

OCCUPATIONAL LICENSING NATIONAL LAW (WA) BILL 2010

Second Reading

Resumed from 17 November.

MR F.M. LOGAN (Cockburn) [9.22 pm]: I rise to lead the opposition's response on the Occupational Licensing National Law (WA) Bill 2010.

Before I go to the detail of the bill, I will make a few comments about the way this legislation has been introduced into the house, which I think would probably be acknowledged by the minister. This bill has been brought on in this place in a rush. I think the minister probably intended to introduce the bill next year. I believe that this bill, along with a couple of other bills such as the Building Bill, which will see the light of day in this chamber later in the week, has been brought on simply because the government is running out of legislation and is therefore scrabbling around looking for other pieces of legislation to bring on to fill up the space between now and when we rise at the end of the week or, if we come back for another day of sitting, at that time.

In that rush to introduce these types of bills into the house, the Occupational Licensing National Law (WA) Bill second reading speech was made last week and the briefing for the bill was held today. The minister expects the opposition to then get up and respond to the bill, to talk at length about the bill, without us having had any possibility to consult with outside parties and on a broader basis with other interested parties in Western Australia before putting a response to the minister on whether we support or reject the bill. Obviously, I was aware that the occupational licensing bill was coming into the house on the basis that the minister gave his second reading speech last week and when we were discussing the Building Bill in a briefing given by the department at the end of last week during which I had the opportunity to at least ask about the guts of the occupational licensing national law bill. I had a very brief briefing and here we are within a matter of days—in fact, within two parliamentary days—having to deal with this bill without the government giving us, I think, a fair opportunity to consult with a broader range of parties from Labor's perspective. Given that this is an occupational licensing bill and that we have not had the opportunity to consult our own interested parties, particularly trade unions and trade organisations that represent licensed occupations, and to talk at length about the bill before coming into this place to debate this legislation, I think was unfair and is improper parliamentary behaviour. I know that if the Leader of the House was sitting in the chamber he would say, "Oh, well, you always did that to us when you were in government." We did not, and I, particularly as a minister, never did that to the opposition. I did not do that to the opposition; I went out of my way to ensure that the members of the opposition had plenty of time to be aware of the legislation I was bringing into the house and that they were briefed early and openly, and I gave them the opportunity to discuss those bills in their own party room and then consult broadly with whatever interested groups, either their broader lay party or others, about the contents of the bill. I went out of my way to do that; therefore, I find what the government is doing in this case—it will also do it with the Building Bill that will be debated, as I said, later this week—is an improper use of government power and an abuse of parliamentary process.

I accept that the minister has not been in the job that long. However, I put it to the minister that this situation is not made any better by providing a fairly thin explanatory second reading speech. I know that the minister provided an explanatory memorandum that goes on at length about the bill as well, but the intent of where the minister is coming from is always contained in the second reading speech as opposed to the explanatory memorandum, which is about the details of the bill. In this case, the minister's second reading speech was 11 pages in fairly large typeface, which does not give us a full explanation of the bill. I also draw the minister's attention to his second reading speech on the Building Bill, which I think is even shorter than the second reading speech for this bill. The Building Bill second reading speech is also not a detailed explanation about what in that case is a significant piece of legislation.

Mr W.R. Marmion: It is pretty long; I think it is 11 pages.

Mr F.M. LOGAN: I think the Building Bill was fewer pages than this second reading speech, which is 11 pages. Given the fact that the Building Bill provides for the overhaul of the entire building law in Western Australia, including the regulations and the establishment of an entire new building regulatory structure, I thought that a longer second reading speech—if not for the opposition, then for local councils and courts—would have been requisite as an explanation to users of the legislation about what the minister had in mind at the time Parliament passed the bill. That is the reason for second reading speeches. I hold that same view about the minister's approach to the Occupational Licensing National Law (WA) Bill second reading speech. Therefore, I make it clear to the minister now—I think I have told him before informally, and I have explained it to his department—that we will oppose the bill, but not because of the content of the bill. I want to make it absolutely clear that we support the process of the national uniformity of occupational licensing that was agreed to in the Council of Australian Governments process. That had been under debate for quite a significant time, and it

reached its conclusion on 30 April 2009. The opposition agree with that process. We agree with the approach that we took as the government's predecessors and as responsible ministers, and we agree with this government's approach to ensure that we have reform of national occupational licensing to ensure that there is no difference in how those licences are expressed and applied by those particular occupations across each of the states and territories in Australia. We agree absolutely with the process. We were involved when we were in government in that process, and the Labor ministers who were responsible for this portfolio at that time basically kicked the process off for the purpose of reaching uniformity on occupational licensing reforms.

We oppose this legislation because of the divergence that the government has taken on this legislation, and on previous legislation, in the enactment of model legislation. I know that the minister will stand and say that it is not his fault and it is all those horrible people in the upper house on the Standing Committee on Uniform Legislation and Statutes Review who are saying that Western Australia should have its own standalone legislation at all times and for all purposes, including the capacity to modify regulations for the purposes of respecting the Western Australian Constitution and our ability to act as a state without being under the dictate of other arms of the commonwealth.

Mr W.R. Marmion: Correct!

Mr F.M. LOGAN: I know that is what the minister is going to stand and say. The opposition's point is that that argument may well be appropriate in certain cases, but in the case that we are dealing with, national occupations and licence conditions for particular classes of workers across all states and all jurisdictions, we argue very strongly—I believe that is what we agreed to when we went into the Council of Australian Governments process in the first place—that the method proposed of a model law, in this case drafted by the Victorian jurisdiction, should simply be picked up and adopted here in Western Australia. That was the intent of the original agreement of the COAG process and has and is being done by other state jurisdictions around Australia. However, that is not going to be the case in Western Australia. As the minister points out in the second reading speech, the state's capacity will be set out as a schedule to the bill to ensure that the state of Western Australia has responsibility over this particular piece of legislation in Western Australia.

Mr P.T. Miles: And rightly so. We should control our own.

Mr F.M. LOGAN: What a fantastic contribution! I must admit the member for Wanneroo makes unbelievable contributions to this chamber. He is absolutely phenomenal! The member does not say much; he does not speak very often. In fact, he hardly ever speaks in this chamber, but when he does he comes out with pearls of wisdom—like that last comment.

Mr W.R. Marmion: Action man!

Mr F.M. LOGAN: That is right; he is an action man. When he wakes up from that state of permanent doze that he is in on the back bench, he is an action man.

Dr K.D. Hames: It is the Englishman in him.

Mr F.M. LOGAN: As a fellow Pom, the member for Wanneroo is embarrassing us. The member should stay quiet; otherwise, I will have to disown him completely.

Mr D.A. Templeman: He thought he was a member of the House of Lords; that's what I think.

Mr F.M. LOGAN: That could be it. He certainly has shown the same behaviour as a member of the House of Lords. The member for Wanneroo is expressing some of the views held by members of the Legislative Council—perhaps he is in the wrong chamber, because that is what many of the members of the Legislative Council say about the ability of the state of Western Australia to determine its own future by way of its own legislation. Whilst I do not completely disagree with that approach and there are certain times and legislation in which that may well be necessary; however, in this case, the Labor opposition does not agree because of the nature and content of the bill that we are dealing with. In this case, the work and the way in which that work is performed by particular classes of occupations is in many cases dangerous work. For example, in the case of electricians, refrigeration technicians and other classes of workers that are named here, we could end up with somebody being killed if the standards and the way in which the licences are structured and applied in each jurisdiction are not exactly the same. That is the reason for our opposition to the bill.

Mr W.R. Marmion: It will not make any difference.

Mr F.M. LOGAN: The minister says that, but the problem is that his side of politics has got form in doing things that are different from the rest of Australia when it comes to reaching agreement in the COAG process and then effectively welshing on that agreement by saying Western Australia will do something completely different. I draw the minister's attention—because he is the relevant minister—to a statement that he made in this house about the occupational health and safety legislation. The minister knows this is COAG-agreed

uniform legislation that is being applied in a very similar way as this bill is being applied across the whole of Australia. What has the minister got up and said in this house?

Mr W.R. Marmion: We have adopted most of them!

Mr F.M. LOGAN: The government has adopted most of the components of the legislation, with the exception of those that give any power whatsoever to those hated trade union thugs who might come in and protect workers' conditions in the workplace! It is because of that ideological approach that I say the minister and that side of the chamber have form in the intent of legislation. Even though it might be logical and appear to be quite appropriate that we should have our own legislation in Western Australia that might reflect the federal standards, but because members opposite have form, the concern that we have on this side of the chamber, and the concern that others outside the chamber have, is that we believe this is a golden opportunity for the party in government to start mucking around with the national standards and the national law and saying that it agrees to this law, but after the bill is passed, the government will change a component of this legislation because it does not agree with what the rest of the states and territories are doing. That is the concern we have. We have real reasons for that concern because of the minister's own statements in this house about another piece of uniform legislation that goes to occupational health and safety, and his unwillingness to pick up the box and dice that is the entire COAG reform agenda for occupational health and safety uniformity that has been adopted in every state and territory, with the exception of Western Australia.

By the way, minister, when will that occupational health and safety bill be concluded?

Mr W.R. Marmion: Soon.

Mr F.M. LOGAN: Ha! I assure the minister that there will be a major blue when he brings that legislation into this house, with those five key elements missing. We will revisit this debate, and we will probably revisit the minister's speech on this legislation to remind him of what he said when arguing the case for uniformity. On the one hand, the minister might argue that it is absolutely appropriate that we have uniformity under this legislation, and then he will argue the complete opposite when it comes to the occupational, health and safety provisions because that legislation includes some very, very limited powers for occupational health and safety delegates on the job, who may well be union members, to be able to stop jobs in very, very dangerous circumstances, which is quite appropriate.

Coming back to this legislation, we oppose it because Liberal and National Party members have form in mucking around with legislation and regulations in Western Australia unless they are locked into a genuine uniform approach to this type of legislation and its conditions.

Although that is our reason for opposing this legislation, I would like the minister to deal with a number of questions now or when the legislation is considered in detail. My question goes to the occupations themselves. In his second reading speech, the minister referred to the occupations of air conditioning and refrigeration installers, building and building-related occupations, and electricians, and then he referred to land transport operators of passenger vehicles and dangerous goods vehicles, maritime occupations, and plumbing and property-related occupations. However, of those groups of occupations, there is an explanation of whom the category of occupation applies to for only one. For example, for property-related occupations, it is explained that that group applies to land valuers and real estate agents, including real estate auctioneers and settlement agents. Given Liberal–National governments' form on land valuation in the past, I thought it would be absolutely critical that there be no opportunity whatsoever for Western Australia to do anything at all different from what is done in the national model and that that is why the government should have picked up the model piece of legislation. That is another example of the form of previous Liberal–National governments in this area. Property-related occupations are the only category for which there is an explanation of whom it applies to. In terms of plumbing, to what extent are we talking about plumbing? Does it include roof plumbers? What occupations under the industries listed in this bill that are —

Mr W.R. Marmion: The building-related ones?

Mr F.M. LOGAN: Those that are licensed and fall within the jurisdiction of the model legislation and hence, ultimately, this piece of legislation. For example, does the category of building and building-related occupations apply to scaffolders and riggers, which are both building-related licensed occupations? I understand that the bill also covers electrical fitters. It is not explained in the minister's notes, but my understanding is that it covers electrical fitters. However, I would like the minister to explain whether it does; and, if it does, does it also cover dual-trade electricians; that is, instrument and electrical tradespeople? I would imagine that it would have to, because a dual tradesperson would still have to be licensed. But, again, the bill contains no further explanation of exactly whom the legislation applies to.

Extract from *Hansard*

[ASSEMBLY — Tuesday, 23 November 2010]

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Mr Fran Logan; Dr Tony Buti; Mr Bill Johnston; Mr Bill Marmion

I would also like an explanation from the minister about why the maritime occupations and the land transport operators are at this stage, as the minister has indicated, not expected to be covered by this legislation and the national regulations that are a function of this bill. Why are they not covered and what is expected to occur to those occupations?

Mr W.R. Marmion: I think that you might know.

Mr F.M. LOGAN: I am presuming that it goes to the issue of national security for the maritime occupations.

Mr W.R. Marmion: I understand that it will be picked up by the legislation, but I will get an answer for you.

Mr F.M. LOGAN: I am plucking at straws. I always thought that it was the issue of national security for both maritime occupations, with the obligations to secure national ports, and land transport operators—dangerous goods drivers only—with people driving vehicles carrying dangerous goods or particular chemicals. I thought that the issue was national security, but the minister can explain to the house what occupations are covered, why the occupations in those two industries that I have just referred to will not be covered by national regulations immediately, and what will happen to them in the future.

I would like a further explanation from the minister about how he sees this bill operating in Western Australia; how he sees the national regulations operating, although effectively automatically adopted in Western Australia by the COAG commitment to ensure that our regulations are consistent with those in every other state; and what will happen, given that this bill allows those regulations to be disallowed. If a particular regulation is disallowed, what happens next? Because Western Australia has its own independent view of the world, those regulations may pass this house pretty quickly and then go to the upper house, and for some reason the people in the upper house might think that they know more about the occupations than do the people who work in the industry and decide to disallow the regulations for whatever reason they have in their minds at the time. What happens after that from both a state perspective and a national perspective? I would like to hear from the minister about the likelihood of any divergence from any nationally agreed position on these licensed occupations, the way in which those licences work and the application of those licences in the workplace, because that is what this is all about. I would like a commitment from the minister that there will be no divergence from any nationally agreed position either on —

Mr W.R. Marmion: I won't be able to give you that.

Mr F.M. LOGAN: Why?

Mr W.R. Marmion: We might as well have the legislation as it is if you can't have —

Mr F.M. LOGAN: That is the reason I raise it. If there is not going to be any possible move away from a nationally agreed position, as seems to be pointed out in the legislation, the explanatory memorandum and the minister's second reading speech, the minister should not have any hesitancy in giving a commitment that it is Western Australia's intention to comply with any national agreement on these occupations, whether by way of legislation or regulation. That is the commitment we will be seeking from the minister, because anything other than that would immediately cause concern among members on this side of the house, which is the reason we are opposing the legislation in the first place, and would add to the concern of industries, whether it is the workers or the employers who are the licence holders and who want to ensure consistency for their type of work to allow them to operate across state lines without any impediment. I know that this is not just a trade union issue, and by that I mean a skilled union whose members hold licences. It is also reflected by the industries in which people work and by their industry representative bodies, because they do not want Western Australia to do anything differently from anyone else. They have concerns. If there is no real reason to do anything differently in Western Australia, why not just pick up the model legislation from Victoria? That view has been expressed by the Chamber of Commerce and Industry of Western Australia about the minister's position on occupational health and safety. Its view, like that of many other employer bodies in Western Australia, is that the minister should just get on with it and should stop mucking around for philosophical reasons about trade unions. It wants the government to pick up the model national legislation.

How does the minister see the legislation working in Western Australia on the basis that it is standalone Western Australian legislation? How does he see the regulations working in Western Australia? If one or more of the regulations that applies to one of these occupations is disallowed by either house in Western Australia, what will be the next step—how will the matter be resolved? I ask the minister to give a commitment that where national agreement is reached on a particular occupational licence change or modification, Western Australia will not differ from that decision. I ask the minister to commit to following national uniformity, because that is basically what this is all about. Those are the sorts of things that were not covered by the minister's second reading speech but which we would like him to express in the house tonight.

I know I am jumping around the place. The first point I made was about this bill being brought on in a rush. Why is this bill before the house now? The first wave of occupations is not expected to come under this new national uniform legislation until 1 July 2012, and for the remaining occupations it is not until 1 July 2013. Why are we dealing with this legislation at five to 10, two days before Parliament ends for the year, with me moaning —

Mr W.R. Marmion interjected.

Mr F.M. LOGAN: I know; it is because after the second page on the pink sheet, there is nothing else! I think I know exactly why. That is the government's problem. All the minister has done is to create a problem for the opposition by not giving it the opportunity to consult widely. Tonight I am expressing the views of those organisations I have been able to consult in the two parliamentary days the government has given us to deal with this matter before I had to get on my feet and speak on this bill. I would like the minister to answer that question honestly and fairly.

I will ask another question on a broader issue. It is on the minister's favourite subject, which he likes me to ask him questions about. It is nearly Christmas, and the minister obviously expects me to raise this matter. I am referring to Mr Amendola and his very, very expensive report for Western Australia. When can we expect to see that report handed down? The minister said it would be handed down before the end of the year. It is nearly the end of the year. What will the minister do or say if the Amendola report comes down with a recommendation that impacts on the bill we are dealing with tonight? The minister will say that it will not do that, but it could do. It could impact on particular occupations and the way in which their licences are expressed or applied in the workplace.

Before I sit down and allow other speakers to make some comments on this bill, I will make an aside. A matter will possibly come before the upper house this week that will go very much to the issue we are dealing with tonight. If it does not come up this week, it will come before the upper house next year. I am referring to a regulation, which has already been changed, on the way in which electrical licences are filled in for work undertaken on construction sites. The new regulation, which is the subject of a disallowance motion in the upper house, has two components. One deals with work for which an electrical licence is required. If any electrical work is undertaken on a construction site, even if it is temporary work, the person undertaking that work has to tag out that work with his name and electrical licence number. The change that had been made to the regulation was that it was broken into two components. The second component said that where work is being undertaken of a similar nature on a construction site for which a licence is not required, the person undertaking the work need only provide his name. An example of what has been happening in practice is that people who have been undertaking that work for which a licence is not required have just scribbled out on a piece of paper or on the tag on the work the name "Paddy". That is all they have put down, and not who they are.

Mr W.R. Marmion: Paddy?

Mr F.M. LOGAN: Paddy—Paddy has done the work.

Mr W.R. Marmion: Mike, Joe or Harry.

Mr F.M. LOGAN: This is a real example. Paddy has done the work. There is a real possibility of someone being injured as a result of the work not being done properly. One example that was given, minister, was that of a normal extension cable that had a plug missing from one end so the person put a plug on it. The only problem was, there was a plug on the other end and it was plugged in. But that person did not follow that electrical cable down and work out that there should have been a female plug on one end and a male plug on the other; he just accepted the fact that there was a female plug on the other end so a male plug ended up on both ends and he plugged it in. That person was lucky to not be electrocuted. That regulation change led to practical problems occurring on construction sites in Western Australia. I think that is a good example that underlines the point I have made throughout my contribution to the second reading debate, which is that if Western Australia decides to do something different to the national model regulations that have been agreed to—it does not matter which occupation we are talking about but in this case we are talking about the licensing of electrical occupations—what will be the actual practical implications of that out there in the workplace? The example I gave the minister just now is a real example of the Western Australian jurisdiction making changes that could possibly lead to deaths on construction sites.

Mr W.R. Marmion: It could be the opposite; that could have been a national change that was brought in, and we would have the opportunity to vary it in Western Australia.

Mr F.M. LOGAN: It could be, but I think that this case just goes to show that we have to be very careful when approaching these things. With the particular licensed occupation such as the one we are talking about—electrical—people's lives will be put at risk. I put to the minister that the effort put in by a series of people from around the country who have thought carefully about the national uniform regulations is sometimes—not

always—quite more advanced and better than doing it as a standalone regulatory change in a state such as Western Australia.

For all those reasons, and with that practical example that I gave, we as an opposition oppose not the intent of the Occupational Licensing National Law (WA) Bill 2010 to reach national uniformity on the licensing of occupations and the consistency of ensuring that there are similar standards and regulations for licensed occupations across Australia, but the way in which, once again, a conservative government in Western Australia wishes to break out from the national model of uniform legislation and do its own thing and the consequences that that will lead to at the end of the day. Unfortunately, we do not trust the government at all. The conservative side of politics has form for doing crazy stuff that leads to the undermining of conditions for workers in Western Australia, and it has form in terms of that exact claim in terms of occupational safety and health. We do not trust the government's approach to the occupational licensing national law, and for those reasons we will be opposing this bill.

DR A.D. BUTI (Armada) [10.03 pm]: I must say that I admire my friend the member for Cockburn; he has an ability to speak for a long period of time, and of course everything he says makes a lot of sense—I feel that I cannot follow that fantastic lead. The minister might be happy that my contribution will be a bit shorter.

Mr W.R. Marmion: And to the point.

Dr A.D. BUTI: No, I think the member for Cockburn gave me, and maybe the good minister, a lesson on various parts of the Occupational Licensing National Law (WA) Bill 2010.

The opposition totally agrees with the general thrust of the legislation, but as was stated, and as the minister very well knows, it was introduced to recognise that we are part of the national economy, and we therefore should, as much as possible, have uniform conditions or standards. This bill deals with the implementation of a licensing system for certain occupations that were agreed on at a Council of Australian Governments meeting. When members read the second reading speech and the explanatory memorandum, they would think that the state government is 150 per cent behind the idea of national uniform legislation, and it seems, generally, to be in favour of it, although it has introduced a couple of variations that have led to the opposition opposing this bill.

It is late, and the bill is not the most interesting piece of legislation. As I was thinking about what to say—I knew I would not be able to go as long as my good friend the member for Cockburn—I decided to search the internet to read what people have written about occupational licensing. I came across a little article from the United States that the member for Riverton, of course, will be interested in because it is from the Library of Economics and Liberty. It is by S. David Young, who is definitely strongly against any licensing of occupations, and it is featured in the *Concise Encyclopaedia of Economics*. The article reads —

The argument in favor of licensing always has been that it protects the public from incompetents, charlatans, and quacks. The main effect, however, is simply to restrict entry and reduce competition in the licensed occupation. Yet from the beginnings of the modern professional movement early in America's history until the seventies, the growth of licensing proceeded with little opposition. The possibility that licensing might be used to enhance professional income and power was considered incidental to serving the public interest.

A careful analysis of licensing's effects across a broad range of occupations reveals some striking, and strikingly negative, similarities. Occupational regulation has limited consumer choice, raised consumer costs, increased practitioner income, limited practitioner mobility, and deprived the poor of adequate services—all without demonstrated improvements in the quality or safety of the licensed activities.

I know the minister does not agree with that; if he did, he would not be bringing this bill to the Parliament.

Mr W.R. Marmion: Not necessarily. It depends on the trade or profession.

Dr A.D. BUTI: That is right.

I will read a bit more because it is quite interesting that some of what he states has some merit. The article continues —

Perhaps the most frequent criticism of licensing has been the failure of licensing boards to discipline licensees. A major cause is the reluctance of professionals to turn in one of their own. The in-group solidarity common to all professions causes members to frown on revealing unsavory activities of a fellow member to the public. Going public regarding infractions, no matter how grievous, is often viewed as disloyalty to the professional community.

Of course, this bill can impose disciplinary action, so I think that takes care of that criticism. The article continues —

These higher costs might be acceptable if it could be shown that licensing enhances service quality. Most of the evidence on this issue, however, suggests that licensing has, at best, a neutral effect on quality and may even harm consumers. By making entry more costly, licensing increases the price of services rendered in the occupations and decreases the number of people employed in them. The result is a “Cadillac effect,” in which consumers either purchase the services of high-quality practitioners at a high price or purchase no services at all. Some consumers, therefore, resort to do-it-yourself methods, which in some occupations has led to lower overall quality and less safety than if there were no licensing. The incidence of rabies is higher, for example, where there are strict limits on veterinary practice ...

According to the article, Sidney Carroll and Robert Gaston documented that —

... rates of electrocution are higher in states with the most restrictive licensing laws for electricians. Apparently, consumers often do their own electrical work in highly restrictive states rather than pay artificially high rates for professionals, with predictably tragic results.

The article also goes on to say that too much licensing will not allow innovative juices to flow and we will not have new inventions. It uses the example of Thomas Edison.

Mr W.R. Marmion: The member for Riverton would be enraptured!

Dr A.D. BUTI: That is what I thought; that this would be right up his alleyway.

Mr W.R. Marmion: I hope he is listening.

Dr A.D. BUTI: I might give him a copy of this article by S. David Young.

Mr F.M. Logan: I am sure he would love a copy.

Dr A.D. BUTI: He will absolutely love it.

When the member for Cockburn spoke about the differences this proposed legislation brings—that is, it does not adopt the Victorian legislation without it going through as a law of this Parliament—it was mentioned by way of interjection: what is the point of the argument? One could conversely say: what is the point of the need to be at variance with the agreed national model? It may be argued that there is a chance we may not agree with the model legislation. There is always a chance with everything, but do we need to go to this extent? Do we need to be the only state engaged in a model divergent from the rest of the nation? Of course we, as a sovereign state Parliament, should scrutinise legislation—there is no doubt about that—but we also have to be realistic. We have accepted that there is a need for national uniform legislation relating to the licensing of certain occupations. That fits in with many of the debates last week about the mutual recognition laws. It seems to take it to the nth degree to say because there might be a possible problem, we should have our own divergent system.

Clauses 5 and 8 deal with the fact we are diverging from the national model. In relation to clause 5, the explanatory memorandum states —

Under this process Victoria will enact a model Occupational Licensing National Law and each other State and Territory will enact legislation to apply that Victorian Law, as amended from time to time, as a law of their jurisdiction.

But with the agreement of the other jurisdictions, Western Australia will not go down that path; it will have to be scrutinised by the Western Australian Parliament. It further states —

Clause 5 provides that the Occupational Licensing National Law as set out in the Schedule to the Bill may be amended by order of the Governor published in the Western Australian Government Gazette.

The minister mentioned that the procedure prescribed under clause 5 will lead to minimum delay in implementing any variations. The point is that there will be a delay. Of course it may not be a significant delay, it may not actually matter, but why go down that route? Why do we need the delay? It is very difficult to see why we require our own divergent model for these occupations. One would imagine that the various states would reach agreement. It does not involve commonwealth legislation. This is an agreement by the states and territories. Why can we not agree to the standards that we should impose in the licensing of certain occupations? One of the prescribed occupations relates to building. One of the justifications in regard to building and building-related occupations is that building is of national importance. It is crucial to the economy. One would therefore hope that we can have building occupations that can move freely from one state to another. The whole idea of the mutual recognition laws was to allow the free trade of labour or services. I am not inferring that this bill, as formulated, will necessarily prevent the transfer of people from one jurisdiction to another, but it may cause a delay. In Western Australia, our economy has a shortage of labour. There is a focus on the mining industry; therefore that can create a shortage of labour in other areas—building being one. If there is a labour shortage, the

cost of labour goes up et cetera and the cost of building houses will increase. If we then impose another restriction which could be divergent to licensing procedures vis-à-vis the rest of Australia, that could act as a deterrent for labour to move from the eastern states to Western Australia. We definitely need a greater movement of labour coming into Western Australia. In the last federal election there was talk about a “small Australia” policy et cetera. I do not think Western Australia should be arguing for a small Australia. We need a bigger Australia or a bigger part of that Australia to live in Western Australia. We will have a shortage of labour. The proposal that the minister is trying to pass in this house adds a little bit more of a barrier to that movement of labour from the eastern states to Western Australia.

As we know, the reason we have licensing that is contrary to the views of S. David Young, which I read out earlier, is really down to public health and safety, and worker health and safety. I would be pleased to hear an example from the minister that would justify us having a divergent model. Can the minister foresee any situation whereby the state and federal jurisdictions would have a different standard for the health and safety of the public or of the workers themselves that would lead us to pursue this divergent model? Overall, we are supportive of the purpose behind the national occupational licensing law, as obviously this government is, because basically 90 per cent of the bill is in agreement with what was agreed by the Council of Australian Governments. The government has implemented legislation that follows the proposed national model; it is just that it has decided that it will not go all the way. I really wonder if the minister has taken it a bit too far.

MR W.J. JOHNSTON (Cannington) [10.17 pm]: The Occupational Licensing National Law (WA) Bill 2010 is obviously somewhat controversial for the Labor Party. It is probably aimed at something that we all would support, which is the idea of mutual recognition. That is really about labour mobility; the idea that we can allow one of the main inputs in production, that is labour, to easily transfer from one state to another. It might surprise many members to know that Australia does not have a high level of labour mobility when compared with other places in the world like the United States. There is a much higher level of labour mobility in that economy than in Australia. It is interesting what the government is not doing as well. I draw members’ attention to the minister’s second reading speech in which he says —

COAG has acknowledged that overlapping and inconsistent regulation of various occupations in the states and territories impedes productivity and imposes unnecessary costs on businesses operating in more than one Australian jurisdiction.

The same can also be said for industrial relations. The government’s continued attempt to breathe life into the corpse of WorkChoices in this state is an example of this government not being interested in the harmonisation of laws that would allow businesses to operate in an effective way across Australia. For the period of the federal election campaign, the corpse of WorkChoices was both buried and cremated, but we know that in the hearts of members opposite WorkChoices beats very strongly. We know that given half a chance WorkChoices will be back. That is not something that —

Mr I.C. Blayney interjected.

Mr W.J. JOHNSTON: Is the member opposed to WorkChoices?

Mr I.C. Blayney: Aspects of WorkChoices went too far.

Mr W.J. JOHNSTON: Does the member support individual contracts that allow people to reduce their pay?

Mr I.C. Blayney: No, not where it —

Mr W.J. JOHNSTON: Does the member agree with the abolition of awards and the centralised wage fixing system?

Mr I.C. Blayney: That had primarily been done before WorkChoices.

Mr W.J. JOHNSTON: That is not true. Until WorkChoices there was a centralised wage system. Does the member support it or not?

Mr I.C. Blayney: I dispute that there was a centralised wage system.

Mr W.J. JOHNSTON: Does the member support a centralised wage fixing system for low-income earners?

Mr I.C. Blayney: There should be a minimum in there, yes.

Mr W.J. JOHNSTON: Should that be a comprehensive system of awards or just a minimum rate of pay?

Mr I.C. Blayney: A minimum.

Mr W.J. JOHNSTON: So the member does not think there should be comprehensive awards?

Mr I.C. Blayney: No.

Mr W.J. JOHNSTON: This is the problem. This is the whole point. This is the exact issue that we have raised.

Mr F.M. Logan: This is where they have form.

Mr W.J. JOHNSTON: That is right. They do not understand the consequences of what they are saying. The member is saying that he is happy to abolish overtime, penalty rates, the protection of maximum hours in a shift, coffee breaks, rest breaks, lunch breaks and sensible protections for ordinary working people in this state.

Mr R.F. Johnson interjected.

Mr W.J. JOHNSTON: The Leader of the House interjected. I can remember seeing him when I was an organiser in the Shop, Distributive and Allied Employees Association of WA. I lobbied him on the 1993 Workplace Agreements Bill and he told me that he had not read the legislation and was simply relying on the then minister's word that the legislation would adequately protect the people of this state. We know exactly what happened. That legislation was the basis of one of the largest attacks on working people's wages and conditions in this state's history. I remind the minister that that legislation led directly to a reduction in wages for people working in the Advantage IGA Supermarket in the Rockingham Shopping Centre. The staff had 30, 40 and 50 per cent of their wages cut because of the legislation which the member did not read but which he supported.

Mr R.F. Johnson: I do not ever remember meeting you.

Mr W.J. JOHNSTON: That is the minister's problem. I remember it very clearly. I will send the minister my diary notes.

The government is not committed to a national framework for occupational health and safety. This is the opt-out government. This government does not want effective national occupational health and safety legislation. It is not interested in being part of that scheme.

Mr I.C. Blayney interjected.

Mr W.J. JOHNSTON: New South Wales does adopt the national scheme. The member is wrong. He should read about these things before he interjects. New South Wales supports the national framework but says that the national framework should include the right of unions to launch prosecution actions. That is not the same thing as what is happening in Western Australia. In Western Australia, the national framework has been rejected. It is not the same thing. This state government has form. Read the submission to the Fair Work Bill by this state government on the issue of workplace relations and see the entitlements that this government does not support. It is fundamental to why in their heart of hearts, as we have heard from the member for Geraldton, government members do not support fair wages and entitlements for the working people of Western Australia. They reject the 100 years of effective industrial regulation in this country. That is why they cannot help themselves. When they get the chance, they cut conditions and reduce benefits. That is the problem we have with this bill. This bill is being designed in a way to allow them to continue to do that.

Tonight we have had debate on a range of bills related to state agreements for big mining developments in the north of the state. None of those bills provides for training. There is no commitment to training by this government. It does not have any genuine commitment. It has seen a reduction in the number of apprenticeships in this state, particularly in the established trades. That is directly related to the issues in this bill. This bill will allow the government to introduce non-standard training arrangements for people in this state. That would not be allowed in other places. The government has opted out of industrial relations and health and safety and it wants to opt out of training as well.

I draw the minister's attention to a particular issue relating to plumbers. At the moment, a plumber cannot get a part-time licence. A constituent in my electorate has had a lifetime of experience in the plumbing industry and is now reaching retirement age. He does not want to work full time as a plumber any more but is unable to be licensed on a part-time basis. He can be licensed, as he is now, as a master plumber, or he can be licensed only as an employee. That means he cannot work other than by being employed by another plumber. We need to look at the issue of licensing arrangements. The minister's second reading speech lists all the occupations that are intended to be covered by these arrangements such as air conditioning and refrigeration installers, which, as the minister explained in his speech, is not a licensed occupation in Western Australia; building and building-related occupations; electricians; land-transport operators; maritime occupations; and plumbing and property-related occupations. I assume that the property occupations are those that the minister discussed earlier in his speech—real estate agents et cetera. If the minister is saying that Western Australia needs to be different, he should specify why it needs to be different. There is an old adage that if a power does not need to be exercised, why ask for it? What does the minister intend to do with it? If he cannot explain how he would use the power he is trying to create for himself by not following the national model, he should explain why the additional arrangements are needed. If the minister does not explain that, the assumption is it will be like the government's opposition to national industrial regulations and national occupational safety and health standards. The government does not

want to come up to the national standards. It wants to allow lower standards that will deny benefits for the working people in this state. The government desperately continues to hide the Amendola report. We have a new Minister for Commerce and that very expensive report, which was funded by the taxpayers of the state, remains a secret. What does the government have to hide? Why can it not be honest with the people and explain to them why the government has an industrial relations agenda about, as the member for Geraldton explains, cutting entitlements, cutting out rest periods for working people, cutting out lunch breaks, and cutting out minimum and maximum shift lengths? That is the agenda that has been outlined to the chamber by the member for Geraldton.

Mr I.C. Blayney: Have I?

Mr W.J. JOHNSTON: The member said that he was opposed to specifying —

Mr I.C. Blayney: You are putting words in my mouth.

Mr W.J. JOHNSTON: I am not. I asked the member and he said that he was opposed to comprehensive awards.

Mr I.C. Blayney: I said that I believed in minimum standards.

Mr W.J. JOHNSTON: No, that is not what the member said.

Dr K.D. Hames: You go back to *Hansard*.

Mr W.J. JOHNSTON: Go back to *Hansard*? I asked a question and he said that he supported —

Dr K.D. Hames: You are extrapolating.

Mr W.J. JOHNSTON: No. I asked whether he supported minimum rates and he said yes. I then asked if he supported comprehensive minimum awards and he said no.

Mr I.C. Blayney: I said I supported minimum standards.

Mr W.J. JOHNSTON: No. The member said that he supported minimum rates. I then asked the member if he supported comprehensive awards and he said no. Is the member saying that he does support comprehensive awards?

Mr I.C. Blayney: I support a minimum standard.

Mr W.J. JOHNSTON: Does the member support comprehensive awards? That is a pretty simple question. It is either a yes or no answer.

Mr I.C. Blayney interjected.

Mr W.J. JOHNSTON: Does the member support an award system or not? Does the member support the system that protects —

Mr I.C. Blayney interjected.

Mr W.J. JOHNSTON: Does the member reckon every industry should have the same minimum standard?

Mr I.C. Blayney: I don't see why not.

Mr W.J. JOHNSTON: Quite frankly, that would be an extraordinary position that would be effectively unworkable. The idea that the minimum standards that apply to a shop assistant will be the same as the minimum standards that apply to a tractor fitter is ridiculous. The award system allows for flexibility between industries so that one industry is not bound by the regulation of another industry. The member cannot have it both ways! The member cannot say that he supports one set of standards and not accept the consequences of what he is saying but reject another system that has been developed over 100 years to allow important protections for working people. This is one of the problems with the Liberal Party. We all know that for 100 years it has not wanted to have adequate regulation of industrial relations in this state.

This bill is just another example of the Liberal Party trying to find devices that it can use to set itself up to undermine proper standards. The Liberal Party has been doing that forever. In the Liberal Party's heart of hearts it did not matter what happened during the federal election campaign. The Liberal Party might have cremated and buried WorkChoices for six weeks, but we knew that the day the election was over, whether it won or, as it was, lost the election, WorkChoices would be back on the agenda. That is demonstrated by Senator Chris Back who is already saying around Australia that he thinks WorkChoices should be resurrected. That is what the Liberal Party believes in and it is what members of the Liberal Party in this chamber believe in. If I am wrong, Liberal Party members had their opportunity to prove that during the federal election campaign when we put up a motion, which they defeated, to call for the adequate regulation of industrial relations. This legislation is another part of the slippery agenda about which the Liberal Party is not being honest with the people of this state. It is the same reason that the Liberal Party is hiding the Amendola report, the same reason that it has rejected occupational health and safety standards, and the same reason it does not want proper industrial relations

regulation: the Liberal Party recognises, as has been done in this country for 100 years and more, that we can deliver proper protection to working people through an adequate award system. That is the Liberal Party agenda. I have said before and I am happy to say again that I have no malice towards the minister; I have always found him to be someone I can talk with. But that is really not the point: this is about the Liberal Party and the Liberal government. We know that we cannot trust the Liberal Party because every time it gets the opportunity, it attacks working people. Sadly, this legislation is another opportunity that the Liberal Party is putting in its back pocket so that if it gets the chance, it can have a go at ordinary people who are just trying to make their way, work hard, earn a living and look after their family. This is the sort of legislation that allows the Liberal Party to undermine working people.

I remember that in 1993 when I was on the board of the State Employment and Skills Development Authority, the Chamber of Commerce and Industry of Western Australia and other supporters of the Liberal Party would say, "You don't have to worry about regulating the training system because the market will look after it." Throughout the 1990s until the Labor government was elected in 2001, inadequate attention was paid to training in this state. Therefore, when we moved to a high level of economic growth, we were not ready for it and that, of course, caused trouble for industry because apart from anything else it bid up wages, but it also held back industry because there were not enough Australians with the proper training to work in those occupations that were suddenly in high demand. What happened was that 457 visa holders were brought into the country as temporary entrants and then, of course, people would try to assist those 457 visa holders to become permanent residents of Australia in a backdoor way. That is how we had a huge surge in migration to levels that the community was not prepared to support. That huge surge in migration took place while the Liberal government was in power, so we had a situation in which Australian young people were not being adequately trained. I draw the minister's attention to the fact that, as I understand it, BHP Billiton does not train the train drivers or train signallers in this state, yet it is a major employer of those occupations! Is it not about time that we did better than that so we do not have to import labour to do these skilled occupations when Australians are going without work or without high-skilled work because they are not being properly trained? This is an opportunity for the minister to show that he is not going to just slide along with the Liberal Party. It is an opportunity for him to show that he has his own agenda. It is an opportunity for him to show that he understands the importance of national standards. It is an opportunity for him to show not just in a media release, but also in actual fact, that he will commit to national industrial relations regulations to provide proper protection to bury and cremate WorkChoices. And it is an opportunity for him to show that he can come on board with national occupational health and safety standards so that people in Western Australia can be properly protected, instead of having some low level of health and safety protection at work. It is never good enough that people go to work and do not go home. That is never good enough. Equally the minister can demonstrate that he does not have a backroom agenda on this question of standards in occupational licensing so that he can implement a genuine national framework for occupational licensing. We will then know that we have proper standards in Western Australia to adequately ensure standards for protection of consumers in Western Australia as well as ensuring that proper training levels are implemented and that there is a proper interchangeability of skills across the country.

MR W.R. MARMION (Nedlands — Minister for Commerce) [10.35 pm] — in reply: I begin by thanking the members for Cockburn, Armadale and Cannington for their contributions. I will start off with the member for Cockburn, who made some general comments before he asked some specific questions about the bill having been brought on in a bit of a rush. I acknowledge that it has been a bit quick but we will make sure, as we always do, that my adviser is available to give the member as much advice as possible. I understand there was a briefing today which, unfortunately, the member for Cockburn was unable to attend.

Mr F.M. Logan: I couldn't get there. That's the problem.

Mr W.R. MARMION: I also acknowledge the fact that the member for Cockburn is opposing the bill; not on the content, but his main reason is the process, and that it does not comply with the agreed methodology for implementing the bill. That is the main reason the member for Cockburn is opposing it. He is suggesting that we should have simply adopted the Victorian template legislation.

Mr F.M. Logan: Yes.

Mr W.R. MARMION: The member for Armadale raised the point as well that any amendment to both the bill and the regulations—the regulations will be brought in perhaps later in 2011—will automatically apply in Western Australia. That sets the framework.

There is therefore a fundamental philosophical difference here. I will make a couple of comments on that. The first comment is that it will be very difficult anyway to get the legislation through the Council if we do not deal with the bill. In fact, I have a report that is hot off the press from the Standing Committee on Uniform Legislation and Statutes Review, which inquired into the Fair Trading Bill 2010. We did our best to frame that bill in a form that was not template legislation but was model legislation. Even then, the Council had some

problems with that legislation. I dare say that the same thing would happen to this bill, and may still happen, when it goes to the upper house. Indeed, if we look at the Constitution of Australia and how it was formed, we can see that this area of legislation is a state area; it is not a commonwealth area. Indeed, there is no commonwealth legislation. The template legislation is in Victoria and the regulations, I understand, will be adopted in New South Wales. It is not commonwealth legislation; this legislation is a province of the states. However, we all recognise that the uniformity of professions across Australia is a desirable outcome.

The member for Cockburn asked some specific questions. The first one was: which occupations are covered by the bill? “Plumbing” includes all licensed plumbers. “Electricians” includes all licensed electricians. “Building occupations” in WA are currently limited only to builders and painters. In other jurisdictions, a number of other trades are separately licensed—for example, tilers.

Mr F.M. Logan: So it does not cover scaffolders and riggers?

Mr W.R. MARMION: No, but the bill is flexible enough that other building professions can be added. The professions included initially are builders and painters. The question of exactly what will be covered under “building occupations” is still to be worked out when the regulations are developed, which will be next year, and hopefully that will be completed by the end of 2011. Maritime occupations and land-transport operators will not be covered, because these are now separate COAG reform processes. The Ministers for Transport will be dealing with the maritime and land transport occupations, and those areas will be covered by separate legislation.

The member for Cockburn asked what would happen if the national regulations were disallowed in WA. The aim will be for uniformity, so if there was an issue with the regulations or a specific aspect of the regulations, if the minister in consultation with unions, the professions et cetera, had a concern, the first port of call would be to raise that at the ministerial council to get agreement that there was an issue and to vote on what we want. There is that process of consultation at ministerial council level. The member also asked about the worst-case scenario if Western Australia decided it did not like the approach adopted by all the other states, supposedly. We would have to weigh that up. The good news is that this Parliament would have the choice between uniformity and disallowing the regulations. It could be an issue of safety in which we do not think the regulations go far enough; indeed, it could be that the unions have advised me as minister that there is a problem, and, if I agreed, that would give the Western Australian Parliament the opportunity to disallow those regulations.

Mr F.M. Logan: I gave you a couple of examples during the second reading debate, and it is not the type the minister has referred to. It could be a situation in which the Premier’s favourite parliamentary chamber, the Legislative Council, decides for its own reasons that it is going to disallow a national regulation on a particular occupation because it thinks it knows better.

Mr W.R. MARMION: No, because there would be a rational reason.

Mr F.M. Logan: What you think is a rational reason coming out of the Legislative Council may not be a rational reason. Council members may have flicked it off to a committee and for their own reasons decided to disallow a national regulation on a particular occupation. For example, let us say the mining industry lobbied the mining minister in the upper house very heavily about the licensing of a particular occupation on mine sites in Western Australia, which happens to be different and a lesser standard than that in the national guidelines —

Mr W.R. MARMION: It could be the other way around. The member is tending to the negative; it could be a positive.

Mr F.M. Logan: I am just giving the minister an example; it does not really matter what it is. If the mines minister encourages everybody up there to vote for it and that regulation is disallowed because the mining industry in Western Australia wants to do something different, what is the next step?

Mr W.R. MARMION: The member is talking hypothetically.

Mr F.M. Logan: Yes, but what is the next step?

Mr W.R. MARMION: The aim would be for uniformity. There would have to be a very —

Mr F.M. Logan: Hang on, minister! That is the whole point of the issues I have raised. The minister keeps saying—I said during the second reading debate that this is what he would say—that Western Australia is looking for uniformity, but we want the ability to change it.

Mr W.R. MARMION: Correct.

Mr F.M. Logan: I gave the minister two examples of the national law being changed in Western Australia. What is the next step?

Mr W.R. MARMION: The member is giving an example in which he says that the upper house has a frivolous reason.

Mr F.M. Logan: It does not really matter.

Mr W.R. MARMION: It is hypothetical.

Mr F.M. Logan: The minister still has to explain the legislation.

Mr W.R. MARMION: It is easy to make the point. The regulation could be changed, and we would weigh up whether we want uniformity or whether this is an issue of such importance to the Parliament of Western Australia—it could be the Legislative Assembly or the Legislative Council—that we choose, on this hypothetical issue, that it is more important that the Parliament makes a decision that may be against uniformity in that particular situation. At the moment —

Mr F.M. Logan: Then what happens?

Mr W.R. MARMION: Mr Deputy Speaker, may I make the point without any interjections?

The DEPUTY SPEAKER: The minister.

Mr W.R. MARMION: Currently, different tradespeople are licensed in different ways all around Australia, so there are already variations. There might be mutual recognition, but the way that is gotten around is to have different conditions on the licences so there is no mutual recognition. This basically provides that all professions will have uniform regulations. They have yet to be developed, but that is the intention. It may never happen; we might go for 100 years and never disallow a regulation. However, I and this government think that it is reasonable that the Parliament of Western Australia has the opportunity to disallow and also to change the legislation if it so chooses. That is it; that is my answer.

Mr F.M. Logan: In that case you will definitely go into consideration in detail, minister. You have an obligation to answer this simple question.

Mr W.R. MARMION: I have given the position.

Mr F.M. Logan: You have not explained. Okay, Parliament disallows the regulation. What is the next step; what happens then?

Mr W.R. MARMION: The member is talking hypothetically.

Mr F.M. Logan: It does not matter. It may happen. Just for the sake of trying to understand how this legislation works, what happens next?

Mr W.R. MARMION: It means that aspect that has been disallowed in the licensing of the profession in Western Australia will be different from all the other states, will it not?

Mr F.M. Logan: Is that informed to the body that looks after national regulations, and what is its response? What happens?

Mr W.R. MARMION: It will be upset, will it not?—or maybe not. It is obvious.

Mr F.M. Logan: That is not an answer.

Mr W.R. MARMION: Yes, it is.

Mr F.M. Logan: No, it is not. You are dealing with legislation. You cannot make it up as you go along.

Mr W.R. MARMION: What is the member saying? I have told him the answer: the licence will be different in Western Australia from those in all the other states.

Mr F.M. Logan: It is very simple. You are introducing legislation into this chamber. I am asking: how does it work? It is your role as a minister to explain how it works.

Mr W.R. MARMION: I have just told the member. He obviously has not understood.

Mr F.M. Logan: I clearly understand it. You just say, “Oh well, if we do something different, we do something different.”

Mr W.R. MARMION: That is the answer, is it not? There is a different outcome.

Mr F.M. Logan: Hang on! There is a body that insists on national uniformity. Does it just not get told that Western Australia is doing something different?

Mr W.R. MARMION: Of course it does. It will know. I know what is going on in the other states.

Mr F.M. Logan: What—it will read it in the newspapers? How does it work?

Mr W.R. MARMION: The minister will be able to write to the federal minister. There are all sorts of things he can do. It is not a big deal.

Mr F.M. Logan: I do not know. You are the minister. You tell me how this legislation works.

The DEPUTY SPEAKER: All right, member for Cockburn! Minister.

Mr W.R. MARMION: Another question the member asked is: why is this bill being debated now when the licensing will not start until July 2012? There is a lot of planning to be done. We have to do all the regulations next year.

Mr F.M. Logan: No, it is because you have run out of legislation.

Mr W.R. MARMION: Three other states—Victoria, New South Wales and Queensland—have already got legislation through.

I will answer the member for Armadale's questions. He raised similar questions on the fundamental way we are bringing in this bill. I must say that he raised some good points on the delay. He raised the point that, because of the disallowance procedure, there could be 21 days' delay. That is probably not a big issue. Obviously, it is not as good if a ministerial council or Victoria and New South Wales adopted a change in the regulations or a change in the legislation, because it would not be immediate in Western Australia and there would be a delay. I do not think that is really a big problem.

The member also raised some very interesting fundamental philosophical issues on the value of licensing. Indeed, I thought the member's points were reasonably valid given my experience of working in engineering. Engineering is not a licensed profession; it is a —

Dr A.D. Buti interjected.

Mr W.R. MARMION: I even agreed with one point about a profession, the name of which I will not mention. There are problems with professions sometimes not wanting to discipline their members; especially in a small profession and an environment in which everybody knows everybody. I agree with the member.

Dr A.D. Buti: I have heard that about the legal profession.

Mr W.R. MARMION: I was thinking of another one, but similar. I think the member's points are valid. Indeed, initially a lot of trades are not being licensed but one would hope that ministers across Australia will be mindful of the need to add other professions down the track. Indeed, painting is a profession—a bit like hairdressers perhaps; although saying that could be a bit controversial—about which one wonders if there is a need to be licensed. We have to be mindful of those sorts of things.

The member raised the divergent model, which I have tried to explain in response to the member for Cockburn. He asked the question: is there an example whereby Western Australia might have a different standard in future on occupational safety and health grounds? I know the point the member is making; that is, a profession or trade is normally licensed if there is a safety issue. I agree that that is a good fundamental philosophy by which to determine whether a trade should be licensed. However, in terms of licensing, the national licensing system will cover the scope of work, qualifications and training requirements. That is what we are talking about today. The detailed regulations are, as I have mentioned, still to be worked out. There will be an advisory group to work up the regulations for each profession.

I move on to the member for Cannington, who has disappeared. Unfortunately, he did not spend much time on the bill, but diverged on to lots of other industrial relations topics.

Members, I commend the bill to the house and look forward to it being considered in greater detail.

Question put and a division taken with the following result —

Extract from *Hansard*
[ASSEMBLY — Tuesday, 23 November 2010]
p9365c-9379a

Mr Fran Logan; Dr Tony Buti; Mr Bill Johnston; Mr Bill Marmion

Ayes (24)

Mr P. Abetz
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr T.R. Buswell
Mr G.M. Castrilli

Mr V.A. Catania
Dr E. Constable
Mr J.H.D. Day
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey

Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell

Dr M.D. Nahan
Mr C.C. Porter
Mr D.T. Redman
Mr M.W. Sutherland
Mr T.K. Waldron
Mr A.J. Simpson (*Teller*)

Noes (20)

Ms L.L. Baker
Dr A.D. Buti
Mr R.H. Cook
Mr J.N. Hyde
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Mr M. McGowan
Mr M.P. Murray
Mr A.P. O’Gorman

Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Ms R. Saffioti
Mr T.G. Stephens

Mr C.J. Tallentire
Mr P.C. Tinley
Mr A.J. Waddell
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Pairs

Mr I.M. Britza
Mr A.P. Jacob
Mr J.E. McGrath
Mr J.M. Francis
Mr M.J. Cowper
Mr F.A. Alban

Mrs C.A. Martin
Mr P.B. Watson
Mr M.P. Whately
Ms J.M. Freeman
Mrs M.H. Roberts
Mr E.S. Ripper

Question thus passed.

Bill read a second time.

Leave denied to proceed forthwith to third reading.