed to members of Parliament through the union? There was no interjection, so I assume that the member for Bateman has not made any contact with the police union.

Mr P. Papalia: If you were wrong, he'd correct you.

Mr D.A. TEMPLEMAN: That is right. The member for Alfred Cove is in the chamber. He is a new member and a person for whom I have a great deal of respect. Apparently, he is also a very high-class cricketer. We will vote later tonight on the second reading of this bill on which the opposition, through a number of speakers, has made its stance very clear; it will oppose this bill for three key reasons, which the Leader of the Opposition —

Mr D.C. Nalder: I will be speaking. I have my speech.

Mr D.A. TEMPLEMAN: Has the member for Alfred Cove met with the police?

Mr D.C. Nalder: No, I have not heard from the police at all with regards to this—not at all.

Mr D.A. TEMPLEMAN: He has not heard from them at all.

Mr D.C. Nalder: No, not at all.

Mr P. Papalia: They're out in the courtyard.

Mr D.A. TEMPLEMAN: We will go and get them! Will the member for Alfred Cove make a contribution? I commend the member for Alfred Cove on that, because he is the first of any new member who I have mentioned so far who has indicated that he will make a contribution.

Mr D.C. Nalder: I thought I heard some speak at the second reading—the member for Churchlands, the member for Forrestfield, the member for Joondalup.

Ms R. Saffioti: He talked about communists. He always does.

Mr D.A. TEMPLEMAN: Did he?

Mr D.C. Nalder: The member for Churchlands spoke.

Mr D.A. TEMPLEMAN: This is a credit to the member for Joondalup and the member for Churchlands, who made contributions last week and have now left the country. No, they have not left the country! They have left the state on important parliamentary business; I am not demeaning that. However, at least they made a contribution to the debate. Again, I am now calling on the member for Alfred Cove, and he is indicating that later tonight —

Point of Order

Mrs G.J. GODFREY: I have listened intently to the entertaining presentation, but I do not see the relevance to the bill.

The ACTING SPEAKER (Mr I.M. Britza): There is no point of order.

Debate Resumed

Mr D.A. TEMPLEMAN: Member for Belmont, it is entirely relevant that when we consider important legislation that affects more than 130 000 public sector workers in Western Australia, many of whom not only reside in the electorate of Belmont but probably voted for the member at the election in March, we question the member for Belmont as a member of the government that is sponsoring this legislation in this place. It is entirely relevant to ask whether she has had any contact with the police union or representatives of the police service to ascertain an understanding of their concerns about this legislation.

[Member's time extended.]

Mr D.A. TEMPLEMAN: Interestingly enough, this bill was not declared an urgent bill, unlike some that we have seen—how many bills was it?

Mr P. Papalia: It was 12.

Mr D.A. TEMPLEMAN: This year 12 or 13 bills were declared urgent. Fortunately, this bill was not. Therefore, government members do not have the excuse of saying that they had only a short time to consider the implications of the bill. The reason that a bill normally lays on the table for a period is to allow members of Parliament to research and/or consult and query aspects of the bill. Government members have had the time;

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they do not have the excuse that it was declared an urgent bill and therefore they did not have the chance to consider it. The member for Belmont's point of order was quite correctly ruled out of order, but highlights that, unfortunately, she has not done what I think she should have done—that is, consult people important to her constituency, including police men and women.

I could go to the next new member except there is no-one else who is new in the chamber. We can come back to that. One of the other things I think is important —

Mr P. Papalia: What about the member for Geraldton?

Mr I.C. Blayney: I am not new. I have been here a while. They rang me at 11 o'clock this morning—my office in Geraldton.

Mr D.A. TEMPLEMAN: Did they? That is all right. Is the member going to meet with them?

Mr P. Papalia: How are you going to vote when we divide?

Mr I.C. Blayney: I have not decided yet.

The ACTING SPEAKER: Members!

Mr D.A. TEMPLEMAN: I am welcoming the interjections from the member for Geraldton.

The ACTING SPEAKER: Member for Geraldton and member for Warnbro, I do not mind interjections between the member on his feet and the member interjecting, but they should not be between other members.

Mr D.A. TEMPLEMAN: I think that is very appropriate. In that case, I am very interested in the member for Geraldton's interjections. Geraldton, of course, is a very important policing area. Back in the late 1980s, I used to live in Three Springs and I think, from memory, the policing district of Three Springs may have been covered by the Geraldton district, although I am not 100 per cent sure. Geraldton continues to be a place where policing is important. The member for Geraldton would be well and truly aware of that because it is his constituency. It is interesting that if he has not heard from the union about its concerns, which have been outlined in this place by the member for Midland and the member for Butler, the member for Geraldton would avail himself of those. He said in his interjections that he has not yet made up his mind, which is hopeful. I invite the member, once the Premier has presented his formal response to conclude the second reading debate, to cross the floor, after having ascertained for himself the argument from the police service. I thank the member for Geraldton for his interjections; it was one of the most significant contributions he has made to this place.

We need to talk now about the Premier's integrity, because I think this is important. I refer to what we know the electorate was told before the 9 March election. This is the point that the Leader of the Opposition made in his contribution about the government's pattern of broken promises since the 9 March election, which we acknowledge the government overwhelmingly won; there is no doubt about that.

Mr C.J. Barnett: Convincingly. You got your lowest vote in 90 years; don't forget that!

Mr D.A. TEMPLEMAN: I did not; my number of votes did not go down. The Premier made a range of promises about taxes and charges, making cuts to important services, and local government reform not being forced on local governments. If we had a bookie's list of broken promises, there would be about 30 or 40 at least, from memory.

Mr P. Papalia: There is more than that.

Mr D.A. TEMPLEMAN: There is more. An interesting word was used by the member for Fremantle. I am intrigued by that word; I love words. I do not remember it now, but I thought it was —

Ms R. Saffioti interjected.

Mr D.A. TEMPLEMAN: I do not know, but I wish she was in the chamber because I would ask her to repeat it. I understand that it was a word to describe somebody who will do anything to get their way or be elected.

Ms R. Saffioti interjected.

Mr D.A. TEMPLEMAN: Yes, there is history there with the member for North West Central, but we will not go into that! I think that the member for North West Central, quite understandably, is laying low at the moment. He is laying very low at the moment. We already know the rumours about him being the leaker about the demise of his now former leader. I think that the finger has been pointed at him and he is laying low. He did not get anything in the carve-up, though, I noticed. Congratulations to the member for Central Wheatbelt.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr P. Papalia: It's snollygoster!

Mr D.A. TEMPLEMAN: Snollygoster is the term that the member for Fremantle mentioned for a person who will do anything to achieve public office. There we are.

Given what we know about employment, public sector pay and public sector jobs, it is worthy to repeat what was said prior to the election. In *Hansard*, on 27 September last year, the Premier said —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, and that was made very clear by the Treasurer —

...

... No-one is going to be losing their job, no-one is going to be laid off ...

That is what was said. Then five months after the state election, after saying, “No-one is going to be losing their job, no-one is going to be laid off”, in this place on 6 August 2013, the Premier said —

Public servants are secure in their employment unless they put up their hand for a voluntary—I stress “voluntary”—redundancy. I compare that with the situation in the private sector. We have seen the mining industry come off a peak, and in the mining and mining services sector, several thousand jobs have gone. Industry is not in recession, but it has certainly contracted ... I say to the public servants and those in the gallery that you do have a job, and unless you choose voluntary redundancy, your employment and your wage level is protected.

That is what was said on 6 August this year. The Leader of the Opposition in his contribution also highlighted the Liberals' public sector management policy, which was released in the lead-up to the state election. I will not quote that because it has already been quoted. However, the credibility aspect is clearly an issue in regards to the Workforce Reform Bill 2013.

I mentioned the broken promises that were made, but the third key reason—I have had an extension, have I not? Several members interjected.

Mr D.A. TEMPLEMAN: Yes, I have! It is always worth a try.

Ms R. Saffioti: They're onto you!

Mr D.A. TEMPLEMAN: They are onto me now!

The other issue is, of course, the dramatic examples of saying things and then acting differently. When we look at the track record, I think quite rightly the Leader of the Opposition highlighted in his speech the extravagant increase in pay for the Premier's staff, including increases of some 52 per cent for some of them. Those increases were not awarded through any process that we saw —

Mr C.J. Barnett: They certainly were; both of them involved promotions to more senior positions.

Mr D.A. TEMPLEMAN: They were announced overnight and were —

Mr C.J. Barnett: No, they weren't.

Mr D.A. TEMPLEMAN: They were and they were substantial. A 52 per cent increase is substantial.

Mr C.J. Barnett: Different jobs from the ones they had.

Mr D.A. TEMPLEMAN: What was different about them? One job is basically head of the Government Media Office, and one would have to question how different it was and what would justify such a significant increase as a 52 per cent pay rise.

Mr C.J. Barnett: But we don't have a GMO; we abolished that, you might recall, five years ago.

Mr D.A. TEMPLEMAN: The former head of that position. One would quite rightly ask: what is the justification for such a significant increase of 52 per cent? I think that is a fair question that was asked.

The opposition has explained for a variety of reasons why we oppose this bill. I finish by again simply asking members, particularly the new members, opposite: have they actually considered the implications of this bill? It seems that a number of them have not and it seems that as per practice of this current government, we will not even hear from any of them during such an important debate.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

MS R. SAFFIOTI (West Swan) [5.26 pm]: I rise to speak on the Workforce Reform Bill 2013 and in doing so I will go through some of the points my colleagues have made and also introduce a number of different points to this debate.

Firstly, I will quickly touch on the police issue, which I think was adequately covered by the member for Midland and the member for Butler in particular. However, one of the most interesting and damning issues was when the Minister for Police was asked about whether the Workforce Reform Bill would be covering police officers, last week, when she misled Parliament in that respect —

Mr C.J. Barnett: She did not mislead Parliament at all.

Ms R. SAFFIOTI: She did mislead Parliament and there has been no correction of the record. I do not believe it was an intentional mislead, but the minister did mislead. No-one, including the Premier, came in and actually corrected the record. Can I say that I think it is very unparliamentary when the Premier walks out and has a go at you when he walks out of the chamber.

Mr P. Papalia: It's also petulant.

Ms R. SAFFIOTI: It is petulant. Honestly—the level of immaturity! This happens again and again. It happened last week or the week before on that morning the Premier completely lost his temper. He went past and he threatened us.

Mr P. Papalia: He called us grubs!

Ms R. SAFFIOTI: He called us grubs and said, “I’m going to get you back.”

Withdrawal of Remark

Mr P.T. MILES: Mr Acting Speaker, I have a point of order about the term calling people “grubs” and so forth. Also, the member, I think, is using unparliamentary terms and is wandering well off the debate at the moment. I ask you to bring it back to order and to possibly remove the comments that she made in regard to the Premier in calling him the words that she did.

The ACTING SPEAKER (Mr I.M. Britza): If you used the word “grub”, I did not hear it, but if you did, I think it needs to be withdrawn.

Ms R. SAFFIOTI: I did not call anyone a grub.

Mr P. PAPALIA: On the point of order, Mr Acting Speaker, I will explain. I was saying that the Premier called us grubs last week when he stormed out in a petulant fashion, similar to what has just occurred today. That was the reference. It was not us calling anyone grubs; it was what the Premier of the state of Western Australia calls people on the other side of the chamber.

The ACTING SPEAKER: Thank you, member, the point is taken.

Debate Resumed

Ms R. SAFFIOTI: Thank you, Mr Acting Speaker. It happened again just now when the Premier walked out and had a go at the opposition when I was on my feet. The Deputy Premier knows that that is unparliamentary and members on the other side would know that that is actually very unparliamentary, but it happens again and again. Just because the Premier may not agree with what we say, he cannot go around abusing people while they are on their feet, and he does it again and again.

There are three clear issues that I want to go through today. There is the broken promise issue, some of the issues about the fairness of this bill and another key aspect is in relation to the finances of the state and the reasoning being put forward for this bill. I also want to make some observations about the public sector workforce, particularly as last week the “State of the sector report 2013” was tabled in this place. In light of that, I think some interesting observations can be made about the structure of the public sector, its ageing workforce and the need for more young people to be attracted to work in the public sector to continue to provide us with good advice that will ensure that we all do our jobs in the best way possible.

Liberal governments do not like or believe in the public service.

Several members interjected.

Ms R. SAFFIOTI: They do not. They are all too willing —

Several members interjected.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Ms R. SAFFIOTI: All Liberal governments seem to do when they come in is contract out and privatise. I always wonder why it is that Liberal —

Several members interjected.

Ms R. SAFFIOTI: Mr Acting Speaker, I am not addressing any individual.

Dr K.D. Hames: Are you saying you do not interject? Is that what you're trying to tell me?

The ACTING SPEAKER (Mr I.M. Britza): I will just make a ruling here. If the speaker accepts an interjection, that is fine; if not, I will have to rule on it.

Dr K.D. Hames: Just on that, I do not know if she is going to accept it until I have made it, so I have made it and we will have to wait and see if she accepts it or not.

Ms R. SAFFIOTI: I know I get called to order every time I make an interjection in this place—I do! I make some interjections and I get called to order, but if I were, for example, exhibiting the behaviour of the member for Perth, I would have been called to order. If I exhibited the behaviour of the Minister for Health, I would have been called to order.

The ACTING SPEAKER: Member, I just suggest you come back to the point.

Ms R. SAFFIOTI: This government does not actually believe in the public service or that it can deliver. If the government did, it would not be contracting out things like facilities management for the new Fiona Stanley Hospital. Why does the Liberal Party want to gain government, but then does not actually believe it can administer it. Why is it? I always wonder about that. The Liberal Party wants to gain government, but when it gets there it says it does not believe in government and it needs to contract out or privatise.

As I said, I want to go through some key points. The member for Mandurah correctly stated that this is another clear broken promise. A number of pretty clear commitments were made to electorates around the state, including my own, during the 2013 election. The Liberal Party was going to build the Metro Area Express light rail, the airport line and a north Ellenbrook high school and put a swimming pool in Ellenbrook.

Point of Order

Mr C.J. BARNETT: This has absolutely nothing to do with the bill before the house. I am happy to debate the so-called broken promises any time, any day of the week, but this has nothing to do with the legislation.

The ACTING SPEAKER: Thank you, Premier; point of order taken. I asked you to come back to the point, member for West Swan.

Ms R. SAFFIOTI: I am talking about the promise the Premier made before the election, that there was not going to be forced redundancies.

Mr C.J. Barnett: No, you were not; you were talking about rail projects.

The ACTING SPEAKER: Thank you, member.

Ms R. SAFFIOTI: I am talking about broken promises. I have sat in this place and listened to a lot of people in this chamber, including some on the other side, who have been given leeway during the second reading debate. I am just asking for the same permission. Honestly, the treatment by this Premier of the people on this side is absolutely incredible. It is actually an embarrassment to the other side.

Debate Resumed

Ms R. SAFFIOTI: I have spent one minute talking about broken promises, and I want to go through it again. Not forcing people out by way of involuntary redundancies was a promise taken by the Liberal Party to the election. This is a clear broken promise. I reiterate that this is not the only clear broken promise. Are we now up to 40 or 50, member for Mandurah?

Mr D.A. Templeman: Yes.

Ms R. SAFFIOTI: It is a massive list, and I think there are probably about 10 just in my electorate. There have been clear broken promises across the state, and this is yet another. In this place on 27 September 2012, the Premier said —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, and that was made very clear by the Treasurer —

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. Barnett: That is absolutely true.

Ms R. SAFFIOTI: So, the Premier went to the election —

Mr C.J. Barnett: It's still true.

Dr K.D. Hames: It's still true.

Point of Order

Mr P. PAPALIA: I refer to standing order 96 —

Interruptions not allowed — exceptions

96. A member may only interrupt another member to call attention to a point of order or privilege, or absence of a quorum. Upon a question of order or privilege being raised, the member with the call will sit down.

Both the Premier and the Deputy Premier have persisted in interjecting, without being accepted or welcomed by the speaker, and you have sat there silently. It is time that the Chair exercised his correct role in ensuring that the standing orders are adhered to, regardless of who interrupts.

Dr K.D. HAMES: Further to that point of order, there is a book *Erskine May: Parliamentary Practice*; I think the member should read it. While all interjections are disorderly, it is the standard practice of the house that some interjections are allowed. If the member would just cast his mind back to question time, he will recall a large number of interjections and that the Speaker of the house allowed some and not others.

The ACTING SPEAKER: Thank you. Members, let me just say that interjections are happening all the time. I am listening to all and I am listening to whether or not the objections and discussions are happening or whether they are even relevant. But if the member is going to draw questions and a statement is responded to, I do not find that against the standing orders. I am looking at you, member for West Swan, because I want to protect that. If I actually hear something I think is beyond that, I will call it.

Debate Resumed

Ms R. SAFFIOTI: We do interject and we get called to order, and very rarely do I see the other side getting called to order.

Several members interjected.

Ms R. SAFFIOTI: As I said, it is a clear broken promise to the people of Western Australia. The Premier talks about winning the election, but he went around promising everything to the people of Western Australia. He went around promising everything without any plan to pay for it. It was “fully funded, fully costed” but with absolutely no plan to pay for it. Yet another clear broken promise.

The Workforce Reform Bill 2013 is basically unfair legislation because it treats public sector workers more onerously than others across the community. It was never, never spoken about at the time of the election.

The ACTING SPEAKER: Excuse me, member for West Swan. Member for Albany and the Minister for Health, if there is going to be any more interaction, you need to take it outside—both of you.

Ms R. SAFFIOTI: The member for Churchlands spoke on this bill, and I am always interested in his contributions. He uses words like “Marxist”, “communist” and “socialist” and makes speeches that would normally be given at Young Liberals conferences. He uses those sorts of words in this chamber as if they are real. He talked about how WA Labor had lost its way in relation to labour market economics. That was from someone on the same side as a party that brought in legislation to re-merge Verve and Synergy and create one of the most powerful government-owned monopolies.

Point of Order

Mr C.J. BARNETT: The merger of Verve and Synergy is another piece of legislation before the upper house; it has been passed by this house and it has absolutely no relevance to this bill.

The ACTING SPEAKER (Mr I.M. Britza): Member for West Swan, I am struggling to hear your relevance with this WorkChoices bill. I am trying to listen to make sure it is relevant, and so far you seem to be drawing away from that.

Ms R. SAFFIOTI: Mr Acting Speaker, you unfortunately used the word “WorkChoices” bill.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

The ACTING SPEAKER: Yes, sorry—workforce.

Ms R. SAFFIOTI: I would not be using the word “WorkChoices” in relation to this bill!

Debate Resumed

Ms R. SAFFIOTI: I was just commenting on some comments of the member for Churchlands during the second reading debate; that is all I was doing. Basically, he said that Labor has lost its way in labour market economics, yet this government has come in and argued for the re-merger of Verve and Synergy, which will create one of the most powerful government monopolies in Western Australia.

Several members interjected.

Point of Order

Mr B.S. WYATT: I do recall that when the member for Churchlands gave his second reading contribution he talked about Marxism and socialism at length, and there was no interjection from the opposition in respect of relevance. There has clearly been a quite wide debate, as is ordinarily the case at second reading, and the Premier certainly had no problem with debates around political philosophies. I dare say, Mr Acting Speaker, you may draw the Premier back to perhaps stopping on his interjections, which you know are unruly, and allowing the member for West Swan to continue in response to the member for Churchlands’ contribution.

The ACTING SPEAKER: What is important is that the comments are relevant to the bill. I want members’ comments to be relevant to the bill, not to what anyone else is saying. That is what I am asking and looking for from members.

Debate Resumed

Several members interjected.

Withdrawal of Remark

Mr C.J. BARNETT: Is the member for West Swan going to withdraw that comment?

Ms R. SAFFIOTI: No, because you do this all the time.

The ACTING SPEAKER: Direct your comments through the Chair, member for West Swan.

Ms R. SAFFIOTI: I am not going to withdraw just because the Premier asked me to. He is not the Speaker of this house.

The ACTING SPEAKER: Member for West Swan!

Ms R. SAFFIOTI: He is interjecting on me.

The ACTING SPEAKER: Comment through me, member—straight through me.

Ms R. SAFFIOTI: Mr Acting Speaker, the Premier continues to interject on and challenge me and then I cannot respond.

Mrs G.J. GODFREY: I heard the member for West Swan call the Premier an unparliamentary comment from here and I ask the member to withdraw the comment.

The ACTING SPEAKER (Mr I.M. Britza): I did not hear an unparliamentary word. Member for West Swan, if you did, then withdraw it; if not, let us continue.

Ms R. SAFFIOTI: I said that the Premier was a sexist bully, and I will stand up and say that because he does this to me all the time. Everyone knows it.

Several members interjected.

The ACTING SPEAKER: Members! Member for Perth! I want to hear what the member for West Swan has to say.

Mr P.T. MILES: I want to ask the Acting Speaker for his advice. The member for West Swan obviously used what I believe is an unparliamentary term about the Premier.

Several members interjected.

The ACTING SPEAKER: When there is a point of order, there are no interjections.

Mr P.T. MILES: I ask the Acting Speaker to make a ruling on whether or not it is unparliamentary to call a member “sexist” in this house.

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

The ACTING SPEAKER: I do not think it is an unparliamentary comment that I can actually rule on. I am happy for the member to continue.

Debate Resumed

Ms R. SAFFIOTI: I continue on the Workforce Reform Bill. Another key reason that this bill has been brought in today is the government's inability to control expenditure. Over the last five years under this government we have seen a massive increase in full-time equivalents and wages growth and the loss of the AAA credit rating. This government lost control of its expenditure and that is what caused the loss of the state's AAA credit rating. This is a bill to outsource the government's role. The Western Australian Industrial Relations Commission will be given total control to manage salaries across the public sector.

The ACTING SPEAKER: Members, keep your voices down please!

Ms R. SAFFIOTI: The government has lost control of its finances so it has had to bring this bill into this place. What I find interesting about management of the state's finances and the status of the FTEs is that this government has mismanaged finances to such an extent that we have seen an uncontrollable increase in debt. We have seen an increased use of consultants across the sector for projects that just do not go anywhere. When this government talks about mismanagement, it needs to look at exactly what it has been doing since it has been in control. While the government talks about FTE management, or control, it does not realise that it has spent a lot of money on consultancy after consultancy for projects that are not going anywhere. Government waste is about not only the number of FTEs, but also ensuring that there is a clear policy direction of government—policies that are actually implemented. Time and again, this government has issued consultancies and paid hundreds of thousands of dollars on contracts for projects that have not gone anywhere. I will outline a few of them. A consultancy was paid \$630 000 for work on the Ellenbrook bus rapid transit, which has gone nowhere. Members opposite may remember the transport plan that was released in 2011. That was the major public transport vision for Western Australia and was to be the framework for the delivery of all new public transport, including time frames, routes—the whole thing. It was released in 2011 and we estimate that it cost over \$2 million to produce. What has happened to that public transport plan? It went straight into the bin. Remember that the priority projects of that transport plan were the Ellenbrook BRT and Yanchep rail. Those projects have now been pushed to the never-never. Frankly, the government cancelled the BRT. We saw the Red Tape Reduction Group was another high-expenditure committee of this government. I think all we have seen from this committee—if it was from that committee—is the removal of vehicle licence stickers. There are recommendations that have not been followed up.

When we look at the management of FTEs, we have to look at what this government is doing about contracts, resources and consultants. This is a chaotic and dysfunctional government that has completely lost its way and mismanaged the finances over the past five years. The Treasurer said that the role of negotiating an EBA had to be undertaken by—what was the quote, member for Victoria Park?—higher forces. The Treasurer said that he was not able to negotiate an EBA.

Mr B.S. Wyatt: He said “more senior levels.”

Ms R. SAFFIOTI: At more senior levels. The Treasurer came in week in, week out boasting about his wages policy that he never actually implemented. There has been an increase in the number of FTEs and wages have grown. Millions of dollars have been wasted on consultants' reports that have been commissioned and gone nowhere. I will go through some of the consultants that have been engaged by this government. We need only look at the Browse and Oakajee projects. The government spent \$3 million for the six months ending June 2010 on a consultant's report on the strategic assessment process of the LNG precinct at James Price Point; \$160 000 on the Browse LNG site; \$150 000 on reports into Oakajee; \$100 000 on the Bejaling deepwater port investigation; hundreds of thousands of dollars on reports inquiring into the value for money of the Departments of Planning and Transport; \$136 000 on a commercial advisory project for Oakajee; and, \$380 000 for a review into the value for money of WA Police. Report after report was commissioned for projects that never eventuated, or for reports that could have been done in-house. Another report that caught my eye is the quantitative analysis of the minerals resource rent tax and carbon tax on the resource sector in WA. That was commissioned by the Department of Treasury at a cost of \$180 000, for what I consider to be a purely political document that is being used for political campaigning and not the advancement of the state.

The government has spent hundreds of thousands of dollars on projects that have not gone anywhere. The government has not only been unable to manage the FTEs, but also commissioned consultants and spent money on consultancies and contracts for projects that have not gone anywhere. Millions of dollars have been wasted. The government has come into this place with this bill saying that it is a panacea to its financial ills. Well, it is

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not. The government does not have the ability to manage the state's finances. Under the existing act, WA Labor managed the state's finances for up to eight years, ran pretty good surpluses and paid down debt.

[Member's time extended.]

Ms R. SAFFIOTI: We managed the finances of the state within the existing legislation basically because we had strong management and strong processes. "Process" is a dirty word under this government. We had the processes that allowed us to properly scrutinise expenditure and manage it.

I want to make some other observations about the public sector workforce and quote the latest Public Sector Commission "State of the sector report 2013" that was released last week, I think. I want to talk about the ageing workforce, because it is a key issue. It feeds into the issue of the redundancies being paid out now. Many of the voluntary redundancies are targeted at people at the end of their working lives. We must question the benefit of paying this amount of money to people who are that close to the end of their working lives. I want to talk about the ageing public sector. Page 88 of the report states —

... showed the public sector is characterised by an ageing workforce, with the representation of mature employees standing at 51.9% in 2013. The representation of youth on the other hand fell slightly to 5.1%.

I think the definition of youth is under 24. It continues —

The difference between the age groups is further evidenced by the separation rate of youth in 2012/13 (22.1%), which is almost double that of mature employees (11.9%).

...

Just over one-tenth (12.1%) of the public sector is aged 60 years and over, while the proportion of workers under 30 years remains low at 14.3%. This creates some workforce planning and succession management challenges for the public sector.

Loss of corporate knowledge due to retirement can be addressed through implementing strategies such as phased retirement, mentoring programs, and other ... initiatives. In order to develop a new generation of employees, entry-level programs such as graduate and traineeship programs may be beneficial.

The ageing workforce in the public sector is a real issue. One of the key reasons it is an issue is the retention of knowledge. Nowadays companies are carrying out studies into their workforce. Some of the people in that workforce do not rate very highly. I think members know the type of character I am talking about. Maybe they are obsessive characters—the ones who do not engage socially as much as others. Those characters are sometimes of significant benefit to companies because of their retention of knowledge and information. It is vitally important that we continue to have that information in the public sector.

I want to talk a little about Main Roads Western Australia and the experience Hon Alannah MacTiernan faced when she inherited the Main Roads agency back in 2001. One of the problems with contracting out the wholesale privatisation of services is that we lose a lot of knowledge within the agency about how things should be done. One of the key issues faced by Ms MacTiernan —

Dr K.D. Hames: Don't worry, member, I'm listening to you.

Ms R. SAFFIOTI: The other members are listening too but in their own special way.

A member interjected.

The ACTING SPEAKER: Member for Albany, you are not in your right seat to make that comment. You are on a few calls here. It is just a warning.

Ms R. SAFFIOTI: To provide services in future years, or even to evaluate contracts, we need to retain some knowledge. One of the issues with Main Roads is that a lot of the engineers had left. Assessing some of those contracts was not able to be done in the best way possible because of the lack of in-house experience. That is a real issue for the public sector. One of the reasons I do not like wholesale contracting out is because we lose a lot of expertise. Value for money and processes are very important. If we lose that expertise, we are basically subject to what the private sector is handing to us. Let us face it, not a lot of companies in WA are doing many of the big road projects. If there are half a dozen, we are very lucky, but it is normally between two and three. Basically, the retention of knowledge is very important and something that is probably not valued enough.

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

As I said, people's skills and abilities are sometimes missed because they may not be the most exuberant of types. The member for Kalamunda has a lot of knowledge and skill. There are a lot of people like that in the public sector, in particular, who may not be showy but they have a lot of knowledge and skills.

Mr J.H.D. Day: I take that as a compliment. It's outcomes that are important.

Ms R. SAFFIOTI: One of the other key issues I want to talk about relates to some of the big contracts that have been taken out, such as the one with Serco, whether they are with hospitals or prisons, or Transfield in relation to Homeswest. When we contract out large-scale entities, a real danger for the public sector is when they become, in essence, a quasi-government. They are too big to fail, they employ too many people, they know too many things and they manage too many resources in government. We are replicating the public sector but with private sector profit margins. Then we are guaranteeing the revenue. A lot of the efficiencies that they would normally bring in are not brought in. That is a huge danger. When we look at what is happening with Serco and this government on the health side, we see that it is creating quasi-governments. That is dangerous. It is not dangerous initially—actually, it is a bit dangerous because the hospital will not be open for a while —

Dr K.D. Hames: That's not their fault; that's our fault.

Ms R. SAFFIOTI: I know, but now the government has to pay Serco some money, and that is the government's fault. The key risk transfer of getting the hospital open on time has been entirely in the hands of the government. If it had not gone ahead with this contract, it would probably not be exposed to the high costs it is exposed to because it had a contract in which the key risk was not transferred. When government agencies are asked to negotiate million-dollar contracts, they send in two or three public servants who have multiple other tasks. These companies, especially some of these big agencies, come in with rooms full of lawyers flown in from overseas and we are asking these agencies to negotiate a deal like the Serco contract. The key risk, which is really the opening time, is completely with the government. The state's taxpayers have to pay money out. The government cannot do anything now because it is on that path.

Dr K.D. Hames: Building those other things, like the building, for example, is a risk being on time. There were penalties if they were late. It's not just a one-way street.

Ms R. SAFFIOTI: But the building is not late; it is on time. Now the government can have a building that will be built on time but it will be paying for an empty building. That is even more embarrassing than having a late building because the building is normally the complex thing to get done. The building is done and now it will be left empty, which will incur costs. That wholesale contracting out and that blind vision means things get stuffed up. As I said, a quasi-government is created. No-one wants quasi-government. Serco is not elected. Transfield is not elected. These massive institutions are created that have to return profits to their shareholders overseas, and the risk is not properly managed.

Mr B.S. Wyatt: And the ministers come here and say, "I can't tell you anything because it's commercial-in-confidence."

Ms R. SAFFIOTI: Exactly. Significant problems are created. The other key thing—this is from a pure bean counter, financial point of view—is the lack of flexibility. The state is entering into these massive contracts with annual payments, and it is locked in. Basically, to manage a budget, other things have to be cut. These contractors continue to get a healthy return and other things have to be cut. It limits flexibility.

Sitting suspended from 6.00 to 7.00 pm

Ms R. SAFFIOTI: I have three minutes left in which to speak on the Workplace Reform Bill 2013. As I said before the dinner break, there are a number of reasons why reducing the size of the public service and relying on contracting out is a bad thing. One of the key issues is that this will lead to the establishment of quasi-government entities, which are basically private sector entities that take on the appearance of government entities. That is dangerous, because they will be too big to fail. It will also reduce rather than enhance competition in the marketplace.

The last key point I want to make is on the issue of involuntary or forced redundancies. What is the public sector? The public sector is there to give independent advice to government. Those who give that advice should not fear that they will lose their jobs should the minister or government of the day not respect or take their advice. It is the old notion of fearless and frank advice. We need to establish whether we believe in an independent public sector. Do we believe that we should do whatever we can to protect the independence of the public sector and to ensure that public servants are free to give the advice that they are paid to give? That may not be advice that people want to hear but it is advice that we pay for. During the nib Stadium drama involving

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Perth Glory owner Tony Sage, the Minister for Sport and Recreation did not like the advice he got from his public servants and told them to go back and change it. That is not how we want our public service to run. We want our public service and our public servants to be free to give advice in an independent way; otherwise, bad decisions will be made and good government will break down. Again, the idea of forcing people to leave their jobs by making their positions redundant poses a significant risk to what should be an independent public sector. I have much more to say on the bill, but I do not have the time. The opposition opposes the bill because it has been brought in as some sort of financial management panacea. It is an acknowledgement of this government's failure to manage the finances. This government is desperate to try to achieve that.

MR D.C. NALDER (Alfred Cove) [7.03 pm]: I stand in support of the Workforce Reform Bill 2013. My support for the bill is based principally on my experience as a former senior employee in both the private and public sectors. I remind members that the principal purpose of this bill is to provide the capacity to implement flexible redeployment arrangements that may—I repeat, may—lead to the involuntary severance of employees who are surplus to an agency's requirements or whose position has been abolished and they cannot effectively be redeployed. The bill will also ensure that decisions made by the Western Australian Industrial Relations Commission and the Salaries and Allowances Tribunal have appropriate regard to the public sector wages policy statement, the state's financial position and fiscal strategy, and the financial position of the relevant public sector agency.

Not only is Western Australia the only state that does not have involuntary redundancy provisions in place but also it would be fair to say that WA public sector employees are the only employees in Australia to whom involuntary redundancies are not applicable. That is simply not fair, and to say otherwise is without basis. I point out that the member for Mirrabooka, I would say, inadvertently misled the chamber yesterday when she stated that WA is not the only state without this legislation as South Australia also does not have forced redundancy legislation. That is in fact incorrect. I have been informed that South Australia does have the power to involuntarily sever employment, but the current policy of the South Australian government is to not exercise that power. The same situation exists in Tasmania. WA is the only state that does not have this legislation in place.

We must ensure that we provide the public sector with greater flexibility to ensure that we get resources to where they need to be. Government respects the interests of all employees and treats their situation with fairness, but on the other hand, it must meet its responsibility to the broader community to manage the public sector workforce in the most efficient and cost-effective manner. It is for this reason that the government, through this bill, puts forward amendments to the Public Sector Management Act to allow the application of involuntary severance as a final means. The bill also establishes a right of appeal to the Western Australian Industrial Relations Commission for employees who have been subject to involuntary severance decisions. A right of review by the commission will also exist within a specified time limit.

Mr D.J. Kelly: A very limited right of review.

Mr D.C. NALDER: They have a right of appeal. I have had the fortunate experience of working in both the private and public sectors. I would like to share some of those experiences and to outline some of the justifications for why we need to pass this bill. I came out of the private sector and into the public sector where I managed a large team of over 1 300 staff, with 180 staff in the state office. When I first started in the role, I sat there quietly and took my time to understand how the business operated. It was interesting to see. I remember calling the head of the human resources department to ask what the person right outside my office was doing, because every time I walked past they were reading a novel. The head of HR responded by saying, "Well, you know, we can't sack anybody." My response to him was that that was not the question I had asked. My question was: what were they doing?

Mr D.J. Kelly: You should have asked what the HR manager was doing if he said he can't sack anyone.

The ACTING SPEAKER (Mr I.C. Blayney): Member for Bassendean, if the member does not want to take interjections, I will have to call you to order.

Mr D.C. NALDER: Mr Acting Speaker, I have sat in this chamber now for eight months. It has been a fascinating experience. I have been able to sit here and listen to the arguments put by the other side. Some members like to put forward intellectual arguments, some put forward arguments on an emotional basis, and with some I have no idea what sort of argument they are putting forward. I think the member who is interjecting falls into the latter category.

When I queried what this staff member was doing, I was told that they did nothing. I said, "What do you mean they do nothing?" They said that that person was unallocated. I had never heard this term. I asked what "unallocated" meant and was told that this person was not any good at their role so they were shifted sideways

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into an unallocated position and their role was backfilled by someone who could do it. I asked whether there were performance management processes in place to support this person and I was told that there were. I said, “What, is there nobody to follow them?” He said, “No.” I asked how long this had been going on. This person had been in this unallocated role for over five years! I asked the next obvious question. I asked how many of these people we had in the building, just in the state office. The head of HR was not sure. I said, “You’re joking aren’t you? We don’t know what our workforce is and isn’t doing?” His answer was, “No.” I said that I expected an answer by the end of the week. At the end of the week he rang me and said there were six people unallocated in the building. I replied, “Goodness me! We have six people on the payroll who don’t actually have a job?” He confirmed it was true. I said that we needed to do something; it was not right and we had a responsibility to the broader community to ensure that we look after their funds in an appropriate manner. At the end of the day, I do not think it was right for these individuals. They had no meaningful existence with that organisation. I just could not understand how they could tolerate it. On the following Monday, I received a phone call that said, “Dean, I have an apology to make”—or, “Member for Alfred Cove, I have an apology to make.”

Mr D.J. Kelly: You weren’t the member then!

Mr D.C. NALDER: I know I was not. He said “Dean”.

Mr D.J. Kelly: He would have called you Dean.

Mr D.C. NALDER: Yes, he would have. The member for Bassendean is correct. He said, “I made a mistake; there aren’t six.” I said that was great. He said there were 12. I actually had 12 staff in unallocated positions. At the same time there was a report in *The West Australian* that indicated that as much as 10 per cent of the WA public service was unallocated; I have not yet had this verified. We have to set about sorting that out. That is just one example of why we need the flexibility to ensure that the resources are in the right place. We have a finite number of resources that we can access as a government.

I can assure members that when the opposition is in government, it will be in exactly the same situation. The member for Bassendean might like to argue that is not the case; however, pre-1993, the Trades and Labor Council, now known as UnionsWA, and its affiliates agreed with the Labor government on the terms of a general order, which when registered by the Western Australian Industrial Relations Commission had the force of law and would provide the capacity for involuntary severance. Only one union refused to accept this, and the general order was softened accordingly. It is interesting that opposition members will stand up and argue in this chamber that the bill is unfair and discriminatory, yet in 1993, they themselves wanted to exercise the same power. I will take this another step further. In 2003, the Labor government, under Premier Gallop, sacked 59 public servants through management-initiated redundancies. For opposition members to stand up in this chamber and say this bill is unfair and discriminatory when, by their own actions, they have indicated that they would do the same thing, just highlights the hypocrisy of the opposition. It does surprise me that they would stand in here making those claims when, in fact, they are baseless.

I have shared that story of unallocated staff sitting in the public sector, my employer at the time. But that was not all the roles that we had to look at. As I said, in the private sector I had a state office of 10 staff to look after 1 000 staff, yet in the public sector, I had a staff of 180 to look after 1 300. When I started to walk around the office looking at the roles within that business, I just wanted to understand what everybody was doing. On another floor I came across these desks that had double LCD screens, twice the size of anybody else’s on the floor. I stopped and said, “Wow, what do you guys do?” They said, “We make maps.” I said that was interesting and asked if they could show me. They walked me through the process indicating they had access to every federal and state government agency; they could plot anything on a map that we would want. It was really fascinating. It went through to this printer out the back, which filled the size of a room—interestingly, we were paying over \$20 000 a month for it! After I was walked through the process, I went through the exercise of having two maps printed for me. Then I asked the obvious question, “How many maps have you made in the last two years?” They said none. We were going through over half a million dollars a year on resources for a function that served no purpose and was not used. I do not understand when people say we should not do something about this. People in that business who are out on the front line interacting with the customers and who were critical to that business were run off their feet. Like any business, we had limited resources. We, therefore, wanted to shift those people across to get as many of those resources out to the front line, yet they did not want to go. Let me tell members why they did not want to go. There were other things going on in that business. When I walked in I noticed that every fortnight someone would come and massage these people in the state office. It was their career ambition to make it to the state office because then they had made it. However, the most important people in that business were not the people in the state office; it was the ones who were interacting with the customers out on

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the front line. This is the same for every public service agency in this state. The most important people are the ones who serve on the front line, whether they are police, nurses, teachers—whomever. We have to make sure that we look after the people who serve on our front line, focusing on the areas in need to ensure that we drive efficiency and effectiveness to deliver more services to the community. It does not mean that we do not have to focus at times on the roles that are performed out in the front line. We do, and we should always look at those roles. We must be continuously vigilant in our drive for more efficient and effective delivery of service.

I would like to just touch on a couple of things that came out of my research. It is really interesting because the whole debate these last two weeks has been around this bill supposedly being unfair and discriminatory towards people who work in the public sector. I will quote now straight from *Hansard*, in which the Leader of the Opposition states —

These laws show that the government is not treating the public sector in Western Australia, the people who work for the government, with any sense of fairness or decency.

I will just jump over a few lines —

This policy is inherently unfair for the reason that it does not apply to private sector employees. Public sector wages policy does not apply to people negotiating their pay and conditions in the private sector in the same way as it does to people in the public sector.

I can assure members, from my experience as a senior executive in the private sector, that it does apply. I can assure members that every time we sat down to negotiate and determine wages for our employees, we took into account the health of the business and the economic forecast for the future so that we could understand exactly what would happen. It drove our wages policy. To say that it was unfair for the reason that it does not apply is incorrect; to say that it is discriminatory is totally incorrect. Let us look at the opposition's hypocrisy when 59 people were forced into redundancy back in 2003. This shoots to smithereens all the arguments that the opposition has made throughout this whole debate.

Interestingly, when I spoke in the budget debate, I demonstrated that the opposition was prosecuting two arguments. One of those arguments was that, as a government, we were running up our debt too fast. Its second argument was that we were not spending enough money on a number of services. What interested me that day was that the opposition was getting only one argument run in the newspaper, and that argument was around the state's debt level and its AAA rating and so forth. What never got a run was all the additional things that the opposition wanted to do. The member for Gosnells put up an argument that he wanted to take back 72 per cent of all pastoral leases in Western Australia. I highlighted at the time that it would have cost a couple of billion dollars, and that did not take into account how we were going to look after the land once we had taken it from these station owners. It got me thinking, so I did a little bit of research on why the papers were running only one argument of the opposition. The Leader of the Opposition raised something in question time that caused me to have a little look. I found that since May 2013, opposition members have quoted *The West Australian* over 100 times. It led me to a simple conclusion; namely, they have not been able to determine their arguments on their own. In fact, they are taking their arguments straight out of *The West Australian*. I would go so far to say that Gareth Parker and Daniel Emerson are probably the two leading research officers the opposition has at this point in time in the house. When I researched for this debate, I noted that no article had been written in *The West Australian* about it. That reinforces the fact that to date opposition members have had no argument and no debate that is meaningful in this house. I hope the opposition has those two people on the payroll.

Mr P.B. Watson: You've got Dixie Marshall. She makes all the decisions for you.

Mr D.C. NALDER: I am just highlighting the fact that they have not written anything on this bill in the newspapers, and the opposition has had no point to argue.

Several members interjected.

The ACTING SPEAKER: Members!

Mr D.C. NALDER: I have demonstrated that the opposition's arguments in this debate are baseless. It has argued that the legislation is unfair and hypocritical, yet I have proved and demonstrated that in no way is it —

Mr D.J. Kelly: Can I ask you a question, member?

Mr D.C. NALDER: No, not at the moment.

Mr D.J. Kelly: It's the strength of your argument, comrade.

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Mr D.C. NALDER: Comrade?

The ACTING SPEAKER: Member for Bassendean! The member has declined to take an interjection.

Mr D.C. NALDER: One of the things I would like to do is shift this debate into the private sector. I want to demonstrate how this plays out.

[Member's time extended.]

Mr D.C. NALDER: I was in the private sector, and making people redundant is not pleasant. It is not a pleasant experience. No-one likes to do it; no-one likes to go through it. However, we have a responsibility to do what is best. I will demonstrate how this played out at the end of the day. When I shifted back to Western Australia from Victoria and took a senior position over here running a major retail bank for Western Australia and South Australia, it was at a time when the banks were shutting branches. It was at the end of 2003 and the beginning of 2004. I had a look at what was happening over here and I wanted to restructure and change it. In the four and a half years that I ran that business, in the Perth metropolitan area alone we increased the staff from 450 to more than 600. We opened 14 new branches and tripled the number of ATMs. We shifted it from one sales full-time equivalent on mortgages per branch to more than 2.5. The results were amazing. That organisation had a staff of 1 000-plus. An independent survey was done by a company called Hewitt, which recognised that if a staff engagement over 60 per cent was established, it was considered best practice. The staff engagement of that business was sitting in the mid-70s—76 per cent.

Mr D.J. Kelly: Which bank was it?

Mr D.C. NALDER: I do not think I need to talk about that. He knows where I worked.

Mr D.J. Kelly: It's not a secret.

Mr P.B. Watson: It wasn't that good at Australia Post, though.

Mr D.C. NALDER: We did not actually measure it at Australia Post. I could not tell the member.

Mr P.B. Watson: I can understand why.

Mr D.C. NALDER: He's a former Australia Post man.

My point is this: the private sector has had access to involuntary redundancy for a long time. I heard the member for Armadale try to argue that it was unfair to people and that they would have fear. They are the only employees in Australia to which this is not attributable. I just have not seen any basis for that argument that there will be fear everywhere in the public service because of this bill. I think it is ridiculous that these arguments have been put before the house. Therefore, I stand in support of this bill.

MR M.P. MURRAY (Collie–Preston) [7.23 pm]: I will start by saying that I am very, very confused about why the Workforce Reform Bill 2013 is before the house, when in question time the Minister for Police said one thing and the Premier said another. It just shows—there it is; it is written right there—what a dysfunctional government we have at the moment. It has thought bubbles that it puts into place and hopes they work. It is not about whether they will work or might work; the government hopes they will work. The Premier is now walking out of the chamber because it is a bit hot for him in here. The Premier himself had to disagree with one of his ministers about her position on this bill. It was said that the police would not come under this legislation. Of recent times I have had representations from the WA Police Union saying that they will. The union is very concerned about the impact it will have on the police service. Having heard that, I did some further research and found that not everyone is equal under this bill. I am very concerned about that. Once the government puts in the legislation a common denominator about pay rises and enshrines that, and it is not based on work value, job satisfaction or any of those things that go with a job—it just says that that is what people will get as their pay rises in the future and that is all they are allowed—straightaway people start to say, “Well, if that's all I'm worth, I'll drop back into the field. I'll slow down and just sit amongst the crowd and do what I have to do and no more.” The incentives are taken away to really get out there and do a great job.

The public service is a necessity; there is no doubt about that. We must have a public service. In earlier times, that is what government and taxes were about. It was just to run the public service. Now we have gone past that and we want to fund many other things that are not what people would say are core business. However, I believe the public service is and that it should be looked after. We have also conceded that if a person is in the public service, they will not always be the best paid, but they have some security. That has been taken away, so why would people want to go there? They will stay in private enterprise and take their luck as it comes. They will not work for five years before they get a promotion; they will just sit there and say, “My wages are coming in. If I

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don't make a noise, I'll be okay." Some people would say that they should face forced redundancy if that is their attitude. We will not get an attitude change by pegging wages and saying to people, "This is your lot." There must be incentives. I do not see this bill putting any incentives into the workplace; in fact, it is a disincentive. It is about people ducking down, hiding and not being found while they are in the job. If not, they should look for redeployment, so again they hide. That is where I see many flaws in this bill.

Once a government puts all the people into one basket, as it is doing with this legislation, there will be problems in the future. There will be outbreaks when people say that their work value is more than someone else's, yet the other person got a 2.5 per cent increase and they got a 2.5 per cent increase. They will want to know why they are doing extra work. There will be strikes; people will withdraw their labour because they believe they are worth more than they are getting. That is unfortunate, but that is the way of the world, and it does not matter which side of politics people are on. If the government does not leave some incentives, it will have a problem.

I have seen this government open the door to voluntary redundancies. Now we have a bill under which we could have forced redundancies. The government should remember one thing, and this is something that was told to me a long time ago: when we have voluntary redundancies and we open the gate—it is an old saying in the bush—only the good horses will get out because they are the smart ones. If we open the gate, the good horses are gone. The duds—the ones that are no good—will still be sitting in the paddock because they know that they are on a good thing and they can just sit around and, hopefully, not be worked to death. However, once the people at the top have gone, and the people at the bottom are forced to go, we have a workforce that does not know what to do with itself. People do not know whether to put up their hand because the top end has been pushed out or whether they should stay idle and be pushed out under the system. It is something that I believe is human nature. I have seen it and I have worked with it. At one stage, 350 people in the coal industry were put off. We had a list. Ours was on seniority. Those above the line could go if they wished, those below the line could go if they wished, and those in the middle could stay. What happened there was that we could not tell people that their job was safe, so they were insecure. They did not want to listen to what was said. They had preconceived ideas about where they were. This is what I am going to see, without doubt, in the public service. People will say, "Should I go, shouldn't I go, will I go or how do I go, and do I take the cash and run?" I believe that is exactly what is going to happen. Their commitment to the job goes out the door once they become just a number. I believe that once people become a number in any industry, they lose the plot. People must be treated as humans. I do not see that happening under these work laws. I just see that the person who is number 7 224 will be out.

Anyone who watched *Four Corners* last night probably would have had a bit of a giggle when Clive Palmer, the new eminent politician, said that he supported having more public servants. Queensland has 14 000 public servants. I am not sure of his reasoning. His explanation was not the best, but he did say that there is a place in Australia for public servants, and I believe the same thing applies in Western Australia. Clive Palmer has made millions off his own back, and sometimes off someone else's, but he still supports public servants. We should never forget that. He is a self-made person. Like him, love him, hate him or whatever, he said that we need public servants. We have heard people say in this house that we are going to get rid of red tape. How are we going to get rid of it if we do not have anyone to do the job? If members go to a country area for a while, they will see what I mean. There are people out there who are what I call working poor. These people work for the government and have to rely on benefits from the federal government to make up their wage. To be quite honest, that is a shame on this Parliament, regardless of which side of politics members come from. Some people working in the public service who have two or three children cannot make ends meet, yet we are saying that their pay rise will be capped at 2.5 per cent. Members should have a real deep think about the 2.5 per cent pay rise. For people who are on \$300 000 a year, a 2.5 per cent rise is not too bad, but for those public servants on \$41 000 or \$42 000 a year, a 2.5 per cent rise will not buy them a McDonald's meal at the end of the week. That is where we are going if we cap wages at a certain percentage. The Australian Council of Trade Unions got it right with the first bit when there were percentage pay rises, but we have created this working poor because of the gap between percentage rises for people on \$100 000 and people on \$50 000. I think that came in in 1993, or maybe it was earlier in 1987 or 1988. The gap keeps creeping if there is a three per cent rise across the board. There is quite a big difference between three per cent of \$100 000 and three per cent of \$30 000. There is a widening gap and we have a problem in society.

It is very simple to look at. We should look at the workplace in a different way. It is about the drift that we are having. It is about leaving people behind and expecting them to stay there. These are good people who really want to work within the system. As we have this drift, we see them drop out or become non-productive. They have nowhere else to go, and because their wages come in every week, they just duck down and stay there. It is a problem that society will have to face shortly. The minimum wage increases have been opposed by this

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government. The wage increases for apprentices have been opposed by this government. Apprentices could not afford to leave home because of the job or dropped out because they could earn more at McDonald's. There is a problem in our society that will not be addressed by this bill. I would like to think it will be, but it certainly will not.

Let us remember how much of a role personalities play in a workplace. Personalities are probably the biggest thing in a workplace. If the employer gets the personalities right, they have a happy team and the workplace is productive. But if they put the pressure on and say, "If you don't do this, I'll make sure that you're out of here within 12 months. I will write you up three times so that I fit in with the Fair Work Act and you'll be gone", straightaway it will become a very sour workplace and people will drop back into the system and they will not be game to speak, put their ideas forward or do a little extra in case someone complains. That is not the type of place that I would like to work in. I believe this bill will escalate those problems. There is no doubt about that. The Premier is back in the chamber. I remember when he said that every sheep in his paddock was not the same and he used to name them. Why did he name them? He named them because they had different personalities. That is what we are trying to do in the public service; we are trying to say that they are all the same and there is no difference between one person and the next. That is not true. Again, when incentives are taken away, that really escalates the issues within the workplace.

We are driving people out of the system. We heard the Minister for Police say that the number of police officers will be reduced to get a better service, to have more police on the beat and to support those on the beat. How in the hell is the book work going to be done if the police numbers are reduced? It is impossible to keep that work going. If the minister and the Premier are saying that there are 150 people who are not worth their salt, there is something wrong with management. They should look at the top end for a change and ask whether those people are doing their job. Are they making sure that the place is productive? I do not care whether it is a mine or the public service; the same thing must be looked at. I do not see that. We throw huge amounts of money at the top end of the public service. A wage of between \$400 000 and \$600 000 is not uncommon at the top end of the public service, yet when things go wrong, do we pull them in and tell them that they are not worth their salt? No; a few get their heads chopped off from time to time, but we do not analyse how they manage people down the line. They become distant from their workforce because of pressures in other areas and they do not work as a unit to make sure that the taxpayers of WA get a fair deal from their public servants. I am not saying that they should be whipped to death.

Mr M.H. Taylor: Are you saying that there should be forced redundancies?

Mr M.P. MURRAY: No; I am saying that people should go to work and do their job and not be under threat of someone standing over them like a big stork and saying, "If you don't do your job, you're not getting your 2.5 per cent rise. As a matter of fact, under this bill, you'll be gone because I'll get you a forced redundancy." That is what this bill is about. That is something that members opposite have forgotten. The biggest impact in the workplace will come from how it is managed. I do not believe it can be managed under the system that will be put in.

We are a growing state. The Premier has said many times that we could lead the nation, yet we are going to wipe out all the good people by giving them voluntary redundancies. Maybe some people down the end should leave, but I do not think it is right to force them to leave. Anyone who has been in a large workforce will know that there is a chain. There is always someone at the bottom and when the person at the bottom is chopped off, there is someone at the next link. Sooner or later, whose bum is at the bottom of the chain? It will be that person's. We have to remember that. We can say that we will get rid of them, but why not work with them? Why not get value out of the person we are paying, instead of saying that they are no good and getting rid of them. The only reason for that is to balance the budget, of course. That is probably where the problem is. The budget has been poorly managed by this government and now it is using a human element to try to balance it.

I think this bill needs a lot of work. We should not put everyone in the one basket. I think it is time the Premier stood up and asked whether the government has got this right. It is easy to sell a story in any room whatsoever. If the government does not get it right, we will have problems in future. I saw that in the mines department when it was gutted. There was a huge spike in deaths—that was under a Labor government, not a Liberal government—because we took people out of the mining industry, took away inspectors and brought their numbers down. We moved them to all Perth and then we put back 24 mining inspectors, although I could be corrected, because people dropped the ball while there was no-one there. That was a government department. In the meantime we lost a lot of people in the mining industry and projects were shut down because the rules put in place were not abided by. I cannot see how we can go on in the future without rethinking this bill. The government says it will save money by putting people out the door, but as my boss used to say, "Time is the essence of the contract and

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make sure you get the job done well.” That is what we should look at. We should look at how we do things and how we smarten things up. Remember, time is money in the end. I do not see that attitude in any of the places I know of. There are many, many government departments whose way of doing business angers me at times. Seriously, they make me very, very angry, but in the sense of it, do we have enough leadership at the top to admit there is a problem? Should the minister put out a ministerial statement two or three times a week? It costs, I think, \$1 800 a statement now, if it is worked out on time. If we look at things from that point of view, why is management at the top not coming under the pressure, instead of just people at the bottom? It bemuses me because coming to this place from my humble background as a burnt out mechanic, having worked through systems in the mining industry in which at one stage 3 600 people worked in my section, and having watched what happens as time is chopped off, production went down; it did not go up. I believe we will see the same thing in the public service. The chops will be made in the wrong places and the chops will be made to satisfy people at mid-level and the levels above. They will certainly not help the people at the bottom who are generally the grunters who do the work anyway. We all know how people take credit for other people’s ideas, and I think that is one problem we will see. In saying that, on 27 September 2012, the Premier said in this place —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, ...

Does the Premier still abide by that?

Mr C.J. Barnett: That was in an environment when there were large public service cuts, particularly in Queensland—that was the context. I made it very clear that we were not planning that and we will not be doing that.

Mr M.P. MURRAY: I know the Premier said that because it was before the election and he was pandering to the public by saying he would not change things and that people’s jobs were safe.

Mr C.J. BARNETT: Mr Acting Speaker —

The ACTING SPEAKER: I am sorry.

Mr C.J. BARNETT: Mr Acting Speaker, there was no call from the opposition and there was no member in their seat who had not spoken.

Several members interjected.

Point of Order

Mr D.A. TEMPLEMAN: The Premier and the Leader of the House are well aware of the two remaining speakers from the opposition, the member for Albany and the member for Kimberley.

Mr C.J. BARNETT: I am prepared to be gracious, but I make the point that there was no member on the other side who rose and there was no member in their seat apart from the member for Kimberley who had not spoken, therefore I took the call. However, in the spirit of goodwill I will sit down.

The ACTING SPEAKER (Mr I.C. Blayney): Thank you, Premier. I was aware that the member for Collie–Preston had not heard the bell for an extension, and that is why the member for Albany was out of his seat.

Mr M.P. Murray interjected.

The ACTING SPEAKER: I am sorry, member for Collie–Preston, but I cannot give you an extension.

Debate Resumed

MR P.B. WATSON (Albany) [7.45 pm]: In my contribution to the second reading debate on the Workforce Reform Bill 2013 I would just follow on with the comments made by the Premier on 7 September 2012 pointed out by the member for Collie–Preston. I make it clear that this was the Premier of the state speaking—before the election, obviously. I make it clear that he said that there would be no cuts to the public sector and that they would not happen. That is just another broken promise. How can people believe what this man says in Parliament? He said there would not be any jobs cut or anything like that; how can we trust this man who has broken promises? He has broken promises on local government. He made a promise that nothing would happen there and that they would not merge, but that is happening. He broke a promise about no public servants losing jobs —

Mr M.H. Taylor interjected.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr P.B. WATSON: Excuse me, can I have no interjections please? If members want to say something, they have the opportunity to get on their feet.

Mr M.H. Taylor interjected.

Mr P.B. WATSON: The member for Bateman has the opportunity to get on his feet and show a bit of ticker or sit there and say nothing. Can I have some protection please, Mr Acting Speaker?

Several members interjected.

The ACTING SPEAKER: The member for Albany has sought the protection of the Acting Speaker, so I ask him to direct his comments to me and we will all listen in silence.

Mr P.B. WATSON: We have just used up another minute. One of the new members, the member for Alfred Cove, got on his feet tonight after he sat around for eight months and listened to what everybody said. It was interesting that he made the comments he did. I think he said some good things from a management point of view.

Mr W.R. Marmion: Of course he did!

Mr P.B. WATSON: I was not speaking to the Minister for Mines and Petroleum; I was speaking to the member for Alfred Cove. The member for Alfred Cove made some very good comments from a managerial perspective. He talked about ANZ bank. I know he was with Australia Post and he did a very good job there. We are talking about people at the lower levels; they are the ones who will go. One of my main concerns is that after working at Australia Post for a long time, I know that the people in the middle will not be the ones affected by this issue. The waste in the public service is at the higher levels. We talked about “Silver City” with the education department. Government agencies have all these tiers. When Labor got back into power, we had the budget estimates hearing. The configuration in the chamber was a bit different to now.

Mr W.R. Marmion: You were over here, were you?

Mr P.B. WATSON: I am talking about budget estimates, if the member is listening. The minister responsible for the department was sitting in one spot over there and every other spot was covered with bureaucrats—the whole chamber—and they were also on this side here. Bob Kucera was the minister and the next year there was only half the amount of bureaucrats. Every bureaucrat has their own little agency. I think all new members when they first come into this place get onto a government agency and think they have gone to the right person, but they find out about a month later when nothing has been done that the person they went to has no authority at all; they just have their own little kingdom and everyone else works underneath them. About two years after that second estimates hearing, the bureaucrats started to build up again—they breed. Now it is exactly the same. There is all this bureaucracy at the top of the public service, but none of those guys ever seem to go—it is always the ones at the lower level. However, the public service is very important to us in WA, especially in regional areas. Anyone who goes to any government agency in Albany is queued right out the door. That is not because of the lack of ability of staff, it is because of the lack of staff. Anyone who goes to get their licence is queued out into the street.

Mr W.R. Marmion: How many in the queue?

Mr P.B. WATSON: Excuse me? I asked for no interjections.

Several members interjected.

Mr P.B. WATSON: Do government members not think we have queues in the street in Albany at planning?

Several members interjected.

Mr P.B. WATSON: The Premier has been out for another chardonnay. Since then I asked for protection from the Acting Speaker.

Mr C.J. Barnett: We will protect you, princess; don't worry.

Mr P.B. WATSON: Thank you very much.

The ACTING SPEAKER: Just direct your comments to the Speaker please, member.

Mr P.B. WATSON: The minister for—what is the member's ministerial job now—water?

Mr W.R. Marmion: Housing.

Mr P.B. WATSON: The Minister for Housing seems to think that the state housing commission in Albany does not have queues.

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Mr W.R. Marmion: You might have in housing.

Mr P.B. WATSON: There are also queues at planning.

Mr J.H.D. Day: Planning? What queues in the planning office are there?

Mr P.B. WATSON: Yes, down at the City of Albany. There are queues every day and people cannot get appointments when they want them because there is not enough staff.

The members opposite might think that it is a joke but my constituents do not; they are in these places on a regular basis, especially housing. It is not the fault of the staff; they are brilliant, but they are overworked. If there are cuts to staff, the standard will drop and people will leave. All the good people will be lost because they will go to the private sector where they will be looked after and have job security. Why have these cuts been planned? The state government has lost the AAA credit rating.

Mr J.H.D. Day: You can't have it both ways. You complain about how much has been spent and then when there is an attempt to rein in spending, you complain about that.

Mr P.B. WATSON: Has the member made a speech on this yet? He sits over there and says nothing for a week and then all of a sudden he has plenty to say.

The government is like a rudderless ship putting along making all these promises that are fully costed and fully funded; and then, hold on, the election is over and it has made all these promises, how is it going to get the money? Who suffers from that? Not the big people on the terrace; no-one in the Liberal Party; it is the poor old people in the street and the public servants. The public servants are very important to the community; they are the people who keep the government machine going.

On the AAA credit rating, I spoke to the former Treasurer, Christian Porter, the other day, and he said that he told the Premier and the government that there would be huge issues in the future. But who would listen to him? No-one. The Premier just said, "Okay, on your bike." The Leader of the National Party has lost the power he had for regional people. He more or less said to the Premier that he wanted something done. The Premier said to him, "On your bike." Soon there will only be one person on that side of the chamber: the Premier. I do not know whether members have been out in the streets lately, but the Premier is not the most popular person in Western Australia. I do not think he will be Premier after the next election, from all the feedback I have had from the backbenchers over there, and he is not doing a very good job for the members opposite at the moment.

When a public servant wants to get a loan for a house or a car, what if they do not have job security? The member for Alfred Cove said he does not know what this fear of involuntary redundancy is. It is not noticeable up at the top level but, member for Alfred Cove, as the member for Collie–Preston said, there is pressure in the workplace. When the employer says people are going to be laid off, people always think that they are the best person working there. How is that judged? When five people from a section have to go, how will those people be judged? At the moment, in the disability services section there is a conflict of interest between a manager in the Albany office and their manager in Perth. That is just a personality conflict, but will it turn into someone saying, "I do not like that person, so I will give them the redundancy."

Mr D.C. Nalder: Do you know that I have been made redundant twice?

Mr P.B. WATSON: There is a lesson there. Look where the member is now.

Mr D.C. Nalder: You actually said that we don't know what it is like.

Several members interjected.

Mr D.C. Nalder: It is nothing to do with laziness; the job did not exist anymore.

Mr P.B. WATSON: But the member would have been on contract.

Mr D.C. Nalder: No.

Mr P.B. WATSON: Okay, fair enough. Maybe the member is the one person we should be dealing with. But we should not be dealing with the Premier because he has got no idea about what people think. He is up on his little pedestal and he does not care about people; he is only worried about his own ego.

Mr J.H.D. Day: That wasn't demonstrated at the last election.

Mr P.B. WATSON: That is fair enough. Then again people trust people to deliver on what they say.

Mr P. Abetz interjected.

Mr P.B. WATSON: I am not speaking to the member. The government does not care; go and ask the people on the street. The government gives \$2 million to Chinese businesses in Northbridge but it takes money off the

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school kids with reading problems by taking away their carers. Members opposite are an absolute disgrace. The legacy that the Premier wants to have so much will be an absolute disaster. When the Premier goes, before or at the next election, he will go to his little farm and live on his big pension, but people will suffer for a long time.

Mr C.J. Barnett: You are a bitter little man.

Mr P.B. WATSON: No, I am not bitter; I am saying what people say to me in the street. They do not like the Premier and they will work it out.

Mr C.J. Barnett: Tell you what, I will be down in Albany soon and I will see how I go down there because you will not be included.

Several members interjected.

Mr P.B. WATSON: I would not be seen walking anywhere near the Premier. Someone said to me the other day that if Colin Barnett was not the Premier, I probably would have lost Albany. I said that is right.

Mr M.P. Murray: Member for Albany, is he going to stay at that hotel down at the beach? What is the name of that place?

Mr P.B. WATSON: The Esplanade—another broken promise. He will probably stay on the foreshore where they were going to build a hotel or he could tap into the gas pipeline that has been promised for two elections and nothing has happened. This is a man who is loved and cherished in Albany.

Mr C.J. Barnett: You are a loser.

Mr P.B. WATSON: Loser! I have won the Albany seat four times and the Premier has had something to do with it each time. Every time the Premier comes to Albany I get extra votes. He walks along the beach down there and they think it is a whale sighting.

Anyway, WA Police is very disappointed about the recently tabled Workforce Reform Bill 2013 and the deleterious impact it will have on the wider public service workforce and the adverse effects it will have on its members. It is also WA Police's view that there are sound reasons why police officers should not be subject to the WA public sector wages policy. In 2000, Western Australia's Industrial Relations Act 1979 was changed to ensure that police officers were recognised as employees of the Commissioner of Police with access to the WA Industrial Relations Commission under the jurisdiction of the police service arbitrator. There are other differences with police officers. They are the only group of WA public sector employees who are agents of the Crown and as such members of the WA Police are never off duty, due to their oath of office and common law responsibility as a police constable to uphold the law. As agents of the Crown they are subject to removal under the loss of confidence provisions in section 8 of the Police Act. Like other state and federal police, a member of WA Police is only covered by the Workers' Compensation Injury Management Act if he or she suffers an injury and dies as a result of that injury. Police are a different case and I fully support their claims.

I thank the Acting Speaker for his protection because I felt very vulnerable up here tonight with those people on the other side. I think that there are fewer protections for public servants. I think public servants are a very important part of our community; they are the glue that holds the government together, although I do not know if it could hold this government together. They provide services under tremendous pressure. As I say, and people laugh at us, the people who work in Albany in the state government offices are under continuous pressure. They continue to smile and do their jobs, but they can only do so much. These redundancy provisions put extra pressure on people who have enough pressure on them. I do not support this bill.

MS J. FARRER (Kimberley) [8.00 pm]: I also rise to speak about the Workforce Reform Bill 2013. As many of my colleagues have stated, WA Labor opposes the bill. There are three key areas on which we fundamentally disagree with the government. All those areas have been outlined previously, but it is important to go over them again and to refer, in particular, to some of the issues faced by public sector workers in my electorate and some of the concerns that they have raised with me personally.

First, as many of my colleagues have said, the laws are unfair and they discriminate against people who work in the public sector versus those who work in the private sector. Secondly, the laws are not in accordance with the government's commitments to the people of the Kimberley, and Western Australia, prior to the election. Finally, the laws are inconsistent with the agreements this government made with its employees prior to the last election.

Throughout the Kimberley, whether I am in Fitzroy Crossing, on the Dampier Peninsula or out in the desert past Balgo, government workers across many departments are concerned. The morale of many workers is very low. In small country towns and even smaller remote communities where everybody knows everybody, people are baffled by cuts to education. I refer to key education programs, such as numeracy and literacy consultants and

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Aboriginal education assistants. These communities have borne the brunt of efficiency cuts, despite the fact that every minister has marched into this chamber and declared that the government is cutting X amount of money or X number of jobs with the inadequate declaration that no front-line services will be affected. Everybody knows that services have been affected. Everybody in the Kimberley has experienced issues with accessing anything from a speech therapist or a health nurse, through to the licensing service or a housing caseworker. Nobody really believes the government's declarations anymore.

I want to illustrate just what affect this has had on the ability of departments to recruit and retain workers in the Kimberley region, a task that these laws will only make more difficult and will produce even poorer outcomes for the people in the Kimberley when they try to access these services. Public servants do a fantastic job for the most part. Sometimes when they come to Kimberley from the city or other regions, they are a little green and need a lesson or two about things that really do exist, such as Kimberley time. However, they become important community members. Many locals who work in the public sector are very active outside of work and are involved in organising local sport, cultural events and other community events. Although I am sure many people in the public sector throughout the state face many challenges in their daily work life, there are some unique and tough challenges in the Kimberley. Sometimes there are big cultural differences to deal with, especially if a person has just got off a plane from the city. Another challenge is the sheer size of the region that a person may have to cover if they work for departments that deal with housing, child protection or mental health issues, because it is unlike almost any other region, besides the Pilbara and the goldfields.

A person in the mining sector may have to deal with other difficulties. I will refer to some examples of how I think we are letting down these workers and making their jobs unnecessarily tougher. People who work for a mining, recruitment or construction company in the Kimberley region will probably undergo a bunch of training before they start. They will probably have cultural awareness training if they will be working with Aboriginal people or in areas in which there are many local people. If they are driving off-road, they will probably have off-road training before they can drive. That sounds pretty reasonable to me, yet most government workers receive no training whatsoever in either of these areas.

Over the last year I have spoken to people in the departments who deal almost exclusively with Aboriginal people in remote areas, yet they have had no cultural awareness training. They also travel to places such as Noonkanbah, Balgo and Ringer Soak, often on some of the most dangerous roads in the state after the rains and they have to make multiple creek and river crossings in the wet with no training and often without a satellite phone or enough safety equipment. Luckily there are not too many people in the Kimberley who would drive past a person in trouble on the side of the road. These people do really difficult work, have heavy workloads, travel vast distances and are often given grossly inadequate support. They often live in communities many hundreds or thousands of kilometres away from their family and friends in what can be a harsh climate. As I said, they become important community members who go above and beyond for not only the local community they serve, but also the broader region and state.

This blunt legislation is being used to override the government's face-to-face commitment to workers in the enterprise bargaining process. Workers understood that their employers agreed that they would not be forcibly dismissed or made redundant through the redundancy process. During the last election, which was only nine months ago, this was a big issue for many government workers. They had seen the big cuts in public service numbers in Queensland and other states, and they wanted assurances from this government that that would not happen here—and they got them. On 27 September 2012, the Leader of the Opposition asked a question of the Premier, who answered —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all ...

... no-one is going to be losing their job, no-one is going to be laid off ...

People took the Premier and his government at their word, but they have been let down. This is what I have been told by people in the Kimberley. They said that without job security, many more workers in the Kimberley will seek employment in other sectors and it will be even harder to recruit and retain staff. Already many departments in the Kimberley have critically low staffing numbers. Has the government considered the effect that this legislation will have on these remote communities and the staff that service them?

Today I had the great pleasure of welcoming to Parliament House some Aboriginal workers from Northern Minerals, a small mining company that operates just outside Ringer Soak, in my electorate. I thank the Leader of the Opposition and the Premier for taking the time to greet them in the courtyard. They have never had the

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experience of meeting a Premier or a Leader of the Opposition. It was a great opportunity for them to say hello. Each of the workers went away feeling excited that the Premier and Leader of the Opposition had said hello to them. It was a big thing for them. Those workers, each with terrific skill sets, are working in the private sector, although each could make a significant contribution to the public sphere. As more and more projects in the Kimberley take off, the public sector will become less and less attractive to workers in the region and resources and support for the workforce will become more and more scarce.

Departments in the Kimberley are fighting for the same local skilled and unskilled labour as mining companies, oil and gas companies, the busy not-for-profit sector and small businesses. We are not only fighting over the same local staff and workers who come from the city or other regions, but also competing with the riches of the Pilbara and the many amenities of other regions that one might not get in, say, Balgo or Koorabye. As much as I love the desert landscape, I recognise that it is not to everyone's taste. All these things weigh against working for the public sector in the Kimberley, and that is even before we start talking about the real effects of efficiency dividends and the increasingly limited resources that our departments are forced to work with because of the mismanagement of the state's finances by this government.

Given the government's track record with cuts, and now the introduction of forced redundancies, why would ordinary public servants across the public sector have any faith in anything it says when it has one rule for some and another rule for others? As has been stated, the enforcement of the government's wages policy has been incoherent and shambolic. Some public servants have received wages increases in the last year well above the stated target—good on them!—but why is this government enforcing one rule for certain groups while enforcing this legislation and lower targets for others? We ask ourselves why the government has picked winners in the public sector and why the rest are forced to carry the burden of the government's budget mismanagement.

In a region where the starting salary in oil and gas is as high as \$90 000 per annum and projects are increasingly outside main towns, departments will struggle to recruit staff if they cannot guarantee reasonable wage rises or job security.

[Interruption from the gallery.]

The ACTING SPEAKER (Mr P. Abetz): Visitors in the gallery, you are very welcome to take note of the proceedings, but you are not allowed to make any noise or anything like that. You can just be silent observers.

MR C.J. BARNETT (Cottesloe — Premier) [8.09 pm] — in reply: There have been a large number of speakers in this debate and a number of themes have been repeated several times. That is fine; I do not mind that. I will therefore respond by commenting on some specific issues. A theme running through the responses by the Labor Party was that somehow Labor Party members are better to and more respectful of public servants than is the Liberal–National government. That was repeatedly said by members opposite. I challenge that by raising a few facts. I have been in this place for a long time and I have heard many false terms.

I was deputy leader to Richard Court when the Liberal–National government won the 1993 election. I remember it well because the period leading up to that was very controversial. There was the WA Inc saga, women's issues that Carmen Lawrence was caught up in —

Mr W.R. Marmion: Western Women.

Mr C.J. BARNETT: Western Women was a very controversial issue. There was the suicide of Penny Easton and other matters. It was a failed government. It was probably the most disgraceful government in Australian history under Burke, the great transgressor. Peter Dowding tried to remedy the situation but poured more and more money into Rothwells Ltd and compromised Western Australia, damaged our international standing and wasted, conservatively, \$1.5 billion dollars of taxpayers' money to bail out his corporate friends.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: I regard Carmen Lawrence as a decent person but there were her dealings with Western Women and the Penny Easton suicide, and it went on.

Mr D.J. Kelly: Come on, Premier.

Mr C.J. BARNETT: That is what happened. I was here; I endured it.

Mr P. Papalia: What does this have to do with us?

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The ACTING SPEAKER: Members!

Mr C.J. BARNETT: It is about the public service.

Several members interjected.

The ACTING SPEAKER: Short interjections are acceptable in this place; you know that, but what is happening now is not acceptable.

Mr C.J. BARNETT: The Burke government and the Labor governments that followed his were without doubt the most disgraceful governments in Australian history. People might point to the Whitlam government but in that government there were not the totally improper and, I would say, corrupt activities of the Burke government, such as pouring money from motorists into failed business entities—pouring money into Rothwells, which was not even a bank.

Mr P.B. Watson: You're getting low.

Mr C.J. BARNETT: It is not low; it is a matter of this state's history—the most shameful episode in the history of Western Australia.

Several members interjected.

Mr C.J. BARNETT: Members opposite can all defend it if they wish to.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah, I call you for the second time.

Point of Order

Mr J.R. QUIGLEY: When I raised the spectre of mandatory sentencing in my contribution to the second reading debate, the Premier took a point of order that it had no relevance to the business before the house. WA Inc of the 1980s is even further removed. This is not relevant to the business before the house. I invite the Chair to be consistent.

The ACTING SPEAKER (Mr P. Abetz): Premier, I encourage you to focus on the public service.

Debate Resumed

Mr C.J. BARNETT: The point I am making is about the relationship between government and the public service. The activities of the Burke, Dowding and Lawrence governments, in every sense, compromised the public service of Western Australia—in every single sense. I have spoken to public servants who served through that period. It was horrific for them. For Labor Party members to come in today and pretend that they are the upholders of standards is the greatest hypocrisy we have heard in this Parliament. The point I want to make is that when Richard Court became Premier—as I say, I was his deputy—after that disgraceful period, how many public servants do members opposite think were removed from employment? It was only one, and that person was Marcelle Anderson, who was chief of staff to Carmen Lawrence. To her credit, Marcelle Anderson went to Richard Court and said words to the effect, “I know I have to go; can we negotiate a settlement?”

Mr D.J. Kelly: What does this have to do with the bill, Premier?

Mr C.J. BARNETT: I am going to tell members right now what it has to do with the bill. It is the relationship between executive government and the public service, which is what this bill is about.

Mr D.J. Kelly: Talk to the bill.

The ACTING SPEAKER: Member for Bassendean, I will call you if you do not cease.

Mr C.J. BARNETT: How upset he is to be associated with a corrupt government.

Point of Order

Mr P.B. WATSON: Mr Acting Speaker, right through this debate we have been told by the Speaker and Acting Speakers to talk about the bill. The Premier has not mentioned one thing about it so far, and I call him to get back to the bill we are debating.

Mr J.H.D. DAY: On the point of order, the debate is about the public service in Western Australia and changes within that. The Premier is drawing attention to some history about the relationship between executive government and the public service and is only about four minutes into his speech. I do not think he is being unreasonable.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Several members interjected

The ACTING SPEAKER: Members! Points of order are to be heard in silence. You all know that. There is no point of order. The Premier has got back to the issue of the public service and the impact on the public service responding to the issues raised by the opposition.

Debate Resumed

Mr C.J. BARNETT: Thank you, Mr Acting Speaker. We have listened to probably —

Mr P.B. Watson interjected.

The ACTING SPEAKER: Member for Albany, when I am on my feet—that goes for everyone—you know there should be silence. I call you for the third time.

Mr C.J. BARNETT: After that disastrous period, to the best of my knowledge, only one public servant left and that person volunteered to leave because they were so closely aligned to the previous government.

Dr A.D. Buti: What does that have to do with redundancy?

Mr C.J. BARNETT: I will tell members in a moment; just listen.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale!

Mr C.J. BARNETT: We have listened to members opposite talk for 10 hours about the public service. I have been going, I think, for three minutes.

The Court government was then elected. To his great credit, Richard Court introduced the Public Sector Management Bill, which was long overdue. The history there was to bring in public sector management legislation. Any piece of legislation changes over time, but it is still the basis of public sector management in Western Australia. It has survived. Not all our legislation survives. It has survived and what Richard Court did as Premier continues to be the basis of public sector management in Western Australia. That needs to be acknowledged.

After eight years, there was a change of government and the Gallop government was elected. The Richard Court record was one person terminated by agreement. When the Gallop government came in —

Ms M.M. Quirk: We had all these Liberal stooges we had to get rid of.

Mr C.J. BARNETT: We have heard it now. I quote the member for Girrawheen, “We had all these Liberal stooges we had to get rid of.” That is what they did. What a disgrace that was—“Liberal stooges”.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: We have now an admission from the hapless member for Girrawheen that they had to get rid of Liberal stooges.

Ms M.M. Quirk: I am not hapless; they were incompetent.

Mr C.J. BARNETT: Liberal stooges.

The Gallop government, a government very quickly compromised by the activities of Brian Burke and Julian Grill —

An opposition member interjected.

Mr C.J. BARNETT: The member was not even here.

Mr R.H. Cook: None of us was here; that’s the point.

Mr C.J. BARNETT: I was. Dr Gallop, a former Premier, is very eloquent and very knowledgeable and has talked about principles in government but history has forgotten: he tramped 59 public servants; those 59 public servants were shown the door by Geoff Gallop. Many of them had been long-term public servants in senior positions with decades of service to this state. There were 59 public servants tramped by Geoff Gallop as Premier and Minister for Public Sector Management, so do not come in here and preach to us about standards in the public service. Do members opposite want to know who some of them were? I do not wish to embarrass them. Many members on both sides of the house will know them: Dr Paul Schapper, Mr Roger Payne, Dr Ross Field, Dr Peter Smith, Mr Mike Harris, Ms Vanessa Davies, Jim Malcolm, John Kirwan, Gary Hodge, Mr Ian

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Lowth, Mr Ralph Dawson, Mr Trevor Halliday, Ms Brenda Robbins, Ms Joan Roberts, Mr Gary Bettison, Mr Peter Melbin, Ms Pamela Duckworth, Mr Donald Martindale, Mr Michael Rosengren —

Dr A.D. Buti interjected.

Mr C.J. BARNETT: We are talking about redundancy. That is what this bill is about. These are the people who were tramped. The list goes on—Mr Alan Bansemer, health; Mr Terry McVeigh, tourism —

Several members interjected.

The ACTING SPEAKER: Member for Armadale!

Dr A.D. Buti: What about the member for Wanneroo?

The ACTING SPEAKER: I did not even hear him. I could not hear anyone from that side over the top of the yelling from members of the opposition.

Mr R.H. Cook interjected.

The ACTING SPEAKER: Member for Kwinana, I am on my feet. When the Acting Speaker is on his feet, there is to be silence; you know that.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Member for Armadale, you have been called three and nine-tenth times, I think, by other people who have been in the Chair. If you want to go home early, just persist in your conduct.

Mr C.J. BARNETT: I will not go through the full list of those 59 people, but I will mention a few names: Mr Peter Lilleyman, Mr Stephen Home, Mr Neil Jarvis from education, Mr Harry Ventriss, Dr Trevor Lee, Mr Graeme Watt, Mr Peter Lynch, Mr Peter Shaw, Mr Peter Browne from education, Mr Peter Conran—he is back—Ms June Williams, and Mr Robert Cooper. I table the list of the 59 public servants sacked by Geoff Gallop as Premier.

[See paper 1215.]

Several members interjected.

Mr C.J. BARNETT: Read the list! That is 59 people who were pushed out the door by Geoff Gallop. Why are members opposite so shrill?

The ACTING SPEAKER: Members, let us have some order in this place.

Mr M. McGowan interjected.

The ACTING SPEAKER: Leader of the Opposition, I am on my feet. I call you for the first time.

Mr C.J. BARNETT: During the term of government of Richard Court as Premier, to the very best of knowledge, not one person —

Several members interjected.

The ACTING SPEAKER: Members! Member for Warnbro!

Mr C.J. BARNETT: In the first term of the Gallop government alone, let alone the Carpenter government, 59 senior public servants were given management-initiated redundancies, at a cost of \$8 million. The Gallop Labor government spent \$8 million on getting rid of senior public servants. Members opposite are the ones who, for 10 hours, have said how wonderful they were to the public service. What absolute hypocrisy! Members opposite giggle and carry on. What hypocrisy! Read the list of 59 public servants —

Several members interjected.

The ACTING SPEAKER: Members, there are about six interjections at one time. That is simply out of order. Thank you.

Mr C.J. BARNETT: After two terms of a Labor government, a Liberal–National government was returned.

Ms M.M. Quirk interjected.

The ACTING SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: One of the first pieces of legislation that this government brought into this place was to establish an independent Public Sector Commissioner to take the role of oversight of the public service away

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

from the Premier of the day. That is a fundamental reform that has restored objectivity and pride to the public service—after eight years of Labor. It was WA Inc during the period of Burke, Dowding and Lawrence, and it was the activities of Burke and Grill as lobbyists during the Labor Party’s term in government, that compromised one public servant after another and sent four ministers before the Crime and Corruption Commission. Some members opposite were ministers or parliamentary secretaries at the time, and they sit here now like innocent angels! Their record in terms of the management and integrity of the public service is nothing short of disgraceful. Members opposite should not think for one moment that their bravado and abuse across the chamber will have any impact on the 140 000 public servants in this state. They experienced two Labor governments. They saw the damage that did to their careers individually and the damage it did to the public service. Members opposite come in here and lecture us, but they cannot rewrite history.

Several members interjected.

Mr C.J. BARNETT: Go to the facts. Read the list of the 59. Read the reports of the Corruption and Crime Commission. Read the history of the royal commission into WA Inc. It is all about Labor. It is not about this side of politics. That says to me that there is a bit of a difference in morals, ethics and propriety between that side of the house and this side of the house. That is the record of members opposite. I will debate propriety in the public sector with members opposite any day, in any forum. Members opposite sit over there, smugly. They abused their position in government. They abused it twice in a row, in all sorts of ways. They misused public money. They did not hesitate to do that. They abused public servants and compromised them in all sorts of ways. They did that repeatedly. I am not suggesting this government is perfect, but it is nothing like the abuse that members opposite inflicted on the people of Western Australia in two successive governments—nothing like it.

Several members interjected.

The ACTING SPEAKER: Member for Warnbro and member for Albany, the Premier has the floor.

Mr C.J. BARNETT: I will now go through some of the points that were raised during the debate. I will not go through them individually by member, because most members raised similar points.

Ms M.M. Quirk interjected.

The ACTING SPEAKER: Member for Girrawheen, if you want to go home early, just continue.

Ms M.M. Quirk: Don’t tempt me, Mr Speaker.

The ACTING SPEAKER: Member for Girrawheen, I call you for the third time.

Mr C.J. BARNETT: That is a reflection of the standard of members opposite.

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: One of the issues raised by members opposite was constructive dismissal; I think the member for Fremantle and a couple of other members raised that. This bill does not take away the independent test of redundancy. If an employee believes they were sacked and it was dressed up to look as though it was a redundancy, they can go to the Western Australian Industrial Relations Commission. No-one can guarantee that across 110 agencies, there will not be something wrong in management; but if someone is improperly treated in that way, they can go to the Industrial Relations Commission. So, the constructive dismissal issue is not valid as it was presented. If a person is registered for deployment and ultimately made redundant, after all efforts to retrain, replace, redeploy and so on, they can go to the commission if they believe that their entitlements were not proper.

Mrs M.H. Roberts: That happens now.

Mr C.J. BARNETT: Members opposite are claiming that all these things will disappear from the public service. I am saying they will not.

With respect to other jurisdictions, members opposite disputed the statement that I made in the second reading speech that the commonwealth and every state and territory already have the power to involuntarily sever the employment of public servants. The reality is that South Australia and Tasmania have a policy not to use that power, but that law does exist in South Australia and Tasmania. Members opposite are supposed to be the industrial relations experts, but they are wrong on that.

Mrs M.H. Roberts interjected.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. BARNETT: I have talked about Labor's record, and the member for Alfred Cove also made comments about that.

Mr D.J. Kelly: He was outstanding!

Mr C.J. BARNETT: The speech by the member for Alfred Cove was outstanding; it was. He has been responsible for the employment of hundreds of people, so he actually knows what he is talking about. He actually has that experience.

Claims were made that we are going to use this as some sort of Trojan Horse to sack public servants. That is not the case; this legislation does not allow for that. Part of the debate over the last year or so has been about approximately 14 000 public servants being retrenched in Queensland, and talk about the commonwealth level; perhaps that is not happening now. That was the context, and, no, we are not going to do that.

Mr D.J. Kelly: We don't believe you.

Mr C.J. BARNETT: I am glad the member does.

Mr D.J. Kelly: No, I don't!

Mr C.J. BARNETT: That will not be used. The involuntary redundancy provisions here relate to a very small group of public servants—maybe somewhere around 100, maybe a few more; I do not know—for whom, for whatever reason, it has not been possible to offer gainful employment within the public service. They would have been offered training, they would have been offered redeployment, they would have been offered everything, but generally these people would be described by their chief executive officers as disruptive and not happy people. I do not know, maybe there are all sorts of reasons in their lives, but they are not willing to work productively. There will not be widescale dismissals of people in the public sector but those maybe 100 people out of 140 000 who cannot be employed, who fail to work or fail to accept opportunities, or maybe just cannot be employed for whatever reason, will certainly be offered involuntarily redundancies. If they fail to accept what is at the moment an extremely generous involuntary redundancy proposal and still cannot be effectively employed within the public service, they may be terminated, just like in the commonwealth government and in every other state. The opposition is so far back in time if it does not accept that an employer—that is, a department and the state government—must have that power to terminate people who cannot work, do not work, refuse to work and are disruptive to their organisation. At the moment they are farmed from one agency to another, hoping things will work out, and they do not work out.

Mr D.J. Kelly: One question?

Mr C.J. BARNETT: No, I am speaking. I could not stand to be interjected upon; it would be too stressful for me. I could not cope with it!

Several members interjected.

The ACTING SPEAKER: Member for Bassendean, you have heard that he does not want an interjection and will not take the question.

Mr C.J. BARNETT: Issues were raised, quite properly, I think, with respect to the police. I recognise that the police are a unique component within government employment —

Mrs M.H. Roberts: You've done nothing about it, though.

Mr C.J. BARNETT: I think we have looked after the police pretty well. This legislation relates to the public service; the only way in which it impacts, in a sense, on police, is through the requirement that the Western Australian Industrial Relations Commission, if it is doing a determination, must take into account the state of the economy, the finances of the state and the finances of the agency. It probably already does that in many cases, but this formalises —

Mrs M.H. Roberts: So why do you need this, then?

Mr C.J. BARNETT: Because we are running the state the way we are going to run the state. The government wages policy —

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Member for Midland! You do not have the call; the Premier does.

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

p6569b-6632a

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. BARNETT: This is about the public sector, but it relates to police to the extent that, if a determination relating to police comes before the Western Australian Industrial Relations Commission, the commission will be required to take into account those economic circumstances, as it will for every single employee funded by the public sector. Is that outrageous? I do not think so.

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: No, I am not interested in interjections.

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Member for Midland, I am on my feet. I call you for the first time.

Mr C.J. BARNETT: I stress that this bill does not bring the police under the auspices of the Public Sector Management Act; it does not.

Other members referred to enterprise bargaining agreements being negotiated —

Mrs M.H. Roberts: Is that all you've got to say about the police?

Mr C.J. BARNETT: The bill is about the public sector. That is the only response required. It is about the public sector.

A number of members raised issues about EBAs, United Voice and others, and there is a clause in there that —

Mrs M.H. Roberts interjected.

The ACTING SPEAKER: Member for Midland! I call you for the second time.

Point of Order

Mrs M.H. ROBERTS: I asked the Premier specifically to respond to whether he would agree to the amendment for police, and he has not responded to that point. I would like a response from the Premier.

The ACTING SPEAKER (Mr P. Abetz): That is not a point of order. The Premier has the call; he can answer if he chooses to.

Debate Resumed

Mr C.J. BARNETT: You are quite right, Mr Acting Speaker; it is not question time. The member should ask the question tomorrow if she wants to know.

Several members interjected.

Mr C.J. BARNETT: Yes, the slurs from the member for Albany. I so look forward to going down to Albany shortly!

There is a clause in the United Voice agreements, and this legislation overrides those EBAs, as has happened over a long period of industrial history, as members opposite know.

Mr D.J. Kelly: If you don't honour your agreements, you're nothing, Premier.

Several members interjected.

The ACTING SPEAKER: Member for Bassendean!

Several members interjected.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: A piece of legislation, at law —

Several members interjected.

The ACTING SPEAKER: Members on both sides, please! Member for Warnbro!

Mr C.J. BARNETT: As I understand it, at law a piece of legislation will, in a technical sense, override an enterprise bargaining agreement, and there is nothing new in that; it has happened under Labor and Liberal administrations. The point about the United Voice example relates to hospitals, for example. The member for Bassendean made a point about the new hospital developments. We will offer employment to government employees who do not want to go across to the new hospital if it is to be privately managed. The Minister for

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Health is confident that we will be able to redeploy them somewhere else in the health system, and we will honour that commitment. That was the spirit of the commitment, and we will do that.

Mr D.J. Kelly: Is that a cast-iron guarantee, Premier, that you will honour those agreements?

Mr C.J. BARNETT: I have just answered the point. We are confident that we can redeploy health workers as we expand the health system. That is the reality. There is nothing unusual —

Several members interjected.

Mr C.J. BARNETT: I did not want to go over history, but my eyes just happened to notice this one point: the former Labor government had no compunction about overriding workplace agreements and a whole lot of other enterprise agreements in 2002. The Labor Party may not have agreed with workplace agreements. I accept that, but it used legislation to override them.

Mr D.J. Kelly: Oh, come on!

Mr C.J. BARNETT: The Labor government did. It is exactly the same thing. I do not care what the member's philosophy is, but the former Labor government used legislation to override freely entered-into agreements. It is exactly the same.

Several members interjected.

Mr C.J. BARNETT: Well, we will. The Labor government also overrode and truncated agreements in the Western Australian public sector—it goes on.

Mr D.J. Kelly: You only signed the agreement just before the election!

Mr C.J. BARNETT: It doesn't matter, mate.

The ACTING SPEAKER: Member for Bassendean! I have been very gracious to you. I am going to call you for the first time.

Mr C.J. BARNETT: I will not go through this —

Withdrawal of Remark

Mrs M.H. ROBERTS: Members can moan if they like, but there are standing orders in this place. The Premier is not upholding the standards prescribed in those standing orders. It is not appropriate to say to the member for Bassendean, "Doesn't matter, mate".

Mr C.J. BARNETT: I withdraw the reference to "mate"; clearly that was an error on my part!

Mrs M.H. ROBERTS: It clearly was an error, because if the Premier had not lost his lolly, he would refer to a member by their seat.

Several members interjected.

The ACTING SPEAKER (Mr P. Abetz): Premier, I remind you that the member was on her feet for a point of order, which is to be heard in silence.

Debate Resumed

Mr C.J. BARNETT: I have never seen an opposition so precious and so timid in my life. If the member for Midland takes exception to me calling the member for Bassendean my mate, I withdraw; he is not my mate! I have never seen such a timid, shy, nervous opposition as this mob.

Mr D.J. Kelly interjected.

Mr C.J. BARNETT: We thought the member for Bassendean was a tough unionist when he came in here; now we know that he is a wimp!

Several members interjected.

The ACTING SPEAKER: Members!

Mr D.J. Kelly: You don't honour your agreements, Premier.

The ACTING SPEAKER: Member for Bassendean, I am on my feet; I have to call you a second time. Let us have some order in this place. The Premier.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. BARNETT: Mr Acting Speaker —

Several members interjected.

The ACTING SPEAKER: Member for Warnbro!

Mr C.J. BARNETT: It is not likely to be, either. Although the Workforce Reform Bill will amend the Public Sector Management Act, clause 4 will apply the wages policy—not as a direction but, I guess, as advice to the Industrial Relations Commission—across basically the whole range of public sector employment, including police and government trading enterprises. It is not a direction to the commission; it is simply saying that we require that it takes these matters into consideration. How the commission treats them is up to the commission. We are not directing it; we are not saying that it must do this. We are saying that it should take into account economic circumstances, government wages policy and the financial position.

Mrs M.H. Roberts: It says “must”.

Mr C.J. BARNETT: It must take these things into consideration but it does not dictate what the commission will decide. It does not bind the WA Industrial Relations Commission; it says that it should take these things into consideration. Of course it should. I do not know much about the Industrial Relations Commission. I have appeared before it a few times in my long history, so I have a rough idea how it works in practice.

Mr F.M. Logan: As the respondent!

Mr C.J. BARNETT: No; it was in a couple of high-profile cases a long time ago.

I do not know what the opposition is about. I understand that this is the sort of cause on which it has to stand up for its union constituency. I do not criticise members opposite for doing that. I understand that is why pretty well all of them spoke. Members opposite can stand up and argue about it, but they should just step back.

Mrs M.H. Roberts interjected.

Mr C.J. BARNETT: I am not talking to the member for Midland, because she is very badly behaved. It shocks me!

Just look at what this bill is doing. This bill is saying to the Industrial Relations Commission that it should consider economic and financial circumstances in its determinations. It says that, within a workforce of 140 000 people, despite the best efforts of their agency, the Department of the Premier and Cabinet and, particularly, the Public Sector Commission, there will be some people for whom it has not been possible to find worthwhile, productive work that they are either able or, perhaps more importantly, willing to do.

Mrs M.H. Roberts: This is just a furphy. It can happen now.

Mr C.J. BARNETT: I am getting really tired of the member’s interjections. The estimate put to me is that at least 100 and probably fewer than 200 people will fit into that category. I suspect that many of those people will know who they are, because they are probably sitting in a corner with nothing productive to do and are probably very unhappy, but they are being paid. Probably most of those people will take —

Mrs M.H. Roberts: You are making this up.

The ACTING SPEAKER: Member for Midland!

Mr C.J. BARNETT: I suspect that many of these people, if not the majority, will probably take what is a more than generous involuntary redundancy and will move on with their lives.

Mrs M.H. Roberts: They did not take a voluntary redundancy so why would they take an involuntary one?

Mr C.J. BARNETT: Again, we hear the sanctimonious attitude of members opposite! How many stories have there been in the media in the last 10 years about union officials sacking their staff? How many? Heaps of them!

Mrs M.H. Roberts: With a bunch of processes that you won’t have.

Mr C.J. BARNETT: Due processes! There has been story after story of union officials sacking their own union staff—lots of them. I am not saying that that does not happen on our side of politics, but members opposite are so sanctimonious about it. They are as pure as the driven snow! That is far from the truth.

Mrs M.H. Roberts: You admit you are screwing them over, then, do you?

The ACTING SPEAKER: Member for Midland!

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Withdrawal of Remark

Mr C.J. BARNETT: Mr Acting Speaker, I would ask that the member withdraw that comment; it was both obscene and inappropriate.

The ACTING SPEAKER (Mr P. Abetz): Member for Midland, I call on you to withdraw.

Mrs M.H. ROBERTS: Mr Acting Speaker, may I inquire on what basis you would like me to withdraw that?

The ACTING SPEAKER: I call on you to withdraw because I believe that it is unparliamentary.

Mrs M.H. ROBERTS: I do not believe it is unparliamentary, but because you have asked me to, I will withdraw.

Debate Resumed

Mr C.J. BARNETT: Sneers, giggles and petty behaviour—for what? Given Labor’s appalling record in public sector management over two successive governments —

Ms M.M. Quirk: You have not addressed a lot of the issues that were raised. Would you like to do that?

The ACTING SPEAKER: Member for Girrawheen!

Mr C.J. BARNETT: Most of them were raised repetitively, and I have addressed them.

Ms M.M. Quirk: No; you haven’t addressed the fact that it will disproportionately impact on women and older employees.

Suspension of Member

The ACTING SPEAKER: Member for Girrawheen, I am going to have to ask you to leave the chamber. You are on the fourth call.

Point of Order

Mr M. McGOWAN: Mr Acting Speaker, I do not think that just asking someone to leave the chamber is the order of procedure. What are you actually saying to the house?

The ACTING SPEAKER (Mr P. Abetz): I have called the member for Girrawheen to order for the fourth time. It is on the basis of that and whatever standing order it is. She has been called to order more than three times and I therefore direct the member to leave the chamber.

Mrs M.H. ROBERTS: Just because someone is called for the fourth time does not mean that they must necessarily leave the chamber. That is entirely up to your discretion. I am asking you whether you have considered that you do not actually have to require the member to leave the chamber.

The ACTING SPEAKER: I am well aware of that, member. I believe that I have been very gracious in tolerating perhaps two more than I should have.

[The member for Girrawheen left the chamber.]

Debate Resumed

Mr C.J. BARNETT: I will conclude my comments and we will go into consideration in detail.

Mr P. Papalia: Will you address the dishonesty with which you approached the last election?

The ACTING SPEAKER: Member for Warnbro!

Withdrawal of Remark

Mr J.H.D. DAY: Mr Acting Speaker, from what I heard, that was clearly an unparliamentary comment.

Several members interjected.

The ACTING SPEAKER (Mr P. Abetz): Hang on! Points of order are to be heard in silence.

Mr J.H.D. DAY: From what I heard, the member was referring to the Premier as engaging in dishonesty. That is clearly an unparliamentary comment and should be withdrawn.

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

p6569b-6632a

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mrs M.H. ROBERTS: Further to the point of order, clearly from that side of the chamber, the member for Kalamunda did not hear what the member for Warnbro actually said. The member for Warnbro posed a question; he did not make a statement.

Mr P. PAPALIA: What I said was: will you address the dishonesty with which you approached the last election? That was a theme repeatedly addressed by members on our side of the Parliament during the second reading debate. The Premier has not addressed that.

The ACTING SPEAKER: The implication of what you have said, member for Warnbro, is that the Premier is dishonest. That is unparliamentary and I ask you to withdraw.

Several members interjected.

The ACTING SPEAKER: I ask you to withdraw it.

Mr P. PAPALIA: I withdraw.

Debate Resumed

The ACTING SPEAKER: Premier.

Mr P. Papalia: Answer the question.

Mr C.J. BARNETT: Ask a question in question time.

Mr P. Papalia: I asked it during the second reading debate.

The ACTING SPEAKER: Members!

Mr C.J. BARNETT: I have listened patiently to probably 20 speeches. Members raised issues. Some of the issues were quite proper and I can understand why members of Parliament from the left would raise them. They have done their job; they have raised some issues. At the end of the day, this is not controversial legislation.

Mrs M.H. Roberts: Yes, it is.

Mr C.J. BARNETT: It is not controversial. It simply will set some guidelines that the Industrial Relations Commission should take into account. It is putting in place what every other government in Australia has had in place for a long time. If all else fails with retraining and redeployment, a person's employment can finally be terminated. Why not? Why should the taxpayer have to continue to fund an individual who may do no work at all and who may simply sit in a corner behind a desk? Why should taxpayers fund a worker who may not even turn up to work but may be sitting at home being paid? I do not think that is fair on Western Australian taxpayers. It is not me or the minister but the Public Sector Commissioner, independent of government, who will be trying to find gainful employment for these people. If all else fails, their employment can be terminated. That is unlike the position of the Labor Party, which politically dismissed 59 senior public servants. We, on this side of the house, would never do that! We never have and we never will!

Division

Question put and a division taken, the Acting Speaker (Mr P. Abetz) casting his vote with the ayes, with the following result —

Extract from Hansard
[ASSEMBLY — Tuesday, 26 November 2013]
p6569b-6632a

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Ayes (32)

| | | | |
|-------------------|------------------|------------------|------------------------------------|
| Mr P. Abetz | Mr J.H.D. Day | Mr C.D. Hatton | Mr N.W. Morton |
| Mr F.A. Alban | Ms W.M. Duncan | Mr A.P. Jacob | Dr M.D. Nahan |
| Mr C.J. Barnett | Ms E. Evangel | Dr G.G. Jacobs | Mr D.C. Nalder |
| Mr I.C. Blayney | Mr J.M. Francis | Mr R.S. Love | Mr D.T. Redman |
| Mr I.M. Britza | Mrs G.J. Godfrey | Mr W.R. Marmion | Mr A.J. Simpson |
| Mr G.M. Castrilli | Mr B.J. Grylls | Mr J.E. McGrath | Mr M.H. Taylor |
| Mr V.A. Catania | Dr K.D. Hames | Mr P.T. Miles | Mr T.K. Waldron |
| Ms M.J. Davies | Mrs L.M. Harvey | Ms A.R. Mitchell | Mr A. Krsticevic (<i>Teller</i>) |

Noes (16)

| | | | |
|-----------------|----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr D.J. Kelly | Mr M.P. Murray | Ms R. Saffioti |
| Mr R.H. Cook | Mr F.M. Logan | Mr P. Papalia | Mr C.J. Tallentire |
| Ms J. Farrer | Mr M. McGowan | Mr J.R. Quigley | Mr P.B. Watson |
| Ms J.M. Freeman | Ms S.F. McGurk | Mrs M.H. Roberts | Mr D.A. Templeman (<i>Teller</i>) |

Pairs

| | |
|--------------------|------------------|
| Mr S.K. L'Estrange | Ms L.L. Baker |
| Mr J. Norberger | Mr P.C. Tinley |
| Mr T.R. Buswell | Mr B.S. Wyatt |
| Mr M.J. Cowper | Mr W.J. Johnston |

Question thus passed.

Bill read a second time

Consideration in Detail

The ACTING SPEAKER (Mr P. Abetz): Members, can we have some silence. If you have conversations, please take them outside the chamber. Thank you. We are dealing with the Workforce Reform Bill 2013 and we have some 19 clauses.

Clause 1: Short title —

Mrs M.H. ROBERTS: I notice that the short title is the Workforce Reform Act 2013. Can I ask the Premier which clauses affect police officers and other people employed under the Police Act of 1892?

Mr C.J. BARNETT: The answer to that is that the clauses relating to the advice to the WA Industrial Relations Commission apply to police and all other employees within the government, including government trading enterprises.

Clause put and passed.

Clause 2: Commencement —

Mr M. McGOWAN: I rise in relation to the commencement of the operation of the Workforce Reform Bill 2013. My question to the Premier is: what is the government's intention as to when this legislation is to commence; namely, at which date or at which point in time? Will it be next year? Will it be this year?

I note with the commencement provisions there are significant requirements under the legislation for the drafting of regulations. Indeed, much of the legislation, according to what the Premier has said, does not make any sense without the regulations being drafted. Is it the case that some of the legislation will commence operation on a certain date—for instance, the provisions relating to wage negotiations and discussions, whilst the provisions relating to the dismissal or sacking of people in the public sector might commence on another date because of the fact that regulations are required to be drafted?

I think the answer to this question is relevant for a range of people across the public sector. It is certainly relevant to those people arguing for pay rises on behalf of their staff for whom, at some point in time, these laws will commence. The question is also relevant in terms of the fact that some agreements might expire in the lead-up to the commencement of this legislation, which may result in those agreements having a retrospective impact because of the operations of this legislation. There are a whole range of questions we might have to pose about clause 2 and delve into once we determine the commencement date of the legislation. Therefore, after we hear from the Premier, we can then delve into the operations and the other components of the legislation.

Mr C.J. BARNETT: The answer is on or before 1 July; all regulations will be in place by that time.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr M. McGOWAN: Just in response to that, therefore: if I heard correctly, all of the regulations surrounding the dismissal of public servants would need to be drafted. We do hear often that things will be in place by a certain point in time, and then we find that was not particularly correct. Will every single regulation required under this legislation be drafted and gazetted prior to 1 July next year? Is it the case that the provisions that do not require regulations might be assented to prior to 1 July next year?

Mr C.J. BARNETT: As I said before, all aspects will be in place on or before 1 July. It is true that some parts do not require regulations. In particular, references to the Western Australian Industrial Relations Commission on wages policy do not require regulations, so I expect that, once this bill is passed through Parliament, that will be in place fairly quickly.

Mr M. McGOWAN: Therefore, if the legislation commences on 1 July next year, will it have a retrospective impact on wages —

Mr C.J. Barnett: No.

Mr M. McGOWAN: I am just asking the question.

Mr C.J. Barnett: I have just answered it.

Mr M. McGOWAN: Will any agreements expire between now and 1 July, or are there any arrangements to which these laws will apply having regard to the fact that the laws will not commence until 1 July? The bill will not apply in the case of the doctors' agreement because it happened before the commencement of this legislation, but will the legislation apply to other agreements that expire between now and the commencement of the act? I suppose my question is: will other agreements expire between now and 1 July; and, if they will, what is the impact of the commencement date on those agreements?

Mr C.J. BARNETT: The government has a large number of workplace agreements and enterprise agreements that will expire. We as a government have announced our wages policy and, prospectively, all matters coming up from that point onwards are subject to the wages policy. The target, which I expect to be achieved, is that all aspects of this legislation will be operational by 1 July. Some parts in relation to references to the WA Industrial Relations Commission will be in place well before that, assuming its passage through Parliament. We cannot presume that. It has not gone through this house yet, and it has to go to the upper house. We intend to do that, and I think it will be a very orderly and proper process.

Mr M. McGOWAN: I think it is interesting that industrial agreements might expire between now and the commencement of the laws on 1 July. The reason I think that is interesting is that these laws, which will commence on 1 July, have a provision that states that the wages policy of the government will be taken account of or will be virtually binding on the Industrial Relations Commission. Presently, that wages policy is not legislated; it is not mentioned in legislation. The level of cognisance that the Industrial Relations Commission would take of that policy is not of the same magnitude as it would be if these laws were in place. According to the Premier, these laws will have an impact on agreements expiring between now and 1 July, whereas my reading of the legislation is that the wages policy should not apply to any agreement that expires prior to 1 July in the same manner as it does to any agreement that expires post 1 July because the wages policy does not have legislative authority until 1 July. It is an important question. I think the Industrial Relations Commission would probably want the Parliament's guidance on this matter when it deals with any of these issues. My reading of the legislation is that the commencement date is 1 July and therefore, at that time, the wages policy will have some legislative authority, whereas the government is saying that a different arrangement applies to any agreements that expire prior to 1 November from that applied to agreements that expire post-1 November. No doubt, numerous people in the public sector will find the answer to this question very interesting.

Mr C.J. BARNETT: The wages policy is in place now. It was announced as part of the budget. The only additional component is that if this bill is passed, that advice will be given to the WA Industrial Relations Commission and it will take that into account. How that affects its decision is up to it, because this legislation does not bind the WA Industrial Relations Commission. The presumption of the Leader of the Opposition is wrong.

Mrs M.H. ROBERTS: I look at the commencement date at clause 2 and see that it is in conjunction with the provision in part 4 on page 15, which states —

Public Sector Wages Policy Statement means —

- (a) the Public Sector Wages Policy Statement 2014 issued by the State government that applies to industrial agreements expiring after 1 November 2013; ...

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Generally, governments are fairly loath to put in place legislation that has a retrospective effect. The Premier is attempting to deny this —

Mr C.J. Barnett: It is not.

Mrs M.H. ROBERTS: Is the Premier saying that it is not? It is all very well to say, as the Premier seems to be saying in his interjection, that the public sector wages policy statement 2014 currently applies, but it does not have legislative backing until this bill becomes law. To put the date of 1 November 2013 in the bill means that it applies to industrial agreements expiring after that date. Let us say that the Premier's Workforce Reform Bill 2013 passes through the Assembly this week or next week. It then has to go to the Legislative Council. It may not pass the Legislative Council this year. I do not know what the Legislative Council will do. It may be that this bill does not fully pass through Parliament until sometime next year, yet the bill contains what is clearly a retrospective clause. This bill that the Premier intends to become law will apply to industrial agreements expiring after 1 November 2013. The Premier has also mentioned 1 July 2014. I ask the Premier which industrial agreements expire after 1 November 2013 and prior to 1 July 2014.

Mr C.J. BARNETT: I do not have that information. There would be a host of them.

Mrs M.H. ROBERTS: Further on that point, it now appears that the Premier knows that industrial agreements will expire after 1 November 2013 and prior to 1 July 2014, but either he is not informed about those industrial agreements or he is not prepared to tell the Legislative Assembly what those industrial agreements are or he does not care what those industrial agreements are. I think that is significant. Guess what? I think that those public sector employees who are the subject of those industrial agreements that will expire between 1 November and 1 July next year will care. If this legislation does not become law until mid-next year, it means that although the law will come into place in six or seven months, it will have a retrospective impact on their industrial agreements. If the Premier had any semblance of fairness, this law should apply to industrial agreements that expire once this bill becomes law.

Mr C.J. BARNETT: They will apply immediately the bill passes and the advice is given to the commission. I am advised that the major agreements that will expire over that period include the agreements for the Public Transport Authority, the Community and Public Sector Union–Civil Service Association of WA and the police.

Mr D.J. KELLY: I have been involved in a few of these negotiations and arbitrations and they can be quite protracted affairs. For a union that initiates bargaining under section 42 of the Industrial Relations Act, there could be months of negotiations and conciliation. If we get to the point of arbitration being necessary, the arbitration itself could take a considerable time. What happens to those negotiations and arbitrations for agreements when a process begins after 1 November 2013 but is not completed by 1 July 2014? The application has been initiated and maybe the Industrial Relations Commission has even part heard the application, and then this law comes in on 1 July. What is the provision for matters that in effect are part heard by the commission? Will the existing provisions apply or will the new provisions apply? I cannot see anything in this bill that deals with part-heard matters.

Mr C.J. BARNETT: I advise the house that a circular to all departments and authorities issued earlier this year makes this very clear, and I quote —

1. This Wages Policy Statement applies to all industrial agreements expiring after 1 November 2013 and remains in force until replaced.

The wages policy is already in place. This legislation certainly strengthens it, but the policy is in place and has applied since 1 November.

Mr D.J. KELLY: I am sorry; the Premier must have misheard my question. I understand what the Premier is saying about the fact that the wages policy is already in force, but I am saying that this provision gives guidance for a legislative framework in which the Industrial Relations Commission must deal with matters if it is arbitrating the claim. My question is: if the agreement has expired after 1 November and the unions have initiated bargaining or maybe the employers have initiated bargaining, there has been a process of negotiations, we then get into arbitration and the arbitration has not yet been concluded when we hit 1 July; if the commission ultimately has to make a decision, which provisions apply? Will the current provisions or the provisions of this legislation apply to that arbitration that has been part heard come 1 July?

Mr C.J. BARNETT: Once this bill is passed and comes into play, this policy will apply to any matter before the commission whether it is new, old or incomplete.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr D.J. KELLY: The practical problem I see with that is that when parties to an industrial matter argue a case before the commission, if the commission does not conclude the matter by 1 July for whatever reasons—they might be good reasons—this legislation then kicks in and the parties have argued the matter based on one legislative framework, but come 1 July, they have to argue it in another legislative framework. Is a problem not being created, wasting an amount of public money in the process, in which parties will want to re-argue their case based on the new legislative arrangement? Would it not make sense to simply make it clear in the legislation, for example, that matters part heard before 1 July would be dealt with under the old legislation? Transitional provisions are very common in legislation. It just seems that this legislation does not seem to have any transitional arrangements or explicit statements about what happens with part-heard matters.

Question to be Put

MR J.H.D. DAY: I move —

That the question be now put.

Division

Question put and a division taken, the Acting Speaker (Ms J.M. Freeman) casting her vote with the noes, with the following result —

Ayes (32)

| | | | |
|-------------------|------------------|------------------|------------------------------------|
| Mr P. Abetz | Mr J.H.D. Day | Mr C.D. Hatton | Mr N.W. Morton |
| Mr F.A. Alban | Ms W.M. Duncan | Mr A.P. Jacob | Dr M.D. Nahan |
| Mr C.J. Barnett | Ms E. Evangel | Dr G.G. Jacobs | Mr D.C. Nalder |
| Mr I.C. Blayney | Mr J.M. Francis | Mr R.S. Love | Mr D.T. Redman |
| Mr I.M. Britza | Mrs G.J. Godfrey | Mr W.R. Marmion | Mr A.J. Simpson |
| Mr G.M. Castrilli | Mr B.J. Grylls | Mr J.E. McGrath | Mr M.H. Taylor |
| Mr V.A. Catania | Dr K.D. Hames | Mr P.T. Miles | Mr T.K. Waldron |
| Ms M.J. Davies | Mrs L.M. Harvey | Ms A.R. Mitchell | Mr A. Krsticevic (<i>Teller</i>) |

Noes (15)

| | | | |
|-----------------|----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr D.J. Kelly | Mr M.P. Murray | Ms R. Saffioti |
| Mr R.H. Cook | Mr F.M. Logan | Mr P. Papalia | Mr P.B. Watson |
| Ms J. Farrer | Mr M. McGowan | Mr J.R. Quigley | Mr D.A. Templeman (<i>Teller</i>) |
| Ms J.M. Freeman | Ms S.F. McGurk | Mrs M.H. Roberts | |

Pairs

| | |
|--------------------|--------------------|
| Mr S.K. L'Estrange | Ms L.L. Baker |
| Mr J. Norberger | Mr P.C. Tinley |
| Mr T.R. Buswell | Mr B.S. Wyatt |
| Mr M.J. Cowper | Mr W.J. Johnston |
| Mr R.F. Johnson | Mr C.J. Tallentire |

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 3: Act amended —

Mrs M.H. ROBERTS: Perhaps the Premier would like to explain to the house why he gagged the last clause and why he instructed the Leader of the House to move the gag motion. Perhaps the Premier would like to answer the questions that he did not answer in debate on the last clause. All he did was restate what was bleeding obvious and appears in proposed section 10A(1)(a) on page 15 of the bill, which reads —

the Public Sector Wages Policy Statement 2014 issued by the State government that applies to industrial agreements expiring after 1 November 2013; ...

We knew that. We know when it happens. We asked the Premier why he is backdating this bill to industrial agreements that expire after 1 November 2013. Why should it not apply to industrial agreements that expire after 1 July next year?

Mr M. McGOWAN: We are discussing part III of the Industrial Relations Act. I understood that it is a fundamental tenet of the Liberal Party to not pass retrospective legislation.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. Barnett: It is not retrospective.

The ACTING SPEAKER: Through me.

Mr M. McGOWAN: It is retrospective. The Premier's answer was that if a matter is currently before the Industrial Relations Commission and the Industrial Relations Commission is arbitrating an outcome, and that matter continues beyond 1 July next year, the provisions of this new act will apply. That will apply new laws to an existing matter. That means the law will change halfway through an arbitration and, therefore, new rules will apply to an existing matter. That is a retrospective approach to matters before the Industrial Relations Commission. I think the Premier said that three cases might well have expired and could be before the Industrial Relations Commission as of 1 July next year. Therefore, all these rules will apply to an existing matter.

Let us say that the Industrial Relations Commissioner is sick and is having some time off, so the matter cannot be decided before 1 July next year, or that the matter is complex and requires a lot of debate to resolve, or that the government wants to ensure that a matter is dragged out and therefore the new rules will apply. Any of those things could occur in the lead-up to 1 July next year. If that happens, the new arrangements will apply to an old matter. That is retrospective. I realise members opposite probably do not know what retrospective means. Members should look at the provisions of the amendment to the Industrial Relations Act. The public sector wages policy statement will be elevated and applied because it is part of the legislation. The provisions of the state government's financial strategy statement, the government's financial projection statements, submissions made on behalf of the government, and the financial position of the public sector entity—all those things that, at least formally and by law the Industrial Relations Commission does not have to consider currently—will be as of 1 July next year matters that the Industrial Relations Commission must consider in existing disputes. That is a retrospective application of laws that are harsher for employees than is the existing situation. My view is that that is not fair. If a matter is already in arbitration, the existing laws should continue. It is a fundamental tenet—perhaps the shadow Attorney General might want to comment on this—that the law as it stands at the time an issue arises is the law that applies when any such matter is brought before any court or tribunal. That is a fundamental tenet of the existing law and the way in which laws are applied by courts in our community. To apply new laws to an existing matter is a retrospective application of the law, according to what the Premier said before.

We do not support this legislation but if it is passed, it should not apply to any matter that is in arbitration at the time these laws come in, because we would be applying new laws to an old issue and that would be retrospective. Do Liberal Party members believe in retrospective laws? If they vote for this bill, they will be voting for the retrospective application of laws to existing matters, which, as I recall, is against the principle of the Liberal Party. Let us see whether they can put their money where their mouth is.

Mr C.J. BARNETT: This is consistent with what happens before the Industrial Relations Commission in any case. The wages policy is in place. It will be well known to any participant in the Industrial Relations Commission. If this bill is passed, I expect those provisions will come into place very quickly because it is consistent with what currently happens. The best thing we can do is pass the legislation quickly so that there are no concerns about this. I do not regard this as retrospective. I will not have that argument; we are applying it consistent with the wages policy announced at the time of the budget.

Mr J.R. QUIGLEY: Of course, the Premier did not deal with the point. He just said let us pass the legislation quickly so the retrospectivity can operate sooner, and let us get on with it. He did not meet the points raised by the member for Bassendean or the Leader of the Opposition that, once passed, these laws will be applied retrospectively. Of course, that is entirely inconsistent with the government's previous approach. I can well recall amending the Evidence Act to provide for so-called journalists' shield laws. I proposed an amendment that they apply to any matter—not a matter that has not yet commenced, but to any matter. The government's response was that if it were to apply to any matter—that is, a matter already before the courts—it would operate as retrospective law, and that the Liberal government of Western Australia was diabolically opposed to that and would not yield. The Liberal government said that it could apply only to matters that had commenced after the passing of the amendments to the Evidence Act. Now the government is saying that for the sake of convenience it will put aside those arguments and run with retrospectivity. It is quite wrong and hypocritical of the government on this occasion to adopt this stance.

Mr D.J. KELLY: I think I first appeared in the Industrial Relations Commission in 1988, so I have seen a series of changes to industrial relations law at both the state and federal level. Every time that has happened there have been one or two outcomes—either clear transitional provisions or a bunfight. This bill does not have clear transitional provisions, so cases will be in the Industrial Relations Commission when there is an argument about

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

which laws apply for matters that are part heard before 1 July. I am sure the Premier's advisers will tell him that there is case law two feet thick in which people have argued when laws have changed whether the new or the old laws will apply to matters that are part heard. The normal process is that matters part heard are dealt with under the existing legislation. That is my understanding of the common interpretation the courts support with this sort of legislation. The Premier can say that I am just trying to cause trouble because I do not support the bill. I am saying to him that because of this retrospective nature and lack of clear transitional provisions in the bill, he will open up a bunch of potential matters to confusion and expense. He will have to get Harry Dixon over from Sydney to argue the case. It would be much better if there were clear transitional provisions and no retrospectivity. I urge him to take that advice.

Mr D.A. TEMPLEMAN: I was interested in knowing whether the Premier was going to respond to that final plea from the member for Bassendean, which I think has been put very strongly.

Mr C.J. Barnett: I have already answered the point.

Mr D.A. TEMPLEMAN: I do not think the Premier has.

Point of Order

Mr J.H.D. DAY: I point out that this clause is simply indicating the act of Parliament that is being amended. It is not about the substance of the issue. The next clause is much more about the substance of the issues, so I ask that we resolve this question and move on to the next clause. It is hardly relevant to have a long debate about the name of the act that is being amended.

The ACTING SPEAKER (Ms J.M. Freeman): Member for Mandurah, unless you are going to talk to the clause that amends the Industrial Relations Act, I have given quite a bit of leniency.

Debate Resumed

Clause put and passed.

Clause 4: Section 26 amended —

Mr M. McGOWAN: I am keen to raise issues with the Premier but he has left the chamber.

Mr J.H.D. Day: He has gone to the bathroom and he will be back soon.

Mr M. McGOWAN: Naturally, he cannot hear what I am about to say. I will talk about the retrospectivity of the bill because he heard that. I think it quite extraordinary, irrespective of the Premier's explanation. His explanation was that there is a government wages policy already, so it does not make any difference. If there is already a government wages policy and this will not make any difference, why put it in legislation? What is the answer to that? There is no answer to that question except that the wages policy is being elevated by putting it in legislation, and then applying the legislation to a matter that is on foot before the Industrial Relations Commission; it is being made retrospective. That is what the government is doing. It is making the legislation apply to a matter that is already on foot, an existing dispute; that is retrospectivity. Imagine if that was done to criminal law. Imagine if we changed the law halfway through a trial and said that new laws applied to criminalise a matter currently before the courts. That would be unacceptable and it is why I think that in all but the most extraordinary circumstances retrospectivity is unacceptable.

Now the Premier is back, I will come to the point I was going to make. The first part of clause 4 states —

(2A) In making a public sector decision the Commission must take into consideration the following —

(a) any Public Sector Wages Policy Statement that is applicable in relation to negotiations with the public sector entity;

I want to concentrate on the first part of the clause so members can fully understand what it means. I will quote from the public sector wages policy distributed by the Minister for Commerce. Paragraph 3 states —

The Government of Western Australia requires that increases in wages and associated conditions for all industrial agreements be capped at the projected growth in the Perth Consumer Price Index, as published from time to time by the Department of Treasury.

Clause 4 states that the commission must take into consideration the public sector wages policy statement. The "Public Sector Wages Policy Statement 2014" states —

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

The Government of Western Australia requires that increases in wages and associated conditions for all industrial agreements be capped at the projected growth in the Perth Consumer Price Index ...

The WA Industrial Commission knows that by law it has to examine the public sector wages policy statement. The public sector wages policy statement indicates that there is a requirement for wage rises to not be above the CPI. How does the industrial commissioner interpret those two things? Do they interpret that to mean they have discretion to decide what a pay increase will be or that the government's wages policy requires that they apply the consumer price index? It is an interesting question. The Premier's second reading speech—I forget the exact words—said it was guidance or something it should take account of or words to that effect.

Mr P. PAPALIA: I would like to hear more from the Leader of the Opposition.

Mr M. McGOWAN: In the Premier's second reading speech, he said —

... the proposed changes will not bind the commission; rather, their purpose is to more clearly articulate the government's policy position and to ensure that the commission gives due consideration to this.

The government's policy position is that it requires an industrial agreement to be capped at the CPI. How is the Industrial Relations Commission to interpret those things and the seeming incongruity between the government's wages policy and its laws, and the Treasurer's reply to the shadow Treasurer on 29 October that he was not willing to consider increases above CPI with the new wages policy? The Treasurer is saying that there should not be increases above the wages policy. The wages policy says wages should be capped at CPI. The bill says the IRC must take into consideration the wages policy, which says that it requires that wages are capped at CPI, and the Premier's second reading speech says something else. I am unsure how the Industrial Relations Commission should interpret this and what weight it should give to the public sector wages statement in light of the Treasurer's and the Premier's statements, and that there is a supposed requirement that it be capped at CPI and what the Premier's expectation is of the Industrial Relations Commission. If the public sector wages policy statement is not binding, what consideration does the WAIRC actually apply to it? Or is it binding and it is to be capped at CPI? If I were the industrial relations commissioner, I would be completely confused by what is going on here because I would not know how to read those two things together, considering the wording seemingly requires it to be capped at CPI.

Mr C.J. BARNETT: It is very clear under clause 4. Proposed section (2A) states, "In making a public sector decision the Commission must take into consideration the following", and it lists the wages policy as currently set; and those wage increases are capped at CPI. The commission will be required to take that into consideration but it is not binding. It may take into account wage relativities, the history of the industry, skill levels if there has been an upgrading of skill levels or qualifications or whatever else. All of those things can be taken into account, but the commission must also consider the wages policy. It is not binding; it can come up with its decision. If it came up with a decision above CPI and the state government did not like it, then the state government could challenge this decision. The wages policy is also binding on negotiations before matters get to the commission, and there is nothing particularly new in that.

Mrs M.H. ROBERTS: I note that the Leader of the Opposition referred to proposed section (2A), which states —

In making a public sector decision the Commission must take into consideration the following —

- (a) any Public Sector Wages Policy Statement that is applicable in relation to negotiations with the public sector entity;

I again refer to clause 19, which will amend the Salaries and Allowances Act by inserting proposed section 10A, which states —

Public Sector Wages Policy Statement means —

- (a) the Public Sector Wages Policy Statement 2014 issued by the State government that applies to industrial agreements expiring after 1 November 2013;

I know that is when they expire and that this is when the legislation applies. I know that other people have asked why it is being made retrospective and that the Premier has not answered that question. I again ask the Premier if he will answer the question.

Mr C.J. BARNETT: I do not happen to think that it is retrospective. We disagree on that.

Mrs M.H. ROBERTS: Perhaps the Premier could answer the question as to why it is applying from 1 November 2013 and not 1 July 2014?

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. BARNETT: Because 1 November is the day on which the new wages policy will come into effect.

Mrs M.H. ROBERTS: Guess what, Premier? It is 25 November today, and given that 1 November is before 25 November, the bill is already retrospective—whether the Premier likes to acknowledge that or not!

Mr C.J. Barnett: Have you ever read a tax bill that has been before this house, from either government?

Mrs M.H. ROBERTS: What is the relevance of that, Premier?

Mr C.J. Barnett: Tax changes are usually designated to be on a particular date—usually the date on which the bill is introduced.

Mrs M.H. ROBERTS: So tax bills are normally retrospective; therefore, this bill is retrospective. That is the very thing the Premier has not wanted to admit. Perhaps the Premier would like to answer my other earlier question; that is, which EBAs will expire on 1 November 2013?

Mr C.J. Barnett: We have told you.

Mrs M.H. ROBERTS: Does that include WA Police?

Mr C.J. Barnett: Yes. It is on the record. Check *Hansard*.

Mrs M.H. ROBERTS: It is on the record. That is good. Will the Premier admit that clause 4, the clause that we are currently debating, applies to the police?

Mr C.J. Barnett: The member was obviously absent, but the PTA agreements, the CSA agreements and the police agreements are the ones that expire after 1 November.

Mrs M.H. ROBERTS: Would the Premier like me to sit down so that he can respond further?

Mr C.J. Barnett: No; I have finished my comments.

Mrs M.H. ROBERTS: I am happy to listen. I am interested in what the Premier has to say. I hope the Premier will respond when I do finish my comments. Clause 4 is headed “Section 26 amended”. We have now learnt from the Premier—I note that I have been in the chamber for the whole time—that this clause will apply to the WA Police Union and its agreement. That is a question that I put to the Premier this afternoon during the second reading debate. It is also a question that the Premier declined to answer when he gave his second reading response.

Mr C.J. Barnett: No, I did not. I said that schedule 1 brings in police and GTEs—the lot—under this part but not under the other parts of the bill. Police are not part of the Public Sector Management Act. I explained all that. You should have listened to my response.

Mrs M.H. ROBERTS: I was present for the Premier’s response and I did listen to his response. But we are now finding that there is a direct conflict between the answers that the Premier has given in this place and the answers that his Minister for Police has given in this place—answers to which I have referred previously. The police minister seems to think the police are not dealt with in this clause. I am guessing that the Premier is saying that she was wrong. Is the Premier at last saying that?

Mr C.J. Barnett: No, I am not.

Mrs M.H. ROBERTS: The Premier is not prepared to say that—too stubborn, too arrogant?

Mr C.J. Barnett: Point of order, Madam Acting Speaker. This is consideration in detail. The member can keep this sort of nonsense for the third reading debate.

Mrs M.H. ROBERTS: I look forward to giving my speech during the third reading debate. It seems that the Premier can dish it out but he cannot take it. The Premier is well and truly prepared to interject during my speech. But when I say things back to him, he does not want to play anymore; he just wants to take his bat and ball and go home.

Mr P. Abetz: We would all like to go home.

Mrs M.H. ROBERTS: That is an interesting interjection. The reason the member is here and the reason we are debating this bill here and now is that the Premier chooses these sitting hours. Members opposite have the numbers. If the member would like to go home, perhaps he would raise that in his party room.

The ACTING SPEAKER (Ms J.M. Freeman): Member, get back to the clause, please.

Extract from Hansard

[ASSEMBLY — Tuesday, 26 November 2013]

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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mrs M.H. ROBERTS: Thank you, Madam Acting Speaker. As you would be aware, I am responding to an interjection by a member of the government who is clearly unhappy with the way the Premier is managing the Parliament.

Mr D.A. TEMPLEMAN: I am very interested in the comments of the member for Midland and would like her to continue her remarks.

Mrs M.H. ROBERTS: Thank you, member for Mandurah.

I will get back to my point, and perhaps the Premier would like to respond. Can the Premier clarify how clause 4 applies to WA police? The Premier suggested in his earlier comments that the public sector wages policy statement 2014 already applies to WA Police. I put it to the Premier that it applies in the same way that every other public sector wages policy by any government of any persuasion has applied to the police in the past. However, under this bill, the public sector wages policy statement takes on a new status as of 1 November 2013. If it did not take on a new status as of 1 November, the Premier would not need a clause that mentions 1 November. I put it to the Premier also—perhaps he would like to respond to this—that he has deliberately chosen the date of 1 November 2013 and not the date of 1 July 2014. That is because the Premier deliberately and knowingly wants to make sure that the WA Police Union and its workers will be encompassed by this bill. The public sector wages policy will not apply in the way that it applied previously. I put it to the Premier that because of this bill, the public sector wages policy will now have a more significant status before the Western Australian Industrial Relations Commission than it would otherwise have had. Presumably this bill will receive royal assent sometime next year. The public sector wages policy statement 2014 will apply to industrial agreements that expire after 1 November 2013, no matter on what date this bill receives royal assent. I note that the Premier is nodding, so I assume that is correct.

The Premier has deliberately put this statement in the bill to ensure that it will capture the WA Police Union and police officers. When the police are negotiating their EBA next year, and when the commission is considering that EBA, it will be required to take into account the public sector wages policy statement 2014. I note that that policy statement already exists, even though it is only 2013. That wages policy will apply to the police agreement, because that agreement will commence after 1 November 2013. So it would appear that the member for Butler was right when he referred to the nurses EBA that was done prior to the election and when he referred to the agreement that was done recently with doctors and said that because they got in before this bill and are, therefore, not subject to the provisions of this bill, they have been able to get a better deal from this government.

Despite the fact that this bill will probably not pass both houses of Parliament before the police EBA expires, the government still wants to back-capture the police union. That is a point that the Premier has been keen to hide. That is a point that his Minister for Police was either keen to hide or was completely oblivious of.

Mr M. McGOWAN: Clause 4 is a very large and very important part of this legislation. We have dealt with the retrospective nature of how this bill will apply to agreements that are due to expire prior to 1 July next year and that might be in arbitration as of 1 July next year.

Mr C.J. Barnett: The key date is 1 November. The member asked me when we thought the bill would be in place, regulations included, and I said by 1 July. There is nothing special about the date of 1 July.

Mr M. McGOWAN: We have gone over the retrospectivity argument, and I can go over it again if the Premier likes. Proposed section (2A) states that in making a public sector decision, the commission must take into consideration the following —

- ...
- (c) the financial position of the public sector entity.

What is a public sector entity? If I work in the Department of Health, is the health department itself a public sector entity? If I work for the Gold Corporation, is that a public sector entity?

Mr C.J. Barnett: Yes.

Mr M. McGOWAN: It is? No, the Premier's adviser is shaking her head. So it is not a public sector entity?

Mr C.J. Barnett: It's a trading entity under federal industrial law.

Mr M. McGOWAN: I think I heard the Premier say before that these laws do not apply to organisations like Synergy and Verve.

Mr C.J. Barnett: If they're under federal industrial law, no.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr M. McGOWAN: So these laws do not apply, then? These laws apply to government departments in particular. Are there any other entities that these laws apply to, apart from government departments?

Mr C.J. Barnett: The police in this provision.

Mr M. McGOWAN: That is a government department. I suppose organisations like the Rottneest Island Authority and public authorities would be —

Mr C.J. Barnett: There are some other, comparatively smaller, organisations, such as staff at government house.

Dr A.D. Buti interjected.

Mr M. McGOWAN: That is an interesting question; I was just about to get to it. I thank the member for Armadale for assisting me.

My questions are these: what are the public sector entities that this law applies to? How does one define a “public sector entity”? The Industrial Relations Commission has to take into account the financial position of the public sector entity, and if that entity has had, as some do, some significant financial difficulty—for instance, as I recall, the Department of Education has had a number of blowouts in its budget; indeed, it needed a significant top-up a few months ago—that is easily repaired by the government just making an allocation to the agency. How does the Industrial Relations Commission take into account the financial position of an entity when it is entirely within the capacity of the government, the Treasurer and the Premier to determine the financial position of that entity? If the Premier wanted, for instance, to starve police of money and make sure that they are constantly seeking top-ups, as entities sometimes do, that is a situation that will be taken into account by the Industrial Relations Commission, as I understand it, to determine pay for police officers. My question is: how is that fair? Nurses work in Health, but Education also employs nurses. If the government denies Health a budget allocation, or ensures that Health has to constantly seek a top-up, whereas Education does not, then the pay for a nurse within the Department of Education will be different from that of a nurse within the Department of Health because of specific government decisions. I ask the Premier: is that fair? Is that how this is meant to operate? If that is the case, I do not quite understand how government departments can have that sort of arrangement applied to them. It just does not strike me as a fair or equitable way of dealing with people across the public sector who might be doing exactly the same job in different entities, but because their entity is poorly managed or because the government denies their entity adequate appropriations, their pay may well suffer.

Mr C.J. BARNETT: It is only one of the issues that can be taken into account; there is a list of issues that the commission will be required to consider. It will also depend, in practical terms, on what the government advocate presents in terms of pay. They may argue or they may not argue that point; that will depend on the circumstances. Bear in mind that that argument is fallacious, because a number of entities that will be covered by this are largely self-funding, so financial performance of the entity can come into it; the Government Employees Superannuation Board is an example, and there are others. It depends, again, on how strongly that point is made in any given case before the commission.

Dr A.D. BUTI: “Public sector entity” is not defined in the Industrial Relations Act 1979, which this clause will amend. I am wondering what the Industrial Relations Commission has to go on in relation to the definition. Are we assuming that it will go by the definition in the Public Sector Management Act? If so, are we saying that all employees or ministerial officers are public sector identities?

Mr C.J. BARNETT: It is defined on page 4, halfway down.

Mr D.J. KELLY: I take the Premier to proposed new subsection 2(A). There has been some commentary around this bill that the matters that the government is asking the commission to take into consideration pretty much follow closely what the commission already does. Given that we have heard a lot about unnecessary red tape and passing legislation that really does not do anything, it seems to be slightly at odds with what the government has been saying for it to put forward legislation that pretty much follows what the commission already does. I am sure the Premier has heard that commentary, but I will take him through how the argument goes. The legislation says that the commission must take into account government wages policy. The argument is that the commission already does that. The legislation says in proposed paragraph (b)(i) and (ii) that the commission must take into consideration the financial position of the government, to put it broadly. In section 26 of the existing Industrial Relations Act, the commission has to take into account a whole list of things, which go to matters such as the state of the national economy; the state of the economy of Western Australia; and the capacity of employers as a whole, or of an individual employer, to pay wages; effects on productivity; and efficiency. All those things are already in the act, so the commission is already required to take a whole bunch of

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

things into account, which in one way, shape or form could be seen to be duplicated by proposed paragraph (b), in particular proposed subparagraph (iii), which states —

any submissions made to the Commission on behalf of the State government;

The argument is that the commission has to consider that stuff anyway. Parties go before the Industrial Relations Commission and they make submissions. Any commissioner who does not take them into consideration is really asking for their decision to be open to appeal. That is some of the commentary I have seen around this. Clearly, the government would not be passing legislation just for the sake of passing legislation. Therefore, I would be interested to hear from the Premier exactly what is the difference between what he is putting in this bill and what is currently in the legislation and is required to be considered by a commissioner when hearing a matter through decades of case law. I just think that the parties need to know, because lawyers will go completely ballistic with this stuff, trying to interpret it. They will say that we have old legislation and the government has gone to the effort of putting in new legislation; there must be a reason for it. If someone stands and says that the government just wanted to duplicate what has already been done in different words, lawyers will say, “No, no, no. That would be silly. There must be a reason.” I suppose I want to hear a concise explanation of exactly what is the difference between what the government is putting in this legislation and what is in the current act or required by current case law.

Mr C.J. BARNETT: The member for Bassendean clearly knows the Industrial Relations Act a lot better than I do. He is right. He drew attention to section 26, in which fairly general criteria to be considered are listed. I will repeat them. They are the state of the national economy, which is pretty broad; the state of the economy of Western Australia, which is pretty broad; and the capacity of employers as a whole or of individuals to pay the wages. Those matters will remain in the act. We are adding some more specific criteria, and they are specifically about, as set out in proposed subsection (2A), the wages policy itself; specifically the financial position of the state as a government, rather than simply the state of the economy—they are different matters; and also financial projections statements released and so on. It is of the same ilk; it is just far more specific and gives grounds for the government to object if it does not like a decision that comes out of the commission, which probably gives a greater case. The member is right; it is the same type of format. Therefore, as I said, it is important. It is more specific criteria. But it is no huge deal. This is not a massive change in industrial law.

Mr D.J. KELLY: The Premier has given some very general comments about the difference between the two. I know that the first time this is litigated, and probably the second and third times, people are going to go back to the *Hansard* to try to get some understanding of it. The Premier said that it is of the same ilk. That is probably only going to confuse matters. I refer to the “WA Health–United Voice–Hospital Support Workers Industrial Agreement 2012”, which was considered by the Industrial Relations Commission in that year. Reasons were given for the decision that was handed down. Again, Senior Counsel Harry Dixon was flown over from Sydney at great expense to the taxpayer by the applicant, which was the government. Mark Ritter, SC, represented the union. The decision goes for 20-odd pages. Commissioner Jennifer Harrison went to great length to outline the submissions made by the applicant. She basically went through the government’s arguments chapter and verse. She went through the government’s submissions and then the union’s submissions chapter and verse, which canvassed things such as capacity to pay, productivity and the state of the economy. She then went through pages of evidence that were given on behalf of the applicant. Mr Michael Court, executive director, economic business unit, Department of Treasury, and Mr Marshall Warner, director, health industrial relations service, Department of Health, gave evidence on the government’s behalf. Mr Michael Court laid out the economics of the state of the government; that is, the deficits and surpluses, iron ore prices—the whole box and dice. I urge the Premier to read the decision. The commissioner took two and a half pages to summarise Mr Court’s evidence before getting onto the evidence of Marshall Warner. Now, he is really worth listening to. She spent a couple of pages going into his evidence before she got on to our evidence. After considering all that, she then made a decision. If a commissioner came in and just picked a number out of the air and made a decision, that decision would be laughed out by the full bench. They probably would not survive as a commissioner. I urge you, commissioner, to do a little better in explaining the difference between —

Mr C.J. Barnett: I am not a commissioner.

Mr D.J. KELLY: Sorry; Premier.

Mr C.J. Barnett: I do not aspire to such lofty heights.

Mr D.J. KELLY: I know. They are lofty heights for commissioners. They are there for life, apparently. Are they affected by the compulsory redundancy provisions? That is a good question! I will ask that later.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

I urge the Premier to do a bit better in explaining the difference between what the commission currently does and what is in proposed section 26(2A); otherwise, he will condemn industrial relations practitioners on both sides of the fence to a world of pain as this stuff is litigated until someone figures out what it is all about.

Mr C.J. BARNETT: As I said before, the existing provisions of the Industrial Relations Act 1979 are reasonably general; they talk about general economic circumstances nationally and at a state level. What this additional material does is to very much focus on the effect that a decision of the commission could have on the financial position of an agency, a department or the state government as a whole. It simply narrows down specifically to look at that. There might be a scenario in which the Western Australian economy is doing badly and the state is not flush with money and vice versa. It hones the decision down to consider the impact it could have on the finances of the particular government entity or the government financial position overall. In my view, it makes it more specific.

Mr D.J. KELLY: If it is about honing down the commission's attention to the capacity for a particular employer to bear the wage claim or whatever the outcome, I refer the Premier to section 26(1) of the Industrial Relations Act 1979, which states —

In the exercise of its jurisdiction under this Act the Commission —

...

(d) shall take into consideration to the extent that it is relevant —

...

(iii) the capacity of employers as a whole or of an individual employer to pay wages, salaries, allowances or other remuneration and to bear the cost of improved or additional conditions of employment;

Already the commission is required to take into account the capacity of, in this case, perhaps a couple of employers—in the health arbitration it was a couple of employers—to pay, but that is already a mandatory requirement under the act that the commission must take into account when dealing with these matters. Commissioner —

Mr C.J. Barnett: I am still not the commissioner.

Mr D.J. KELLY: Old habits. Premier, the capacity of individual employers to pay is already a mandatory requirement for the commission. There must be more in this very well considered bit of legislation than that.

Mr C.J. BARNETT: The member is right. The provision there applies to an employer's capacity to pay, but it is general. It applies to private sector employers; it is a general provision. These additional matters focus very much on the public sector and on government. These provisions in this bill will not apply to the private sector. These are very specific about the impact of decisions on government, whether it is at the agency or government levels overall. It is not the general position that applies across the board to either public or private sector employers. It is honing down.

Mr D.J. KELLY: Since the Premier has raised the question of the private sector, the Industrial Relations Act sets up a bargaining regime that applies to both the public and private sectors. Enterprise bargaining was a buzzword in the 1980s; it was the thing that was going to drive efficiency at the workplace level. I do not understand why the Industrial Relations Act is being amended to put in additional provisions. I take the Premier's word that they are different. I struggle a bit with that. I think there will be some argy-bargy, and I do not envy those people who will have to figure that out when these matters are arbitrated in the public sector. However, I do not understand why a range of requirements is being put in place that will impact upon the public sector when they will not apply in the private sector.

Take the public sector wages policy statement, for example, and the state government as an employer. That wages policy is really just a statement of what the wage outcomes will be for the next year or two or three years. As an employer, that is just a wish. An employer in the private sector could do the same thing. The Crown casino could put out a wages policy statement that says that across the casino industry in Western Australia or Australia this is the wages outcome that it wants, but under this legislation when the commission arbitrates a claim, as there was previously a claim before the commission for the Crown casino, proposed subsection (2A) will not apply. I am trying to understand why a worker doing a job in the public sector—say, a catering worker at Royal Perth Hospital—will have these provisions governing their ability to bargain, whereas a catering worker in the private sector, provided they are covered by the Industrial Relations Act, will not have those same restrictions. I do not understand why one bargaining regime is being set up for the public sector with another bargaining regime for the private sector, when often workers will be doing exactly the same thing.

Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Question to be Put

Mr C.J. BARNETT: I move —

That the question be now put.

Division

Question put and a division taken, the Deputy Speaker casting her vote with the ayes, with the following result —

Ayes (32)

| | | | |
|-------------------|------------------|-----------------|------------------------------------|
| Mr P. Abetz | Mr J.H.D. Day | Mr C.D. Hatton | Mr N.W. Morton |
| Mr F.A. Alban | Ms W.M. Duncan | Mr A.P. Jacob | Dr M.D. Nahan |
| Mr C.J. Barnett | Ms E. Evangel | Dr G.G. Jacobs | Mr D.C. Nalder |
| Mr I.C. Blayney | Mr J.M. Francis | Mr R.F. Johnson | Mr D.T. Redman |
| Mr I.M. Britza | Mrs G.J. Godfrey | Mr R.S. Love | Mr A.J. Simpson |
| Mr G.M. Castrilli | Mr B.J. Grylls | Mr W.R. Marmion | Mr M.H. Taylor |
| Mr V.A. Catania | Dr K.D. Hames | Mr J.E. McGrath | Mr T.K. Waldron |
| Ms M.J. Davies | Mrs L.M. Harvey | Mr P.T. Miles | Mr A. Krsticevic (<i>Teller</i>) |

Noes (16)

| | | | |
|-----------------|----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr D.J. Kelly | Mr M.P. Murray | Ms R. Saffioti |
| Mr R.H. Cook | Mr F.M. Logan | Mr P. Papalia | Mr C.J. Tallentire |
| Ms J. Farrer | Mr M. McGowan | Mr J.R. Quigley | Mr P.B. Watson |
| Ms J.M. Freeman | Ms S.F. McGurk | Mrs M.H. Roberts | Mr D.A. Templeman (<i>Teller</i>) |

Pairs

| | |
|--------------------|------------------|
| Mr S.K. L'Estrange | Ms L.L. Baker |
| Mr J. Norberger | Mr P.C. Tinley |
| Mr T.R. Buswell | Mr B.S. Wyatt |
| Mr M.J. Cowper | Mr W.J. Johnston |

Question thus passed.

Consideration in Detail Resumed

The DEPUTY SPEAKER: The question now is that clause 4 stand as printed.

Division

Clause put and a division taken, the Deputy Speaker casting her vote with the ayes, with the following result —

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[ASSEMBLY — Tuesday, 26 November 2013]
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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Ayes (32)

| | | | |
|-------------------|------------------|-----------------|------------------------------------|
| Mr P. Abetz | Mr J.H.D. Day | Mr C.D. Hatton | Mr N.W. Morton |
| Mr F.A. Alban | Ms W.M. Duncan | Mr A.P. Jacob | Dr M.D. Nahan |
| Mr C.J. Barnett | Ms E. Evangel | Dr G.G. Jacobs | Mr D.C. Nalder |
| Mr I.C. Blayney | Mr J.M. Francis | Mr R.F. Johnson | Mr D.T. Redman |
| Mr I.M. Britza | Mrs G.J. Godfrey | Mr R.S. Love | Mr A.J. Simpson |
| Mr G.M. Castrilli | Mr B.J. Grylls | Mr W.R. Marmion | Mr M.H. Taylor |
| Mr V.A. Catania | Dr K.D. Hames | Mr J.E. McGrath | Mr T.K. Waldron |
| Ms M.J. Davies | Mrs L.M. Harvey | Mr P.T. Miles | Mr A. Krsticevic (<i>Teller</i>) |

Noes (16)

| | | | |
|-----------------|----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr D.J. Kelly | Mr M.P. Murray | Ms R. Saffioti |
| Mr R.H. Logan | Mr F.M. Logan | Mr P. Papalia | Mr C.J. Tallentire |
| Ms J. Farrer | Mr M. McGowan | Mr J.R. Quigley | Mr P.B. Watson |
| Ms J.M. Freeman | Ms S.F. McGurk | Mrs M.H. Roberts | Mr D.A. Templeman (<i>Teller</i>) |

Pairs

| | |
|--------------------|------------------|
| Mr S.K. L'Estrange | Ms L.L. Baker |
| Mr J. Norberger | Mr P.C. Tinley |
| Mr T.R. Buswell | Mr B.S. Wyatt |
| Mr M.J. Cowper | Mr W.J. Johnston |

Clause thus passed.

Clause 5: Section 80E amended —

Dr A.D. BUTI: Clause 5 seeks to amend section 80E of the Industrial Relations Act, which refers to the jurisdiction of the arbitrator. I am unclear about the conditions that can and cannot be appealed to the Industrial Relations Commission. Is the Premier able to confirm that any condition imposed from a decision or an agreement can be appealed, or appealed only up to the point of termination? Is it only a condition not related to a termination that can be appealed, or can a termination and a redundancy be appealed to the Industrial Relations Commission?

Mr C.J. BARNETT: I am not sure I fully understand this, but I am advised that this will guarantee that all public servants will be treated equally and they will all go through the same process in the Industrial Relations Commission, if that is where they end up. Instead of going through public sector arbitrators and other avenues, it will all be consistent and they will go straight to the commission.

Dr A.D. BUTI: May I ask why, when the longstanding practice has been for public service arbitrators, who have expertise in public sector employment and conditions, to be involved in these matters? They once had exclusive jurisdiction over a number of matters, as the Premier would know from section 80E of the Industrial Relations Act. The Premier is saying that they will be treated the same as private sector employees. However, the Premier has told us in many exchanges with the member for Bassendean that we are not talking about the private sector. Why in some cases, therefore, does the Premier want to lump them in with the private sector and in other cases he does not want to lump them in with the private sector? What is to be gained from removing the exclusive jurisdiction of the public sector arbitrator?

Mr C.J. BARNETT: The intention of this proposed section relates to, in effect, what we have not got to—that is, the issue of involuntary redundancies. It ensures that any public sector worker in the situation of redundancy has equal rights of appeal to the WA Industrial Relations Commission and does not have to go through one of the subgroups such as the public sector arbitrator. It actually ensures consistency across the public sector in matters of people unhappy with their redundancy and guarantees that every public servant has an equal right to go to the commission on redundancies if they are unhappy.

Mr D.J. KELLY: This clause is, again like most of the provisions in this bill, underpinned by the changing status of the public sector wages policy statement. Can I get some clarity from the Premier about exactly what the public sector wages policy statement is? In my experience in industrial relations, it is just a statement that government, from time to time, issues. Someone on the employee's side of the fence never really knows when a new wages policy will be delivered, because if one comes out and is to apply for two years, in 18 months there might be a new one. The Premier has defined the public sector wages policy to mean in the earlier part of the bill as follows —

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- ... the Public Sector Wages Policy Statement 2014 issued by the State government that applies to industrial agreements expiring after 1 November 2013; or
- ... if any Public Sector Wages Policy Statement is issued in substitution for that statement, the later statement.

Everyone knows what the 2014 statement is, but the bill envisages that there will be subsequent statements. Who will issue the statement? Is there anything to stop a government having issued a statement, and then, if there are changed circumstances, issuing an amended statement after six months, nine months or 12 months? What implication does that have for people bargaining under the current—whatever that is—state wages policy, if I could call it that, if a subsequent one is issued? The state wages policy statement is just a policy statement by government. This bill and this clause elevates that, so people involved need to have some clarity around who will issue the statement, how often it will be issued and those things, or else the government can potentially change the rules of the game midstream.

Mr C.J. BARNETT: Clause 5 does not relate to wages policy in any way. That really is covered by the previous clause. This clause simply relates to the capacity of a public servant to appeal to the WA Industrial Relations Commission if they consider, say, in the case of an involuntary redundancy that there is not a fair process or they were not fairly paid out or whatever else. This clause does not relate to wages policy, it just relates to redundancy provisions.

Mrs M.H. ROBERTS: Clause 5 is section 80E amended. Can the Premier be clear about whether clause 5 applies to Western Australian police officers, police auxiliary officers, Aboriginal police liaison officers or other employees under the Police Act? The clause deletes section 80E(7) and inserts a new subsection (7). Does the deletion of section 80E(7) affect police officers or other persons employed under the Police Act? Proposed new subsection (7) states —

Despite subsections (1) and (6), an Arbitrator does not have jurisdiction to enquire into or deal with, or refer to the Commission in Court Session or the Full Bench the following —

- (a) any matter in respect of which a decision is, or may be, made under regulations referred to in the *Public Sector Management Act 1994* section 94 or 95A;

Does that apply in any way at all to police officers or other persons employed under the Police Act? Proposed section 80(7)(b) states —

- (b) any matter in respect of which a procedure referred to in the *Public Sector Management Act 1994* section 97(1)(a) is, or may be, prescribed under that Act.

Does that apply to anyone employed under the Police Act? In the Premier's previous answer to the member for Bassendean's question, he also referred to involuntary redundancies. Does the matter of involuntary redundancies affect police officers? While I am still on my feet discussing this point, of course, there are other persons employed in the police department who are not employed under the Police Act, but employed under the Public Sector Management Act; does this section apply to them?

Mr C.J. BARNETT: This clause does not apply to them. It applies to public servants, so it does not apply to police officers. It could apply to people working within the police who may be public servants or it might be argued they are public servants, but it does not apply to sworn police officers.

Mrs M.H. ROBERTS: The Premier has said that it could apply to public servants employed in the police department. I think he has potentially at the edges misled the house because it does apply to them. If a public servant happens to be working in a police department, surely it applies to them.

Mr C.J. Barnett: I just said that; it does not apply to sworn police officers. Public servants —

Mrs M.H. ROBERTS: The Premier said it could apply to them.

Mr C.J. Barnett: It applies to public servants. So a public servant working —

Mrs M.H. ROBERTS: So it does apply to them.

Mr C.J. Barnett: Don't be ridiculous. If you are going to be rude, I will not bother.

Mrs M.H. ROBERTS: Is the Premier saying it is ridiculous that it applies to the public service?

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Mr C.J. Barnett: I am trying to answer your question and I said quite clearly in my response that if a public servant is working within the police, that public servant is a member covered by the Public Sector Management Act. If that person is a sworn police officer, they are not covered by this. It is pretty simple.

Mrs M.H. ROBERTS: Of course, the Premier initially said that it did not apply to police, but that it could apply to public servants that work at the police. The answer that he has now clarified is that it applies to a public servant who works in the police department.

Mr C.J. Barnett: That has never been doubted.

Mrs M.H. ROBERTS: Perhaps the Premier should have not been so coy. He should have admitted up-front that it applies to public servants wherever they work.

Mr C.J. Barnett: It does not apply to the police itself. People who talk about the police talk about sworn police officers.

The DEPUTY SPEAKER: Premier, if you are answering the question, can you stand and can the member sit? Otherwise, Hansard will get confused —

Mrs M.H. ROBERTS: Of course, the Premier is not answering any questions. He is interjecting in an unruly manner. That is the ruling that the chairman usually makes.

The DEPUTY SPEAKER: Member for Midland, can you finish your question?

Mrs M.H. ROBERTS: I do not need to finish my question. I have three minutes and 40 seconds on the clock, so it is inappropriate for you to suggest that I finish my question. Premier, we are dealing now, of course, with clause 5.

Point of Order

Mr J.H.D. DAY: Deputy Speaker, the member for Midland is really canvassing your ruling in a quite disrespectful way. I do not think she intends to be disrespectful, but I suggest that you ask her to reflect on her language.

Mr M. McGOWAN: Just so we understand consideration in detail, these are not questions; these are speeches. People are making speeches. Does the Deputy Speaker ordinarily say to people, “You must finish your speech at this point in time”? I do not think so, because I have not seen that before. If the Leader of the House is advocating that the Deputy Speaker can tell people when to finish their speech when they have time left on the clock, that is a new ruling in this place. If that is a new ruling, I think it will be an interesting development.

The DEPUTY SPEAKER: I was merely trying to clarify for Hansard who had the floor and, member for Midland, you have the floor. Please continue with your questions.

Debate Resumed

Mrs M.H. ROBERTS: Both the Premier and I have been in this place for quite some time and we are aware of the standing orders, although the consideration in detail stage operated somewhat differently when we both arrived. We used to have three chances to talk on every clause; we now have unlimited amounts of five minutes to speak on every clause, as the Leader of the Opposition has referred to. This is not question time; I do not have to bring my question to any conclusion. I am at liberty to talk about this clause for the full five minutes. Given the Premier’s attitude, I do not see why I should not talk about this clause for five minutes. We have seen the Premier guillotine debate on the previous clause. I and others would have liked to have asked the Premier more questions about that previous clause. I do not think that his behaviour during this debate has befitted his position as Premier. I do not think it is appropriate for him to guillotine the debate on these clauses. Perhaps we could have moved along a bit more swiftly had he given a more appropriate reply to the second reading stage of the debate.

Mr P. PAPALIA: This being the first clause that deals with involuntary redundancy, which is a controversial proponent of the bill, and which was discussed extensively during the second reading debate by people on this side of the chamber, I am interested to hear more clarification of the Premier’s statements in his response to the second reading debate, when he indicated a number of times that the number of public servants to whom this involuntary redundancy power will apply is in the order of 100, and at the most 200. He said that several times in an effort to reassure us that this bill is not that important and that we should not be looking too closely at it. I have a couple of questions about that: who are the 100 to 200, at most, individuals that the Premier believes will be subject to involuntary redundancy; which public sector entities are they employed in; and what degree of

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analysis or research has been done on the Premier's behalf to enable him to be so confident in his assurances to us and the public of Western Australia that the number of employees likely to be subject to involuntary redundancy is between 100 and 200 at the most?

Question to be Put

Mr C.J. BARNETT: I move —

That the question be now put.

Division

Question put and a division taken, the Deputy Speaker casting her vote with the ayes, with the following result —

Ayes (31)

| | | | |
|-------------------|------------------|-----------------|------------------------------------|
| Mr P. Abetz | Mr J.H.D. Day | Mr A.P. Jacob | Dr M.D. Nahan |
| Mr F.A. Alban | Ms W.M. Duncan | Dr G.G. Jacobs | Mr D.C. Nalder |
| Mr C.J. Barnett | Ms E. Evangel | Mr R.F. Johnson | Mr D.T. Redman |
| Mr I.C. Blayney | Mr J.M. Francis | Mr R.S. Love | Mr A.J. Simpson |
| Mr I.M. Britza | Mrs G.J. Godfrey | Mr W.R. Marmion | Mr M.H. Taylor |
| Mr G.M. Castrilli | Mr B.J. Grylls | Mr J.E. McGrath | Mr T.K. Waldron |
| Mr V.A. Catania | Dr K.D. Hames | Mr P.T. Miles | Mr A. Krsticevic (<i>Teller</i>) |
| Ms M.J. Davies | Mr C.D. Hatton | Mr N.W. Morton | |

Noes (16)

| | | | |
|-----------------|----------------|------------------|-------------------------------------|
| Dr A.D. Buti | Mr D.J. Kelly | Mr M.P. Murray | Ms R. Saffioti |
| Mr R.H. Cook | Mr F.M. Logan | Mr P. Papalia | Mr C.J. Tallentire |
| Ms J. Farrer | Mr M. McGowan | Mr J.R. Quigley | Mr P.B. Watson |
| Ms J.M. Freeman | Ms S.F. McGurk | Mrs M.H. Roberts | Mr D.A. Templeman (<i>Teller</i>) |

Pairs

| | |
|--------------------|------------------|
| Mr S.K. L'Estrange | Ms L.L. Baker |
| Mr J. Norberger | Mr P.C. Tinley |
| Mr T.R. Buswell | Mr B.S. Wyatt |
| Mr M.J. Cowper | Mr W.J. Johnston |

Question thus passed.

Consideration in Detail Resumed

Clause put and passed.

Clause 6: Section 80I amended —

Mr P. PAPALIA: I was serious about the question I asked. Given that was the first clause that we had come to in which involuntary redundancy was being discussed and given the general nature of my question about the number of anticipated involuntary redundancies, which the Premier has assured the chamber is between 100 and no more than 200, I thought it was quite a legitimate question to ask at that clause. Noting that the government guillotined the previous clause, perhaps the Premier can let me know when I am allowed to ask that question. In which clause does the Premier view it is appropriate to discuss involuntary redundancies, if not the previous clause?

Mr J.H.D. Day: Try clause 9.

Mr P. PAPALIA: What was wrong with the previous clause? As the Premier stated when he was on his feet momentarily during debate on the previous clause, that clause was about involuntary redundancy. Therefore, I do not understand the justification for guillotining. It is certainly not because it was an inappropriate question. It is not because people on this side of the chamber did not have any further questions on that clause. Perhaps we can ask across the chamber to the Leader of the House: Is it because there is a time limit on every clause and the Premier is tired and needs to go home for a sleep? Is that what is going on?

Mr J.H.D. Day: It is reasonable to make progress and there's a limit to how much tedious repetition there should be.

Mr P. PAPALIA: I was the first person to ask about the number of involuntary redundancies. It was the first clause to deal with involuntary redundancies. It was the first opportunity for me to ask that question and the

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Premier did not answer it. Therefore, the answer that the Leader of the House just gave me is completely irrational. It bears no resemblance to what just occurred.

Mr C.J. BARNETT: This clause relates to a technical matter relating to the Public Service Appeal Board. I am happy to answer questions on that and a little bit later we will get to the issue of redundancies in general. The questions that the member asked were not relevant to the clause he was talking about.

Mrs M.H. ROBERTS: Perhaps if the Premier could show a little cooperation, then perhaps the opposition could show some cooperation, too. The member for Warnbro has asked the Premier when he will deal with that. "A little bit later" is one answer, so perhaps the Premier could say under which clause he is prepared —

Mr C.J. Barnett: Part 3.

Mrs M.H. ROBERTS: There are a lot of clauses in part 3; there are clauses 8, 9, 10, 11 and 12. Therefore, when we get to clause 8 in part 3, will the Premier answer those questions?

Mr C.J. Barnett: I will answer questions of relevance in part 3 because that deals with the redundancy provisions.

Mrs M.H. ROBERTS: In clause 8?

Mr C.J. Barnett: In part 3.

Mrs M.H. ROBERTS: We will give it a go at clause 8 then, will we?

Mr C.J. Barnett: You can do whatever you like; we'll do it in part 3.

Mrs M.H. ROBERTS: Can the Premier advise the chamber whether clause 6 applies to people employed under the Western Australian Police Act?

Mr C.J. BARNETT: This clause relates to people who are employed under the Public Sector Management Act; therefore, it does not refer to or involve people employed under the Police Act. The Public Service Appeal Board, as it currently stands, cannot deal with matters of voluntary redundancy generally for the moment. What this clause simply does is provide that the public sector appeals board in the future will not also be able to deal with involuntary redundancy. Therefore, this clause just provides that the public sector appeals board can deal with all the matters that go to it, but it cannot deal with redundancy, and because this bill will establish involuntary redundancy, it provides that the board cannot also deal with involuntary redundancy. That is all it does. This is not the part of the act that actually establishes involuntary redundancy.

Clause put and passed.

Clause 7: Section 80R amended —

Mr D.J. KELLY: Clause 7 specifically provides an amendment to division 3 of the Industrial Relations Act, which is the Railways Classification Board, if I have read it correctly. That board deals with matters relating to, for example, the Public Transport Authority. The Premier has referred to there being potentially 100 or so people in the public sector who will be covered by the proposed involuntary severance provisions. Are any of those people currently employed in agencies that are within the jurisdiction of the Railways Classification Board, such as the PTA, and who will therefore be affected by the amendment contained in clause 7?

Mr C.J. BARNETT: I am advised, member for Bassendean, that although the Railways Classification Board exists on the statute book, it does not exist in reality. This is just to ensure that there is no contradiction.

Mr M. McGowan: Repeal Week would deal with that.

Mr C.J. BARNETT: It would be a good candidate to repeal, yes.

This is exactly the same as clause 6. It provides that, statutorily, the Railways Classification Board does not have the capacity to deal with redundancies, and also it would not have the capacity to deal with involuntary redundancies. The salient point is that the body does not exist. It has not met and is redundant.

Mr D.J. KELLY: I will take the Premier's word for it that in practice it does not exist, but it does, under the statute, have jurisdiction to deal with matters that come, for example, from the Public Transport Authority under section 80M(1) of the Industrial Relations Act. Within the nominal scope of the board, are any of those persons employed by the PTA, for example?

Extract from *Hansard*

[ASSEMBLY — Tuesday, 26 November 2013]

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Mr Ben Wyatt; Ms Simone McGurk; Mrs Michelle Roberts; Mr John Quigley; Mr David Templeman; Ms Rita Saffioti; Mr Paul Miles; Acting Speaker; Mr Paul Papalia; Mr Colin Barnett; Mrs Glenys Godfrey; Mr Dean Nalder; Mr Mick Murray; Mr Peter Watson; Ms Josie Farrer; Mr John Day; Mr Mark McGowan; Mr Dave Kelly; Dr Tony Buti; Deputy Speaker

Mr C.J. BARNETT: I am not sure about that, but I am advised that if there are, they would all have access to the general requirements under the Western Australian Industrial Relations Commission. I cannot answer that question specifically, but I will endeavour to get an answer for the member before the end of this debate.

Clause put and passed.

House adjourned at 10.42 pm
