

**Division 10: Registrar, Western Australian Industrial Relations Commission, \$13 796 000 —**

Mr S.J. Price, Chair.

Mr W.J. Johnston, Minister for Industrial Relations.

Ms S. Bastian, Chief Executive Officer.

Mr M. Hadfield, Executive Director.

Mr R. Sao, Chief of Staff, Minister for Industrial Relations.

Mr J. Welch, Principal Policy Adviser.

[Witnesses introduced.]

**The CHAIR:** The estimates committees will be reported by Hansard and the daily proof will be available online as soon as possible within two business days. The chair will allow as many questions as possible. Questions and answers should be short and to the point. Consideration is restricted to items for which a vote of money is proposed in the consolidated account. Questions must relate to a page number, item or amount related to the current division, and members should preface their questions with those details. Some divisions are the responsibility of more than one minister. Ministers shall be examined only in relation to their portfolio responsibilities.

A minister may agree to provide supplementary information to the committee. I will ask the minister to clearly indicate what information they agree to provide and will then allocate a reference number. Supplementary information should be provided to the principal clerk by noon on Friday, 2 June 2023. If a minister suggests that a matter be put on notice, members should use the online questions on notice system to submit their questions.

Do we have any questions? The member for Cottesloe.

**Dr D.J. HONEY:** At the outset, I apologise to the minister's advisers who are here tonight. It will be quite a short session. I mean no disrespect to the importance of the function of the Western Australian Industrial Relations Commission, but my colleagues are anxious to move onto other divisions. I say that at the outset and thank the minister and his advisers for coming here tonight.

I refer to pages 120 and 121 of budget paper No 2 that refer to the increased jurisdictional functions of the agency. Is it possible for the minister to give a brief overview—it does not need to be detailed—of the increase in that jurisdictional reach and what that has meant for the agency's functions?

**Mr W.J. JOHNSTON:** I am advised that since 30 June 2022, there have been six applications for a stop-bullying order and seven applications for damaging action under section 97. From January to May this year, the commission has received 56 applications that were coded as local government, noting that there has always been a small number of local government applications anyway. That appears to be an extra 45 applications or thereabouts. From the available data, the total number of applications to the commission in 2023 has increased by 14.5 per cent compared with 2022.

**Dr D.J. HONEY:** What has driven that increase? Is it just more awareness that those options are available?

**Mr W.J. JOHNSTON:** The stop-bullying applications under section 97 are a new jurisdiction. Those options were not available to employees previously and now they are. In respect of the increased load from local government, we have always had a local government jurisdiction, but it has greatly expanded since 1 January. Both the social partners in local government are testing out what it means to be in the state jurisdiction, remembering there is a transition period during which their existing entitlements become entitlements of the state commission, so there is a process. I am a section 50 party, as is the Chamber of Commerce and Industry of Western Australia and UnionsWA, therefore I see all the applications for new awards and agreements. I think about five or six new agreements have been tabled between the Australian Services Union and local government in the short period that we have been in this jurisdiction. I do not know that it is a rush, but it has certainly been an increase, and that was expected.

**Dr D.J. HONEY:** Unless I misheard, it sounds as though local government has a disproportionately large number of applications. Would that be a fair assessment, given the other organisations, or at least the other awards, that are covered by the minister's portfolio?

**Mr W.J. JOHNSTON:** State government is the largest user of the state commission. We have a residual jurisdiction for the private sector, but it is not particularly active. The commission is dealing with the scope clauses and that process continues to run along. Local government is a large employer. It is now in the jurisdiction, so it is natural for there to be a certain level of activity between the social partners in that industry in the state commission. That was expected; we knew that. Over time, that will grow because the transition arrangements will come to an end. I make it clear that just because an agreement reaches its expiry date, it does not disappear. It remains in force unless one of the parties resigns. A new agreement does not have to be created, but there is an expectation that there will be new agreements in local government.

**Dr D.J. HONEY:** Perhaps I misunderstood the answer, but I was particularly interested in the applications for stop-bullying and sexual harassment orders. Perhaps I was conflating two numbers. Was the 56 in relation to —

**Mr W.J. JOHNSTON:** Local government.

**Dr D.J. HONEY:** So it was not in relation to stop-bullying orders.

**Mr W.J. JOHNSTON:** There were six applications for stop-bullying orders and seven applications for damaging action orders under section 97, so there were 13 of that style of application.

**Dr D.J. HONEY:** That is some consolation. I refer again to page 120 and the bottom of the spending changes table. The line item “2023–24 Streamlined Budget Process Incentive Funding” has an allocation of \$200 000. What does that line item actually mean?

**Mr W.J. JOHNSTON:** The table refers to the following: the Salaries and Allowances Tribunal, which is involved in the operation of the act, so it does not need to ask for money; the public sector wages policy, which was a decision of government; and election commitments, which are funded because they are election commitments. The agency is not asking for anything new. If an agency is a good little agency that does not ask for anything new, it will automatically get two per cent out of Treasury.

**Ms M.J. DAVIES:** It is generous.

**Mr W.J. JOHNSTON:** It is very generous. Inflation is five per cent and the agency gets two per cent.

**Ms M.J. DAVIES:** Here is our bribe.

**Mr W.J. JOHNSTON:** There you go! If an agency does not ask for anything, it gets two per cent. Originally, when we came to government, this applied only to small agencies. In fact, the WAIRC has always taken the money; it has never asked for anything. It obviously gets funded for election commitments, but otherwise it does not ask for anything. This proposal now applies to all agencies. The Department of Mines, Industry Regulation and Safety took the money one year, but we always have stuff to do, so we always have to go back with the begging bowl. Even as an Expenditure Review Committee minister, it is not easy, I can tell you! It does not fall over for you.

**Ms M.J. DAVIES:** Cry us a river.

**Mr W.J. JOHNSTON:** Yes, cry us a river.

**Dr D.J. HONEY:** I have no further questions. This is not a reflection on the agency; it is only a reflection on the time that we have available tonight. I thank the minister and his advisers.

**The CHAIR:** Minister, you have a government question if you want to take it.

**Mr W.J. JOHNSTON:** I will take the government question. I do not want to leave anybody disappointed.

**Ms C.M. TONKIN:** My question was asked!

**The appropriation was recommended.**

[8.50 pm]