



WESTERN AUSTRALIA

# Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT  
FIRST SESSION  
1997

LEGISLATIVE ASSEMBLY

Thursday, 15 May 1997

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**THE SPEAKER** (Mr Strickland) took the Chair at 10.00 am, and read prayers.

### MOTION - SENATE VACANCY

#### *Joint Sitting*

**MR COURT** (Nedlands - Premier) [10.05 am]: Parliament has been informed by message from His Excellency the Governor reported to this House on Tuesday, 29 April 1997 that the place of a senator for the State of Western Australia has become vacant under section 15 of the Commonwealth of Australia Constitution Act through the death of Senator John Horace Panizza.

Several members interjected.

Mr COURT: I move -

That the Speaker be requested to confer with the Honourable the President of the Legislative Council, in order to fix a day and place whereon and whereat the Legislative Assembly and the Legislative Council, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [10.06 am]: As my friend and colleague the member for Bassendean said, the message to this effect from the Eastern States must have come to Western Australia by way of camel train. The delay in this process has been totally unacceptable and it is one of the issues that is causing aggravation in the community with respect to the passage of the Labour Relations Legislation Amendment Bill through the Parliament. The Government's desire to get the legislation through the Parliament before 22 May, when the Legislative Council will be constituted differently, has resulted in its taking extraordinary steps in this Parliament and the political system generally. The steps taken by the Government are causing annoyance and aggravation in the community and inflaming an already bad situation. These extraordinary steps include the delay in the departure of the Agent General-elect to London and the lengthy delay in calling for a joint sitting of the Parliament so that the senator-elect can go to Canberra. In addition, the guillotine motion has been used in this House and in the Legislative Council. All these factors are inflaming an already bad situation.

For the Government to have any credibility on these matters this motion should have been moved many weeks ago. Members on this side of the House remember only too well what happened when Senator Vallentine resigned and had to be replaced. They recall the comments made by members who are now on the government side of the House on the process of replacing that senator. I will certainly take the opportunity in the joint sitting to remind the Premier and members opposite about those events.

This Government's move to allow Hon Ross Lightfoot to vote on the industrial relations Bill by delaying his departure to Canberra has been a very provocative act in the politics of Western Australia. I remind the Government of its twin responsibilities. Its first responsibility is to ensure that it has a mandate for the legislation it brings to this Parliament and that its legislation can be sustained by a principled argument. The legislation has failed those tests.

The second responsibility the Government has is to understand that there is a contract between it and the people and if that contract is to be maintained, it should judge whether the legislation it introduces can maintain harmony in our society. The Minister for Labour Relations obviously advised the Government not to worry about the legislation. He told it there would be a few protests but they would all fizzle out. I am sorry, they will not fizzle out. The protests are about not only the passage of this legislation but also the legislation itself, and when it comes into operation there will be further difficulty for the Government of this State.

The motion before this House is one example of how this Government has mishandled the whole issue of the industrial relations legislation. The delay in filling the Senate vacancy has been brought about for no reason other than the desire of this Government to push through the Labour Relations Legislation Amendment Bill before 22 May. The people of Western Australia have been denied their right to have representation in the Senate simply because of the Government's desire in this matter.

The Opposition supports the motion but points out to the Premier that it should have been moved in the Parliament much earlier. The fact it was not introduced earlier has more to do with the Government's desire to have the Labour Relations Legislation Amendment Bill passed than with Western Australia's representation in the Senate.

The Opposition will have a lot more to say about Western Australia's representation in the Senate on another occasion. The Government should make no mistake: The precedent relating to the joint sitting was set by members opposite and the Opposition will use that precedent to say a lot of things about Senate representation of Western Australia and the delays which have occurred in filling the Senate vacancy.

The Premier is losing the plot in respect of the Government of this State. He has allowed the Minister for Labour Relations too much freedom and has given him too much authority. As a result there is antagonism in our community today. It is disappointing it has taken so long for this motion to come before the House. It is certainly not before time this motion was moved.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [10.12 am]: The Opposition can do no more than support this motion. In doing so it points out to the House the dual embarrassment of this Government in its handling of this matter. The first embarrassment is the person the Liberal Party has chosen to represent this State in Canberra.

I do not know how the Minister for Aboriginal Affairs can live with his membership of a party which elected Hon Ross Lightfoot to fill the Senate vacancy, especially when one considers his views on Aboriginal matters. The Minister for Aboriginal Affairs genuinely wants to advance the position of Aboriginal people in the community. The same cannot be said about Hon Ross Lightfoot. I wonder how the Minister for Education can live with his membership of a party which elected to send Hon Ross Lightfoot to Canberra. Only last week the Minister for Education launched a strategy for the promotion of Aboriginal studies in the school system. Although I was not invited to the launch, I understand he indicated he wanted Aboriginal studies taught in every school and he would consider making that curriculum component mandatory if insufficient schools took up the option. The Minister wants the community to have a greater understanding of Aboriginal culture. However, Hon Ross Lightfoot finds it abhorrent that Aboriginal culture should be taught in our schools and he is vehemently opposed to such a proposal.

The first embarrassment to this Government is the type of person for which it is seeking the Parliament's endorsement to send to Canberra. The second embarrassment is the way it has very cynically manipulated the parliamentary processes to maintain its voting strength in the Legislative Council to ram through legislation that does not have the support of the community. At the same time the Liberal Party in Canberra has exploited the Labor Party's adherence to constitutional and parliamentary conventions. The federal Labor Party has not forced a reduction in the federal Liberal Party's voting strength.

As the Leader of the Opposition pointed out, the only reason that this motion has taken so long to come into this House is to allow the Government to maintain its temporary majority in the upper House. The only reason it wants to do that is that it is too weak to stand up to the zealotry of the Minister for Labour Relations. Any decent leader would have said to the Minister for Labour Relations, "What you are proposing is too divisive and will cause too much damage to our social cohesion and the State's economy." Any decent leader would have demanded from the Minister that this matter be negotiated with the trade union movement and be subjected to the will of the Parliament which was elected at the last election. There has been no decent leadership by the Premier. Instead, he has caved in and surrendered to the zealotry of the Minister for Labour Relations. The Premier should have brought that Minister into line because there are sufficient people in the Government who know what he is like and are aware of the damage he can cause.

A Government member interjected.

Mr RIPPER: The member said he is a fine fellow. It is interesting that he is the only member opposite who has interjected in support of the Minister. That speaks volumes for the standing of the Minister for Labour Relations in the opinion of other sections of the Liberal Party. It will be interesting to see whether other members opposite are prepared to defend the way in which the Minister for Labour Relations has approached the Labour Relations Legislation Amendment Bill. The member for Ningaloo is a volunteer. Therefore, only two members on the government backbench are prepared to put up their hands and say they like the way the Minister for Labour Relations has approached this Bill. Is there anybody else? Not a volunteer. All the other members opposite are embarrassed by the way the Minister for Labour Relations has handled this piece of legislation.

Several members interjected.

The SPEAKER: Order!

Mr RIPPER: The timing of this motion is a classic example of the Government's whole approach to this issue. Its move to keep Hon Ross Lightfoot in the Legislative Council is cynical, ruthless and brazen. I use those terms because it is parliamentary convention. It is cynical to keep Hon Ross Lightfoot in the Parliament for the purpose of ramming through this legislation which is causing so much damage in the community.

The Labor Party's behaviour in regard to the Senate numbers in Canberra has been quite different from this Government's behaviour. Since the death of Senator John Panizza the Labor Party has extended the pair in Canberra to maintain the voting patterns in the Senate as determined by the people of this country. The Labor Party could have exploited the death of Senator John Panizza in a very finely balanced Chamber for a temporary advantage. However, the Labor Party in Canberra did not do that. It has honoured not only the conventions of the Parliament, but also the will of the people as expressed at the last federal election. Therefore, the Liberal Party has not had to send Hon Ross Lightfoot to Canberra in a great hurry because it has been able to exploit the responsible position taken by my federal Labor colleagues.

I ask members opposite to contrast that behaviour and respect for convention with what has happened in this place. The convention is that when a vacancy occurs in the Senate it should be filled as speedily as possible. The Opposition has seen a deliberate flouting of that convention. It shows members opposite have no respect for constitutional conventions. The conservative side of politics has a long history of rorting constitutional conventions, particularly with regard to the upper House - members can go back to 1975, to affirmative consideration of Supply to the Whitlam Government and to Joh Bjelke-Petersen putting non-Labor replacements into the Senate to replace Labor senators who died. Members can come to the position in this State where for 106 years the conservative side of politics has had control of the upper House because of the way it rorted the electoral system.

Dr Gallop: A good title for a book is, "Big tricks and little tricks - the history of the conservatives in WA"

Mr RIPPER: That would be a best seller and there is plenty of material available for a sequel as well.

It is interesting to look at the way in which 106 years of conservative dominance of the upper House is coming to an end. For 106 years the members opposite have had control of the upper House and have been able to put through whatever legislation they like. They have been able to govern by saying to the people, "Don't protest any further. It doesn't matter, it is going through." They have governed in a way that has never been available to a Labor Government. It is interesting to see how that 106 years is finishing. The Liberal Party is concluding its dominance of the upper House with a guillotine, the attempted use of the gag and the rorting of the timing of the removal of Hon Ross Lightfoot from the upper House and his transplantation to the Senate to ram through a piece of legislation. The 106 years rort is highlighted by the petty rorts that are occurring at the end of its dominance of the upper House. What an undignified way for 106 years of control of the upper House to conclude. The Liberal Party will never have control of it again. It is ramming through a divisive piece of legislation which is causing great social and economic damage in the community. It is an inglorious conclusion for the conservative side of politics.

The Opposition supports the motion but it is appalled at the way in which the Government has handled this whole matter.

Several members interjected.

Mr RIPPER: The Minister for Local Government is appalled at the angry scenes in the Public Gallery in this Chamber and the other Chamber.

Several members interjected.

The SPEAKER: Order!

Several members interjected.

The SPEAKER: I call the Minister for Local Government to order.

Mr RIPPER: The member for Hillarys raises the term "anarchy".

Several members interjected.

Mr RIPPER: Exactly. The Government has brought this social division, discord and disharmony on its own head. Governments have a responsibility. This Government cannot step outside the mainstream and breach its mandates and conventions as it has done to ram through legislation that severely affects the rights of hundreds of thousands of Western Australian workers and their representative organisations without getting this sort of discord and division. The Government bears the responsibility not only for the type of legislation it brought in, but also the process by which the legislation has been pursued. The process is particularly angering the people of Western Australia - the guillotine, the gag, rorting the numbers in the upper House and ramming the legislation through before the will of the people as expressed at the last election is properly reflected in the membership of the upper House.

This motion is almost the final element in what has become a disgraceful saga.

**MR KOBELKE** (Nollamara) [10.25 am]: Mr Speaker, the House is debating a motion moved by the Premier which will instruct you to consult the President of the Legislative Council to organise a joint sitting for the replacement of a senator. The Premier did not speak to that motion. Perhaps it was not necessary for him to explain the mechanisms and the reasons for it, but surely he should have explained the inordinate delay in bringing this motion to the House. The Premier gave no reason to this House why there has been a Senate vacancy from Western Australia for nearly four months. It is incumbent on the Premier to explain this totally inordinate delay; or is he too embarrassed?

Some people may believe that the person who will take up the Senate position is of such quality that the State would be better served by not having a senator. I do not think the Premier will argue in that vein, but there are people in the community who see it that way. What are the reasons for this inordinate delay? The Premier has not given the reasons because this is about base political motivation.

The Premier likes to play the music of attacking the Commonwealth Parliament, by saying he is a champion for Western Australia. The Premier would like the people of Western Australia to believe that one of his primary objectives is to stand up for Western Australia within the Commonwealth. This motion is another example which indicates that is not true. This Premier simply uses state rights as a political bell to sound when he is in a difficult position. He can play on local sympathy, the regionalism of Western Australia and the special type of State it is to say the State must attack the Commonwealth and stand up for its rights.

This motion will ensure that Western Australia is fully and properly represented in the Senate, the so-called States' House, but the Premier does not think it is important. He thinks that playing politics is far more important. This is just one more example that makes a lie of the Premier's statements that he stands up for Western Australia.

This Government will pull any trick if it thinks it is to its political advantage. It has no consideration for the interests of the people of Western Australia. Today we see one more irrefutable piece of evidence that supports the position I am putting. The Premier would not explain why he has caused this matter to be delayed for as long as he has.

The issue for the Premier is how to get legislation through the upper House before 22 May when he does not have a mandate for it. The Government went to the last election saying it had completed the legislative program it promised the people in its first four years in government. That statement was made by the Premier to justify the fact he was breaking the convention of this State by going to an election in December. Members in this place have never experienced an early election. It created the problem of having a Legislative Council whose members had not been elected in December 1996. Those members who were elected in December could not take their seats until 22 May. It is all about ramming legislation through the other place regardless of its merits. It is fairly clear now that there is no merit in it. One aspect of the legislation - dealing with secret ballots - purports to fulfil an election mandate. This is not the right time for me to argue about that aspect of the legislation, but that is the only thing in that legislation for which the Government has a mandate. However, because the legislation is so bad and because after 22 May the Government cannot rely on convincing even one of the Democrats to support the legislation, it has had to tear up the rule book and break convention after convention to try to achieve its goal.

Unfortunately, this State is suffering, and will continue to suffer, because of the arrogance of this Government. This Government takes no account of convention or of what the people of the State think. It spends huge amounts of money on opinion polling for the purpose of manipulation. It does not listen to what the people want. If it did, it would know the people wanted the Senate seat filled some months ago, not nearly four months after it became vacant.

The sheer hypocrisy of members opposite is shown in the statements they made the last time there was a joint sitting to elect a senator to represent Western Australia. At that time it related to the resignation of Senator Vallentine and her then replacement by Senator Chamarette. That happened when the Parliament was not sitting and was not scheduled to meet for several weeks. However, some of the members who now form this Government said that the then Labor Government should recall Parliament early to ensure the State took up its Senate vacancy in Canberra. They ran the argument that it was essential to the constitutional system and that this State's rights had to be upheld by having all its senators in place in Canberra. That was so important that the then Labor Government was urged to recall Parliament to fill that vacancy. In this instance this Parliament has been sitting for a number of weeks and it would not have been difficult to organise a joint sitting of both Houses at an earlier date despite the Liberal Party's difficulties in deciding who its candidate will be. However, for its own base political motives this Government has left this motion until it was politically opportune, regardless of convention and its stated objective of upholding state rights by ensuring Western Australia is fully represented in Canberra by its full quota of senators.

**MR BROWN** (Bassendean) [10.33 am]: I support the motion. I agree with my colleague the member for Nollamara that it is incumbent upon the Premier to explain the reasons for the delay in filling the Senate vacancy. He cannot duck that responsibility because he finds it embarrassing. Of course it is embarrassing for the Premier to explain to the Parliament why it has taken months to bring this resolution forward. The Premier of this State should have the courage and the guts to stand in this place and outline the reason for the delay. In the absence of that honesty and

openness we do not have an open Government. We have a Premier who continues to operate, as he did last night, in a very secretive way. Last night he refused to disclose details of contracts entered into by the Government with its friends and colleagues or outline the various problems associated with them and now he will not disclose to the Parliament the real reasons for the delay in bringing this motion to the Parliament. Anyone who has some intestinal fortitude should not have a problem explaining the reasons for the delay. The Premier simply stood up and read the resolution and then scurried out like a jack-rabbit. Of course, the Opposition understands that for two very important reasons the Premier does not want to explain the position. Firstly, there was a lot of wrangling within the Liberal Party about a replacement for the late Senator John Panizza. We saw the re-emergence of the Crichton-Browne forces in the Liberal Party and they were successful in the preselection of an extreme right winger, namely Hon Ross Lightfoot, despite the best efforts of a number of moderates in the Liberal Party to roll that decision. Hon Ross Lightfoot was selected by the preselection council on one occasion and then that decision was overturned by the state executive of the Liberal Party. On the second occasion he was preselected. The Crichton-Browne forces and all they stand for, particularly in the northern suburbs with their involvement in the Bradshaw issue, the corruption in the Wanneroo City Council and other things, are alive and well. The Premier does not want to come into this place and talk about that because he is embarrassed about it. He knows there is filth, disgust and corruption in the heart of the Liberal Party and again we have seen the prime movers and shakers in that party extending their influence not only in this State, but also to Canberra. In the interests of parliamentary democracy the Premier should at least have the guts to stand up and explain the position. After all he is the Premier of this State. Western Australians are entitled to an explanation and if the Premier purports to represent open and responsible government, he should explain to this House the reason that he and his Government have delayed making these arrangements. It is evident he is embarrassed by the position and does not have the courage to front up. He simply moved the motion and scurried off into a corner.

The second reason the Premier is not prepared to explain the decision is that the delay in filling the Senate vacancy is for one purpose alone. It is a decision which is not in the best interests of the Australian Parliament, the Australian Constitution, the Western Australian Parliament or Western Australians. It was for one base political reason; that is, to ensure Hon Ross Lightfoot remained in this State until highly controversial industrial relations legislation passed the upper House. Everyone understands the base political reason behind the Government's actions. People are aware of the Government's disregard for constitutional convention. At least the Premier should put it on the record. He should be honest about it by saying in this place, "The Liberal Party has no regard for these things. Political power and dominance are important to it. It is not interested in convention, proper representation in the Senate or what ordinary Western Australians think: It is interested in political power." If the Premier said that in this place the Opposition, even though it would not agree with him, would give him a big tick for honesty. The Opposition would then be able to acknowledge him as a man who, although he has chucked constitutional convention in the bin and his reasons are based on political power, is nevertheless honest and prepared to put the facts on the record. He did not do that. Does the Premier have the guts and the strength of character to do that? No, he does not. He moved the motion and then scurried out of the Chamber without speaking to his motion. He is not here to listen to the debate. The Opposition is used to his behaviour. It asked him a question about contracts and was not given the information. He said the Government was not prepared to disclose the information. In other words the Government is not prepared to be open and accountable and to put the facts on the public record.

Government members on the Public Accounts and Expenditure Review Committee have voted in favour of investigating government contracts for last year and the year before. Basically, this Government is gutless, and political power is everything to it while political convention is nothing. It will continue to maintain secrecy and hope to survive at all costs. I advise the Government that many regimes around the world survive on that basis, but they survive for only short periods. People have long memories and they will remember the corrupt behaviour displayed by this Government, as well as the way it uses the political process.

Mr Johnson: They still remember the 1980s.

Mr BROWN: They do. People have long memories and they will remember this day in the same way they remembered that a former Premier of Queensland rorted the convention when he said, "We don't care about political convention and have no regard for it." People will remember how the system has been manipulated in the interests not of the State, but of power.

A member interjected.

Mr BROWN: The member asked what I was saying about a Queensland Premier. A former Queensland National Party Premier decided in the interests of political expediency to break a convention, which was recognised by State Governments of both political persuasions, to change the numbers. Australians have had to live with that decision. In the early 1980s the Liberal Party in this State was opposed to Malcolm Fraser's legislation on tax avoidance. The records show that the Liberal Party in this State fought ferociously against that legislation. People in the heart of the

Liberal Party were not evading but avoiding tax while pay-as-you-earn taxpayers were required to pay increased levels of tax.

The SPEAKER: Order! I remind the member that the House is debating a motion which is reasonably specific. I have given the member a lot of latitude, but the motion calls on the President and me to confer to do certain things.

Mr BROWN: Thank you, Mr Speaker. I am indebted to your guidance. I was sidetracked by the Minister for Health.

Several members interjected.

The SPEAKER: Order!

Mr BROWN: I was simply demonstrating political courage in terms of what is in the best interests of the people of Western Australia. Not very much political courage is demonstrated by members opposite on issues which affect ordinary Western Australians. In the 1980s the Liberal Party did not have the courage to acknowledge that the Fraser legislation was wrong. Members opposite are not showing any political courage with respect to this motion.

Dr Gallop: I wonder whether the Minister for Health read the article on police and politics in *The Australian*. It was about the former Premier of Queensland feathering his nest. It makes good reading and if the Minister hasn't read it, he should.

Mr Prince: I remember the election result in 1975.

Mr BROWN: I remember the result and it was a devastating defeat for Labor. It was only halfway through its term in office. If a Government is forced to go to the polls early, it can have disastrous consequences.

Several members interjected.

Mr BROWN: It was not the will of the people. Governments are elected for a certain time.

Mr Prince interjected.

The SPEAKER: Order!

Mr BROWN: I do.

Several members interjected.

The SPEAKER: Order! I call the Minister for Labour Relations to order.

Mr BROWN: Members opposite do not understand that at the last election the electors decided the coalition should be returned to power with an increased majority in this House. The Labor Party did not like that decision, but it respects it. The electors did not like the Liberal Party having unbridled power so they decided to rein in its power in the upper House.

Several members interjected.

Dr Gallop: That is not the point he is making.

Mr BROWN: Let us consider the history. As the member for Belmont said, for 106 years the coalition, through the rorting of the upper House boundaries, has controlled the upper House. At the last election, the people of Western Australia decided the coalition would no longer have control of that House. The Government was elected in 1996 at the same time as the new upper House members were elected. The Government draws its authority in this House today from the electors who elected it in 1996. If it passes legislation in 1997, drawing on its authority from the 1996 election, it is appropriate that it subjects it to the will of the people as it was expressed for the upper House in 1996. Members opposite continually refuse to accept that point. They can endeavour to manipulate the system by talking about the 1993 and the 1996 elections, but the will of the people in 1996 was that the Legislative Council should be balanced and be a House of Review rather than a rubber stamp for the coalition when it is in office.

I was hoping the Premier would have returned to the Chamber by now, but that is not the case. I do not know whether the Deputy Whip has phoned him to ascertain whether he will return and do this Chamber and the people of Western Australia the courtesy of explaining the reasons for the delay in moving this motion or whether he will wimp it and avoid his responsibilities yet again.

**MR RIEBELING** (Burrup) [10.50 am]: This is the final phase of probably one of the most disgraceful episodes this State and the Parliament has had to endure in the history of this State. The Government has denied this State proper representation in the Senate for its political purposes. The Government has had four months to advise this

House of the name of an appropriate person to fill the Senate vacancy. My advice is that the Opposition had no warning that this motion would be moved by the Premier this morning. This Government has once again treated the Opposition and the people of Western Australia with contempt. The Premier simply moved the motion and, as the member for Bassendean said, rushed out of the House as quickly as possible so that he would not have to respond to any questions about the motion.

This Government moved this motion without any warning, yet it has had four months to prepare it. The Opposition is aware that the continuous battles in the Liberal Party create a problem for the Premier. I recall reading in the newspaper that Hon Ross Lightfoot had been selected to fill the Senate vacancy and within a day the President of the Liberal Party overturned that decision and said another ballot must be held. Noel Crichton-Browne had to once again get on the phone to make sure the numbers were stitched up for his mate, Hon Ross Lightfoot. He had to make sure that his will, not the Premier's will, was acknowledged so that his mate could take a place in the Senate.

The member for Bassendean said there is not one person in this State who does not know the reason behind the delay in filling the Senate vacancy. The only reason Hon Ross Lightfoot is still in the upper House is the Labour Relations Legislation Amendment Bill must be passed. The Government will use its numbers in that place to pass the Bill. The Government is afraid that if the passage of the legislation were delayed, the new members of the Legislative Council who take their seats next week would reject the legislation. Why would they want to do that after this House, with a majority of conservative members, passed it?

I ask members to consider the reasons the Government introduced the labour relations Bill. Do the industrial disputes experienced in this State over the past four years justify legislation of this kind? Of course, the answer is no. The incidence of industrial disputation has been very low. Is the power of the unions out of control? Is this State facing a crisis during which the unions must be brought into line? Again, the answer to those two questions is no. This State's industrial relations record has improved over the past decade and is improving each year. The number of disputes has declined to a point where they do not create a problem of any great magnitude.

This Government, because it knows it has lost control of the upper House, sat down with the Minister for Labour Relations and said, "What is the worst piece of legislation you can think of? We will slam through legislation we know cannot work and for the next four years we will appear to the public as moderate, nice people by amending, bit by bit, that unworkable legislation until it becomes workable." The Premier has set out on a deliberate course so that at the next election he will be seen to be a moderate because his Government will have done away with large sections of the legislation.

There is no doubt that this legislation would not be passed by the newly constituted upper House. However, amendments to fix the legislation will be given clear passage. The Premier knows that and he wants to be seen as a moderate. The Minister for Labour Relations is the patsy. No-one cares what people say about him because no-one says anything nice about him.

The SPEAKER: Order! I think the member for Burrup was in the Chamber when I made some comments when the previous speaker was on his feet. The motion is reasonably specific and I have allowed wide-ranging debate. It appears I have been in error. I draw the member's attention to the motion and indicate to him that he is ranging too far from it. I ask him to consider that and bring his comments back to the motion.

Mr RIEBELING: I was endeavouring to make the point that there are political reasons for the timing of this motion. I agree that the motion is specific, but the reasons for its delay have not been explained by the Premier.

A government member should explain to the House the reason it has had to wait four months for this motion to be moved in this place. This State's representation in the Senate has been reduced by one in that time. I am sure not one member opposite will advise the House of the real reasons for the timing of this motion. The people of Western Australia know the reasons. The victims of this motion will unfortunately be all the politicians in this State. The public's cynical perception of the way this Parliament operates will be reinforced by the Government's actions in this instance.

The Government deliberately set out to make sure it maintained its numbers in the upper House and it did not care about the Senate representation of this State. It is very strange that this motion has been moved by the Premier who, at every opportunity, insists that he is pro-Western Australian. I will be amazed if a government member does not stand to defend the actions of this Government.

Question put and passed.

#### **PETITION - PUBLIC TRANSPORT FARE CONCESSIONS**

**DR GALLOP** (Victoria Park - Leader of the Opposition) [10.58 am]: I present the following petition -



To the Honourable the Speaker and members of the Legislative Assembly in Parliament assembled.

We the undersigned petitioners call on the State Government to reverse their increases in public transport fares, in particular the changes to concession fares and time constraints on transfers in that they will impact most severely on pensioners, the unemployed and other low income earners.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 451 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See petition No 34.]

A similar petition was presented by Mr Brown (17 signatures).

[See petition No 35.]

### STATEMENT - MINISTER FOR WORKS

#### *Building Industry Subcontractors - Security of Payment*

**MR BOARD** (Murdoch - Minister for Works) [11.00 am]: The problem of security of payment is one of the most complex and controversial issues in the building industry. It relates to the difficulty encountered by some subcontractors who are being paid in time and in full once they have completed their contractual obligations. The problem is not unique to the construction industry, but it is often seen to be worse in this industry than in others. The construction industry has quite low capital backing and relies heavily on cash flows to sustain business. If just one party in the contractual chain fails to pay on time, it can have a multiplying effect on many other parties further down the chain.

In late 1995 in New South Wales many subcontractors lost a lot of money following the financial collapse of several builders. This placed great pressure on both the New South Wales and Federal Governments to rectify the problem. However, there was an over-reaction. Some of the options put up by the National Public Works Council to protect payments to subcontractors, such as insurance, trusts and direct payments, would have cost industry more than the cost associated with the failure of builders.

Construction Ministers from around Australia have since developed a national approach to security of payment in the construction industry and I am pleased to inform the House that Cabinet has endorsed this package of strategies. The strategies aim to improve security of payment in the industry with the primary objective of ensuring that subcontractors working on public sector projects are paid on a timely basis and that their entitlement to payment has greater security. These best practice strategies will be implemented on all public sector projects and I will be encouraging the private sector to adopt similar standards.

All States have agreed to monitor how the private sector responds to the set of strategies and, if necessary, will consider further action. Some of the strategies will include prompt payment guidelines, proof of payment requirements and alternative dispute resolution guidelines.

The long term intention is to establish a code of tendering in the industry that will incorporate these best practice strategies. At present these strategies will clearly assist the many small players in the construction industry who are unable or unwilling to use existing contractual remedies in the pursuit of their payment.

Through the adoption of these and other practices the Government will create new industry standards and affect the way in which other participants in the industry do business. I am confident they will be supported by all participants in the construction industry and will bring significant benefit to the small and medium subcontractors.

### BILLS (2): ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Trustees Amendment Bill
2. Metropolitan (Perth) Passenger Transport Trust Amendment Bill

### MOTION - SELECT COMMITTEE

#### *Human Reproductive Technology*

**MR PRINCE** (Albany - Minister for Health) [11.05 am]: I move -

- (1) That a select committee be appointed to inquire into and report on the adequacy of the Human Reproductive Technology Act 1991 in fulfilling its stated objectives, in controlling the practice of, the procedures used in, and the ethics governing, human reproductive technology, and in regulating the use of reproductive technology in artificially assisted human conception and in research, and in particular, the committee is to consider -
  - (a) the matters specified for review under section 61 of the Act, namely -
    - (i) the effectiveness of the operations of the Western Australian Reproductive Technology Council and the committees of the council; and
    - (ii) the need for the continuation of the functions conferred on the council and on the Commissioner of Health respectively by the Act;
  - (b) rights of access to procedures, with particular regard to impacts of the commonwealth Sexual Discrimination Act 1984;
  - (c) research and experimentation on gametes, eggs in the process of fertilisation and embryos;
  - (d) pre-implantation diagnosis and genetic testing of embryos;
  - (e) rights to stored gametes and embryos, including -
    - (i) rights upon the separation or divorce of donors, the death of one or both donors or the physical or mental incapacity of one or both donors; and
    - (ii) rights of third parties such as subsequent spouses, both heterosexual and of the same sex, and the rights of other relatives;
  - (f) the storage of gametes, eggs in the process of fertilisation and embryos (including the duration of storage and procedures for extension of storage periods);
  - (g) the appropriateness and effectiveness of the council's obligation to compile a code of practice, the Commissioner of Health's power to issue directions, and the power to make regulations, and the scope and effect of existing directions and regulations under the Act;
  - (h) the effectiveness of powers of enforcement and disciplinary provisions under the Act, and the adequacy of offences and penalties;
  - (i) the impact on the Act of relevant commonwealth and state legislation, and aspects of legislation of other jurisdictions which could be incorporated into the Act;
  - (j) the effectiveness of the current licensing regime, including fee structure, reporting requirements, powers of inspection and powers of obtaining information;
  - (k) management of information registers including -
    - (i) confidentiality of information;
    - (ii) use of data research;
    - (iii) use of data for purposes of national data collection; and
  - (l) access to information about genetic parentage.
- (2) That the committee have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report from time to time.
- (3) That the committee finally report on 17 December 1998.

At the beginning of last year, not long after I assumed the position of Minister for Health, a particular issue concerning the continued storage of embryos under this State's reproductive technology legislation was raised. The Parliament saw fit to pass a reasonably small amendment to the Act to enable embryos that would otherwise have been destroyed to continue in storage for an extended period. At that point I made the observation publicly and in this place that the Human Reproductive Technology Act would be due for review in 1997-98. Given the nature of the legislation and the considerable interest it has among some people in society, perhaps the most appropriate method of progressing a review would be by the appointment of a select committee of this House. I made that observation after careful consideration because so far as I understand - I was not in the Parliament when the original

Bill was passed and became an Act - this is an issue which has no party political view or stance. I appreciate there may be members in the respective major and minor parties and the Independents who have a strong view on parts of this legislation. It is not an issue upon which there is a political divide, yet it is a matter which attracts a good deal of comment and passion from some quarters of society.

The select committee process, with which I have had some experience, seems to be an excellent process by which to hear, at length and in a dispassionate way, the views of parts of society on any particular issue and the issue of human reproductive technology is one of them. That is the main reason for my suggesting that the select committee process would be an appropriate way to commence a review of the Act. The second reason is that I was aware that, in a sense, similar work has been done in South Australia and Victoria, but mostly in the United Kingdom. Two or three years ago in the UK an extensive investigation of this issue was made by a committee of the House of Lords and I understand it has been applauded for the comprehensive nature of its examination into this area.

Therefore, it is my pleasure to move this motion. It is unusual for a Minister to move for a select committee and I certainly do not intend to put my name forward as a member of it. I have explained why, as the Minister, I am promoting this committee. I said I would do so and the reasons are fairly self-evident. The terms of reference of the proposed committee are exhaustive and should enable the committee to undertake its work properly.

**MS McHALE** (Thornlie) [11.07 am]: I am delighted to second this motion.

The SPEAKER: Saved by the Opposition!

Ms McHALE: I thought a government member would support the motion. Nevertheless, the Opposition can be helpful. It is important for me to say a few words -

Several members interjected.

Ms McHALE: The member can tell me later what a few words means in my language. Some members opposite misunderstand me.

Human reproductive technology is a critical area. The select committee will canvass a range of very important ethical issues, some of which will be difficult to deal with. However, it will have to deal with those questions. I know it is a complex area and one which will invite a great deal of submission from various community groups. The members of the committee must put aside their prejudices and deal with the issues in a very objective and critical sense. I certainly will approach the issues in that way and am prepared to examine submissions from a wide range of lobby groups. It is important that is stated at the outset because the committee will be confronted with moral, ethical and other issues. I look forward to working on that select committee in that context and I hope it produces a report which thoroughly reviews the legislation.

Question put and passed.

#### *Appointment*

On motion by Mr Prince (Minister for Health), resolved -

That the members for Greenough, Carine, Joondalup, Kalgoorlie and Thornlie be appointed members of the Select Committee into Human Reproductive Technology.

#### **STANDING COMMITTEE ON UNIFORM LEGISLATION AND INTERGOVERNMENTAL AGREEMENTS**

#### *Membership*

On motion by Mr Cowan (Deputy Premier), resolved -

That the member for Ningaloo be discharged from the Standing Committee on Uniform Legislation and Intergovernmental Agreements and the member for Southern River be appointed in his place.

#### **PARLIAMENTARY SUPERANNUATION FUND**

#### *Appointment of Trustees*

On motion by Mr Cowan (Deputy Premier), resolved -

That pursuant to the provisions of the Parliamentary Superannuation Act 1970, the Legislative Assembly hereby appoints Mr Speaker and the member for Willagee as trustees of the Parliamentary Superannuation Fund.

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)***Second Reading - Cognate Debate*

Resumed from 14 May.

**DR EDWARDS** (Maylands) [11.11 am]: I am pleased to be able to comment on the Budget which is before the House and which will be debated in greater detail next week. First I will refer to the issue of the environment. It is of concern to me that, compared with last financial year, the Department of Environmental Protection has a budget cut of nearly \$2m. I am also concerned that the Environmental Protection Authority suffered a budget cut as well. Last financial year it had a budget of \$500 000 and this financial year it will receive \$440 000. It is much less than the authority requires to do its job effectively and it is a huge decrease compared with previous years. It is a great shame the Government has not listened to the authority.

I will refer to three recent occasions on which the head of the Environmental Protection Authority has poured out his emotions on what he believes is happening and what should be done to ensure that this State has proper environmental protection. The first occasion is outlined in the EPA's annual report which was released in March this year, despite having been compiled in October last year. Under a heading on how the EPA works, the report described exactly how the EPA was not working. It said the EPA was unclear about the Government's expectations of it. It is a very serious matter for such an important authority to say it does not quite know what the Government expects of it. It indicates the EPA is not working properly and does not have a healthy relationship with the Government.

The EPA's annual report also pointed out that there is confusion in the community over the roles of the EPA and the Department of Environmental Protection. An astounding statement in that report is that the EPA could not control the activities of the DEP. If their relationship has reached a stage where one instrumentality thinks it should be controlling the other, it indicates there are significant difficulties underlying the whole situation. It really raises in the mind of the community exactly what level of environmental protection this State is getting if the leadership is embroiled in internal fighting.

The report makes an interesting comment that the 1992 Ramsay review of the Environmental Protection Act has not been fully implemented. I find that fascinating because I have asked a number of questions about that review. I have read the report and the recommendations of the review and compared it with what has been happening. It is my solid conclusion that the recommendations from that review have not been implemented. Unfortunately, the previous Minister for the Environment constantly put forward papers indicating that they had been implemented. Obviously, the EPA believes they have not been implemented and five years later it is keen to implement some of the recommendations in that report.

The EPA's annual report said the authority is seeking change. It outlined the change it wanted; that is, to revert to the previous situation. It wants the EPA to be the board of management and the DEP to be the instrumentality carrying out the tasks.

The second outpouring by the recently reappointed Chairman of the Environmental Protection Authority, Dr Steedman, was in a speech he made to the Environmental Institute of Australia on 9 April this year, the day before the Budget was brought down in this place. Presumably at that time he did not know what would happen to the authority's funding. In his speech, which was quite wide-ranging, he commented on, firstly, the splitting of the EPA and, secondly, the history of what occurred in 1993 when the new legislation was enacted. He made the point that initially the acting chief executive officer appeared to work according to what he termed EPA instructions. The chairman was happy with the way the EPA was working when the split occurred. It became clear through his speech that discontent arose fairly quickly in 1995.

The ACTING SPEAKER (Ms McHale): Order! The level of noise is unacceptable.

Dr EDWARDS: At that time the board reached the view that the new arrangements were not working. The Chairman of the EPA said that the CEO's views were, in some respects, different from those of the EPA. He also said he was very dissatisfied that the CEO of the DEP was not acting as an executive officer to the EPA. Subsequently, in July 1995 the EPA met the then Minister for the Environment and pointed out the significant philosophical differences between the EPA and the DEP. Following that, in February 1996 the EPA put all this on paper and wrote to the Minister for the Environment. It encouraged the Minister to direct the CEO to operate under a board of management-type of arrangement.

Following that the Minister for the Environment held discussions with all the parties involved and, according to the Chairman of the EPA, the Minister agreed that additional funds be allocated to the EPA and that certain changes be made. The CEO informed the Opposition that in September last year the then Minister for the Environment went to

the Under Treasurer to try to get a greater sum of money allocated to the EPA. However, Treasury's response was that although it could agree with that, amending legislation was required. Members know that nothing has happened, and in this Budget nothing changes at all. In fact, the allocation to the EPA has been cut by \$50 000. It must feel dissatisfied and believe very strongly it is not being listened to.

It is interesting that the EPA, as well as suggesting more funding and a change in its relationship with the DEP, suggested that another review of the Environmental Protection Act be undertaken and that it take into account the separation that had occurred through the legislative changes in 1993. I find it curious, but gratifying, that what the Chairman of the EPA suggested in April this year was part of the Labor Party's policy on the Environmental Protection Authority before the last election.

To outline the third outpouring by the Chairman of the EPA I refer members to a small journal called "Environmental Business", which is published regularly. The May 1997 edition includes an interview with the Chairman of the EPA. In that article Dr Steedman said he wants more power and resources and he described the relationship between the DEP and the EPA as dysfunctional. It is a very serious description. For the CEO of an authority to state publicly on three occasions that the relationship between the two organisations is getting worse and has reached the stage of being dysfunctional, means this State has an extremely serious problem. He also said that in his view the EPA had no independence, power or funds to carry out the projects it should be undertaking. The very public nature of his comments is of serious concern. What has been the Minister's response? When it was first raised in this House the Minister's response was that the parties should get together. Members know that representatives from the DEP and the EPA have come together. However, since then there have still been these outbursts.

In response to a recent question on notice to the Minister, she changed tack and said it was actually healthy to have these disagreements. She felt that the tension between the DEP and the EPA was healthy. Recently she tabled the Bentley Kehoe Consulting Group's report on an inquiry into the DEP and a response to it. I welcome the tabling of this report because for the first time the DEP's opinion is on the public record. I am a little amused at some of the responses. For example, one of the features that comes through the Bentley Kehoe review - it is considered in the response - is the confusion within the DEP as well as in other quarters about the role of the DEP, the EPA and the Minister. It becomes apparent that the DEP is uncertain about for whom it is working - the head of the DEP, the EPA or the Minister for the Environment. One of the suggestions in the report is to publish a brochure which describes the roles of the DEP, the EPA and the Minister. A brochure will hardly address what the CEO of the EPA is calling a dysfunctional working arrangement. Much more than a brochure is needed to seriously tackle this problem. The Minister in her response also referred to allocating four additional staff to the EPA, which is a good move, and of implementing a service agreement between the EPA and the DEP. Again it is a good move. In his speech on 9 April, the Chairman of the EPA said he did not believe that the deterioration in the relationship between the DEP and the EPA could be rectified by a service agreement. A month ago he said that although a service agreement was a good thing and all the parties appeared to agree to it, it would not solve the problems.

Even when Minister Foss gave a positive response that more funding would be allocated and the working relationship would be a rearranged, the EPA was still of the view it was only a short term measure. I urge the Minister to listen to the EPA and the DEP and sort out the problem. We are now seeing evidence that the problem is impinging on the way the work is being carried out, and I will give a couple of recent examples.

The first example is the EPA's concern that it is not represented on the State Salinity Council. The EPA first drew the public's attention to the impact of salinity. It has a contribution to make and would bring a lot of expertise. The Government should make more use of the members of the EPA board to tackle the problem of salinity.

The second example is the recent change to the way the EPA calls for appeals. Until the beginning of this year the inside cover of the EPA's bulletin outlined how people could lodge an appeal. It is quite simple. It suggested the format the appeal should take and that people should get together as a group; it also advised that the cost of lodging an appeal was \$10 and that it should be forwarded to the Minister for the Environment by a certain date, usually two weeks after the bulletin was published. Early this year some smart person decided to change that arrangement. The EPA now inserts a loose A4 sheet which contains the information in the bulletin. The last couple of bulletins I received have not included the insert. I do not know why the EPA is doing that. I cannot understand why it wants to deny people their democratic right of lodging an appeal. I have checked with my secretary and monitored the situation myself and I am not receiving these loose sheets. The outcome will be that when people become aware of the final decisions, they will jump up and down. At least with an appeal process people who are unhappy about a decision have the opportunity to make an input and even though they may not agree with the outcome, they know they have had a say. I have asked a question in this place about this. It is not as though the appeal's convener or the Minister are inundated with appeals. Out of 15 bulletins that were published at the end of last year there were only 28 appeals. Therefore, the average is less than two appeals for each bulletin. The EPA can hardly complain about the workload. What will happen now is that people will not recognise they have a right of appeal and fewer appeals

will be lodged. This is just one symptom of the dysfunction between the DEP and the EPA. We need much better environmental management and leadership.

I refer members to environmental expenditure across the whole of Australia and to an Australian Bureau of Statistics document which was released recently and which details environmental expenditure by the States over the past few years. I find it disappointing that Western Australia has the lowest outlay per head of population. In the latest year recorded in the ABS bulletin, 1993-94, this State spent \$38 per head of population on environmental measures, which was the lowest figure of all the States. The State which spent the second lowest amount per head of population on environmental measures was the Australian Capital Territory. It spent \$78 per head, which is nearly double the Western Australian figure. It was a surprise to me to read that the State which did the best was Victoria. It spent nearly \$124 per head of population. Even South Australia managed to spend \$120 per head of population. I compare that with another ABS survey on the environment which was released at the same time which said that concern about the environment in Western Australia is increasing and, in fact, is going against the national trend because concern in the other States is decreasing. This State must spend more on the environment so the per capita expenditure increases and this State comes into line with the other States of Australia.

I have had great frustration working out what the Budget Statements means, not only with the Department of Conservation and Land Management budget but also other budgets. Members have been told that the Government has moved to a new system of output based management and output based measures. It is really unclear what it means. I am sure members believe it is laudable that we are talking about outcomes and outputs but when considering the CALM budget I found as one of the outcomes the conservation of indigenous plants, animals and ecological processes in natural habitats. It is very difficult for either the community or the Government to measure that. The outputs become meaningless when one of the major outputs is the amount of the CALM estate cared for every year. Another output is licences issued and another is species listed. If members look at licences issued, they will see it does not tell them very much about conservation. If a huge number of licences are issued, it may mean that people are keeping native fauna at home; who will know whether the conservation is good or bad? Some people will argue it is a good thing and others will argue it is a bad thing. The same applies to species listed. Recently the number of listed species was reduced and CALM argued it was a good thing because it claimed it had recovered species but other people argued that, given the rate of finding new species, the rate should be increasing to reflect the great biodiversity of this State and the increased work which is going on in all sectors towards making new discoveries. Although I support the principle of what is being done, it is not clear exactly what it means.

I turn to royalties. The only mention of royalties in the Budget is an evaluation that was conducted in 1996-97 and a reference to CALM initiating a general review of hardwood royalties during that year. It also states that the Minister for the Environment received an independent report, presumably on the review by CALM. The report was commissioned by the previous Minister for the Environment and the consultants were Arthur Andersen. In fact it was tabled in the House two weeks ago when the Minister announced a general increase in hardwood royalties. It is not clear why the report was commissioned. It appears that the CALM document on which it is commenting has never been made public. I hope that it sees the light of day at some stage in the near future. One of the terms of reference of the report was to note the history of royalty reviews. I read with concern that the Premier had actually advised Bunnings in writing that there would not be a review, but a year later a review was conducted. The second term of reference was to look at CALM's methodology for determining royalties. The review was also to take submissions from the Forest Industries Federation (WA) Inc. It was to seek directions from the Minister for the Environment and then it was to prepare a report and make recommendations. I have already outlined the first problem. The public has not had access to the original data which CALM used to make its recommendations and that is what Arthur Andersen was reviewing. The second problem is that it was a very limited inquiry because the only people who made submissions were the Forest Industries Federation and Bunnings. It is hardly an overall review of royalties. I am concerned that the income from royalties is not easily detectable in the Budget. The only place in which I could find reference to it is CALM's annual report. Even then I had to wade through it and compare the figures to see what it meant. Figures like this should be more accessible to the public.

I turn to what Arthur Anderson referred to as some of the constraints on the project. The first one was that it was unable to meet the previous Minister for the Environment and, therefore, was unable to comment in the report on the Minister's comments and directions. That is a bit strange, given that one of its terms of reference was to receive directions from the Minister and to work to the Minister's requests. It is a bit hard for it to seek directions from the Minister if the Minister refuses to meet its representatives. I gather from my source that there was some sort of disagreement between the Minister and Arthur Andersen and that the Minister was unhappy with the report when it was released. He thought it did not address the terms of reference. It certainly did not address the term of reference which required it to seek direction from the Minister if he would not tell it what his directions were.

It is also of concern that this whole action was initiated probably in the first half of last year. Again it is unclear, but the final submissions were flowing in in spring. Why did the former Minister for the Environment keep it for so long

and why has it only recently been made available in the public arena? Another project constraint Arthur Andersen referred to, and this gets to the heart of the matter, is that it was unable to comment on the accuracy or otherwise of the assumptions, but would rather have compared the assumptions to published papers, the outcome of studies undertaken by CALM and accepted forestry management regimes as documented in the forest management plan 1994-2003. Throughout this document the people undertaking the review point out they have not been able to get back to the basics or to get right into the heart of forestry management to have an informed view on the methodologies that lead to the royalties being raised.

Generally, two methodologies are used when a royalty increase is considered. CALM uses a methodology called the cost of growing method, but the industry prefers a methodology called the residual price method. Throughout the document there are quotes from various papers on how royalties should be measured but nowhere in the document is there a list of references. In reading the Arthur Andersen document I am unable to work out who it is quoting, and what is that person's background and expertise or the title of the paper he has published. A deficiency in this document is that one cannot work out how the arguments are arrived at.

The Forest Industries Federation disagreed with CALM's method, but at the end of the day the consultants believed that CALM's method stood up. It qualifies that by saying that it was unable to comment on the accuracy of the information that was put forward. It also makes a couple of other interesting comments. One was that CALM was a virtual monopolistic supplier of hardwood timber; therefore, it was not subject to the normal free market competitive forces when it was setting these royalties. That is a very good argument for looking again at the notion of splitting CALM into the production side and the monitoring and royalty setting side. I know that CALM argues it has set up business units and is answering the concern in that way, but that does not go far enough. When it comes through in a report like the one to which I am referring on royalties, the whole issue should be revisited. This report raises an interesting fact; that is, one part of the McCarrey report with which the Opposition strongly agreed was its comments about royalties. I remind members of them because they are relevant to considering this report on royalties. McCarrey was of the view that hardwood royalties may have been damaging to the forest industry. The McCarrey report also stated that the royalties were too low and were influencing what was happening in the industry. I am pleased that the royalties have been raised and I hope further studies of royalties will be undertaken which will indicate exactly what will happen over the next few years.

I turn now to a planning issue which is affecting people in my electorate. On 4 February this year two of my constituents received a letter from the Ministry of Planning informing them that an absolute caveat was about to be lodged over the site on which their home is constructed. I will outline the history of this absolute caveat to indicate what I believe is an injustice. In the 1970s land in Maylands was reserved for the proposed Swan River Drive, which was to link the Burswood peninsula with Garratt Road. It affected a number of properties in my electorate. The property my constituents own is affected. In 1975 the original owners, whom I will call X, sold their property to people I will call Y. The previous owners believed that because there was a reservation over their land they could not get the sale price they deserved. They had their land valued by the then Planning Commission, which set a figure of \$16 000. In 1975 they sold their block, but were able to get only \$12 000 for it, and as a consequence they were given \$4 000 compensation by the Planning Commission. Basically, they received 25 per cent of the unaffected value as compensation. In 1982 my constituents, who I will call Z, purchased this property. I point out to members that the original owners X sold the property to Y, X received compensation, and Y then sold it to Z. In 1982 the reservation was still in place and Z knew about that. Late in 1988 the reservation was lifted when it was decided that the road would not proceed. I applaud that decision by the previous member for Maylands, Peter Dowding, because a road along that part of the river line would have been an absolute disaster.

My constituents were aware there was a caveat over their block in relation to the compensation paid in 1975, but equally they were aware in 1988 that the reservation had been lifted and there was a change. They now have to pay to the Western Australian Planning Commission 25 per cent of the current value of the land. They are not clear about the actual valuation, but certainly it would be over \$100 000 and possibly up to \$150 000. Perhaps, given its location near the river, it could be close to the \$200 000 mark. My constituents X received \$4 000 compensation but it seems very unfair that 22 years later my constituents Z have been told that when they sell their property they will have to give over 25 per cent of the value of the land to the Western Australian Planning Commission. I have taken up this issue with the ministry and communicated with the Minister. All I am told is that it stands, that legislation was passed in 1994 and the only way out for the people concerned is to pay the 25 per cent now so that if they sell their property in 15 years' time they will have made a notional saving over that period.

I advise members that this decision arises out of an amendment made in 1994 when section 36 of the Town Planning and Development Act was altered. At that stage the Labor Party was in opposition and it supported the Bill but opposed the particular clause that implemented this change because it was retrospective. It is interesting that the legislation is retrospective to 1 July 1988 and that is the reason these poor people are now in this predicament. Because their reservation change happened late in 1988, they will pay for something that happened 22 years ago.

The Opposition pointed out at the time that it was unfair and problems would arise. The then Minister for Planning, Richard Lewis, admitted in his second reading speech on the planning Bill that it would result in some inequities. When the Bill reached the Committee stage the Opposition tried to amend the clause, but the Minister was not sympathetic to the Opposition's proposed amendment. The Opposition then voted against the clause.

I am puzzled by the fact that when the former Minister for Planning was in charge of that Bill he said only 11 properties were affected and that compensation of \$150 000 had been paid. However, when questioned three years ago by the member for Nollamara, who was the Opposition's spokesperson for planning, he admitted that the value of the land would be approximately \$1m in 1994. When I recently asked a question about the absolute caveats for recovering refunds of compensation previously paid, I was interested to learn that in 1996 the WA Planning Commission applied four of these caveats, but in 1997 to date it has applied 51 caveats. That makes a total of 55 absolute caveats for the recovery of money from people which, in some cases, as in the case of my constituents, will be unfair. That is much more than the 11 properties to which the Minister referred when the legislation went through the Parliament. I will continue to take up this issue with the Minister for Planning, but I hope people like my constituents will get some justice. Obviously, they would have no hesitation paying back \$4 000 because they bought the land when there was a caveat on the title. They would have no hesitation in paying back a higher amount than \$4 000, but when they consider paying back a minimum of \$25 000, and possibly \$50 000, they become very angry and rightly so.

This year's Budget is not particularly exciting. Also, the expenditure provided for in the Budget is not clear.

Mr Cowan interjected.

Dr EDWARDS: At least with the federal Budget, people have been deluged with information. It is all over the Internet and pages can be downloaded. However, the Budget Statements are fairly meaningless. I have looked at the information on CALM and environmental protection, and no indication is given of future work or current projects. When government members were on this side of the House I remember hearing the same complaint from them. If more information were provided, it could be that opposition members would agree with what the Government is doing. Some very good action is being undertaken to deal with salinity problems.

A government member interjected.

Dr EDWARDS: I can understand that. I wish that were apparent in certain areas of the environment because it would be most helpful. Generally speaking, people are quite interested in what is being done and support the work on the ground. I make a plea, which is constantly made from this side of the House, that more information be provided with the budget papers about how the money will be spent and what the results are expected to be. In the past five years the Budget has been presented in five different ways, and we know it will be slightly different next year because the outputs and the outcomes will be modified. I hope that eventually the budget papers will be in a standard information pack, so that from year to year comparisons can be made and everyone will know exactly what is going on.

**MR MARLBOROUGH** (Peel) [11.45 am]: I was looking forward with some enthusiasm to speaking in this debate about the Budget and its effect on my constituents. However, the atmosphere in the Peel area, particularly the town of Kwinana, has recently been overshadowed by the events in the parliamentary process for the past two or three weeks with the Government's headlong rush to put in place industrial relations legislation which will be damaging to not only this Government but also, more importantly, the State.

I was in the Hub shopping centre last week and four out of five people who approached me wanted to talk about the Government's actions with the industrial relations Bill. They asked what strikes had occurred, why the legislation was needed and whether any members of their families, some of whom have been union members for 30 years and are not in well paid jobs, would be affected. It is interesting to note how this legislation has impacted on the community. The other day I had lunch with 10 people in the parliamentary dining room, two of whom were businessmen from Baldivis. One of the businessmen owns a trucking company, and the other owns a slate and tile company in Warnbro. Neither of those people is affiliated with, nor has been a member of, the trade union movement. They gather most of their news and knowledge of events, as do most people, from listening to the electronic media.

One person said that he drives his truck all day, picks up manure from the chook sheds and delivers it to Alcoa and market gardeners, and listens to the radio for much of the time. He said that having listened to talkback radio programs and the points of view expressed on air, he thought that the trade union movement was doing the right thing in fighting the legislation. He said there was no doubt that the methods used by the Government had been of great concern to the population, and of far greater concern than the legislation itself. It is true that people who are not in this Parliament and who rely on the media, whether it be the printed or electronic media, for their views of the



political world, may not know the intricacies of the Bill. However, they are aware when the parliamentary processes are misused, as they have been in the past three weeks. The Government may like to think that the parliamentary process in place and the union movement's demonstration of its opposition to this Bill will be to the Government's benefit. I listened to the Minister for Labour Relations on a radio program this morning when he tried to paint a picture of union activities in this House in the past 24 hours. He blamed the union members for putting SuperGlue on the doors of the upper House, which did not happen -

A government member interjected.

Mr MARLBOROUGH: He did not admit it at all. Tony Cooke admitted it on the radio.

A government member interjected.

Mr MARLBOROUGH: That is not what the Minister said. Before Tony Cooke spoke on the radio program, the Minister said the trade union movement had glued the doors in the upper House. He went on to say that the trade union movement made it quite clear that it was responsible for the bomb hoax. Where did the Minister get that evidence from? Does the member believe the trade union movement was responsible for it?

A government member: I believe it was, absolutely.

Mr MARLBOROUGH: It is on the record that at least one Minister of the Crown believes that. Does the member for Hillarys believe that?

Mr Johnson: Who had everything to gain and nothing to lose by having a bomb hoax in the building? Who had everything to gain and nothing to lose by cutting off the electricity?

A government member: Who wanted to get the workers out so that they would have to walk across a picket line which was a piece of black tape on the footpath?

Mr MARLBOROUGH: Do other members also believe it was the trade union movement?

Government members: Absolutely.

Mr MARLBOROUGH: It is some indication of what is going on in the minds of the few politicians on the other side of the House. Bearing in mind the public support the union movement has been able to gather around itself over this dispute, it is an indication that members opposite are now totally out of touch with their electorate.

Several members interjected.

The ACTING SPEAKER (Ms McHale): Order!

Mr MARLBOROUGH: With regard to the black lines on the footpath, the picket lines were put in place and announced at 10 o'clock yesterday morning at the rally at the front of Parliament House. It was not a matter, as the Minister for Labour Relations indicated again today on radio station 6PR, that the picket lines were put in place after someone pulled a bomb hoax. They had been there since 10 o'clock in the morning, and had been announced by Tony Cooke. They were put in place initially by the Miscellaneous Workers Union and the Civil Service Association.

A government member: It is all very convenient that the picket lines were drawn.

Mr MARLBOROUGH: Is the member blaming the trade union movement as well for calling the bomb hoax?

A government member interjected.

Mr MARLBOROUGH: Members opposite are not too sure. It suits some members. It suits the member for Alfred Cove - and the member for Cottesloe would love that electorate to be in Alaska - to blame the unions, but he has not yet brought any of his colleagues - there are only four of them in the Chamber - to that level. Unfortunately, the member for Alfred Cove represents a group in the Cabinet. That extremely conservative group wants to take the quantum leap with very little evidence and put the blame on a certain sector of the community. Of course, that is the history of this Bill. There has been no record of massive industrial unrest in WA for many years. That is why people are questioning the need for the legislation. They do not need to be convinced by the rhetoric in this House, and they do not even listen to it. However, they are smart enough, as electors, to make up their own minds. They are smart enough, on the one hand, to make judgments about the activities of the trade union movement and, on the other hand, to make up their minds about the actions of the Government.

To this point the Government has come out losing. The Minister for Labour Relations again admitted on radio station 6PR this morning that the battle going on at the moment is a public relations battle. He said it was a question of who had won the public's confidence. The Minister is struggling. The industrial relations Bill is overriding in my

constituents' minds anything that may be in the Budget. However, it is not overriding it because they are traditionally linked to the trade union movement, which many of them are, obviously. The public is smart enough to see the position in which the member for Cottesloe now finds himself in Cabinet. He said to people in the corridors two weeks ago that this legislation would be so damaging, it would take him two years to put confidence back into the industrial relations system. Members should think about that. He and the Leader of the National Party have been dramatically affected already by the Minister for Labour Relations' interfering in two years of hard work they have put into getting an industrial package which involved all the parties, including management, unions and government, for the Henderson industrial area, which was in my electorate at that time - it is now in the electorate of the member for Cockburn. Right at the finishing line of getting an industrial agreement which would have locked into place a system of wage increases and industrial activities which would guarantee quality products being delivered on time into an export market that this nation desperately needs, the Minister for Labour Relations introduced this legislation. Those Ministers understood that the only way the Government would achieve that and therefore create thousands of new jobs was for sensible people at the management, union and government levels to negotiate to put in place an agreement that would last up to five years with offshore facilities being included. The record shows that a week or so out from signing that agreement, the Minister for Labour Relations interfered and the whole project was jeopardised. In the last few weeks, we have watched the first steps of industrial chaos as the BHPs of this world have had to cope with stoppages in Port Hedland.

This morning, the Minister for Labour Relations was not even willing to put a date on when the legislation will be proclaimed. When asked by Howard Sattler when the legislation would be proclaimed, he was not willing to give an answer. He was asked whether there was a printing problem or whatever and he was not willing to answer. One of the reasons he was not willing to answer was that community pressure, including business pressure, is right on the tail of this Government. It has sent signals to this Government which suggest that, having examined the legislation, they are not convinced it will work or is necessary. Those views have been supported by the Minister and the Premier doing backward somersaults nearly every day. Cabinet is doing new contortions daily over this legislation. There have been snippets in *The West Australian* about the Government's willingness to change the secret ballot and political expenditure provisions. I would like to know whether Cabinet has been fully briefed on all the changes that have been relayed to us through Press. Members on this side have not been fully briefed about the proposed changes, but the Bill is being rammed through the upper House at the moment. The public and business want to know whether this legislation is necessary in 1997. They are asking that because the reason for the legislation is being buried by the Minister for Labour Relations. Whether or not the Government likes it, the focus of this debate is now on what is motivating the Minister. When media attention is focused on the Minister and away from the legislation, one must question the basis of the legislation, because the most important thing should be the legislation. One wonders why a Minister with his background would even write such a Bill.

I am trying to put this man together - to put some meat on the skeleton of the Minister for Labour Relations. I have a court document - No 159 of 1974 - which relates to Graham Donald Kierath's bankruptcy. The document contains some interesting points. At that time he was 24 years of age, married, living in a flat and paying \$24 a week rent. He had left his public service job with the Department of Aviation because he could not get the promotion he wanted, for which he blamed the system. The court record shows that he was not properly qualified to do the job. He was a 24 year old, trying to set up in business. Following that experience, one must ask why this man acts in that way.

In 1974 he was bankrupt to the tune of \$10 351. In 1979 he managed to call together a group of creditors, three of whom turned up. As a result, his bankruptcy debt was reduced to \$1 597, of which he paid 26¢ in the dollar to his creditors. The court remarked that the documents made it clear that Kierath was not an efficient small businessman. According to one of the bankruptcy officials in a report on the file, Kierath should have maintained, but did not, a cash book recording all receipts and payments, a ledger recording all dealings with debtors and creditors, or a stock record. It is interesting that under the Bankruptcy Act this man, having been put through those processes, should have known first-hand what the law can do to an inexperienced businessman trying to start afresh in the marketplace - and the law caught up with him.

*Point of Order*

Mr BOARD: Madam Acting Speaker, the member is impugning the reputation of the Minister for Labour Relations.

The ACTING SPEAKER (Ms McHale): Perhaps the member for Peel can identify the document.

Mr MARLBOROUGH: I am reading from a document which I am happy to table. It is the report of the official receiver pursuant to section 19 of the Bankruptcy Act in the Supreme Court of Western Australia exercising federal jurisdiction in bankruptcy. It is a public document; it is on the record.

The ACTING SPEAKER: As the member is reading from a document, he is not breaching the standing orders. However, I remind him of his obligations. He should not use offensive words against any member.

Mr HOUSE: I ask that the member table the document at the appropriate time.

The ACTING SPEAKER: If the member for Peel wishes to make the document available, that is his choice. It is not a matter for direction from the Chair.

Mr MARLBOROUGH: When I said earlier that I would table the document, I was trying to assist the process.

Mr Johnson: Will you table the document?

Mr MARLBOROUGH: I will consider it. I will give the member a copy of the document.

*Debate Resumed*

Mr MARLBOROUGH: My constituents are concerned about the industrial relations legislation. Media attention today is focused on the Minister for Labour Relations and his credentials. My point is that a young, newly married 24 year old, involved in his first business venture, was declared a bankrupt within 18 months and was able to pay his creditors only 26¢ in the dollar. It is rather quaint that during the court process, the transcript shows that he was asked how his business was run, whether he kept appropriate records, and whether he was aware of the profit and loss situation. It becomes clear from the transcript that he was involved in pyramid selling. Under federal law that is an illegal process. When questioned, he said that the business would have been fine but under the Trade Practices Act his business became illegal.

The document states that Mr Kierath said that the proclamation of the Trade Practices Act made illegal a bonus scheme run by Gold Power Automotors, which is a company in New South Wales from which he was buying his oil products. He was bringing those products into this State and selling them. He also had other people working for him, from whom he received financial reward if they sold a certain amount of the product. Section 57 of the Trade Practices Act reads -

A corporation shall not, in trade or commerce, induce a consumer to acquire goods or services by representing that consumer will, after the contract for the acquisition of the goods or services is made, receive a rebate, commission or other benefit in return for giving the corporation the names of prospective customers or otherwise assisting the corporation to supply goods or services to other consumers, if receipt of the rebate, commission or other benefit is contingent on an event occurring after that contract is made.

He was involved in a rort. He was involved in an illegal activity that could have caused him to be fined \$10 000 or go to gaol for six months. I offer that background material to indicate where this man is coming from. He was 24 years of age and on the bones of his backside. He was attempting to set up a business without any previous experience. He had a young wife. During the process of setting up business he took up five different loans. Perhaps at 24 years of age instead of learning his lesson he was setting in place a way to bypass the system. This is what we see in the Minister now: Regardless of the system in place, if he can get people to ignore it and convince fellow sales people to work with him, he can drive straight through. It is a tragedy that the Minister did not learn from his bankruptcy experience in 1974. It is a tragedy that the experience did not make the Minister humble and more caring about the constituents I represent.

Many of my constituents are in the same category as that of the Minister in 1974. They are young married couples. They are not on high incomes, thanks to this Minister. The basic wage in Western Australia is \$30 a week lower than the national average. My constituents and I want to know why a worker in this State is worth \$30 a week less than any other worker in Australia. Would anyone opposite like to answer that question? That is the question about which my constituents are concerned. After all, they are subject to the same interest rates as other people at any bank in Australia. They pay the same prices for vegetables and bread. They pay rent at a similar rate to that paid in other States. They want to know why their basic wage is \$30 a week lower than any other worker in this country. We begin to get an indication of the reason when the Minister for Labour Relations -

Mr Masters: In any other State the same conditions of employment apply.

Mr MARLBOROUGH: That is the key! The member for Vasse has replaced the mass from Vasse.

Mr Grill: He is obviously proud of our unemployment figures!

Mr MARLBOROUGH: Yes. The rhetoric is that the workers are paid lower wages and that creates job opportunities. That is exactly the line. One cannot read it any other way. The member cannot have it both ways. If he thinks more job opportunities are created by low wages -

Mr Masters: That is the conclusion you are drawing.

Mr MARLBOROUGH: I am not drawing any conclusions. We know why that sort of thinking is prevalent. The man leading the debate for the Government, the Minister for Labour Relations, made a flying visit to China and on the way experienced a damascene conversion. He is absolutely converted and lets the world know what the answer is for Western Australia. He says that the China experience should be brought to Western Australia. He says we need China's efficiencies.

Mr Kierath interjected.

Mr MARLBOROUGH: The Minister for Labour Relations did not say anything like that. My views on the Minister's trip to China, and my perception of his comments since do not matter. What matters is the public view of this Minister. That view is extremely damaging to the Government. While the Minister for Labour Relations is allowed to continue as he has done, he will continue to fracture the government benches. The Government's problems lie with the Minister for Labour Relations. The Government has no credibility.

Several members interjected.

Mr MARLBOROUGH: We will wait and see. I rely on my political instincts to get through life. The worm has turned.

Several members interjected.

Mr MARLBOROUGH: I should wear that as a badge of honour. Does the Minister for Labour Relations dislike me?

Mr Kierath interjected.

Mr MARLBOROUGH: Oh, dear! I have wasted my time. I am a failure. The political chasm that has now been created by this Minister's industrial relations legislation is so large that the Prime Minister cannot even get his budget story across. The arrogance of this Minister is so great that before the Federal Government was elected he wanted to push ahead with his second wave of legislation. The Minister for Labour Relations refers to the third wave of industrial legislation as being the second wave that was put before the public. It is an entirely different piece of legislation.

Mr Kierath: You have not read the Bill.

Mr MARLBOROUGH: I have read the Bill. The community knows the Bill inside out. In the second wave of legislation political donations were tied to the federal legislation. There was a requirement for proper auditing and compliance with federal legislation.

Mr Kierath interjected.

Mr MARLBOROUGH: That was the modified Bill that the Minister had to bring to Parliament after he was told to pull his head in.

Mr Kierath interjected.

Mr MARLBOROUGH: The Minister told us that last week. Before the federal election Johnny Howard had to send messages to his counterparts in Western Australia. He said at the time to the Premier, "Pull this Minister back. He is destroying our chances of being re-elected." The Premier did that and the Minister for Labour Relations went to ground. He was beaten over the head and the Premier buried the Minister's legislation. The Minister made some smart comments from the sidelines. However, basically, the Premier took the legislation and buried it in the backyard.

Mr Kierath: Rubbish!

Mr MARLBOROUGH: It is not rubbish at all. After the coalition was re-elected the Minister for Labour Relations had the arrogance to meet his federal counterpart, Peter Reith, in Canberra. Does the Minister for Labour Relations know the stories doing the rounds in Canberra corridors? The Federal Government was elected and the Minister for Labour Relations decided to visit Canberra to tell Peter Reith how to run industrial relations. The Minister confronted Reith in his office, held up the Kierath Bible on IR and said to Reith, "This is what you have to do: Take one step, two steps, three steps - all of Kierath's steps - and you'll be right." When the Minister left Reith's office, Reith turned to his staff and said, "Who's that idiot?" How is the Minister for Labour Relations getting on with his federal counterpart, Mr Reith?

Mr Kierath interjected.

Mr MARLBOROUGH: That is different from what he tells his colleagues and anybody in Canberra who wants to know about the Minister for Labour Relations and his legislation. Mr Reith could not wait to get out of his office

and tell everybody in earshot in the Parliament what he thought of the Minister for Labour Relations: Who did the Minister for Labour Relations think he was, trying to tell Mr Reith about industrial relations? Mr Reith was able to get away with telling that story, because within his own portfolio and political party he carries far greater respect than the Minister for Labour Relations. They listen to Mr Reith. He has convinced his Canberra colleagues not to listen to the Minister for Labour Relations; that the Minister is a political disaster for the Liberal Party.

Unfortunately, the predominant issue overriding the federal Budget, which will have a significant impact on this State, is this State's industrial relations legislation. It pervades every corner of the community and the boardrooms of industry, and it has created a growing chasm within this Government. The Deputy Leader of the Liberal Party does not agree with this legislation. He is talking to his industrial mates and to his ex-colleagues in the Chamber of Commerce and Industry, and making his views on this legislation clear. I have no doubt that the member for Roe has an entirely different view from this Minister on the industrial relations legislation. We now know that since some pressure has gone on, the Minister for Labour Relations and the Premier hold a different view from that which they had some three weeks ago. We know through press statements that they are willing to make a number of changes. They are no longer locked into the position that they were locked into three weeks ago. However, when this legislation is proclaimed we will see a different industrial and political atmosphere for the remainder of the time this Government is in office. There will be no industrial peace.

Union officials are queuing up to emulate Clarrie O'Shea. They are demanding the opportunity to be charged under this provision.

Several members interjected.

Mr MARLBOROUGH: The test of time will determine that. I have no doubt, and it is in the mind of a number of members opposite, that from this point on the industrial atmosphere in this State will change. It will have a dramatic impact on many of the major projects that this Government is committed to seeing occur. This country is suffering from a Federal Government that has no industrial policy. It made a last ditch decision on the 5 per cent shipbuilding bounty; that should have been put in place six months ago. The Federal Government has no industrial policy and this State is floundering. The car industry is under threat. The Henderson industrial estate is not moving ahead as quickly as the State Government wanted to create opportunities for Western Australia in the world marketplace, particularly for offshore development. Not only must we overcome that major problem, but also we are moving into a period of major industrial unrest. It is tragic, when the State is relying on its recent history of industrial peace, that one Minister wants to screw workers and their representatives into the ground yet other Ministers are willing to sit around a table and negotiate with them.

Mr Kierath interjected.

Mr MARLBOROUGH: The Minister for Labour Relations has not done the opposite at all. Now that the Minister is back in the Chamber, I ask why he is allowing Western Australian workers on the minimum wage to be paid \$30 a week less than their counterparts in every other State of Australia? The Minister's basic wage is \$30 a week less than the basic federal wage. Why has he determined that Western Australian workers deserve less money than that received by any other worker in Australia? Is that due to the Minister's China experience?

The Minister has taken away the right to civil action with workers' compensation, and he has destroyed the protection such compensation offers. He is now setting about destroying industrial protection, but the Minister is not satisfied with that.

Mr Kierath interjected.

Mr MARLBOROUGH: I will tell the Minister the full story. Are people in New South Wales still able to take civil action over workers' compensation? Yes. Are people in Western Australian able to do the same? No. The Minister has cut those rights to take action in the civil courts. What is the Minister's line of approach? Even though he talks about the rights of the individual, what is the individual's right to take a boss who runs an unsafe and unhealthy workplace to a civil court? Why should that person not have that right?

The Minister talks about workers' rights. Why does he not reinstate that right? The Minister has his own version of rights, which the public is questioning; they are well above this legislation. They want to know not the intricacies of the measure, but why the Premier has allowed this Minister to go so far. The only conclusion people can reach is that the Premier is weak and unable to stand up to the Minister.

Tony Cooke reported in the Press that at a meeting here, which I did not attend, the Premier was shocked and dismayed at the lack of information that the Minister had given him in respect of the agreement.

Mr Kierath: Do you now what the Premier said? The Premier said that expansionist thinking was making it all up again. He was certainly not shocked.

Mr MARLBOROUGH: I believe the Premier, if that is what he said. I said to Tony Cooke after he addressed the gathering, "Tony, I was not at the meeting but I have my own views about what the Premier is all about, and they do not equate with the views you have just painted about him."

Mr Kierath: What was he doing at 9.30 the other morning in the upper House?

Mr MARLBOROUGH: We know what the Minister accused him of doing this morning on Radio 6PR.

It is clear that the public of Western Australia is demanding answers from the Premier about his inaction regarding this Minister. All sensible, thinking government members are questioning the role of this Minister and this legislation. When I spoke to some members of the Government two or three weeks ago, I was told, "The problem we suffer from on this side of the Parliament is the problem you suffered from in government in the 1980s; that is, there is not enough accountability of the Executive." My question was "Do backbenchers know what is in the legislation?" and I was told, "Of course not." They have not read the legislation and there is insufficient accountability of the Executive.

I suggest that no-one opposite has read the legislation without concern. If any member has no concern, he or she is blind to community actions. It is a tragedy. The comment I made last week about whether the Bill is a good measure still applies. Therefore, let us take the legislation to Parliament after 22 May. If it is good legislation, it will stand the test of time. I made a prediction two weeks ago that the measure of the Bill will be tested not only in the upper House, but also in the High Court. I will put any money on it being knocked off. This Bill attacks so many fundamental principles of democracy in this nation that the High Court will reject it out of hand, and we will hear bleating from this Government.

The Minister is being beaten at every turn. He was beaten last time around when he tried to put his second wave through as he was told to pull in his head by his federal counterparts. The public has woken up to him.

In many ways, this side of the House should be thankful for at least one small mercy. When the Minister created this legislation, he threw us a political lifeline. Sometimes in one's political life one must remain in opposition for a fair while - members opposite know about that. However, every now and then, a political lifeline is thrown. From this time on, politically there will no turning back on this side of the House.

This is the most draconian and undemocratic legislative ever seen. It is recognised as the most outrageous industrial legislation in any western country and any democracy. Experts in the field - far better qualified than I - are making that point clear. I look forward to the day, Minister, when we introduce the fourth wave into this House; namely, when we wave good-bye to the Minister, the Premier and the rest of his mates, as that is all they deserve.

**MR KOBELKE** (Nollamara) [12.30 pm]: My contribution will address employment, a most important issue which needs much greater attention than it is currently receiving. Australian Bureau of Statistics figures for March and April this year indicate that the number of people employed in Western Australia has fallen in total over the two months by 10 400; that is, that number of people fewer are working in Western Australia than was the case two months ago.

This is occurring when this State is undergoing a major resources boom. It is a matter of grave concern. We clearly have done better than the rest of Australia. Unemployment in the latest figures is 7.4 per cent for Western Australia, which is marginally higher than the figure one year ago, and 8.7 per cent nationally. Therefore, currently 67 800 Western Australians are classified as unemployed; but one can investigate the true meaning of those figures as many people are underemployed and are not picked up in the unemployment figures.

Western Australian has consistently done better than Australia as a whole in this regard. Throughout the 1980s, employment growth was higher in Western Australian than for the rest of Australia and at many stages during that decade we had the highest employment growth in Australia. When this Government was elected in early 1993, employment growth in Western Australia was five percentage points higher than the national employment growth figure. Therefore, the economy inherited by this Government, if reflected in any way by employment and employment growth, was doing extremely well. In the four years of this Government it has continued to do better than that of the rest of Australia, but the margin has narrowed. The Government took over with a 5 per cent differential in employment growth against the country as a whole, and that has come down to between 1 per cent and 2 per cent. What policies does this Government have in place to address employment? None. It has not given employment and employment creation any form of priority. Because we have economic growth, particularly in the resources sector, the Government simply believes it should somehow be equated with creating jobs.

Clearly economic growth is fundamental to creating jobs, but it is not the same as saying that jobs will be created. It is far more complex than that. When the Governor opened Parliament - we know the Governor simply mouths what the Government has written - he said "this Government believes we are in the midst of the most significant resources

development in Australia's history". It does not say "at the start", but "in the midst", which means that we should be seeing the benefits. Where are the benefits for ordinary Western Australians when over 10 000 jobs have been lost in the past two months? The Government may be gilding the lily a little to say that it is the most significant resources development in Australian history. The Government heralds the view that we are in the midst of a major resource boom in this State by putting that comment in the Governor's speech. It believes the resources sector in this state is doing better than it has ever done before.

As I asked before: Where are the benefits for ordinary Western Australians? Unfortunately, they have been minimal. They have been there, but they have not been brought home to maximum advantage to the people of this State. This Government merely equates in a very simplistic way economic growth with job creation. It is not as simple as that. We must have a whole range of policies and programs to ensure the people of this State are gaining some benefit from the economic development taking place here. The Government has made a whole range of decisions which have destroyed jobs. We must have an integrated program. I hope this Government starts to turn its attention to that need in order to create jobs.

This Government promised before the 1993 election that public servants would not be sacked. In fact, the Minister for Labour Relations gave an undertaking that he would resign if sackings were to eventuate. We know those undertakings are worth absolutely nothing. We have seen a major downgrading of the public sector in this State. I will return to that a little later.

Not only has there been a loss of jobs, the Government's policy has had a more pervasive and sinister effect on a whole range of areas which ultimately are costing us employment. The Government said in the Budget that we would have employment growth in the coming financial year of 3 per cent. It was being overly optimistic. It was window dressing. The Government was trying to give an impression that jobs would be created and it was giving prominence to job creation. That simply is not true. This Government has no well thought out, integrated policies on employment creation - none whatsoever. It believes in the simplistic equation that economic growth means job growth. There is a connection, but the problem is much more complex than that. This Government is not addressing the complex elements that must be part of that equation.

We see continuing over-optimistic estimates of employment growth. As I indicated, the Budget figures for the coming year, starting in July 1997, predict job growth of 3 per cent, and an anticipated growth in the labour force of 2.5 per cent. If those figures were reasonably accurate, we would see a decrease in unemployment. That would take some of the current unemployed into the labour market. I do not think those figures are reliable. This Budget was finalised in March this year, I expect. The figure of 3 per cent would have been signed off roughly in March. In March this year the Western Australian Department of Training put out its monthly publication "WA Labour Market Review", in which the first figure quoted is from the Australian Bureau of Statistics survey of business expectations. It says that over the year to the March quarter 1998 state employment is forecast to grow by 1.3 per cent. The Department of Training is saying that from March 1997 to March 1998 employment is expected to grow by 1.3 per cent based on an ABS survey. The Government is saying that from July this year to June next year it will grow by 3 per cent. The time variation is three months; otherwise it is quite comparable. That is clear evidence that the Government is stacking the figures to show what it hopes may be the case, rather than forming a well-founded view of what might happen.

In support of that position, let us consider the past two years and compare what the Government predicted with what happened. The Budget for the current financial year, 1996-97, was brought down about 12 months ago. The forecast for employment was growth of 2.75 per cent. In these budget papers - the financial year is not completed; these are still estimates, but are updated - the figure has been brought back to 2.25 per cent. When the Budget was framed employment growth was estimated at 2.75 per cent. Even before the year is completed the Government is saying that it will be only 2.25 per cent; that is, it was out by 20 per cent - but that is only if we get employment growth in May and June. From the figures for March and April, we have lost 10 000 jobs. I hope that will not continue. Because of statistical collection procedures, one would expect the figure to bounce back in May and June. If it does not bounce back quite significantly, the error in that forecast of 2.75 per cent will be considerable, rather than being out by just 20 per cent.

Let us go back to the 1995-96 Budget. When that Budget was brought down employment growth of the 2 per cent was predicted. We ended up with 1.8 per cent. In the two previous financial years the Government has been overly optimistic when forecasting job creation figures. I am not saying that these figures are deliberately put in the Budget to be deceptive. It reflects the fact that the Government has simply not addressed the issue. It does not have any depth of understanding of job creation. It has simply fallen for the old line and saying: Using computer modelling we are predicting this level of economic growth will flow back to create employment growth. It does, but the complexity of that model is not being addressed by this Government; therefore, it is overestimating the benefits that

will flow to increased employment from the very significant increases we see in resource development areas in this State.

A member interjected.

Mr KOBELKE: The Government has shown no interest in that in its policy on employment. It has merely taken a headline approach. It has not enunciated detailed policies. It must move beyond the simplistic view that economic growth will create enough jobs. It will not. Certainly it is important and we must have it, but we must do more.

I will quickly summarise some problems which must be confronted if we are to create the necessary jobs for Western Australians who are seeking work. I will then give some structure to the areas in which the Government must move and reverse some of its current policies which are destroying job creation in this State and costing us employment.

We must contend with world markets. Western Australia must be internationally competitive. Some sectors of our industries have been aware of this for some time. Our resources sector sells most of its produce overseas. It has always understood very clearly the need to be internationally competitive; therefore, it has been very cost effective and efficient. Our primary industries over the past 20 or 30 years - some people here would be better able than I to put a date on this - have realised the importance of being internationally competitive. The balance in the terms of trade has been against Australia. The return on primary produce has fallen, which has put incredible strains on our primary producers. They have had to increase their efficiency many fold, and they have done that. We have seen the results of these strains in the decline of our rural communities. Although there are many other factors, that is the underlying factor which is destroying many of our rural communities; however, it has meant that primary producers have become internationally competitive. Many other issues enter into that, but we cannot accuse them of not facing up to that important need to be internationally competitive.

Some other sectors of our economy clearly needed to improve their game. Labor Governments in the 1980s at the national and state levels addressed that issue. People on the government side might say it was not an issue in the 1970s when they were in government. That is not true. It was an issue, but the then conservative Governments were not willing to address it. The Fraser Government was strong on rhetoric, but it did not enter into that debate because it feared the political cost. It was a federal Labor Government, supported by State Governments, that ensured that other sectors of our economy would be as internationally competitive and efficient as possible, and that Government turned around the whole national economy. I am not saying that everything it did was right and that there were no problems, but it made a clear and unequivocal commitment to consult with the unions and people in the workplace, because it recognised that the dislocation that occurs as a result of restructuring and deregulation makes it essential to look after the ordinary working men and women of this country. Today, unfortunately, Governments simply pick up the need to continue with restructuring and deregulation without having a clear view of the real goal and an understanding of the effect on ordinary men and women if those factors are not taken into consideration.

The industrial relations legislation is very much part of the problems that we see in that approach. Part of that restructuring has led to a decimation of middle management in the private and government sectors. Whereas previously people could see some security in employment, where they commenced employment with a government department or large firm and worked their way through the ranks, perhaps right up to the most senior position, the flattening of the organisational structure, which has been due partly to the restructuring changes driven by the need for efficiency and partly to technology, has meant that many jobs have disappeared and job security has been seriously eroded.

Deregulation has meant also that many more people have been driven into casual and part time employment. That has serious consequences for the quality of life of people in our community, and it feeds back into the problems with job creation. People who do not feel secure in their employment because they have been forced onto a one year workplace agreement or into casual work cannot make major economic decisions about their lives. They cannot enter into a mortgage to buy a house or a better house, and they put off buying a new car. That is reflected clearly in the very stagnant situation in the retail and home building sectors in this State. The executive officer of the Urban Development Institute of Australia said about a year ago that a new factor in the home building market was that people were not taking up home ownership at the same rate because of their lack of financial security due to changes in the workplace.

During the election I did some door knocking in somebody else's electorate, and I door knocked a home which had a "For Sale" sign out the front. The lady to whom I spoke explained that she and her husband had to sell their nice but modest home in that new suburb because her husband was a bus driver and his salary had been reduced by \$100 a week because of the contracting out that had taken place under this Government and they could not meet the mortgage repayments. In fact, her husband was so emotional that he could not speak to me. That is an illustration of what these policies of restructuring, deregulation and contracting out are causing. While it is right and proper for



this Government to look at efficiencies, it should not blindly follow a narrow policy without understanding its effect on employment.

[Leave granted for speech to be continued.]

Debate thus adjourned.

[Continued on page 3116.]

#### STATEMENT - MEMBER FOR ARMADALE

##### *Westrail Employees' Travel Entitlements*

**MS MacTIERNAN** (Armadale) [12.50 pm]: I want to use this opportunity to raise the case of a Mr Barry Edwards, who had worked for Westrail for some 38 years. He was a very loyal employee and operated out of Northam. However, along came the Minister for Transport, Hon Mr Charlton, and the Right Track program, and Mr Edwards was told that his services would no longer be required. He knew that the redeployment being offered was a farce; so, like many hundreds of his fellow employees, he accepted the selective voluntary severance package, albeit reluctantly. Part of that package was one interstate travel voucher on the *Indian Pacific*, and when Mr Edwards took up his severance package a few months ago, he and his wife planned to take that trip later this year. However, on the rumour file on Radio 6PR, Mr Edwards heard that the *Indian Pacific* was about to be sold and Westrail had decided that all former employee entitlements to passes would be scrapped. We took up this matter with the Minister for Transport and received the normal evasive answer. We also took it up with the union and found that it was true. How can Westrail unilaterally change an agreement that it has entered into with a former employee? Would government members be prepared to accept a unilateral change to the conditions of our parliamentary superannuation fund? It is a scandal.

#### STATEMENT - MEMBER FOR DAWESVILLE

##### *Peel Regional Recreational Fishing Advisory Committee*

**MR MARSHALL** (Dawesville - Parliamentary Secretary) [12.52 pm]: The funding of \$20 000 for the Peel Regional Recreational Fishing Advisory Committee to determine the reasons for the current decrease in the Murray River black bream stock is definitely a move in the right direction and I congratulate the Minister for Fisheries for the decision to pursue this project. To restock the Murray River with black bream will be an added boon to the recreational fishing folk. Murdoch University will be responsible for determining fish genetics, while the Fremantle Maritime Centre will be responsible for spawning and growing 10 000 fish to a juvenile stage in the first stage of this project. The second stage of the project, which is expected to commence in 1998, will involve the Fisheries Department of Western Australia and the Peel Regional Recreational Fishing Advisory Committee, which will coordinate the release of fish in the Murray River and monitor their survival.

This project is expected to develop a thriving black bream population in the Murray River for many years to come and will guarantee that our future generations have a continued supply of fish. The Dawesville Channel has allowed gardies, herring, skipjack, salmon trout and tailor to enter the Peel Inlet over the past four years. The introduction of black bream will be an added bonus for recreational fishing enthusiasts.

#### STATEMENT - MEMBER FOR ROCKINGHAM

##### *Shine Australia Program*

**MR McGOWAN** (Rockingham) [12.53 pm]: Last Friday I spent the afternoon washing cars with a group of great young people in Rockingham. This was part of a program, sponsored by the Commonwealth Government and Coles, known as Shine Australia, where young people wash vehicles in order to gain work skills that will help them to find a job in the future. I want to congratulate a number of the people who are involved in that program: Aileen Ward, who works for the Rockingham employment agency Soundworks For Employment Services Inc; the supervisor, Trish Stacey; and Chris Scott, Tim Shaw, Matthew Balovich and Nicholas Steele, who are a nice bunch of young people. I also congratulate Coles and its Rockingham manager, Mr Johnson, because I understand that Coles has made a firm commitment to provide jobs for 30 per cent of these young people in the future. I and the young people who participated in that car wash are very happy with that commitment.

#### STATEMENT - MEMBER FOR VASSE

##### *Industrial Disputes - Effect on Dairy Industry*

**MR MASTERS** (Vasse) [12.55 pm]: One of the unfortunate consequences of the current industrial disputation is that some of the actions that are taking place are little better than vandalism. Economic vandalism is being caused

in my electorate by some of the actions affecting the dairy industry. Two dairy farmers telephoned me yesterday to say that because of the problems in the manufacturing centres and the strike by milk tanker drivers, they are pouring onto the ground 7 000 litres of milk a day, worth about \$2 500. Environmental vandalism is taking place also in my electorate because most dairy farmers do not have waste disposal systems large enough to handle five to 10 tonnes a day of a very high nutrient liquid such as milk, and as a result there is some pollution of ground water in areas affected by this act of vandalism. Finally, social vandalism is occurring.

These forms of industrial disputation, which are for political reasons only, are dividing the Western Australian community as much as Pauline Hanson is causing division. The union protests have little to do with industrial relations in this State. Instead, like the Irish Republican Army in Northern Ireland, the union protests are a political ploy designed to protect entrenched, outdated and socially disruptive positions of power currently enjoyed and severely abused by the union movement.

#### **STATEMENT - MEMBER FOR MAYLANDS**

##### *Loreto Convent*

**DR EDWARDS** (Maylands) [12.56 pm]: The year 1997 marks the centenary of Loreto nuns working in Western Australia. This centenary was celebrated last weekend and, as an old girl of their boarding school, I was very pleased to attend. The Institute for the Blessed Virgin Mary, which I understand is the formal name of the Loreto Order, was founded in the seventeenth century by an Englishwoman called Mary Ward. She was concerned about injustices, particularly to women, and the difficulties girls had obtaining an education. In those days families risked retribution if they educated their daughters. She was a true renaissance woman, and she made the statement that women in time would come to be powerful. She also believed that women should participate. In 1897 six nuns came from Melbourne to Perth and established the first Loreto Convent, in Adelaide Terrace. They remained there until the 1930s and subsequently moved to Nedlands, where I understand the member for Cottesloe spent a couple of years, and later to Claremont where they purchased the old Osborne Hotel. Their vision was about education, concern for people and social justice. The theme of their centenary celebrations was to reach out with vision to all people. This theme is as relevant now as it was a hundred years ago. I congratulate the Loreto nuns on their contribution to the welfare of people in Western Australia. I wish them and the people of John XXIII College, which is now amalgamated with Loreto, all the very best. I hope the nuns who have survived and are approaching their later years have all the best in the years to come.

#### **STATEMENT - MEMBER FOR SOUTHERN RIVER**

##### *School Bus - Atwell Primary School*

**MRS HOLMES** (Southern River) [12.58 pm]: Following my previous statement regarding the provision of a school bus for the children attending Atwell Primary School, to date the bus is still not forthcoming. Apparently the Department of Transport was under the impression that the parents were quite satisfied with the reinstated conveyance allowance and were happy to continue with the present service until the Atwell Primary School was completed. This is not the case. On 3 May the Atwell community association wrote to me, reiterating its concerns about the safety of these children. Parents currently have only three options: They can take their children on the scheduled MetroBus, which gets them there half an hour before the school opens; the children can be taken by car, which puts enormous pressure on the car park at the Jandakot Primary School, which is already suffering from overload; or the children can walk across the Kwinana Freeway, which everybody understands is an extremely dangerous venture. The Education Department, through the Minister for Education, has kindly agreed to provide half the cost of this school bus. The other half is to be funded by the Minister for Transport. The Minister for Transport will visit Atwell with me later this month and, having seen the situation and met the parents in Atwell, I sincerely hope he will see his way clear to providing the rest of this essential funding so that the safety of the children in Atwell can be assured.

*Sitting suspended from 1.00 to 2.00 pm*

**[Questions without notice taken.]**

#### **MATTER OF PUBLIC INTEREST - LABOUR RELATIONS LEGISLATION AMENDMENT BILL**

##### *Withdrawal*

**THE SPEAKER** (Mr Strickland): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.

This House calls on the Premier to show true leadership by withdrawing the unnecessary, divisive and damaging Labour Relations Legislation Amendment Bill and entering into negotiations in good faith to produce a workable system of secret ballots.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[Five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members should they seek the call.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [2.34 pm]: I move the motion.

Three words summarise the Government's approach to the Labour Relations Legislation Amendment Bill: Deceit, arrogance and confrontation. On top of that, we can say it has been the personality flaws of two of the major players in this saga that are driving our State to the brink. On the one hand we have the zealotry of the Minister for Labour Relations and on the other hand, the weakness of the Premier of this State.

I return to the first of those three words, as this legislation was born in, and emerged from, deceit. In making that claim, I refer the Premier to the day that he announced the election date in November 1996. *The West Australian* of Friday, 15 November 1996 carried an article dealing with the first official day of the election campaign. The context of the debate at that time was why the Government had chosen to go to the polls early when most elections in Western Australian history were held in the new year of the third or fourth year of Governments. The article read that "Mr Court said he called an early election to seek a mandate from the WA people to lead the State into the next century. His Government had completed its first term program and said we did not want to sit around and twiddle our thumbs until February to hold the election."

Is that not interesting? Members opposite had completed their legislative program for the first term and did not want to sit around twiddling their thumbs until February, so an election was called. I emphasise to the Chamber the words which the Premier used: The Government had completed its first term program. He then went on to say that during the election campaign he would seek a further mandate from the people for a new program of initiatives to take Western Australian into the twenty-first century.

Let us look at the program he put forward at the election campaign, particularly that relating to industrial relations. A very important point, which the Opposition will continue to make, is that the Government does not have a mandate for its current actions in the Parliament. The lack of a mandate is one of the three major issues causing great consternation in the community. These are, first, the divisive nature of the legislation; second, the way it is being pushed through the Parliament and, third, the fact that it lacks a mandate.

The coalition labour relations election policy announced in November 1996 contained only one specific reference in relation to this legislation; namely, that which deals with ballots. A few sentences in the policy indicate that the Government wanted to introduce secret ballots before strike action occurred in the workplace. At the time the Government was not willing to provide any detail about how it would interpret that commitment. The Opposition and the trade union movement said, "The principle is okay with us, but the devil is in the detail." I clearly remember those words being used during the election campaign. Members opposite said they had a general commitment to secret ballots, but no detail was provided on how they would proceed with that commitment. Most significantly, no reference was made in the policy document to the range of issues dealt with in the Labour Relations Legislation Amendment Bill before Parliament today.

This Government concealed from the people of WA its intention before the last election. It now has the audacity to say it is following on from where it left off in November 1995. Two major problems arise in the arguments used by the Premier and the Minister for Labour Relations. Firstly, we have a clear statement from the Premier that he had completed his first term's legislative agenda. The incidence of words coming from the mouth of the Premier which have no meaning is growing all the time, which is one of the factors leading to the degree of aggravation and enormous anger evident in our community. What this Government says has no meaning, no point of reference and no follow up; no commitment made will realise a form of action relating to the outlined intention.

I remind the Premier of what he said in November. The legislative program had been completed and he was seeking a new mandate for a new program to take our State into the twenty-first century. In referring to the Premier's comments in the election campaign, I can also point to his campaign launch speech, in which industrial relations was so important to the future of Western Australian that it was not mentioned, not once.

We can also refer back to the agreement which the Premier entered into with the trade union movement following the fiasco of the 1995 IR legislation. Enormous controversy surrounded that legislation when it was introduced into the Parliament. It appears from reports in the media that certain members of the state coalition, led by the Deputy Premier, and federal members of the Liberal and National Parties, who at that time were approaching their own election, put pressure on the Government to withdraw the legislation and hold discussions with the trade union movement so that all the heat would be taken from the argument in the build-up to the federal election. The problem is that when all that happened the Premier of Western Australia gave certain undertakings. Those undertakings are contained in a letter written to the trade unions on 7 November 1995. One of those undertakings was that there would be no further legislation unless there was agreement on all sides. Before the election the Premier said he had finished his first term's program. No mention of industrial relations was made in his campaign speech. The policy statement contained a general reference to secret ballots and nothing else, but no detail was provided on ballots. The Premier had made a commitment to the trade union movement that no changes would be introduced on the legislative front without prior agreement with the trade unions. All that happened before the election. After the election the Premier, through his Minister for Labour Relations, introduced this legislation into the Parliament.

There is little doubt that the deceit was deliberate and the Government always intended to re-introduce the Bill once the inconvenience of the elections was out of the way. Once the federal and state elections had been held, the Government's real intentions surfaced again. To ensure that strategy could work, the Government had to do one thing. I can imagine the meeting within the Premier's office discussing the strategy and working out how to handle industrial relations in the forthcoming state election. The first thing the Premier's advisers would have said to him was that the strategy was fine but a muzzle must be placed on the Minister for Labour Relations. His undisciplined tongue was such that the advisers could not guarantee he would not let the cat out of the bag, just as he has let the cat out of the bag on so many occasions in this Parliament. Do members recall the great incident related to radio station 6PR when the Minister accused the current owners of unethical and illegal practices, and the problem the Premier had in extracting him from that situation? I remind members also the problems in relation to his comments about the court case involving the unionist, and in relation to Solomon and White. Either there is no connection between the Minister's brain and his tongue, or he has no brain. Whichever way it is looked at, this Minister cannot be trusted to exercise the sort of discipline needed in government. The Government put a muzzle on the Minister during the election campaign.

The first word I emphasise is "deceit", the deceit involved in that campaign, which has angered the people of Western Australia. It is one of the issues that has caused so much aggravation in the community, and it lies behind the anger demonstrated around us even today.

The second word I emphasise is the Government's "arrogance". On the day the Government announced its intention to go ahead with the legislation, the Minister for Labour Relations made it clear that it would go through the Parliament before 22 May. What a starting point for this controversial legislation. The Minister said there was no question that the Government had the numbers and it would go through the Parliament before 22 May. That was said without shame, hesitation or qualification. Is that a Government exercising moral leadership in the community? Is that a Government trying to bring the people along with it in its legislative program? Is that a Government that cares for the stability of the institutions in this State and the respect people have for the parliamentary system? True leadership lies in these matters when Governments exercise some self-restraint.

The legislation will be rammed through by the Government before it loses control of the Legislative Council, as a result of the 14 December 1996 election. As far as the Government is concerned, the vote for the Council in December means nothing because the Government will simply ram through the legislation. How many times have members in this Parliament heard people on talkback radio in the past three or four weeks saying that if the legislation is so good, why does the Government not put it to the test after 22 May? People are also writing letters to that effect. They telephone radio stations to that effect, and many of those people have nothing to do with trade unions, but they observe and follow these matters very carefully. The deceit and the arrogance are part of the anger, because the Government is not showing real leadership. It is political cynicism at its worst. It is a form of cynicism that is undermining respect for the parliamentary system of government and is adding fuel to the already inflamed situation in Western Australia.

An important point in this whole matter is that at no time has the Premier or the Minister given a rationale for the decision to legislate before 22 May. In today's political world, with the existing level of sophistication within the community and the media, politicians must justify what they do with a reasonable argument. The Government has not produced an argument to justify its actions. Because it has the numbers it will ensure they can be used to undermine the rights and power of its old class enemies in the trade union movement. That is what the people are hearing from the Government. That is why in this dispute the unpopularity which has attached to trade unions within the community over recent years has evaporated. Support is going to the trade unions in their campaign against the

Government on this Bill. The way the Government is handling this issue exhibits arrogance, displays cynicism, and shows disrespect for due process and the institutions of Parliament.

Several members interjected.

Dr GALLOP: Do members opposite not think that is true?

Mrs van de Klashorst: How dare you say that, when what is happening up there is supported by you.

Dr GALLOP: What have I supported?

Mrs van de Klashorst: Your party is supporting what is happening; I have seen your members up there.

Dr GALLOP: Is the member saying that I am supporting the disruption of Parliament?

Mrs van de Klashorst: Yes.

Dr GALLOP: Did the member hear me on ABC radio this morning?

Mrs van de Klashorst: No I did not.

Dr GALLOP: I think the member should get a transcript.

Several members interjected.

Dr GALLOP: The disrespect for Parliament in the community is being fed by this Government but it is not being condoned by the Opposition.

Several members interjected.

The SPEAKER: Order! The level of interjections is not acceptable.

Dr GALLOP: I ask the Parliamentary Secretary why the Government is pushing this legislation through the Parliament before 22 May.

Mrs van de Klashorst: Because we need this legislation through as quickly as possible so we can stop those people out there destroying the economy of Western Australia.

Dr GALLOP: That is a good reason.

Several members interjected.

Dr GALLOP: There are two problems with that argument. First, it is not an ethically justifiable reason and, second, what is going on in the community will not stop when the legislation passes through the Parliament. We now know where the Parliamentary Secretary stands.

Mrs van de Klashorst interjected.

The SPEAKER: Order!

Dr GALLOP: At the next election the Labor Party will be in her electorate telling everybody that the Parliamentary Secretary said the end justified the means - the Government has the power and the numbers and it will get it through in order to stop protests.

The third word I emphasise is "confrontation". Put very simply, this legislation is unnecessary and is causing the industrial disputation in our society. It is no cure. There was a very interesting call on the radio yesterday. A gentleman rang and said he works in the manufacturing industry and has not engaged in any industrial action since the early 1980s; his company is getting on with the job of promoting productivity. He said many changes had been made throughout the 1980s in cooperation with the management of that company and he said the only thing that had caused him and his colleagues to want to take industrial action in the last two years had been the actions of this Government. That illustrates the point that I am making. This Government is causing disharmony in our community. Every member opposite, either through his or her body language, or what he or she has said in the corridors of this place, is telling us that. This legislation undermines the right of workers to strike, the right of voluntary associations to govern their own affairs and the right of workers to choose their unions and the jurisdiction that will govern their activities. We have heard all the arguments about those issues. I will not go through them again today.

The ballot clause of the legislation does not enshrine rights; it removes from voluntary organisations the right to govern their activities. In our view the Government had a mandate for one issue; that is, ballots. However, the clause in the legislation does not meet the requirements of democracy. Rather than promoting choice, it punishes choice,

and rather than encouraging people to participate in their associations, it denies them that right by making them dependent on the decisions of others, particularly the executive arm of government. That is not the way to promote harmony in the workplace in Western Australia. At the eleventh hour of this issue, I plead with the Premier to exercise some true leadership. True leadership is not the exercise of power using numbers. True leadership involves a degree of self-discipline for conventions and principles. Any application of principles to this situation would, at a bare minimum, suggest that the legislation should be considered after 22 May and that the secret ballots provision should be made workable and reasonable. If the Premier did that, some harmony would return to our society, the Government would pursue the matter that it raised at the federal election, and a lot of goodwill would be created in our community. Why does the Premier not do that? He does not do it either because he is under pressure from within his ranks that he finds difficult to withstand or he has been caught up in a situation that is bigger than he is. I think it is the latter, and rather than respond objectively to that, his advisers are pumping him up and telling him to show strength. Self-discipline is an indication of real strength; it is the definition of real strength. The Premier's instincts and emotions should be telling him to be self-disciplined and to do the right thing for the greater good. That is the strength we want to see from the Premier today.

The fact that so many groups in our community, not only trade unions, oppose this legislation must be of great concern to members opposite. The churches, the elderly and a great many other people have spoken out against the legislation. The fact that they are not unionists must cause alarm bells to ring in government ranks. However, the one thing that should concern members opposite more than anything else is that the implicit contract between the Government and the people of this State is being frittered away. Work is not being done. People are exercising their right to withdraw their labour more and more every day. This matter will not go away. If the Government thinks it will go away once this Parliament passes this legislation, it is wrong. If the Minister believes that to be the case, he has been badly advised by his colleagues.

We need some true leadership on this issue. True leadership should be based on an assessment of mandates, an assessment of due processes, an assessment of the December election, and an assessment of what is good and what is bad about industrial relations. That assessment should lead the Government to conclude that the only hope we have to avert further trouble is for the Premier, at this eleventh hour, to exercise some true leadership in this matter.

**MR KOBELKE** (Nollamara) [3.03 pm]: The Labour Relations Legislation Amendment Bill is unnecessary, divisive and damning. It is unnecessary because the level of industrial disputation has been falling for some years; there has been a steep downward curve. There have been only two major upward peaks, both of which have been due specifically to the Minister for Labour Relations. Industrial relations has become a problem only since the Minister set about attacking the rights of the ordinary working men and women of this State. The Premier put him back on the leash in 1995 and things quietened down. The Minister got off the leash again this year and we have all seen the problems that have flowed from that.

It is divisive because it pits worker against worker. It has created division between workmates and division between friends. It is divisive because various sections of our economy have been adversely affected. One group is not happy with another group. Some escape and some are hit by the industrial action that is taking place. It is also divisive because it attacks basic human rights and the rights of a democratic society. That attack has led people to take whatever action is available to them. I do not agree that people should break the law. However, that will be the result when a Government pushes people too far and that is what this Government is doing. It is damaging this State, not only because of the industrial disputation or because individual workers are losing their pay, but also because the State's reputation is suffering. The international community is aware that this legislation is contrary to International Labour Organisation standards because this Government wants the workers of this State to accept lower conditions of work than anyone else in the western world.

The Premier said the Trades and Labor Council has not been prepared to enter into negotiations with the Government on this legislation. However, this Government has not been willing to have open and meaningful negotiations. It tried a little media stunt a week ago. It said that basic principles must be adhered to. I asked the Premier in this Chamber what those principles were. He could not enunciate them. No principles are involved in this legislation. If one of the principles to which he was referring is secret ballots, why does he not ensure they are secret and why does he not give people a right to them? This Bill does neither. It does not guarantee that a ballot will be secret and there is no right to a ballot before a strike. It puts in place a number of steps to try to stop workers from holding a ballot. We would support legislation that upheld the principle of secret ballots; this legislation does not.

What other principles are contained in the Bill? Is choice for workers one of the principles to which the Premier referred? People are not entitled to choice under this legislation. The Government's election campaign promoted choice. However, this Bill does nothing to promote choice. The Premier has been struck dumb because he knows there is no principle of choice in the legislation. I put to the Premier a simple challenge in the two minutes left to me: If he believes there are principles in the legislation worth upholding, he should show us what they are. If one of them

is choice for workers, will he further amend those clauses which take away choice in the workplace or which reduce choice, when the Bill returns to this Chamber?

This legislation allows an industrial magistrate to dictate the appointments of union officials. It takes away choice. Unions are democratic institutions; they elect their officials. This Bill allows an industrial magistrate to impose on a union without any consultation a person to occupy a position in that union! Where is the choice in that? There is no choice. I can go through other clauses of the Bill which remove choice. The TLC would be prepared to negotiate the principles in the Bill but there are none. As the Leader of the Opposition said, it is a nasty piece of legislation conceived in bias and prejudice. The problem will not go away until the Premier is honest and faces up to the issues.

**MR KIERATH** (Riverton - Minister for Labour Relations) [3.08 pm]: Although I will not comment on issues that fall within the Premier's area of responsibility, I wish to put something on the record -

Dr Gallop: Fancy not deferring to the Premier.

Mr KIERATH: I did but he told me to continue. I want to put some comments on the record, because the difficulty here today is that they are not going on the record.

The SPEAKER: They are.

Mr KIERATH: These issues were part of our election policy in 1993 and again in 1996 when we said we would complete the reforms we had not completed in 1993. They have been the subject of intense debate over the past three years. Members opposite know that two Bills were previously before this House. Members opposite talked about policy. Surely policy is a prelude to legislation. We cannot be more specific with policy than to reword it in the form of legislation. Members cannot therefore say that it was secret or hidden from the public.

Dr Gallop: I'm sorry, Minister, the legislative program had been completed.

Mr KIERATH: Despite our policy and those two Bills, when I put a proposition to Cabinet earlier this year, I agreed to meet with the Trades and Labor Council. When we met I informed the TLC that our agenda for this year was to introduce three Bills - a high priority Bill to be passed before 21 May; a broader industrial relations Bill containing the remainder of our policy initiatives and based on the Fielding report; and a building and construction industry reform Bill of which I had a draft. I asked the TLC representative whether it would negotiate on those three Bills. He asked whether the first Bill resembled the second wave legislation and I said that it was a modified form of it. He said the position was not negotiable, but he would refer the Bill to the TLC executive and let me know. He said he thought he could negotiate on the second Bill, but he wanted to refer that also to the TLC executive. I then offered the TLC the opportunity of being involved with the drafting instructions of that Bill and it agreed to be involved with them. On the third Bill the TLC representation would not make a commitment and wanted to see a copy of the draft first because he did not want to be seen to be compromising, and I agreed to let him see a copy. Therein lies the problem. The TLC representative said privately that the TLC was not prepared to negotiate; I have it in writing and he said it publicly. At various times he has had difficulty holding that line because of the public perception that it is unreasonable not to be prepared to negotiate.

The Premier, and at times the Deputy Premier, told the member for Nollamara and others that we would not negotiate on some principles of the Bill, but we would negotiate on some of the detail. I am sure that by now the member for Nollamara has seen a copy of amendments on the Notice Paper. Whether he likes it or not they have resulted from comments made by him, the TLC and unions which started to talk to the Government until they were vetoed by the TLC.

The Deputy Premier chaired constructive talks with the essential services union. That union said that, although it did not agree with the Government's intentions, it accepted its right to legislate. It wanted to know how the legislation would affect its members; it feared the legislation would put a more rigid straightjacket on its members. In response to the fears voiced by that union we developed amendments to the Bill. Does that sound like someone who is unreasonable and not prepared to compromise? Quite the reverse. Despite the inconvenience of the Bill having to be returned with amendments to this House, we took on board constructive suggestions from affiliates of members opposite who were prepared to make suggestions rather than take the TLC line of blatant opposition.

In case members opposite think that is just my interpretation, each time we have met the TLC over the past few weeks the Premier has been present. We have both met with the TLC to ensure there would be no confusion. The other night both the Premier and I were in a meeting, the outcome of which we were certain of, until Tony Cooke said that the Premier was shocked at our so-called proposal. Nothing could be further from truth. The Premier described the comments as the most fanciful he had ever heard. It is obvious who is attaching yarns to negotiations which both the Premier and I have attended. As late as yesterday we asked the TLC to be sensible and talk to us. However, it reverted to the same old stand of not negotiating with us because it "does not want ownership of the Bill". That is

its real reason for not negotiating. Even at the eleventh hour the Government has continued to try to negotiate with the TLC, but we cannot negotiate with an empty chair.

I seek leave to table an article from *The West Australian* of 12 September 1996.

Leave granted.

[See paper No 401.]

Mr KIERATH: Members opposite know what is going on, but some members pretend they do not know. I think the Leader of the Opposition is one of them. The former Leader of the Opposition knew exactly what was going on. The article is headed "Kierath warning on second wave" and reads -

Labour Relations Minister Graham Kierath has warned he could use the delay in passing his second wave legislation to reintroduce tougher measures struck out in an agreement between the Government and the Trades and Labour Council.

After the election, the arrangement in which the Government modified the Bill in exchange for a promise to refrain from industrial action would be off.

"A deal was struck last year on a compromise package. If it is not passed before the next election, all deals are off." Mr Kierath said.

That is quite clear. It says further on -

After the election, I have one of two options - reinstate it or bring in a brand new Bill which could embrace a new position or a new range of issues."

The modified Bill retained the most important elements but some parts - including those relating to secret ballots, changes to worksite right of entry for union officials and political donations had been softened as part of the agreement.

I have been up-front about this and have not been beating around the bush. Here comes the enlightened comment from the then Leader of the Opposition who thought he was safe. He used to say to this House that no-one would take his job. He knew about this legislation in September just before he rolled over for the new Leader of the Opposition when he said -

. . . the Government would introduce tougher industrial relations legislation if it won the election.

The then Leader of the Opposition knew that in September 1996, but members opposite say that they did not know it when they went to the polls in December. They should get off the grass; of course they knew. That is one of the fanciful stories that they manufacture from time to time.

Mr Graham: It has been top secret since September last year.

Mr KIERATH: The Deputy Leader of the Liberal Party summed up my approach the other day when he said about me, "I might not like his style, and we are not drinking mates, but he is an honest and up-front Minister. People could be concerned with that up-front attitude, but he is up-front, honest and aboveboard." I outlined our detailed plans, chapter and verse. Members opposite probably did not read them.

The Opposition has referred to a reduction in industrial disputes in the past four years. I have told them how that has occurred under the leadership and industrial relations policies of this Government. Following the coalition's taking office, the number of disputes dropped markedly because we introduced good old-fashioned competition into the market to keep it honest. It is to the credit of all coalition members in both Houses of Parliament that under this Government the State has experienced the lowest levels of industrial disputes for 30 years.

However, unfortunately we have still seen a few glimpses of the bad old days. They have not completely gone. Some detrimental action has occurred on the concrete platform in Bunbury, at the Broken Hill Proprietary Company Ltd project in Port Hedland and in some construction projects. Many of the mining companies have asked us what we intend to do about demands in the work force. The Opposition is right in saying that the level of industrial disputes is low, but that situation is thanks to the coalition Government and its industrial relations policies. However, this Government does not rest on its laurels. It knows it can improve on that even more. That completely debunks the statement by the member for Nollamara that workers in Western Australia have a standard of living below that in other parts of the western world. That is absolute rubbish.

Mr Kobelke: The Minister is an absolute stranger to the truth.



Mr KIERATH: This is being recorded and I look forward to reading the transcript. I listened to the member's words very carefully. I inform members opposite that if Western Australia were an independent country, it would have the second highest standard of living in the world. Last year the Government launched its "Productivity WA 2000" policy, in which it set out its aim for Western Australia to have the highest standard of living in the world; to move from second position to first position. This is one plank of that policy. It is part of the Government's plan and it makes no apology for that.

Members opposite make as many excuses as they can in this place. A government member said by interjection that opposition members were most concerned that the Leader of the Opposition seemed to believe his mutterings on this subject. We understand that he must go through the motions and the charade, but if he starts believing what he is saying it will be a dangerous precedent for members opposite. I have tried today to again reiterate that this legislation was in the arena long before the state election. The motion refers to negotiation, and I have indicated that negotiations were taking place until yesterday. The Premier and I pleaded with the TLC to negotiate. The Premier said this dispute was going nowhere and there would be nothing in it for anybody if the TLC took that attitude. At the end of the day the Government has continued to be available for negotiations. Despite this late hour, the Government will be more than happy to accommodate the TLC if it will come to the table for constructive negotiations.

**MR COURT** (Nedlands - Premier) [3.21 pm]: The motion calls on me to show true leadership by withdrawing the "unnecessary, divisive and damaging" Labour Relations Legislation Amendment Bill. I will comment on the description of the legislation as unnecessary. The Leader of the Opposition said the Government has a mandate to implement the concept of secret ballots.

Dr Gallop: The concept.

Mr COURT: Therefore, legislation is necessary to implement that proposal. The Leader of the Opposition cannot have it both ways. It is clear from the detail of the legislation that it gives the Industrial Relations Commission an open book in determining how secret ballots will be run. Is the Leader of the Opposition saying the commission will not be sufficiently competent or capable to implement a secret ballot system? The first point I make is that the legislation is necessary, if for no other reason than to implement what the Leader of the Opposition said the Government had a mandate to introduce. I appreciate the Leader of the Opposition having said the Government has that mandate. Members opposite have said they support the concept of secret ballots. However, in practice they do not support them. It boils down to just that. The Opposition is fighting these proposals even though the legislation contains the widest possible interpretation of the way in which the commission can determine how the secret ballots shall be carried out. In most cases I think the union will be the accredited body to carry out the secret ballot. This is the highly controversial legislation being passed!

I make a second point in relation to the manner in which the Leader of the Opposition is handling this issue.

Dr Gallop: This is the new line.

Mr COURT: No it is not. The Leader of the Opposition is handling industrial relations in the same way that he is handling the native title situation. He is not participating in the debate; he is keeping his head low and allowing things to happen all around him.

Dr Gallop: You are under pressure Premier, and you are showing it.

Mr COURT: I can assure the Leader of the Opposition that I am losing sleep, but it has nothing to do with politics. The Leader of the Opposition has been decidedly uncomfortable during this industrial relations debate. He is uncomfortable because conservative Governments these days are quite prepared to be up-front on industrial relations matters. The Leader of the Opposition has always regarded industrial relations as the strength of the Labor Party and yet throughout the 1980s and early 1990s it refused to introduce proper reforms in the labour markets in this country. The Labor Party was prepared to allow unemployment levels of around 12 per cent and it sacrificed the unemployed youth.

It is interesting to note what has happened. This country imported many of the bad facets of the systems in the United Kingdom. I recall being in London in 1984 when Scargill was conducting one of his big campaigns and leading a march through the middle of London.

Dr Gallop: This is Australia.

Mr COURT: I can tell the Leader of the Opposition that it was no different from what is happening outside this Parliament today.

Several members interjected.

The SPEAKER: Order! I formally call to order two members - the Leader of the Opposition for the second time and the member for Hillarys, the Deputy Speaker, for the first time. It is highly disorderly to interject when I am on my feet and there has just been an outburst which is totally unacceptable.

Mr COURT: I detected a Pauline Hanson streak in the Leader of the Opposition.

Several members interjected.

The SPEAKER: Order!

Mr COURT: At the time, Tony Blair, who is now Prime Minister, appeared on television and publicly dissociated himself from the tactics of the Scargills of this world. He condemned the type of behaviour that is now going on outside this Parliament. However, the Leader of the Opposition will not condemn that behaviour going on at the moment.

A further point I make is that the strategy of the TLC has always been open and up-front in the meetings held with the Government, and the TLC has indicated it has no intention of negotiating. The closest we got to making a deal was when Jennie George and Tim Pallas were in Western Australia. We met with them for about three hours and they were prepared to negotiate. We worked out the areas in which it was believed agreement could be reached and worked through them in some detail. That occurred on a Tuesday, and amendments were to be presented to the Government the following Friday after a TLC executive meeting on the Thursday. Of course, nothing arrived. Even during that meeting we could detect that the TLC did not want to be involved in negotiations, as it had previously indicated.

The Minister has said that the TLC did not want to give its tacit approval to any part of the legislation. That was the position of the TLC. I found it amazing that at the meeting this week, although the Government was prepared to withdraw some of the provisions in the legislation, it was told they were insignificant and irrelevant provisions anyway and so it did not matter if they remained in the Bill. The TLC indicated it would not accept any of those proposals.

I also find it interesting that reference was made to the body language indicating that members were uncomfortable with the legislation. I can assure the Leader of the Opposition that many people on his side of the House have no difficulty with the legislation. Members of Parliament and members of the Labor movement have been quite prepared to negotiate the issues properly.

Opposition members: Who? Name them.

Mr COURT: Amendments currently before the other House, and which will come before this House in due course, resulted from those negotiations. People say we should negotiate, which we are willing to do, and members opposite are embarrassed that people are prepared to negotiate.

I conclude where I started: The legislation is necessary as it implements our labour relations policies which have been public for nearly five years now. The Government will not be bullied by these unpleasant tactics being used against it, and it is appropriate that the principles contained in the legislation become part of our industrial relations system.

**MR BRIDGE** (Kimberley) [3.30 pm]: As an Independent member, I direct my comments to the Premier. I am interested not in the history of this legislation, but in what is happening here today within the Parliament and its surrounds. I call on the Premier to cast aside any thoughts of bullying tactics and judgments on whether the legislation is right or wrong, and to take into account his responsibilities as Premier. There comes a time in history in which immortality arises through an individual's pursuits. The man from Snowy River did not wait to see where others were when he shooed the horses. We know what that represented in terms of his horsemanship and the consequences of that event.

Many decent people are not sharing the proceedings within the confines of this building today, so something must be wrong. Whatever that "something" may be, during the next two hours the Premier and the Minister for Labour Relations should take a very strong, decent and practical leadership role and say, "Enough is enough." I have never seen such anger and hostility as is evident outside this place today. It indicates that something is horribly wrong within this process. It is better for us to play safe and to take a positive approach in the next couple of hours and bring the situation under control. The Premier and the Minister are capable of doing that. They would not be bowing down or showing a lack of fortitude; in fact, they would show tremendous fortitude, courage and above all wisdom and maturity by doing so.

In the dying moments of this debate, the most important message I can put to the Premier and the Minister is to hot trot outside this Chamber and hold a brief discussion on how to retrieve the situation. This problem will continue.

I have never seen decent people, those who do not want to be embroiled in controversy, assemble themselves in this way. It tells me that something is drastically wrong. Like the man from the Snowy River, the Premier should take charge of the issue; he should show what he is made of by displaying his strength of character. He must indicate that he will lead the State by retrieving a very damning situation which is likely to continue over the next few weeks. Society will suffer, not us, as we are immune in our unique situation of being able to escape. Society will hear my plea to the Premier today. Something is dramatically wrong irrespective of the merits of the legislation, and we must recognise that fact. One person can take this issue by the scruff of the neck through exercising the power of leadership. I ask the Premier to exercise that strength and prerogative here today.

Question put and a division taken with the following result -

Ayes (17)

Ms Anwyl  
Mr Bridge  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop

Mr Grill  
Mr Kobelke  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Noes (30)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei  
Mrs Parker

Mr Pental  
Mr Prince  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

Question thus negatived.

**IRON AND STEEL (MID WEST) AGREEMENT BILL - REFERRAL TO PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE**

*Standing Orders Suspension*

**MR GRILL** (Eyre) [3.40 pm]: I move, without notice -

That so much of the standing orders be suspended as would enable me to move that the Public Accounts and Expenditure Review Committee examine and report on the nature and full extent of state support for the mid-west iron and steel project.

**MR COWAN** (Merredin - Deputy Premier) [3.41 pm] We have discussed this matter behind the Chair, and the Government has no objection to the suspension of standing orders to allow this motion to be moved.

Question put and passed with an absolute majority.

*Motion*

**MR GRILL** (Eyre) [3.42 pm]: I move -

That the Public Accounts and Expenditure Review Committee examine and report on the nature and full extent of state support for the mid-west iron and steel project.

Everyone on this side of the House believes that this is an important project. The Minister for Resources Development has conceded that the infrastructure subsidy to this project may be as high as \$400m. He has conceded also that there will be an operational subsidy of about \$20m per annum, conservatively, for what may be as long as 20 years, and that represents another \$400m. In those circumstances, it is appropriate that the extent of state support for this project be examined, and it has been agreed behind the Chair that the Iron and Steel (Mid West) Agreement Bill should be referred to the Public Accounts and Expenditure Review Committee.

Question put and passed.

**APPROPRIATION (CONSOLIDATED FUND) BILL (No 1)***Second Reading - Cognate Debate*

Resumed from an earlier stage of the sitting.

**MR KOBELKE** (Nollamara) [3.44 pm]: I have outlined some of the problems that confront the economy of Western Australia and Australia as a whole with regard to unemployment and the need to create more jobs. Our economy would be more efficient and we would create more employment if we tried to build teams in the workplace. The mood today is clearly to promote individualism. That is evident in workplace agreements and a range of other areas, which promote the expansion of individual greed and of people seeking to do the best for themselves as a way in which our society can operate better. I am not of that view. My view is that our workplaces would be more productive if we took a team work approach.

It is obvious from the way in which this Government is governing, with the industrial relations legislation, with its downsizing of workplaces and the shedding of employees that it has not recognised the value of the teamwork that has been involved in those workplaces. It has not tried to make whatever changes are necessary in a way that respects the rights of those individuals and maintains within the enterprise or government department the wealth of knowledge and experience that it may have.

The move is prompted by the belief that all we need do is get the bottom line right. In recent days, Qantas has sacked many of its final year apprentices because it regards that as a way of improving its profitability, and it has disregarded its need for trained staff and the expectations that have been built up within that sector of the work force. Again, only days ago BHP has committed to closing down its steel works in Newcastle, with the loss of thousands of jobs. This Government has made a range of moves which have closed down enterprises or pruned them to such an extent that they can no longer perform the work that they did previously, with disastrous results for many of the employees in those organisations.

The Labour Relations Legislation Amendment Bill has received a fair degree of debate in this place, but anyone who understands that Bill will see that it does not in any way encourage the development of a cooperative workplace. It is about trying to put down unions and prevent them from working, rather than allowing unions to play a productive role in the workplace. The 1980s demonstrated clearly the role that unions can play in Australia. In the early 1980s, we had double digit inflation and double digit unemployment, which was commonly referred to as stagflation. That was fixed by a Labor Government, in close cooperation with the union movement. The unions said, "We are willing to trade-off pay increases for greater job creation and greater security of employment". It was that team approach, rather than individuals trying to maximise their take-home pay, that led to the greater common good of creating more jobs and more secure jobs, and to that end unions were willing to bargain and take moderate or low pay increases.

That is one of the key factors that have caused the drop in union membership. Many members said, "Our union has stopped going in fighting hard enough for us when it comes to pay and conditions. We have been willing to trade them off so that other people would get jobs, and we have missed out." However, the union movement had a much broader view of what was good for Australia. That approach is totally undermined by this Government's legislation which seeks to put one group in the community against another, and sees no role for the union movement as a means of working cooperatively with workers.

I turn now to some suggestions for creating more employment and greater job security in Western Australia. Many of these things must be done at a national level, but the State Government has a role to play within its powers in the State and the powers it has to try to influence the Commonwealth on major decisions that impact on job creation and employment in this State. The four areas that this Government has not done enough about are: Firstly, the creation of internal demand - it has not been able to increase internal demand; and, secondly, the creation of an external driven demand. The Deputy Premier has been overseas a number of times trying to create demand by promoting business with our near neighbours. Again, much more needs to be done in that area.

Mr Cowan interjected.

**Mr KOBELKE**: I will come to them in more detail in a moment. Thirdly, there would be quite a difference of opinion on the importance of industrial and regional development policies. Although the Deputy Premier has certainly given some attention to that - we have seen some very glossy brochures - the Government does not have the runs on the board and it has fallen very short of the mark. Fourthly, the Government must look to education and training, to ensure there is a skilled work force to enhance job security and create more employment.

The first matter is the creation of internal demand. Perhaps the biggest factor last year was not within the control of the State Government, and I refer to the federal Howard Government's contractionary Budget of last year. Clearly, when formulating a Budget, a whole range of factors needs to be put together. Governments must ensure their

Budgets are moving into balance, although they do not have to balance them every year or in a short range of years. However, the large contraction caused by the commonwealth Budget last year has resulted in a cutback in a whole range of jobs and services. People become unemployed and are thrown on the scrapheap because of that decision. If people do not have money to spend, a whole range of small businesses simply go under. I was talking to some people at a business function last night, attended by the Minister for Housing. They pointed out what was happening in the restaurant industry, on which there is a lot of pressure at the moment, where perhaps slightly more of those businesses than usual are going under. Because people do not have sufficient money to dine at a restaurant, that sector of the economy is under considerable stress. A range of service industries in this State are finding it very difficult, or are even contracting, because ordinary families in this State do not have enough money for discretionary spending.

The Western Australian minimum award wage of \$332 is a factor. It is \$27.40 less than the federal minimum wage. This Government wants to push down the level of wages and incomes, because it thinks that will add to profitability on the other side of the ledger. However, it does not recognise that people on that low level of income spend it all, and most of that spending has direct benefits in Western Australia. People on minimum incomes do not buy expensive, imported, luxury cars. They do not, as a rule, go on overseas trips. They spend their money in Western Australia and that creates jobs. Shifting income away from workers, so that a bigger share of the cake goes to those who have money, does not create jobs in Western Australia. People with more money may spend more money, but they spend a smaller proportion of it in Western Australia because they can afford luxury goods and have greater opportunities to travel overseas.

This Government has also gone in the wrong direction for creating internal demand by privatising and contracting out. I cannot quantify it and nor will the Government for the simple reason that it would be just too embarrassing. We have seen a shift of jobs out of the State, both to other States and overseas, through privatising and contracting out. The examples I can give are quite minimal. It would be interesting to see the figures to determine whether the problem is minimal or significant. However, contracting out the work of some government departments is a factor. I cite the example of the Midland Workshops, where some work must be done interstate because we no longer have the facility in Western Australia to do it. Jobs have been sent interstate. Similarly, some of the management companies that have taken over from the old Building Management Authority are international companies. Part of the management infrastructure that was in Western Australia is now overseas. Therefore, we pay good money to employ someone in London or somewhere else to administer a service provided in Western Australia. It can be seen from those examples that the Government is not creating internal demand in Western Australia.

Another big factor I touched on briefly is the importance of job security. Because of the change to workplace agreements and the increase in casual and part time employment, many people no longer have the confidence to make a major spending decision, whether it be to buy a house and take out a mortgage or buy a new car. Those major spending decisions directly affect the Western Australian economy. Even though a car may be made interstate or overseas, the sales and servicing people are in Western Australia. Industries feel the pinch and people are laid off, because the level of spending has fallen as a result of this Government's pushing down the wages and conditions of people at the lower end of the salary scale. The figures show that average weekly earnings have increased, but the increase is influenced by people at the top end or people in the resources industry who have been able to achieve pay increases because they either work 12 hour shifts or are in demand. The actions of this Government have pushed down the take home pay for many people, and so those people cannot spend the money. This has caused stagnation in small business, which has been crying out for help for some time. It hoped that a Government with all the rhetoric about how sympathetic it was to small business would do something to support it. If there is no confidence in the local economy, small business will not flourish. There is currently clearly a marked lack of confidence in a number of sectors of the Western Australian economy, particularly the housing and retail sectors.

The second point is the creation of external driven demand. Predominantly the issue must be taken up at the national level. I acknowledge that the Deputy Premier and other Ministers have travelled quite regularly to our near neighbours in order to establish those links that are vital to improving our trade and prominence in those areas. The visits by Ministers, however, are not reflected in any great success. To be fair to the Ministers, those things are often very difficult to achieve. Building up sound trading links with our Asian neighbours cannot be done in two years, or even four or five; it must be a long term process. One hopes that the efforts so far will be effective and bear fruit, but much more needs to be done in that area. One industry important to Western Australia, which is driven by external demand, is the education industry. This Government could have done more in that area. There has been huge growth in the number of students coming to Western Australia. The commonwealth move to cut spending and to impose fees on students had repercussions through all those countries that send a large number of students to Western Australia to study.

This Government did not take up the cause with the Federal Government, and try to have it reverse its decisions in that area. The Minister made it clear that he accepted that the Commonwealth Government was to cut its funding.

He only wanted to know by how much the funds would be cut. The Government must realise the importance of education in creating jobs in Western Australia, a most important sector of our economy in Western Australia. It must fight to ensure that we do not create a vision throughout South East Asia of cutting back on education and the quality of education being affected. Cuttings I have from South East Asian newspapers give the impression that we are cutting back on education. That is not new. It has happened in Europe and America also. Australia had not projected this bad news before, but we got it last year through the changes made by the Federal Government.

It is most important that we develop a good understanding of the various cultures of the people with whom we are trading in different Asian countries. Much more work must be done on that, particularly at this time when some people are espousing anti-Asian sentiments, the repercussions of which have been driven home to members in this place. There has been a lack of leadership, particularly at the national level, in confronting that. We must develop a positive attitude towards our neighbours if we want to do more business with them. It makes no point our saying that some countries in South East Asia have racial tensions and other problems; that is not the issue.

Over the past 10 or 15 years, Australians have established themselves as trailblazers. We have shown that a multicultural society not only works, but also that positive benefits can be achieved from it. That has been a saleable advantage throughout South East Asia. It has given us entry into a range of communities upon which we could build to create trading links and provide jobs in Western Australia. We have stepped backwards quite markedly over the past 12 months because of the lack of positive political leadership in pointing out to the people of this country the benefits of multicultural policies. That is of fundamental importance to developing trade in South East Asia.

Another area in which our externally driven demand is being affected is a more subtle one - the reduction in the quality of services in Western Australia. Cutbacks by the Government are causing reductions in services. Over the past few years there has been growth in a number of service industries in Western Australia. We have seen a gas production plant sourced from Perth, although I cannot remember the details of it. These quite sophisticated plants are being designed in Western Australia and built by countries in South East Asia. The cost of engineering expertise out of Perth is cheaper than in Singapore and Korea.

There is a huge potential to locate those high level services in Perth. Engineers from all around the world will come here because of the beauty of our surrounds, our tremendous climate and the level of services available to our communities. When we start to cut the level of those services, through disruption in the schools and through long waiting lists in the hospitals, we destroy that wonderful selling point which will bring people from all over the world to live in Western Australia and, in turn, to service a whole sector of Asian industry from Perth. That has been happening over the past 10 years; however, it will be placed in jeopardy if we do not realise the importance of ensuring those quality services are available.

A simple example of cutbacks by this Government is a government agency that has its telephone inquiries handled initially by a computerised answering machine. When business people compile complex packages for dealing with other countries they must be able to find out about Western Australian policies from government departments. They have to be able to telephone the appropriate department and obtain the information promptly. That is an important factor in doing business. The system falls down if, when they ring that department, they are connected to an answering machine or a recorded message and are put on hold for half an hour. We must have a highly efficient and productive public sector. That is being undermined by the decisions of this Government.

The third area to which a great deal more attention must be paid is the development of policy for industry and regional development. We have seen a lot of glossy booklets; however, I do not believe this Government is serious about regional and industry policy. I will give an example: The Chamber of Commerce and Industry of Western Australia has worked with the union movement to establish a major industry base at Jervoise Bay. Through that we should be picking up a much higher percentage of present and future resource projects in Western Australia. However, many of them are now going offshore.

A member: If you are going to say that, you had better tell us what has gone offshore.

Mr KOBELKE: I have only six minutes left until my time runs out. However, I will sit down if the member wants me to.

I will go through the facts. Previously, we were looking at 70 per cent local content. It has fallen well below that on the figures that the CCI has sent to the Federal Government. Earlier in the year a federal select committee met in Perth. It wrote a letter outlining those figures, which I have seen. The CCI was using those figures to push the need for funding for Jervoise Bay to ensure jobs would be created in the production phase of resource projects. If Perth companies are involved in the construction phase, they will have a much higher chance of picking up maintenance contracts in later years. That will mean more jobs.

Over the past four to five years, there has been a reduction in local content. More and more industries have gone overseas because of changing technology. With the move to modularisation, companies put prefabricated items on a barge or a truck and take them thousands of kilometres to be assembled. The Government has not taken up the proposal by the CCI. I think it has great merit. I know the Deputy Premier fought for it, and he has had some small wins in that some work has started. If this project at Jervoise Bay does not go ahead in the next two or three years, we will miss out in a major way. Resource projects will not be done here because of the lack of infrastructure and more advanced facilities.

The fourth area which I want to talk about is education and training. My views on those issues are totally contrary to those of the Minister for Labour Relations, and I hope I am not misrepresenting him. A reduction in training is connected with driving down wages and conditions. I do not believe that is the way we should go. We should be very much at the high value, high cost end of the market where we can use the expertise and technical innovation which is available here and in other places to beat our international competitors with better products. We should move into new markets which are opening up. That will provide opportunities for more jobs in Western Australia. We are not providing support for that. I have already referred to the cutbacks by the Federal Government. That will affect the pool of skilled people who can lead us into those new areas.

We have also seen it in technical and further education. There is a clear need to update the tertiary and further education sector. The Government has been very clumsy in the way it has handled this change. Much of the training skills and expertise within TAFE have been destroyed. A whole range of new skills must be opened up; however, TAFE is not being given the resources or the policies to ensure it meets the training needs of this State. There is a reduction in real terms of 4 per cent in the recurrent funding available to the Department of Training in the Budget.

How can we ensure that we have more and better training when government funding to the TAFE sector has been reduced? The Government will say it is not reducing it because it will apply user pays principles. We cannot get any answers from the Government. Because the independent colleges are not on budget, we have no idea where they will find their money. The Government has signalled that it will increase student fees. Therefore, the same amount of money may be spent in TAFE, but the Government will not provide it. The Government will raise through fees the money it needs to run training programs. If we want to create jobs, the Government must ensure that there is enough money to encourage people to take up training, and to provide the level of training that is required so the work force can move into new areas and have an edge over competitors in other countries. If we take that approach, I believe we will create more jobs.

In closing, I reiterate those four areas about which the Government has not done enough. The Government should understand that many of its cutbacks have reduced internal demand; it should be trying to create more internal demand to create jobs. The Government must improve its policies on industry and regional development and ensure that education and training are given a priority to ensure that the work force is innovative and leaders in new industries so that more jobs are provided for Western Australians.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [4.10 pm]: I appreciated listening to the comments of my colleague the member for Nollamara on the importance of education and training and the work force. In my remarks on the Budget, I will make a few comments on emerging trends in the Australian and Western Australian work force and will present arguments supporting the fact that these trends will justify even more focus being given to investment and education. I will then examine the Budget's provisions for education and the pressures that will be placed on the Budget. Finally, I will conclude with comments on a particular government plan for education; that is, its plan for all students between years 3 and 10 to study a language other than English by 2000.

Some very significant changes are occurring in our work force because of technological change and the incorporation of our economy into the global economy. The technological change that is occurring can be described as skill biased. It is abolishing many unskilled jobs and creating a premium for people who are employed in skilled jobs. We are getting a two-tier labour market. That can be seen in some figures relating to the labour market in Australia. Since 1984, full time jobs as a proportion of all employment have fallen from 66 per cent to 56 per cent. There has been a reduction in the proportion of traditional full time, permanent jobs with all of the benefits that pertain to that status. There has been an explosion in part time and, in particular, casual work. One in four Australian workers is now a casual worker. That is a surprising statistic which I have drawn from an article by Ian Campbell which appears in the *Journal of Industrial Relations*, December 1996. He said 1.65 million Australian workers can be described as casual workers and there are 1.17 million part time casual workers in the Australian economy. It is important to look at the disadvantages that those casual workers suffer. By definition, they receive no annual leave and no sick leave. That is how the Australian Bureau of Statistics determines the casual category. They also have very little access to training. Their earnings are much lower than the earnings of people in permanent work. Naturally, a casual worker, by definition, also faces considerable insecurity. That is borne out by the figures that show their employment in practice. Casual workers also have many income security problems. They do not know, often from one week to the

next, for how long they will be working and how much they will be paid. Often they have jobs that require them to work one set of hours one week and another set of hours another week; they might work Sunday night one week and Wednesday night the next week. Therefore, there is very little working time security, very little income security, not enough income, not enough access to training, and no access to the additional benefits of full time work, such as annual leave and sick leave. A large number of Australians now work under those conditions - I repeat, one in four workers, or 1.65 million Australians. As I said, that is a surprising figure.

That is one tier of the labour market. In another sector of the labour market, the people who have skills and are equipped to deal with the new technological demands are increasingly able to earn more than people in the lower tier. An article in *Business Week* of 24 March 1997 referred to differentials in wages between skilled workers and unskilled workers in the United States. It compared the median income for a male college graduate with the median income for a male high school graduate. In 1980 the median male college graduate in the United States earned one-third more than the median male high school graduate. However, by 1993 the premium for the male college graduate had risen to 70 per cent. Therefore, there has been a widening of income disparities, an increasing premium for people who have the skills that are in demand in the economy and a growing relative poverty for people who are not skilled and are confined to the casual or part time sector of the work force. I agree with my colleague the member for Nollamara, who argued that we should be aiming for a high skill, high wage economy. I agree with him that we should be aiming for a community in which there are high quality services and a high quality of life. That depends on our getting as many of our people as possible into the premium section of the labour market and having as few as possible confined to the unskilled casual or part time jobs. The article stated that education is the key to getting rich for individuals and countries. We must focus more on investment and education in this country if we are to do the best for our people in what is an increasingly competitive world. We must prepare people for the economy of the future, to adjust to two or three different careers in their working lives, and to learn or re-learn throughout their lives to accommodate the pace of change. It is important to increase our investment in education if we are to maintain our competitive advantage in this region. We already have a competitive advantage because of the quality of our health and education systems. However, other countries are catching up fast. An international comparison of student performance indicates that countries such as South Korea are doing very well when compared with some other advanced western countries.

The competitive advantage that we think we have in education will not remain for long if we do not continue to invest in state of the art programs. Therefore, we must prepare people for the economy of the future. We must work hard to maintain our competitive advantage in our education system, but equally we must invest in education to ensure support for equality of opportunity despite global economic trends which increase disparities in income which produce more unequal societies. In future, those unequal societies will be very uncomfortable places in which to live - for the people at the bottom of the social heap and for those at the top end who will find themselves increasingly focused on security and concern about crime, and isolated from the community from which they draw their wealth.

I turn now to how the Education budget stacks up against those emerging requirements. The Government argues that it has done quite well with its Education budget; that is, the capital budget and the recurrent expenditure for government schools reflect a 3.8 per cent increase of \$49m this financial year. That increase is welcome but it must be compared with other aspects before we make too much of it. First, it must be compared with the inflation rate.

Mr Trenorden: You must concede that ultimately it will not be how much is spent but the quality of that spending. There will be considerable change. Singapore recently made serious decisions about increasing its role in tertiary and secondary education. We must be smarter. We cannot measure that in financial terms.

Mr RIPPER: I agree. Resources are not the only issue for education. Some countries which spend less on their education systems do better on test results of students' performance. Therefore, we must consider how schools are organised and what takes place within schools. Although resources are not the only issue, they are the key issue.

Mr Trenorden: That is not the fundamental issue. The education system in this country is very slow and traditional. Many people do not want it to move too fast. However, if it is to reach the objective about which you are speaking - and I agree with you - we must make some fundamental changes, which will relate not to resources but to the direction taken.

Mr RIPPER: If we want to change the education system we must change what teachers do and how they relate to their students. That requires a process of professional development. We could do it on the cheap and tell teachers that they are professionals and should change their ways, or we could develop programs, provide incentives and pay teachers more so that they have a genuinely professional status. To achieve that, we must provide additional resources. The member for Avon and I do not disagree to a large degree. We are both saying that we need not only resources but also other changes. We may place emphasis on different priorities, depending on whether we are in government or in opposition.



The 3.8 per cent increase in the Education budget must be compared with the inflation rate of 2.75 per cent. After inflation the real increase is around 1.05 per cent. That is welcome, but there is another side to the story. The real increase in recurrent expenditure for teachers' salaries, staffing and other resources is only 0.65 per cent. The entire Education budget - that is, government schools, country high schools, hostel authorities, grants to private schools, and the Curriculum Council - has received an increase of \$35.8m, which is a 2.5 per cent increase or a reduction of 0.25 per cent in real terms after taking into account the inflation rate of 2.75 per cent. We must also consider population growth, which brings with it an increased demand for services. When we factor in population growth to the total Education budget, in real terms it has declined by 1.9 per cent per capita.

Pressure will be applied to this budget. Student numbers have increased. I have compared the forecast student numbers with recurrent funding per student in the comprehensive general education section of the budget. The figure has increased from \$5 107 to \$5 191; that is, a 1.6 per cent increase per student. Those members who have been following my contribution today will know that that figure is lower than the budget advertised inflation rate.

Mr Cowan: When is the test?

Mr RIPPER: I probably should give the Government a test on this speech. It might help those members make more defensible claims in future.

The greatest pressure will be placed on recurrent expenditure in the Education budget. The Government is getting rid of some of its lowest paid employees by contracting out school cleaning in an increasing number of schools. The shift in budget expenditure is from wages to contracts and services. It is also employing some additional teachers because of expansion in preschool education. Those qualifications must be taken into account when considering the figures I am about to quote. The budget allocation for wages and salaries in government schools in 1997-98 equates to \$40 823 per FTE, whereas in 1996-98 the figure was \$39 126 per FTE. There has been an increase in the wages budget per FTE of about 4.3 per cent. That sounds good, but it does not mean that every employee in the Education Department will receive a salary increase of 4.3 per cent. Some of the lower paid employees have been taken from the equation, thereby artificially boosting the average.

The main reason for my argument that considerable pressure will be placed on the Education budget is the important factor of the wage increases to which the Government agreed as a result of the settlement of the teachers' dispute a couple of years ago. Teachers are being paid 7.5 per cent extra from 1 January 1997. Therefore the 1996-97 budget includes six months of the higher rate of salary for teachers. However, the 1997-98 budget will have to include the higher rate of 7.5 per cent for a full 12 months. Therefore, almost all the 4.3 per cent increase in wages expenditure per employee will be taken up by the full year effect.

The problem for the Government is that the enterprise bargaining agreement which produced those wage increases, which will come into full effect for the first time in the forthcoming financial year, expires at the end of this year. Therefore, a new enterprise bargaining agreement with teachers will need to operate from 1 January 1998. Negotiations on the new enterprise bargaining agreement must commence under previously agreed arrangements on 1 July this year. As far as I can see, this Education budget has no provision for the salary increases expected to flow from these enterprise bargaining agreement negotiations from 1 January next year; in other words, halfway through this budget period. I do not know what the Government will say to teachers when these negotiations commence, but it will get not get an enthusiastic response when teachers realise that it contains no provision for wage increases flowing from those agreements.

This budget will be a problem for the Government, which will need to make some extraordinary cost cutting measures in other parts of education expenditure in order to meet these expenses. Negotiations will be all the more difficult because of the inflamed industrial relations situation that has been created by the Minister for Labour Relations' zealous pursuit of his ideological industrial relations agenda. As the member for Cockburn said, the Minister has pursued his demented ideas and produced a degree of industrial conflict that has not been seen in this State for a long time, and the Government will now pay the price as it enters into sensitive negotiations with a group already very suspicious and distrustful of the Government.

There will be pressure on this Education budget just as there was last year. The Treasurer's Advance Authorization Bill second reading speech reveals an overrun of \$20.7m in the Education budget last year. The Government got it wrong last year to the extent of \$20m and it will get it wrong again this year because of that lack of provision for wage increases.

We know the Government is proposing very significant cuts to Education Department head office staffing. Many people might say that is a good thing, that we should reduce the number of bureaucrats and put those resources into schools. However, some very important things are done in head office.

Mr Trenorden interjected.

Mr RIPPER: We are talking about the need for changes in the education system, and the design of changes in the curriculum area is undertaken by officers at head office who will lose their positions as a result of these cuts. We will also witness the introduction of local area planning, which will result in school closures and more pressure on school communities. They will be told the department believes very strongly that schools should amalgamate and that years 11 and 12 should be concentrated on one site, leaving other schools to deal with only junior school education. Some primary schools might be integrated with high schools in a metropolitan district high school arrangement. That will happen more in regional areas.

Mr Trenorden: Did you read the Auditor General's report?

Mr RIPPER: That is probably one document that I have not yet read.

Mr Trenorden: The Auditor General said that about two-thirds of this activity should occur in the metropolitan area. This report, which is about 18 months old, is very good and the member should read it. I was going to ask whether he agrees with the recommendations but, if he has not read it, he cannot. The Auditor General puts a very strong argument in relation to the use of resources and that two-thirds of the action -

Mr RIPPER: Any development in a policy area is likely to be two-thirds oriented to the metropolitan area and one-third to regional areas because of the distribution of population in the State.

Mr Trenorden: He was focusing on only unused resources, not delivery of education.

Mr RIPPER: I appreciate the member's tip about the Auditor General's report and I will read it because this will be an increasingly important issue. I am arguing that this will impact particularly in regional areas because that is where the Government established its first prototype, the Geraldton college. Senior school education is concentrated on one site and junior school education on another. Many larger country towns have obvious similarities with Geraldton and one can foresee the Government's taking similar steps.

It is also likely that the Government will restructure the district level of education administration. We might see districts amalgamated and staff positions being lost in district offices. I do not know precisely what will happen, but I do know these things are being discussed in the education sector and that the context is extra pressure on the Education budget as a result of its failure to provide for projected wage increases. With that sort of financial pressure and restructuring being discussed, any observer can see there will be considerable shedding of positions to meet financial requirements.

One of the Government's grand plans in education is also under threat as a result of the pressure on the Education budget. In March 1995, the Premier announced a new policy entitled "Languages other than English 2000: New Horizons" or "LOTE 2000: New Horizons". The Education Department annual report states that the ability to communicate in a language other than English is a key feature of the development of an export culture. I put that notion to a teaching colleague of mine, who asked what it meant. I replied that it means we must be able to speak to people before we can sell them things. It is an important part of our hoped-for improved trade with the Asian region.

The study of languages other than English should be undertaken for a number of reasons: Firstly, it assists students to understand the structure and function of language generally; secondly, it improves their skills in English; and, thirdly, it contributes to changes in students' values and attitudes by providing an improved understanding of multicultural Australia. Finally, many people find considerable interest and pleasure in studying a foreign language. There are good reasons for the Government to take the initiative in this area.

The Premier's "LOTE 2000: New Horizons" policy had some bold aims, including having all students in government schools in years 3 to 10 studying a language other than English by 2000 and increasing the minimum foreign language instruction time in years 3 to 7 to 90 minutes a week. A third aim was to have 60 per cent of those students studying an Asian language. They are bold aims. An examination of the figures in the last annual report of the Education Department shows the department is a long way from achieving those aims. I do not think the Government will go anywhere near achieving what the Premier said it would achieve when he made that announcement in March 1995.

Let us consider how many students are studying languages other than English at the moment. The annual report shows that 35 000 primary school students in years 3 to 7 studied languages other than English in 1995, and the budget papers claim that another 7 000 primary school students were able to study languages other than English in 1996-97; that is about 42 000 primary school students. The enrolment in years 3 to 7 is 102 000 students; therefore, only 41 per cent of students have access to education in languages other than English. We have a long way to go from our present 41 per cent coverage to the 100 per cent coverage the Premier says should apply in three years.

The current position in secondary education is also disturbing. In year 8, 48.1 per cent of students are covered. However, by the time they get to year 9 the figure is down to 19.4 per cent and by the time they get to year 10 the

figure is only 12.9 per cent. There is a long way to go in secondary education as well before it will meet the aims of the Premier.

Mr Trenorden: The first argument must be with the parents. I know from my constituency that many parents are more concerned about the fundamentals than foreign languages. I agree with you; I think languages are an important component. However, many parents see it as a secondary level of activity.

Mr RIPPER: There has been a long history of monolingualism in this country. Many Australians who travel in Europe are embarrassed by the ease with which citizens of European countries converse in their own languages and in English, and probably in one more European language. Because of Australia's traditional isolation, Australians have been much less interested in foreign language education than have the citizens of European countries. That will be to our disadvantage as our economy is increasingly incorporated into a global economy and as we seek to succeed in a growing, but highly competitive, Asian region. If we want to trade with people, we must have an understanding of their culture. It will help us greatly if we are able to talk to them - not just read their newspapers and documents or write letters to them, but converse with them. I will come to that issue before I conclude my remarks.

The second aim of the Premier's program was to increase the minimum instructional time spent on languages other than English in years 3 to 7 to 90 minutes a week. It may interest members to know that the current instructional time for students who have access to languages other than English in the school curriculum is 60 minutes a week. The Premier's proposal is to increase the instructional time by 50 per cent and increase the coverage from 41 per cent to 100 per cent. According to the annual report, he wants to achieve that with a state government contribution over three years of just \$14m. The resources allocated to this program do not match the aspirations of the Government.

The third objective of the LOTE 2000 program is for 60 per cent of students who are studying languages other than English to study Asian languages. It is interesting to consider the current percentages. Even with the State's focus on Asia, European languages are studied by 63 per cent of students studying languages other than English.

Mr Trenorden: What percentage of that is French?

Mr RIPPER: I will come to that in a minute. Asian languages account for only 33 per cent of the studies.

Mr Carpenter: How old are those figures?

Mr RIPPER: Those figures are from the last annual report of the Education Department. They relate to the 1995 school year. They are the latest figures I can get, apart from a small reference in the Education budget. The member for Avon asked about French. The figures are available in the annual report. In 1995, 46 270 students studied languages other than English and 20 062 of those studied Italian. That is an interesting figure because I understand the Italian Government provides significant support for Italian language studies. That is one more reason the schools offer Italian. The figure relating to French is also significant; 11 222 students studied French.

Mr Trenorden: What percentage of the national export goes to France and Italy?

Mr RIPPER: I do not have those figures, although I am flattered to think the member for Avon might think I have them. It would be a lot less than goes to Japan and Korea. These figures show how misdirected the languages other than English program is at the moment. The commitment of the State to spend \$14m over three years is woefully inadequate. The budget papers show that 400 teachers have been trained in the delivery of LOTE programs and that 130 were trained in 1996. I do not think enough teachers are being trained in this area, but we must also look at the quality of the training offered. My understanding is that much of the training for teachers consists of six week courses. Teachers are pulled in during vacation periods to do three two-week courses for a total of six weeks' training. That is insufficient training to provide adequate education to children in languages other than English.

To gain a comparison I spoke to a person from a private language training academy in Perth which trains teachers of languages other than English. On occasions it takes on fluent speakers of the foreign language in question and people who are already trained teachers. It offers a four month course with a time commitment of between 15 and 17 hours a week. That is the period the academy thinks is necessary to properly train someone who may already be a fluent speaker of the language and who may already be a trained teacher in other subjects. In comparison with that training, the Government is offering three two-week courses. It will not get the results it hopes for.

If members want another comparison, they should consider the qualification required to teach English as a foreign language. It is a postgraduate qualification that equates to one year of full time study after students have achieved a teaching qualification. It is equivalent to the year of study required to obtain a Bachelor of Education degree after obtaining a Diploma of Education. That is way in advance of the six week course the Government is offering. I can tell members what the result will be: Those people will not be able to converse with our Asian neighbours when they meet them in a business or tourist context. Teachers who have not had adequate training often lack confidence in using the spoken language. Many people have been through primary school, high school and university training in

foreign languages, understand the written language very well and have some knowledge of the literature in the foreign languages; nevertheless, they find it difficult to conduct a conversation with a businessman or tourist in that language.

That lack of conversational confidence among teachers will be passed on to our students. If we want to encourage an export culture and think that training in a language other than English is an important feature of an export culture, we must focus in part on conversational confidence. It is no good educating people in a language other than English if they do not have the ability, when they meet people with whom they are attempting to trade, to conduct a conversation in their language. I fear that as a result of all the factors to which I have referred, principally the lack of resources which the State Government has contributed to this program, but also the lack of properly trained teachers to deliver the program and the quality of the training that is being offered to the new teachers who will be taking up languages, the Government's grand objectives for languages other than English will not be achieved. It would be a great tragedy if the Premier's program announcement of 1995 turned out to be just another political exercise of a suitable announcement because the Premier was visiting some Asian countries.

Question put and passed.

Bill read a second time.

### **APPROPRIATION (CONSOLIDATED FUND) BILL (No 2)**

#### *Second Reading*

Resumed from 10 April.

Question put and passed.

Bill read a second time.

### **ACTS AMENDMENT (MARINE RESERVES) BILL**

#### *Committee*

The Chairman of Committees (Mr Johnson) in the Chair; Mrs Edwardes (Minister for the Environment) in charge of the Bill.

**Clauses 1 to 4 put and passed.**

**Clause 5: Section 4 amended -**

Dr EDWARDS: This clause establishes the primacy of the mining and petroleum legislation over the Department of Conservation and Land Management Act, to the extent to which the Minister has qualified. At the moment we have only one marine nature reserve, which means there is only one area from which the petroleum industry is excluded, although the Minister has made a policy announcement that it is also excluded from Ningaloo Marine Park. Will the Minister give some idea of the true impact of establishing that primacy and how many marine nature reserves and parks are likely to be established?

Mrs EDWARDES: The member will be aware of the Wilson report, which made 71 recommendations. I expect to be able to bring a list of priorities to the Chamber to show what we will be doing when establishing the marine parks.

Dr Edwards interjected.

Mrs EDWARDES: I understand the Department of Conservation and Land Management has been working for some time on a response to that document. I hope to establish the Marine Parks and Reserves Authority as quickly as possible. If it is at about the same time as CALM has its position paper, I will obviously look at letting the authority come back to us or publicly announce its priorities. In any event, even if I put the matter in the public arena, it is timely that we have a response to the Wilson report. The authority can then look at that and come back to me as Minister, if it has any difficulties with the level of priority. It may believe one area is more important than another. Therefore, at this stage I will be working on getting out a response. If the authority is established by the time we are ready to bring out a response, I will do that through the authority.

**Clause put and passed.**

**Clause 6: Section 5 amended -**

Dr EDWARDS: I am curious to know why the Minister in amending the Department of Conservation and Land Management Act has made the proposed paragraphs (e), (f) and (fa). Paragraph (g) follows in the CALM Act. What is the reason for proposed paragraph (fa)? Is it so that the Minister does not have to change everything that comes after it? It looks a bit strange.

Mrs EDWARDES: I am sure there is a very good drafting reason for that but unfortunately the parliamentary draftsman is not here to answer that question. I will pass the information to the member when I have the answer.

**Clause put and passed.**

**Clause 7: Section 6 amended and transitional provision -**

Dr EDWARDS: My question relates to the insertion of a new paragraph that makes it clear that protection is given to waters, the seabed and land beneath the waters to the depth of 200 metres. Will the Minister explain what happens below 200m? What happens with directional drilling? My knowledge of directional drilling is fairly limited but presumably it could come in under the 200m. What was the basis of choosing the figure of 200m and what will happen?

Mrs EDWARDES: That is 200m beneath the seabed and so therefore that protects everything above it. I understand that directional drilling can go down to 2 000m below the surface. Therefore, there will not be any impact through the seabed on reefs or corals or fish life or whatever.

Dr EDWARDS: Does the activity vary according to the nature of the seabed?

Mrs EDWARDES: No, it is 200m below whatever is the level of the seabed. Therefore, we are providing for a buffer from 200m beneath the seabed.

Dr EDWARDS: Would some areas require a bigger buffer than others? How much precaution is built into 200m?

Mrs EDWARDES: Studies have indicated that 200m is a reasonable, average buffer. If one looks at other pieces of legislation around the world, one finds some of them have 100m. Therefore, we have built in that extra distance.

Mr GRILL: Apart from the designated marine reserves, parks and management areas, I understand it is intended to establish sanctuary, recreational, general use and special purpose areas. Will they be designated under the new Act or under regulations?

Mrs EDWARDES: It depends on the usage to which the area can be put. They will all be designated by gazettal. The public process to establish a marine reserve is outlined in the Bill; and that process will clearly define the use to which an area will be put. For example, everyone will know whether an area will be a sanctuary zone or a multiple use area.

Mr GRILL: Will this be contained in the management plan?

Mrs EDWARDES: The public will be asked to comment on plans for all those areas that will be much more detailed than those previously available. The plans will highlight the areas that are available for recreational fishing only, and where commercial fishing is prohibited. Everybody will understand the purpose for which an area can be used. It is anticipated that some activities may not be permissible in some areas that are designated for multiple purpose use because they could be inconsistent with the conservation purpose of the marine management area or marine reserve. Those activities will be designated when the drafts are released for public comment.

Mr GRILL: Will the sanctuary areas be off-limits to all?

Mrs EDWARDES: The sanctuaries will be no-go zones. There will be no recreational fishing, mining or petroleum exploration in the sanctuary zones.

Mr GRILL: Will sanctuaries be managed in the same way as marine and nature reserves?

Mrs EDWARDES: Yes.

Mr GRILL: There will be no drilling for petroleum in those areas. However, will drilling be allowed from outside the sanctuary zone to the 200 metre minimum depth?

Mrs EDWARDES: That is permissible, because the protection zone will extend only to 200 m below the seabed.

Mr GRILL: What is the situation with directional drilling?

Mrs EDWARDES: Directional drilling is allowed, because the reserve is limited to 200m below the seabed. Any drilling outside the reserve will be directed underneath the reserve.

Mr GRILL: Can drilling be conducted from within the marine management areas if the recreation area or sanctuary area is within that area?

Mrs EDWARDES: It is permissible to drill within the marine management area.

Mr GRILL: Could directional drilling be conducted under the sanctuary zone reserve?

Mrs EDWARDES: It is permissible. However, all those activities will be subject to the full environmental assessment process. For the first time, the reasons for which the reserves have been created, the designations of the reserves, and the permissible activities within each of those areas will be outlined clearly. Any program of activity will be subject to a full environmental assessment.

**Clause put and passed.**

**Clause 8 put and passed.**

**Clause 9: Section 13 amended and application provision -**

Dr EDWARDS: Will the Minister clarify the definition of class A as contained in proposed new section 13(4a)? I assumed that a marine nature reserve would be an A class reserve. How pervasive is the definition of an A class reserve, because it appears that some activities one would normally not expect in an A class reserve might be permitted in a marine park?

Mrs EDWARDES: Class A marine reserves are different from class A land reserves.

Dr EDWARDS: I assumed they would function in the same way.

Mrs EDWARDES: I will obtain some advice on whether the legislation proposes that not all marine reserves be class A.

Dr EDWARDS: I realise that not all marine parks nor marine management areas will be A class reserves; however, it is my understanding that a marine nature reserve would be an A class reserve and parts of a marine park would be A class because of certain values. Is it possible that a marine nature reserve will not be classified as an A class reserve?

Mrs EDWARDES: Yes. However, that does not mean that the marine nature reserve does not contain something of significant value. All the various classes of land reserves and national parks have significant values. From my initial understanding of the legislation, there is no rationale for consistency in the classification levels between marine and land reserves.

Dr EDWARDS: Are marine nature reserves with different classifications - one is an A class reserve and one is not - treated differently? For example, one is brought to Parliament when the Minister for Mines wants to do something and the other is not. How will the two marine nature reserves be managed differently if they are the same entity?

Mrs EDWARDES: I am not sure they will be dealt with differently. We can be guided by the much broader experience in land management. Designations under marine reserves legislation will be managed in the same way that land is. We will apply management strategies for conservation purposes in accordance with the significant reason that the area has been reserved. That is irrespective of whether the area is classified A, B, C, D, or even as a national park.

Dr EDWARDS: The briefing notes state that an order classifying a marine reserve as class A must be brought before each House of Parliament. A separate process will create a marine nature reserve, and that will not be laid before both Houses of Parliament. There seems to be a greater level of accountability, with Parliament being involved in the process, when a marine nature reserve is an A class reserve compared with a marine nature reserve that is not.

Mrs EDWARDES: An order for an A class reserve will be brought to the Parliament. The process for a marine nature reserve is different. I thought the member for Maylands was concerned about the management of a reservation.

Dr EDWARDS: Is the Minister aware of any difference between the treatment of the two types of marine nature reserves?

Mrs EDWARDES: No. However, I will seek advice and bring any difference to the member's attention.

Mr GRILL: I cannot understand why a marine nature reserve would not be an A class reserve in the sense that all mining and petroleum exploration will be excluded, at least to the depth of 200m from a marine nature reserve. I do not see why the Minister for Mines would have any interest in such a reserve. The Department of Minerals and Energy and the Minister for Mines would be excluded from granting tenements in those areas, except where there is a pre-existing right. I could understand that clause being included to deal with a pre-existing right, however, I see no other reason for this distinction to be made.

Mrs EDWARDES: The legislation follows current practice. The member for Eyre may be correct; that may be the reason for the difference. The Minister for Mines may need to deal with changes of tenure in the future; that is, the legislation protects an existing lease or licence.

Mr GRILL: Does the Minister's adviser hold a different view?

Mrs EDWARDES: Not at all.

Mr GRILL: I am intrigued by this as well. I cannot understand why a marine reserve would not be an A class reserve, in the sense that the intention is to exclude all mining and petroleum exploration, at least to a depth of 200 m, from a marine nature reserve. Therefore, I do not see why the Minister for Mines would have any interest in such a reserve. The Department of Minerals and Energy and the Minister for Mines would be excluded from granting tenements in those areas, except where there was a pre-existing right. I cannot understand why this distinction would be made if there was no pre-existing right.

Mrs EDWARDES: It follows on from current practice. The nature of the marine nature reserve may be such that the member for Eyre is correct; namely, there is no reason to draw a distinction. One reason may be that the Minister for Mines is dealing with changes of tenure for the future, where an existing lease or licence is already protected under the Act. That is the only example that comes to mind readily.

Mr Grill: What is the view of the Minister's adviser?

Mrs EDWARDES: I am advised that pre-existing entitlements which are protected under the Act may be one of the reasons. Prospectivity may be a reason also.

**Clause put and passed.**

**Clause 10: Sections 13A, 13B, 13C, 13D, 13E and 13F inserted -**

Dr EDWARDS: New section 13B states that the reservation of a marine park shall be for the purpose of allowing only that level of recreational and commercial activity which is consistent with the proper conservation and restoration of the natural environment. That is approaching this matter from the wrong direction. It does not spell out that the reason for creating a marine park is to protect biodiversity. It does not emphasise the precautionary principle that if we were not certain of the consequences of an activity, we should either not do it, or do it but be extremely careful. This new section appears to focus on allowing certain levels of recreational and commercial activity, rather than on biodiversity or protection of the marine environment, which I believe should be the focus.

Mrs EDWARDES: The emphasis is on the words "allowing only that level of recreational and commercial activity which is consistent with proper conservation". Proper conservation comes first, and the activities will be allowed only where they are consistent with proper conservation.

**Clause put and passed.**

**Clauses 11 and 12 put and passed.**

**Clause 13: Section 16 amended -**

Dr EDWARDS: What will be the consequence of amending the Conservation and Land Management Act to delete the words "nature reserve or marine park" and substitute the word "reserve"?

Mrs EDWARDES: The purpose of the amendment is to extend the power of the executive director to enter into agreements to manage private land to which the CALM Act applies to the management of private land as a marine management area. It is an extension of CALM's work in respect of private land which should be conserved or reserved. We are talking about, for example, extending the boundary of land which is on the foreshore of where a marine park or reserve will be located.

Dr Edwards: That is only land, not other areas?

Mrs EDWARDES: We are talking only about land.

**Clause put and passed.**

**Clauses 14 to 16 put and passed.**

**Clause 17: Divisions 3A and 3B inserted in Part III -**

Dr EDWARDS: I move -

Page 28, line 2 - To insert after "preserve" the words "and restore".

The reason for this amendment is to expand on the policies to be developed by the Marine Parks and Reserves Authority. One of the functions of the authority will be to develop policies to preserve the natural marine and estuarine environments of the State. Those policies should also focus on restoration, because there is no doubt that there is significant degradation in some of our estuarine waters and probably also in some of our marine waters. This amendment will ensure that the policies that are developed focus on restoration as well as preservation of those areas.

Mrs EDWARDES: Mr Chairman, I move -

That you do report progress.

The CHAIRMAN (Mr Johnson): The question is that I do report progress and seek leave to sit again. Those of that opinion say aye; to the contrary no. The ayes have it.

A member: No.

Several members interjected.

Mr Ripper: I was listening to the proceedings and I definitely heard a no. However, the question had already been decided.

The CHAIRMAN: Order! I put the question clearly and in full. The question was that I do now leave the Chair, report progress and seek leave to sit again. I then said, "Those in favour say aye", and I heard the ayes. I then said, "To the contrary no" and I did not hear anyone say "No" until after I had said, "The ayes have it".

Mr Ripper: I don't think you gave us a chance to say no. I think you should put the question again.

The CHAIRMAN: Order! I have said already that the ayes have it. However, I am happy to put it again. If the member wants to call a division, he can. It is not a problem. I will put the question again to make the member happy. The question is that I do leave the Chair, report progress and seek leave to sit again. Those of that opinion say aye; to the contrary no. The ayes have it.

Question put and a division taken with the following result -

Ayes (30)

Mr Ainsworth	Dr Hames	Mr Pental
Mr Baker	Mrs Hodson-Thomas	Mr Prince
Mr Barron-Sullivan	Mrs Holmes	Mr Shave
Mr Board	Mr House	Mr Sweetman
Mr Bradshaw	Mr Kierath	Mr Trenorden
Dr Constable	Mr MacLean	Mr Tubby
Mr Court	Mr Masters	Dr Turnbull
Mr Cowan	Mr McNee	Mrs van de Klashorst
Mr Day	Mr Omodei	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Marshall ( <i>Teller</i> )

Noes (16)

Ms Anwyl	Mr Kobelke	Mr Riebeling
Mr Brown	Mr Marlborough	Mr Ripper
Mr Carpenter	Mr McGinty	Mr Thomas
Dr Edwards	Mr McGowan	Ms Warnock
Dr Gallop	Ms McHale	Mr Cunningham ( <i>Teller</i> )
Mr Grill		

Question thus passed; progress reported.

**SENATE VACANCY - JOINT SITTING**

*Date*

**THE SPEAKER** (Mr Strickland): I advise members that following the resolution of the House with respect to a proposed joint sitting of the two Houses to fill a casual vacancy in the Senate, the time and place for the joint sitting has been fixed at 10.00 am on Monday, 19 May 1997 in the Legislative Council Chamber.

**LABOUR RELATIONS LEGISLATION AMENDMENT BILL**

*Returned*

Bill returned from the Council with amendments.



*Standing Orders Suspension*

**MR COWAN** (Merredin - Deputy Premier) [5.30 pm]: I move, without notice -

That so much of the standing orders be suspended as is necessary to enable Legislative Council message No 11 in relation to the Labour Relations Amendment Bill to be taken into consideration in Committee forthwith.

**DR GALLOP** (Victoria Park - Leader of the Opposition) [5.31 pm]: Are we or are we not in a Parliament?

Several members interjected.

The **SPEAKER**: Order!

**Dr GALLOP**: I asked a simple question, Mr Speaker. Perhaps you can answer it for me. Are we or are we not in a Parliament? If we are, after the other place has considered a measure, this Chamber should be given the time to reflect on any changes made to it in the other place so that we can make constructive commentary on the legislation to fulfil our duties as members of Parliament. However, in all of the consideration of this legislation Parliament has been irrelevant. In the first place, the Minister for Labour Relations told the community that labour relations legislation would be through the Parliament by 22 May. From that time, this Government lost all moral authority in the community of Western Australia. It got worse. It then told us what was in the legislation, and we have watched the devastating impact it has had on industrial, political, and social life in Western Australia unfold. It then adopted tactics in the Legislative Council by keeping the Agent General-elect and the Senator-elect from Western Australia in their positions so that the strategy outlined in February would be put in place.

This Government may not think that we need a Parliament. If that is its view of the world, perhaps it will tell us what alternative is available to people to deal with complex legislation. The day the Government announced it would ram this legislation through before 22 May, all moral authority evaporated. Gradually, but steadily, we have watched grow the level of community anger and opposition to the Government's actions in pursuing this matter. Members opposite have a last chance to declare where they stand. Let us forget for a second the legislation and talk about Parliament. We have sat here for years and years listening to members opposite - in particular, members of the National Party - talk about Parliament. Will we treat this legislation seriously or will we not?

**Mr Court**: You have made a conscious decision not to debate this legislation.

**Dr GALLOP**: We have not made a conscious decision not to debate this legislation. That has been a misrepresentation by members opposite of the position of the Labor Party and the trade union movement.

This motion has nothing to do with the content of the legislation. This motion is about the procedure being adopted by the executive arm of government to deal with a highly controversial piece of legislation. There is no doubt that the procedures that have been adopted by the Government in the past few months have been the source of enormous aggravation in the community. They have constantly poured fuel onto the flames that have been blazing away in the community. The legislation was guillotined in the Legislative Council earlier this evening. My good friend and colleague Hon Graham Edwards, who has been a member of this Parliament with distinction for many years, had to, as his last act in this Parliament, sit and watch the legislation being rammed through that House. It is a shame that on his last day in this Parliament, such a great Australian had to watch such a thing happen. I do not know anyone else for whom I have greater admiration than Hon Graham Edwards. What is happening in this State is shameful and should be a cause for great concern.

We have been told frequently that members opposite have a free vote on issues in the Parliament. They parade that before us all the time. This vote will not be on the content of the legislation. It will be a vote on the procedures that have been adopted by the executive arm of government to ram this legislation through without any discussion. We have not even seen the amendments yet; but this Government wants to ram them through tonight to avoid the inconvenience of having to come back and properly consider the matter later.

We have a chance to fix up the situation. Perhaps members opposite are not aware of the deceit involved this evening. The Government played a trick at the last election by concealing its intentions on this matter. It has also tried to play a trick tonight. It thought that when this matter was guillotined in the other House, the Opposition would be caught off guard; therefore the legislation would be passed in a flash. The Government did not even have the decency to inform the Opposition that business would be conducted in this way today. Perhaps the absence of the Leader of the House has some significance. Perhaps the Leader of the House would not agree to this strategy and he has been sent elsewhere to conduct his business. We will pursue that matter with him, because we must liaise with him to ensure this House works in an orderly way. Members opposite must understand the level of deceit involved in the moving of this motion. The trick has not worked. Whatever their view on the legislation, members should ensure that sufficient time is available so that the procedures of Parliament are properly respected and we can deal

with the Council's amendments in a proper way, as is the normal tradition. Does the Premier know the meaning of debate?

Mr Court: You obviously don't.

Dr GALLOP: This is the Premier of Western Australia! We want to debate the legislation. We want to get to the heart of the legislation to debate it, to disentangle it, to point out the legal and constitutional consequences, the consequences for our national commitments, the social consequences for voluntary associations in the community, the economic consequences for industrial relations in this State, and the political consequences for the conduct of our society generally. That is what we mean by debate. The Premier means that we should just agree to the Government's proposal. The Premier has lost the plot. He has allowed the Minister for Labour Relations a free rein. Unlike the events of 1995 when a federal election was threatening, no effort has been made by the more sensible members of the coalition Government to bring that Minister into line with mainstream thinking in the community.

This is a test for all members of Parliament. It is a test for all those who expect us to cooperate with the conduct of committees, those who parade their commitment to the parliamentary process, and the role of the Independents and their view of how Parliament works. It is a test for the National Party and its longstanding commitment to parliamentary procedure. The real issue is whether they will pass the test. We will ensure that the results of the test will be known by calling a division on the motion.

**MR RIPPER** (Belmont - Deputy Leader of the Opposition) [5.40 pm]: I oppose this disgraceful motion by the Leader of the National Party, a man who has paraded himself as a defender of parliamentary convention during many years in opposition. What a disgrace, what a shame that this man has sought to perpetrate such a sleazy, disgraceful trick on the Opposition and on this Parliament. This is a sleazy motion to suspend standing orders to ram through legislation.

Let us consider the normal approach to such a matter. Usually on the Friday of a sitting week the Opposition is advised by letter of the parliamentary program for the following week. Were we advised that this legislation would be dealt with this week? We were not. We can consult the Notice Paper to find out what legislation will be dealt with, but is this matter on the Notice Paper? No, it is not! The Deputy Premier has deliberately refrained from moving a motion that would place the matter on the Notice Paper. No explicit verbal advice was given to the Opposition that the matter would be dealt with today. Suspecting that something might happen, I asked the Deputy Premier for an assurance that he would not do what he has just done. He was unable to give me that assurance. That was the full extent of the advice to the Opposition. What should the Deputy Premier have done? It is simple. He should have moved that the message from the Legislative Council be made an order of the day for the next day's sitting. The long-held, traditional convention in this place is that matters are placed on the Notice Paper, remain there for an appropriate time, and then are debated. On this occasion, no notice was given and we have had no consultation.

By way of interjection, the Premier said that the Opposition made a conscious decision not to debate the Bill. What a load of rubbish! The Opposition has been trying to debate the Bill but debate has been guillotined, we have been gagged, and now we have been treated to this latest sleazy trick. The Government has decided that the Bill will not be debated by the members voted into the upper House at the last election. Perhaps the Premier simply caved in to the Minister for Labour Relations, but whatever the process, the Premier has chosen not to have the legislation debated by the newly elected members of the upper House. He has confined debate to the members in the upper House who were elected in 1993! He will not subject himself to the will of the people as determined by the last election. He claims he has a mandate from the last election but he is not prepared to have this legislation considered by the members who were voted in at the last election.

We should be conscious of what we are doing here. This is very bad legislation. It will cause continuing division in the community. I have never seen a head of steam such as that in the trade union movement at the moment. Members opposite should understand what will happen. They will have to gaol people if they want to enforce this legislation. They will be faced with an unenviable choice - the legislation will become a dead letter; no employer will invoke its terms, or members will be faced with a confrontation the like of which they have not seen for a long time. Hundreds, possibly thousands, of people will not go along with this legislation; they will not submit to the dictate of the Minister for Labour Relations. What will members opposite do when hundreds of people disobey the legislation, and the Government is forced to make a choice between backing down or enforcing the law? If only one unionist is put in gaol for breaking this law, members opposite will be faced with further industrial action, further breaches of the law, further criminal offences, and further imprisonment. The legislation cannot work.

There are limits to authority and power. A Government cannot simply do anything it wants to do, particularly when large, voluntary, representative organisations with a long history and a legitimate role in the industrial and political community are involved. Both Labor and Liberal Governments have discovered that there are limits to authority.

Members opposite will discover the same thing if they seek to enforce this legislation. Those opposite will discover this if they seek to enforce this legislation. If we participate in this suspension of standing orders today simply to get this legislation through, we will be contributing to the community disaster which will unfold unless the Government finds some way of backing off after the legislation has gone through. At a much earlier time in my interest in politics, I marched to this House to protest against Court senior's legislation on the fuel, power and energy Bill. There were mass protests against that Bill at that time. The Government passed the legislation, but it was never proclaimed - and this legislation should never be proclaimed if it is endorsed by this House and then by the other House.

That is one way the Government can back away from the situation it has got itself into; I do not know what else it can do. If the legislation is proclaimed, the Government will not be able to enforce it. If it seeks to enforce it, there will be terrible community derision. As a result of the passage of this legislation, people will be put in gaol; services will not be available; and it will bring about very considerable damage to our economy and our community. Those are the stakes. In this circumstance, the Government wants to suspend standing orders and have us deal with the legislation immediately, to put it through immediately.

It is bad legislation, but what makes it all the worse is the rotten processes the Government has followed to bring it about. This is only the latest example. Last night in the upper House the Attorney General moved that the Bill be read a third time and that the question be put immediately. In other words, he moved the third reading and the gag in the same sentence. He was stood up by the President of the Legislative Council, the Agent General-elect. That is a tribute to the Agent General's commitment to Parliament. The President of the Legislative Council would not cop the motion moved by the Attorney General that the Bill be read a third time and the question be put immediately. He humiliated the Attorney General and said that the process should be fairer than that. I do not know the lengths to which the Government will go to deal with this legislation; however, I do know the President of the upper House would not cop that one.

A government member: Look at the political stuff you have done to try to stop the legislation.

Mr RIPPER: The role of the Opposition is to scrutinise legislation and to debate it properly. When legislation severely affects the rights of Western Australian workers and voluntary organisations in our community, causes division and disruption, reduces respect for the law and the police, and involves the police and the courts in industrial issues, we have an obligation to debate it properly, to slow down the debate and give the community time to consider its issues.

That is not the Government's objective. Its objective is to ram the legislation through the Parliament before it loses the numbers in the upper House. Above all else, that attitude has caused the recent disruption, division and anger in the community. The Government should not think that by getting the processes over quickly it will all go away. The Government's actions now will make next week's protests all the stronger. The Government made the worst possible decisions every step of the way and has promoted antagonism towards this legislation. The Government has guillotined the legislation through this place on not one, but several occasions. The Government brazenly announced that it would ram the legislation through by 22 May. I cannot think of a more provocative statement to have made than that. The Government has guillotined the Bill in the other House. The Attorney General tried to gag the third reading stage and that was knocked back by the President of the upper House.

The Government has rushed the Bill back down here late on a Thursday afternoon. Most of the members are not usually here on a Thursday afternoon. Today they have delayed their flights or trips back to the bush. Those in the National Party, of all people, have stayed around here on a Thursday afternoon, in the twilight of the parliamentary week, to pass this motion. It adds insult to injury. That might sound like a cliché, but it is very accurate with regard to this legislation. From the start of the process with this legislation, the Government has added insult to injury. With every move, every step and every way in which the Government has handled this legislation it has added insult to injury. I suppose if we were totally cynical, we could tell the Government to keep behaving with the arrogance of a Government elected for a second term so that we will reap the political benefit. We may well reap some political benefit from the way in which the Government has behaved, but it will be at tremendous cost to the community. Despite the political advantages for us, we prefer the Government not to behave like this; we prefer it to put off the debate and deal with the legislation the week after next in a way that will more be conciliatory and less inflammatory. If the Government goes ahead with this legislation, be it on its own head.

We are absolutely confident there are political advantages for us in this legislation. Every time the Government takes a step such as this, our vote goes up; every time the Minister for Labour Relations is on television our vote goes up. The Premier should keep him in his current portfolio and have him bring in a fourth wave, a fifth wave, or a sixth wave of industrial relations reform because we reap the benefit every time. The Minister for Labour Relations has been allowed to determine the direction which the Government is taking. If the Government is interested in its future, it would be best advised to muzzle him, as he was before the last election.

This motion is an extremely provocative one. Once news of it gets out, the Government will have more trouble than it has already, not less. It is a half-baked move which unfortunately is par for the course in this Government's handling of this legislation. It is a disgrace. Perpetrating this move has brought shame on all government members. I suggest to the Leader of the National Party that he meditate quietly during the next speech and think about withdrawing this legislation.

I know what those opposite will be up to next. They will be tired of all these speeches from members of the Opposition, and may go one step further and gag this debate. Then when we get to vote on the message, they will seek to gag that debate as well. They can do that because they have the numbers; however, it will be at a tremendous cost to the Government. The anger in the community will continue to grow because it is disgusted by the way members opposite have handled this legislation.

**MR PENDAL** (South Perth) [5.55 pm]: I suspect the Deputy Leader of the Opposition's speculation that there will be a guillotine motion may be true. If that is true, I suggest that his wrath is about 10 minutes early. If we follow speculation through, my understanding is that we might end up doing three things: First, we will be confronted with a motion that so much of standing orders be suspended to allow the Council's message to be considered; second, one assumes the Deputy Leader of the Opposition is correct and we will then have a guillotine motion; and, third, if that is correct, we will finally get a vote. I will make my view clear.

Mr Ripper: Do you suspect that might happen, do you?

Mr PENDAL: I think the speculation is pretty right. I am saying that the wrath of the Deputy Leader of the Opposition is coming at the wrong time, but that is only my view. We are being confronted with a motion to suspend standing orders to consider amendments from the other House. I have no trouble with that, and I intend to vote for it. People have been following debate on this legislation in this House and the other House for the past four weeks.

A member: Have you seen these amendments yet? Have you read them? How do you know what you are taking about, then?

Mr PENDAL: I will wait for the Minister to make his speech. I am telling the House what I will do. I will agree to the suspension of standing orders. The Government is entitled to run the business of the House as it wants; that is why provision is made for that in the standing orders. Secondly, I will oppose a guillotine motion because it is not appropriate that legislation as important as the Labour Relations Legislation Amendment Bill should be guillotined. That is where the interjection of the member for Cockburn becomes relevant. We could say, although I may not speak again, and other people might say, it is not right that the legislation face the guillotine when we have not had the chance to consider the Government's amendments.

Mr Thomas: It can't be debated until we have read these two documents.

Mr PENDAL: I am saying that the member is entitled to a view. It may be right or it may be wrong. I think it is wrong. However, his wrath will be correctly placed if a guillotine motion is moved when he opposes it. We should leave the business of the House with the Government; that is, to suspend standing orders to consider what another House has done.

*Question Put*

Mr MARSHALL: I move -

That the question be now put.

Question put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mrs Hodson-Thomas	Mr Prince
Mr Baker	Mrs Holmes	Mr Shave
Mr Barron-Sullivan	Mr House	Mr Sweetman
Mr Board	Mr Johnson	Mr Trenorden
Mr Bradshaw	Mr Kierath	Mr Tubby
Mr Court	Mr MacLean	Dr Turnbull
Mr Cowan	Mr Masters	Mrs van de Klashorst
Mr Day	Mr McNee	Mr Wiese
Mrs Edwardes	Mr Omodei	Mr Marshall ( <i>Teller</i> )
Dr Hames	Mrs Parker	

Noes (19)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Constable  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Pendal  
Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Question thus passed.

*Motion Resumed*

Question put and a division taken with the following result -

Ayes (31)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes  
Dr Hames

Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei  
Mrs Parker

Mr Pendal  
Mr Prince  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

Noes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Question thus passed with an absolute majority.

*Council's Amendments - Committee*

The Chairman of Committees (Mr Johnson) in the Chair; Mr Kierath (Minister for Labour Relations) in charge of the Bill.

The amendments made by the Council were as follows -

**No 1**

Clause 10, page 7, after line 22 - To insert the following -

**"strike"** has the meaning given by section 97A;

**No 2**

Clause 10, page 8, after line 17 - To insert the following -

**Meaning of "strike"**

**97A.** (1) In this section -

**"award"** includes an order and an industrial agreement;

**"dispute resolution procedures"** means procedures provided for in an award that are to be followed in connection with questions, disputes or difficulties arising under that award;

**"relevant stop-work activity"**, in relation to a stop-work meeting referred to in subsection (5), means participation by 5 or more employees of the employer who are members of the organization in one or more stop-work meetings of employees of the employer that have

not been approved by the employer by written notice given to the organization before each meeting.

(2) For the purposes of this Part -

**"strike"** means any stoppage of, or ban or limitation on, the performance of work by 5 or more employees but -

- (a) does not include action referred to in subsection (3); and
- (b) only includes a stop-work meeting if the meeting is unreasonable within the meaning of subsection (5).

(3) The following actions are not included within the definition of "strike" in subsection (2) -

- (a) a ban or limitation on the performance of work by employees -
  - (i) that preserves the status quo;
  - (ii) that is permitted under, and carried out in accordance with, relevant dispute resolution procedures;
  - (iii) that is undertaken for the purpose of compelling or inducing an employer or employee to comply with any existing terms or conditions of employment; and
  - (iv) in respect of which the Commission has not made an order requiring the employer or employee to comply with the terms or conditions of employment that are in dispute;
- (b) a ban or limitation on the performance of work by employees -
  - (i) that is permitted under, and carried out in accordance with, relevant dispute resolution procedures;
  - (ii) that is undertaken for a period that does not exceed 48 hours; and
  - (iii) in respect of which neither conciliation proceedings nor a hearing have commenced before the Commission;

or
- (c) an employee's refusal to work if that employee has reasonable grounds, as determined under section 26 of the *Occupational Safety and Health Act 1984* or section 72 of the *Mines Safety and Inspection Act 1994*, to believe that to continue to work would expose that employee or any other person to a risk of imminent and serious injury or imminent and serious harm to the health of that employee.

(4) For the purposes of subsection (3) (b) (ii), if at any time during the 27 days preceding the day on which the ban or limitation occurs, the employees have taken previous industrial action in respect of the same matter, the ban or limitation is to be regarded as having begun when that previous industrial action began.

(5) For the purposes of the definition of "strike" in subsection (2) a stop-work meeting in which 5 or more employees of the same employer who are members of the same organization participate is **"unreasonable"** if -

- (a) the meeting has not been approved by that employer by written notice given to that organization before the meeting;

and

- (b) there have been more than -
  - (i) 12 hours of relevant stop-work activity since the beginning of the calendar year in which the meeting is held; or
  - (ii) 4 hours of relevant stop-work activity since the beginning of the day on which the meeting is held.

(6) In subsection (5) participation by the employees in stop-work meetings at the same time in different places is taken to be one period of relevant stop-work activity.

**No 3**

Clause 10, page 9, lines 15 to 18 - To delete the lines and substitute the following -

- (e) the participation takes place within -
  - (i) 28 days of the declaration of the result of the pre-strike ballot which endorsed that form of strike; or
  - (ii) if that period has been extended by order under section 97I, the period specified in the order; and

**No 4**

Clause 10, page 10, line 3 - To delete "applicable to subsections (1) and (2)".

**No 5**

Clause 10, page 10, lines 8 to 12 - To delete the lines and substitute the following -

- (3) For the purposes of subsection (1) (d), participation in a particular form of strike is endorsed by a pre-strike ballot if -
  - (a) the majority of persons who were entitled to vote in the ballot voted "Yes" to the question applicable to participation in that form of strike; or
  - (b) at least 75% of the persons who were entitled to vote in the ballot voted in the ballot and a majority of those voting voted "Yes" to the question applicable to participation in that form of strike.

**No 6**

Clause 10, page 12, line 26 - To delete "5" and substitute "3".

**No 7**

Clause 10, page 13, lines 27 and 28 - To delete the lines and substitute the following -

- (c) it is in the public interest that the pre-strike ballot be held.

**No 8**

Clause 10, page 13, lines 29 to 33 and page 14, lines 1 and 2 - To delete the lines and substitute the following -

(3) If the Minister is of the opinion that a form of strike is contemplated by members of an organization of employees, or by any section or class of its members, and that the safety, health, welfare or economic well-being of the community or a part of it will be at risk if the strike occurs, the Minister may issue a certificate declaring that it is in the public interest that a pre-strike ballot be held, and that certificate shall be conclusive evidence for the purpose of subsection (2) (c) that it is in the public interest that the ballot be held.

**No 9**

Clause 10, page 17, lines 6 to 9 - To delete the lines and substitute the following -

- (b) certify whether or not the pre-strike ballot has been substantially conducted in accordance with this Part, and shall endeavour to do so within 24 hours of the time at which voting is required to be completed.

**No 10**

Clause 10, page 17, after line 9 - To insert the following -

- (4) A certificate of the Commission issued under subsection (3) is -
  - (a) for the purposes of section 49, a decision of the Commission; and
  - (b) subject to section 49, final and conclusive evidence of the matters certified.

**No 11**

Clause 10, page 20, after line 18 - To insert the following -

**Extension of participation period**

**97I.** (1) If no participation in a form of strike that is endorsed by a pre-strike ballot takes place -

- (a) within 28 days of the declaration of the result of the pre-strike ballot; or
- (b) if the Commission has made an order under subsection (2) in respect of that participation, within the period specified in the order,

the organization of employees whose members voted in the ballot may apply to the Commission for an order extending the period within which the participation may take place.

(2) The Commission may, on application under subsection (1), order that the participation may take place within a period specified by the Commission, being a period that is not longer than -

- (a) 56 days after the declaration of the result of the pre-strike ballot which endorsed that form of strike; or
- (b) 28 days after the final day of the period specified in the previous order made under this subsection in respect of the participation,

as the case requires.

(3) The Commission shall not make more than 2 orders under subsection (2) in respect of participation endorsed by the same pre-strike ballot.

**No 12**

Clause 10, page 21, after line 15 - To insert the following -

**Statistics**

**97J.** (1) The Registrar shall collect and provide to the Chief Commissioner statistics in respect of -

- (a) times taken for the determination of applications for pre-strike ballots and the conduct of pre-strike ballots; and
- (b) such other matters in relation to pre-strike ballots as the Chief Commissioner directs.

(2) The Chief Commissioner shall include the statistics provided under subsection (1) in the annual report to the Minister under section 16 (2) (b).

**No 13**

Clause 10, page 22, after line 15 - To insert the following -

(2) The Commission may make regulations with respect to any matter referred to in subsection (1) (a), (b), (c), (d), (g) or (h).

(3) If a regulation made under subsection (2) is inconsistent with a regulation made under subsection (1) the former prevails to the extent of the inconsistency.

**No 14**

Clause 10, page 22, line 16 - To delete "subsection (1)" and substitute "subsection (1) or (2)".

**No 15**

Clause 20, page 33, lines 22 and 23 - To delete "taken to have been given" and substitute "received by a State organization".

**No 16**

Clause 20, page 34, lines 7 to 28 and page 35, lines 1 to 17 - To delete the lines and substitute the following -

**Constructive notice to State organization**

**84C.** (1) If notification of an alleged industrial dispute that -



- (a) arises out of service of a log of claims; and
- (b) affects a State employer,

is given by a Federal organization under section 99 of the Commonwealth Act on or after commencement day, then for the purposes of this Part each State organization which has a Branch of the Federal organization as its related Federal body receives notice of the alleged industrial dispute on the same day as that notification is given by the Federal organization.

(2) If notification of an alleged industrial dispute that -

- (a) arises out of service of a log of claims;
- (b) affects a State employer;
- (c) has not been fully settled or finally dealt with under the Commonwealth Act;
- (d) has not ceased to exist; and
- (e) is not the subject of a determination by the Australian Industrial Relations Commission under the Commonwealth Act that it will refrain from hearing or determining the alleged industrial dispute or part of the alleged industrial dispute insofar as it involves the State,

was given by a Federal organization under section 99 of the Commonwealth Act before the commencement day, then for the purposes of this Part each State organization which has a Branch of the Federal organization as its related Federal body receives notice of the alleged industrial dispute on commencement day.

#### **No 17**

Clause 20, page 35, line 20 - To delete "being taken to have received" and substitute "receiving".

#### **No 18**

Clause 20, page 36, lines 14 and 15 - To delete "being taken to have been notified of the alleged industrial dispute" and substitute "the notice of the alleged industrial dispute received".

#### **No 19**

Clause 23, page 43, lines 15 to 19 - To delete the lines and substitute the following -

- (1a) The Commission is not to make an order under subsection (1) (ba) unless -
  - (a) it is satisfied that reinstatement or re-employment of the claimant is impracticable; or
  - (b) the employer has agreed to pay the compensation instead of reinstating or re-employing the claimant.

#### **No 20**

Clause 28, page 45, lines 12 to 15 - To delete the lines and substitute the following -

- (2) The court is not to make an order under subsection (1) (d) (ii) unless -
  - (a) it is satisfied that reinstatement or re-employment of the claimant is impracticable; or
  - (b) the employer has agreed to pay the compensation instead of reinstating or re-employing the claimant.

#### **No 21**

Clause 33, page 49, after line 26 - To insert the following -

- (2) If a representative of an organization intends to exercise a power referred to in subsection (1), the representative may -
  - (a) give to the Registrar a declaration made by the representative before a justice -
    - (i) stating that the representative intends to exercise that power and will not enter the premises for other purposes; and

- (ii) annexed to which is a list of members of the organization in respect of whom the power is to be exercised;
- and
- (b) before exercising the power, give the employer or former employer a copy of the declaration, without the annexure, endorsed on behalf of the Commission.

**No 22**

Clause 33, page 50, after line 7 - To insert the following -

- (5) If -
  - (a) a representative of an organization -
    - (i) exercises a power referred to in subsection (1) in a way that exceeds the ambit of that power; or
    - (ii) purports to exercise a power referred to in subsection (1) in circumstances in which the representative is not entitled to do so;
  - or
  - (b) an employer or former employer who has received a copy of a declaration from a representative of an organization under subsection (2) refuses to allow the representative to exercise a power referred to in subsection (1) that the representative is entitled to exercise,

that person contravenes the award, order or industrial agreement under which the power is exercised or purportedly exercised.

(6) A representative who makes a statement or provides information in a declaration or the annexure to a declaration under subsection (2), knowing the statement or information to be false, commits an offence.

Penalty: \$10 000 or imprisonment for 2 years.

(7) Subject to subsection (8), a declaration or an annexure given under subsection (2) is not admissible in evidence in any proceedings other than proceedings in respect of an offence under subsection (6).

(8) A copy of a declaration given to an employer or former employer under subsection (2) (b) is admissible in proceedings in respect of a contravention of an award, order or industrial agreement referred to in subsection (5) (b).

**No 23**

Clause 35, page 54, lines 16 to 21 - To delete the lines.

**No 24**

Clause 36, page 56, after line 2 - To insert the following -

(11) It is a defence to any proceedings instituted against an organization of employees for enforcement of a resume work order, or in respect of contravention of a resume work order, for the organization to prove that it used its best endeavours to ensure that normal work resumed immediately.

**No 25**

Clause 36, page 56, line 26 - To insert after "appears to the Commission that" the passage "subsection (12) does not apply and that".

**No 26**

Clause 36, page 57, after line 9 - To insert the following lines -

- (12) The occurrence of a strike is not a "strike matter" under subsection (11) (d) if -
  - (a) there is in force between each organization of employees whose members are participating in the strike and each employer in respect of whom the strike is occurring an agreement -

- (i) that complies with regulations made by the Governor for the purposes of this paragraph; and
  - (ii) in which the organization of employees has agreed on behalf of its members that the normal supply of goods or services by its members will be maintained despite any strike;
- and
- (b) the Commission is satisfied that the terms of each such agreement are being met.

**No 27**

Clause 36, page 58, after line 30 - To insert the following -

(20) In this section -

"**strike**" means a strike within the meaning of section 97A (2) .

**No 28**

Clause 37, page 60, after line 15 - To insert the following paragraph -

(c) by inserting after subsection (14) the following subsection -

" (15) In this section -

"**strike**" means a strike within the meaning of section 97A (2)."

**No 29**

Clause 38, page 61, lines 8 to 25 - To delete the lines and substitute the following -

(2) If -

- (a) an employee lawfully leaves his or her employment; or
- (b) an employee's employment is terminated by the employer through no fault of the employee,

before the employee has taken annual leave to which he or she is entitled, the employee is to be paid for all of that annual leave.

(3) If -

- (a) an employee leaves his or her employment; or
- (b) that employment is terminated by the employer,

in circumstances other than those referred to in subsection (2) before the employee has taken annual leave to which he or she is entitled, the employee is to be paid for any untaken leave that relates to a completed year of service, except that if the employee is dismissed for misconduct, the employee is not entitled to be paid for any untaken leave that relates to a year of service that was completed after the misconduct occurred.

**No 30**

New clause 38, page 60, after line 15 - To insert the following new clause -

**Section 113 amended**

**38.** After section 113 (3) of the principal Act the following subsection is inserted -

" (3a)The Governor may make regulations in any case where this Act contemplates the making of regulations by the Governor. "

*Time Management*

Mr COWAN: I move -

That consideration of the Council's amendments be completed by 8.00 pm today.

Several members interjected.

Mr Carpenter: You should think about where the National Party started off and where it is today.

*Point of Order*

Mr McGINTY: The motion was moved, the Deputy Premier sat down and I made the call. I ask that you give me the call Mr Chairman, because the Deputy Premier rose, read the motion and sat down.

The CHAIRMAN: In putting the motion before this Committee it is reasonable to accept that the Deputy Premier intends to speak on it. The member for Fremantle will get the call, but it is appropriate that the Deputy Premier, who has moved the motion, be allowed to complete what he is doing.

*Debate Resumed*

Mr COWAN: I will be brief to allow Opposition members the opportunity to use the 20 minutes associated with this sessional order. Although there has not been a great deal of meaningful debate on this legislation, 76 hours has been allocated for debate on it. No-one can tell us adequate time has not been made available for debate.

All members should know the sitting will not be suspended for a dinner break tonight; we will continue until 8.00 pm when this order takes effect.

Dr Gallop: We will go all night if necessary.

Mr McGINTY: I am very angry tonight. Members on the government side would do well to reflect on that anger, because I am not alone in being angry about what has occurred in Parliament this week.

A government member: Do you think we aren't?

Mr McGINTY: The Government has prostituted this place. It has behaved corruptly.

*Points of Order*

Mr COWAN: There is no way in the world the member for Fremantle should make those sorts of statements. He knows it. I demand they be withdrawn.

Mr THOMAS: The word "prostitute" was being used by the member for Fremantle as an adjective, not as a noun. It was not being applied to individuals; it was describing an action.

The CHAIRMAN: I uphold that point of order. The member for Fremantle knows that is unparliamentary.

*Debate Resumed*

Mr McGINTY: I came to this Parliament nearly seven years ago. I put myself forward for election because I thought the Parliament was important. I thought the Parliament in its deliberations would have an enormous impact on the daily lives of Western Australians. I thought in this Parliament we would from time to time approach matters with a different perspective - perhaps from a different philosophical framework - but that this was the place in which those differences would be debated and where we would have a full, frank, and open discussion on matters.

I ran for election to this place also because I believe in the institution of Parliament. I believe in democracy. I believe people should determine their own future through the people they elect to represent them. The Parliament is the mechanism through which that will of the people is reflected. Today that sounds extremely naive and, frankly, it seems a childish and stupid statement to make. What has made me so angry today is the complete bastardisation of the very reason this Parliament exists. We have seen a prostitution of its processes and we have seen a corruption of everything this Parliament stands for. I do not like that. That is why I am angry. Members in this place should be better than that, but we have not been.

The motion moved by the Deputy Premier is disgusting because it violates everything every member in this place should stand for and believe in. That is why I am angry. Members opposite have collectively violated something that is extremely important. Members opposite must understand that I am not angry on my own; people everywhere, inside and outside this Chamber, are angry that has occurred. If the Government wants to go on creating that conflict and anger in the community, it will create divisions that will tear at and destroy the very fabric of our society. That is part of what this process is about. We should have a cohesive community, not one that is fragmented and in which people are constantly engaged in pitched battle - worker against employer; Labor supporter against Liberal supporter; the haves verses the have nots. That is the path that the motion the Deputy Premier moved today will take us down.

I am angry also because of what the motion to have this legislation debated forthwith and guillotined through this Chamber has done to individuals. The Leader of the Opposition referred to Hon Graham Edwards, who sat in the Legislative Council for the last time today. He will have a disgustingly filthy taste in his mouth whenever he thinks

about what happened in this Parliament in the course of today, in particular. He is a truly great Australian, as the Leader of the Opposition said, but where do we find any proper recognition of his contribution to this Parliament? Similarly, where do we find any recognition of the President of the Legislative Council? He was like a cowering fool there yesterday. He was treated with contempt. He could not sit in his own Chamber because of the way the Government has handled this legislation. He will go out in disgrace after a long career as head of the other place. He will go out with his tail between his legs, all because of the way members opposite have corrupted the processes of this Parliament. They should all be ashamed of themselves for having done so.

This motion is the guillotine. It is frustrating debate and it is denying the very democratic purpose of this Chamber. Mr Speaker should be ashamed of himself for presiding over this place, and everyone on that side of the Chamber stands condemned.

Mr GRILL: I oppose this guillotine motion. I also condemn the use of the suspension of standing orders and the gag in the way they have been used this evening. I take a slightly different view from that of my colleagues. I am not angry about this motion; it is something I expected. This approach of the Government has been the norm the whole way through this debate. The Government chose to adopt these tactics right from the beginning and in my view it was clear this tactic would be used at the end. The use of these tactics right at the end highlights what a shoddy job the Government has done in carrying this legislation through both Chambers.

I am not angry about this motion, not just because I expected it, but also because in doing this the Government is doing itself a great disfavour and it is doing the Opposition a great favour. It is doing all those people outside this building a great favour as well because they expected this sort of impropriety from the Government. That is what this motion amounts to. The Government has not conformed to the general uses of this place or the other place. People outside who have demonstrated against this legislation have a low opinion of us all, and a particularly low opinion of government members. That opinion will not be enhanced by the tactics we have seen endorsed in the past few minutes.

The Government has also done a great service to the union movement because it has dispelled the great friend the Government had - apathy. Many people have been prepared to accept the fruits of the work of the unions without contributing anything. That apathy has been dispelled in many respects; the Government has awakened a sleeping dragon. There is a growing view in society that the Government has gone too far, that it has taken an unfair advantage, and that the timing of this legislation has subverted the democratic processes of this place and the other place. Once we get the view through to Western Australians that the Government has acted unfairly, they will react to it. They have always had sympathy for the underdog. There are no longer blurry lines. The general perception among union people who tended to be apathetic in the past, but who will not be apathetic in the future, is that it is now "them verses us". That general view is gaining ground among people in the community.

What about the business community? The Government has not won even that sector. By and large the business community thinks the Government is incompetent. It thinks the Government has been led by an overzealous Minister and that the rest of the Ministers do not have the gumption to stand up to him. It believes the Government probably had the best industrial record for as long as those in the business community could remember, but that it ruined it by bringing on a period of potential industrial anarchy - at least industrial unrest - that they do not want visited on their companies. They have had enough of that over the past two weeks, and that is just a taste. They believe the Government has gone too far. Their view - it is a growing view - is that this Government is overzealous and incompetent, that the Premier cannot control overzealous Ministers, and that the Government is not behaving either properly or competently. The Government is a double loser and in a strange way the Opposition is a double winner. Although I condemn what the Government is doing, I am not angry about it because it has conferred a great blessing on the Opposition. I thank members opposite for that.

Mr BROWN: I oppose this guillotine motion because it is coming down on a Bill that is one of the most important pieces of legislation to come before this State Parliament. The Bill seeks to destroy union organisation in Western Australia. There is no secret about that. Let us consider how ordinary working people have fared in capitalist societies with a very weak and insipid union movement. The classic example is the pinnacle of the capitalist world: the United States of America. Membership of union organisations in the US are now of the order of 10 per cent. I am sure the coalition Government and the Minister in this House would be in raptures if they achieved that percentage. However, when there is a very weak and insipid union movement, there is no bulwark to hold wage and condition levels. Between 1973 and 1992 the living wage of young families in the United States dropped by 43 per cent. In 1986 in the US, 13 per cent of the working population - not the unemployed - earned a wage below the poverty line. In 1991 five years later, 20 per cent earned a wage below the poverty line. In the USA a whole strata of society has been disfranchised. That is indicated by the level of crime and social dislocation that now affects the country. It is also indicated by less concern about the use of the term "white liberal". It is considered derogatory to

call people in America white liberals, because it means those people have some concern for the less fortunate, the poor, the invalids and those who cannot make their own way.

When Bill Clinton addressed the national governors' association a couple of years ago he spoke about the means of measuring society. He said there were more companies, millionaires and jobs in the United States than ever before. He said that if the situation were considered in those economic terms, the United States was doing very well indeed. He then referred to the other side of the equation; that is, half of the workers in the middle-class had not had a real wage increase in 20 years; the middle-class was shrinking desperately; and the underclass - not the working class but people who have no involvement at all in the system - was increasingly dramatically. That has all been achieved in part because the union movement in the USA does not have an effective voice; it operates in a few sectors of the economy and it looks after a relatively low percentage of the American work force. Ninety per cent of the American work force is on individual contracts of employment. Of those, one in five receives a wage below the poverty line. A whole range of service industries in that country rely on gratuities to make a living. They are no longer paid a wage; they buy a job.

I advise members opposite that I am happy to go down in history as opposing this legislation. There is no doubt that the Government will change Australian society with this legislation. With this legislation it will destroy the essence and character of Australian society, and I damn all members opposite for it.

Mr CARPENTER: I am glad I have the opportunity to comment on this motion because it is a most important day in the political history of this State. This guillotine motion is being dealt with in this way only because of the manifestation we are witnessing outside the Parliament. The Government does not want another day like this to occur. In a week or two it will still have the majority in the Legislative Assembly, and there is no need for the vote to be taken now. The Government is taking this action to avoid another manifestation of popular anger and uprising as seen outside the Parliament today. The Government wants to avoid it because it is a demonstration of how unpopular this legislation is in Western Australia.

Government members are well aware of that, especially those who do not support the Government's actions in this matter even though they are forced to raise their hands and vote for it. For example, the Deputy Premier does not support the Government's legislation in principle either here and now or in general. Bearing in mind the history of the National Party, how it was created and the principles adhered to in its creation, it is very sad that it should come to this situation today. National Party members have been driven along by people who should never have been able to direct them in their political life. I refer to people such as the Minister for Labour Relations. National Party members have been forced into this position and it is the worst day of their political careers. They know that is the case.

The Irish poet, William Butler Yeats, wrote a poem called "1916" in which he commemorated the popular uprising in Ireland against British rule. The poem is very short and it is about the unexpected people who emerge as heroes in situations of stress and tyranny. The Government has created a similar situation. The people outside this Parliament are not radical union lunatics or maniac union thugs; they are ordinary people. I know people out there who are not members of unions. The ordinary people in this State know what the Government is doing is stupid. They also know something members opposite do not appear to have grasped; that is, when a person has fixed fundamental views on a particular subject, that person should not be given control of that subject.

That has happened with the Minister for Labour Relations. He is possibly capable of being a very good Minister in other areas, but this is not the area for him. He should not be in charge of industrial relations because his views on that subject are too fundamental and too fixed. His views do not reflect the views of the large majority of Western Australians. It is a shame the Government has got into this position. Members on this side of the Chamber know that some members opposite feel the same way, and they feel it is very unfortunate the Premier has allowed this to happen and has placed the Deputy Premier in the embarrassing position in which he finds himself tonight. The Deputy Premier should be ashamed of that position.

The people outside the Parliament today, and those who came into the gallery yesterday are ordinary people. They will demonstrate in their thousands. Hundreds of people signed a book outside the Parliament the other day indicating their preparedness to be arrested over this legislation. The Government will not be able to manage the situation. It is casting the State back to the position reached by Sir Charles Court when he introduced section 54B of the Police Act. This Government is making criminals of ordinary, law-abiding Western Australians and it will suffer the consequences. The Government is very foolish for doing what it has done.

Question put and a division taken with the following result -

## Ayes (27)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei

Mrs Parker  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

## Noes (19)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Constable  
Dr Edwards  
Dr Gallop

Mr Grill  
Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Pental  
Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Question thus passed.

*Committee Resumed*

Mr COWAN: I move -

That amendment No 1 made by the Council be agreed to.

Mr KOBELKE: This amendment changes the definition of "strike" both in content, which we will deal with in the second amendment, and its placement in the legislation. Before I address those issues I would like to know whether the Minister will be at the Table to answer questions or has he given up the pretence of being rational and trying to explain the Bill? It certainly has been a pretence: The Government has not at any time tried to justify this legislation, nor has it adequately and honestly explained its content. Will the Minister not be at the Table with his advisers to explain these amendments?

The CHAIRMAN (Mr Johnson): It is not for the Chair to direct the Minister to sit at the Table. The committee debate can be dealt with where he is; it is at the Minister's discretion.

Several members interjected.

The CHAIRMAN: It is up to the Minister whether he wants officers or advisers here to help him. They do not advise members; they advise the Minister, who advises members. That is the prerogative of the Minister. I cannot direct him to do such a thing.

Mr KOBELKE: I will provide another example of how this Bill is being treated with contempt. This legislation has been introduced without time being allowed for members to read it. In addition, the documents circulated to members include the blue copy of the legislation, which contains the amendment moved with the Pental amendment when the Bill was debated in the Council, and message No 11, which provides the amendments. We do not have a reprint of the Bill, which is technically numbered 13-2.

When members read clause 10, page 7 they will see that it does not refer to the numbering system in this annotated copy of the legislation - it applies to the Bill presented to the Legislative Council. Because I have some familiarity with the Bill, I can work my way through it. However, I am sure members opposite do not have that familiarity and that they will not be able to work it out. We see further stupidity heaped on stupidity in relation to any rational debate on the legislation. We find -

Mr Thomas interjected.

*Withdrawal of Remark*

The CHAIRMAN: I direct the member for Cockburn to withdraw that remark.

Mr THOMAS: I withdraw.

The CHAIRMAN: I also suggest that he allow his spokesperson to have the floor.

*Committee Resumed*

Mr KOBELKE: The amendment we are now debating inserts in clause 10 that a strike is to have the meaning set down in section 97A of the Act. However, when we look at clause 10, page 7 we find that we are inserting it in section 97. The previous definition of "strike" appeared later in the Bill and placed that definition in clause 7 of the Bill, section 97 of the Act, which is the definition section. We now find that the new definition of "strike" will be placed in section 97A, which is part VIB, dealing with pre-strike ballots and starting at section 97. I hope the Minister will explain the reason for this new position. We can debate the new definition later. The "strike" definition is back in the pre-strike ballot section rather than in the definition section.

Mr KIERATH: This placement accommodates the proposition put to the Government on stoppages, bans or limitations, stop work meetings and so on. This is the method parliamentary counsel devised to distinguish between the two. One is a definition of "strike" and the other is a definition of "strike matter" relating to secret ballots. The definition in relation to secret ballots is different from the general definition of "strike" and there is a number of exemptions. That is what this achieves.

Mr KOBELKE: That does not make sense to me. The answer relating to legal advice does not wash. The Minister often says that he is doing something on legal advice, but he does not have that legal advice with him so that he can elucidate the reasons for the change. Time and time again we see vague sidestepping of the issues. It is simply not an answer. There must be some reason for moving the definition of "strike". Is the Minister saying the original Bill was cobbled together in such a hurry that placing that definition in the main interpretation section was a major problem that has just been discovered?

Mr Kierath: Is the member making a political point or does he really want an answer?

Mr KOBELKE: I really want an answer.

Mr Kierath: I have just said that we needed the two definitions and the difference between the two -

Mr KOBELKE: Between strike and what?

Mr Kierath: Strike matter.

Mr KOBELKE: But strike matters are not being dealt with here.

Mr KIERATH: Is the member asking whether this has been done deliberately or whether it was just cobbled together? I pointed out the reason this has been done; that is, to accommodate two different definitions, including the definition of "pre-strike ballot". It includes exemptions from stop work meetings for up to 12 hours a year and so on. It is a drafting technique to allow that to occur.

Mr KOBELKE: The Bill as introduced included definitions of "strike" and "strike matters", and that structure has not changed. What has changed is the definition of "strike" and the placement of that definition in the principal legislation. The Minister's answer does not make sense, or I do not understand it. The Minister said that it relates to strike matters. If it does, he needs to explain further. In the original Bill we had both definitions, and clearly there was no problem with one of them being new. We had two definitions and still have two, although they have changed. Is it the changing of the definition to a more detailed -

Mr Kierath: I said it was to change the exemptions in relation to the pre-strike ballot as distinct from the general definition of "strike". I cannot make it plainer than that.

Mr KOBELKE: There is no general definition of strike, because Council amendment No 23 removes the definition of strike from the Act.

Mr KIERATH: It is a device to accommodate those provisions. It relates to stop work activities and dispute resolution procedures.

Mr KOBELKE: I am not debating the second amendment. The first amendment relates to the definition of strike and changes its position in the Act. That could be of some consequence, because originally the definition of strike was contained in section 7, and it applied to the whole Act.

Mr KIERATH: Those are the exemptions for pre-strike ballots. They do not necessarily relate to other parts of the Bill and what is a strike.

Mr KOBELKE: That is by default, because no definition of strike exists in the interpretation section. However, the Minister is saying, by default, that he does not want this interpretation to extend to other parts of the Bill.

Mr KIERATH: That is right.



Mr THOMAS: I want to express my anger at what is happening at this time. These are amendments to what is probably the most important legislation this Chamber will consider this year. As the Deputy Leader of the Opposition and the Leader of the Opposition stated, these amendments have come to this Chamber without appearing on the notice paper and without written advice to the Opposition. They have been sprung on the Opposition by surprise, although some opposition members anticipated that would happen because of the large number of members who were in the Chamber towards the end of the day.

A schedule of amendments has come from the Legislative Council this afternoon. They were thrown in our lap as a motion to proceed to Committee forthwith, and the gag was put as that motion was being debated. In order to consider those amendments - they make no sense on their own - we received a blue Bill which is purported to be a consolidation of the Industrial Relations Act and the amendments. However, a note on the blue Bill states that the document incorporates amendments to the Act proposed by the Labour Relations Legislation Amendment Bill, and subsequent amendments made in the Assembly, but presumably not those made in the Legislative Council, which is why we are here. The blue Bill makes no sense on its own; members must refer to the other documents. I put to the Parliament, especially government backbenchers, that we are discharging the most important constitutional function that we are elected to perform; that is, to pass legislation, the detail of which is supposed to be considered during Committee. We are considering a clause that will consequently affect the definition of strike. People who strike without jumping through the hoops that this terrible legislation will require them to do, will end up in gaol.

The Government is taking away people's rights. I asked the member for Wanneroo whether he knew what he was doing. He smiled stupidly, and glibly said that he did. I challenged him to explain what he was doing. I asked the member for Murray-Wellington whether he knew what he was doing. They did not know what they were doing. I ask the Minister for Labour Relations why he is doing this. He is compounding probably the worst week in this Parliament.

The Government has brought on the legislation in an obscene rush to get it through so that unelected people who support the Government remain in the Legislative Council and vote on it. Why do we have to go through this now? We are sitting on Thursday night in an unscheduled sitting. It is an attempt to catch the Opposition and the people of Western Australia by surprise. The Government knows that the electronic media of Australia has closed down for the night and, therefore, the people of Western Australia will not be made aware of what has happened. By tomorrow it will be old news. The Government will still have a majority in this House next week, the week after next and the week after that. Why is it necessary for this House to pass such important legislation in such an obscenely quick manner?

This happened once before. Members might recall that the first legislation introduced by the Minister for Labour Relations was guillotined through the House. It was the first time the guillotine was used in this House; it was certainly the first time it has been used in this House since I have been a member. That legislation contained errors. It removed people's right to not be discriminated against in their employment because they were or were not a member of a union, or were or were not entitled to benefits or reward. I pointed that out to the arrogant Minister at the time and he sat and glibly ignored what I said. However, at the final Committee stage an amendment, which was written on something like the back of a bus ticket, was passed to members. I asked members then, in the same way as I am asking them now, whether they knew what they were doing. We should not behave this way and the Parliament should not be prostituted in this way. There is no reason that we should not consider these amendments from the Legislative Council calmly.

Dr EDWARDS: It is not clear from page 17 of the documentation what is happening to the definition of "strikes". That reflects what is happening tonight. The Labour Relations Amendment Bill seeks to amend the Industrial Relations Act with further amendments being passed by the Legislative Assembly. We have now been given papers which relate to what happened to the legislation in the Legislative Council. However, no-one has any idea what it all means. Frankly, nobody in the Legislative Council had much idea of what it meant either. Earlier today some of my colleagues bemoaned the fact that the guillotine came down every night before they had had a chance to consider the amendments proposed by the Government. It is, therefore, an absolute cheek to have us sit here for two hours on a Thursday night when, as the member for Cockburn said, everything is closed down for the night, to put through amendments that we do not understand. I doubt whether anybody opposite understands them. It is a disgrace. The Government believes that the people are unsophisticated and they will not remember this in three and a half years. They are not that unsophisticated.

Earlier this week I had the privilege of having residents of a nursing home visit the Parliament. Many were in wheelchairs and quite infirm. However, they were quite clear about what was going on. They knew the significance of 22 May and they knew all about Hon Ross Lightfoot. Their eyes were open to what was happening. The Government may think it is being smart in having us here tonight and about everything that has gone on today. It has cheated long serving members of the Legislative Council of a proper farewell; it has cheated my colleague,

Hon Graham Edwards, from having a refined and suitable exit from this House after all the years of service he has given to the Parliament in Western Australia. However, worse than that, it is disgraceful that we cannot properly consider the matters before the House because the Government has not given us the right information.

Question put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Dr Hames	Mr Pental
Mr Baker	Mrs Hodson-Thomas	Mr Shave
Mr Barron-Sullivan	Mrs Holmes	Mr Sweetman
Mr Board	Mr House	Mr Trenorden
Mr Bradshaw	Mr Kierath	Mr Tubby
Dr Constable	Mr MacLean	Dr Turnbull
Mr Court	Mr McNee	Mrs van de Klashorst
Mr Cowan	Mr Masters	Mr Wiese
Mr Day	Mr Omodei	Mr Marshall ( <i>Teller</i> )
Mrs Edwardes	Mrs Parker	

Noes (17)

Ms Anwyl	Mr Kobelke	Mr Riebeling
Mr Brown	Ms MacTiernan	Mr Ripper
Mr Carpenter	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr McGowan	Mr Cunningham ( <i>Teller</i> )
Mr Grill	Ms McHale	

**Question thus passed; the Council's amendment agreed to.**

Mr COWAN: I move -

That amendment No 2 made by the Council be agreed to.

Ms MacTIERNAN: If any clause demonstrates what a ridiculous piece of legislation this is, and how fundamentally misconceived the whole legislative package is, it is this clause. It has been pointed out time and again to the Minister in this place, in the Legislative Council and in numerous public debates how flawed his notion of a strike is; that is, his demand that there will be no strikes until a pre-strike ballot has been held. It has been drawn so broadly that two workers deciding to go to the toilet at the same time would be deemed to be going on strike.

Mr Court interjected.

Ms MacTIERNAN: That is right. It is probably because we are looking at members opposite that we are reminded of things associated with toilets. Some of the motions that occur in this Chamber are not all that desirable. The amendment is an attempt to resolve the problem of how to define a strike to determine who is supposed to hold a pre-strike ballot. The Minister has tried to get himself out of a very tricky situation on the basis of which the legislation has been exposed to ridicule. However, in doing so he has exposed himself to even greater ridicule. Members should have a close look at some of these provisions. Elaborate records will have to be kept in each workplace to determine whether the law has been broken. The employers will need a stopwatch because the legislation does not relate only to whether someone has gone on strike; it also must be seen in the context of what that person did the previous year and in different parts of the workplace in the previous year! That must be tallied to see whether, by December, that person has crossed the magical point and whether the right bits have been put in with the other bits to fall within the required number of hours.

The whole purpose of industrial relations legislation and a conciliation and arbitration commission is to bring about the resolution of disputes. However, one of the provisions of this legislation is that a strike will not be considered a strike if it is a ban or limitation on the fulfilment of work by employees that is carried out in accordance with dispute resolution procedures, that is undertaken for a period of less than 48 hours, and in respect of which neither conciliation proceedings nor a hearing has commenced before the commission. It tells people to stay away from the commission.

It advises them to take industrial action by putting in place bans and strikes before they go to the commission because if they go to the commission first to try to sort out the dispute, they will fall foul of this legislation. It is absolute nonsense. It is completely misconceived and tries to force the union movement out of the Industrial Relations Commission and into strike action. It is insane. Workers are now allowed to protect themselves only so long as not

more than five people attend the meeting. It does not say that they cannot do it. They can have one meeting of five people in one workshop, another of four people and yet another of three. They can have these bizarre meetings all over the place. Doing that will protect them from falling within the definition of strike action.

This Bill has not been thought through properly. The Minister has been forced to see it by the ridicule with which he is held in the community when the various examples are shown. He is trying to address this by putting in place this absurd package of rules and regulations, which contains the most elaborate and complex industrial calculus, and which must be retained by employees and employers, in order to enforce this legislation. Worst of all, he is forcing people out of the Industrial Relations Commission by telling them to take strike action before they go to the Industrial Relations Commission because that is the only way they will protect themselves from the ramifications of this legislation.

Mr KOBELKE: It is quite well known that most members on the government side have not read the Bill. I will put a little test to them. They may like to read proposed section 97A, which is about a page and a half long and relates to the definition of strike which the Minister wants to have put into the Act.

Several members interjected.

Mr KOBELKE: The Premier may get around to reading a bit of the Bill, which will make a nice change. I suggest that members take a couple of minutes to see whether they can make some sense of it. They will see just how convoluted it is; it is absolutely ridiculous. This is supposed to apply in every workplace in Western Australia which has five or more employees. If there are only four employees, they slip through. The Minister has moved from two to four employees. If four union members are in a workplace, that is okay. If there are five or more workers, they are expected to comply with this pile of gobbledegook. I challenge members on the government side to take a couple of minutes to read the clause and just see how convoluted it is.

I will paraphrase it and pick some of it out. The definition of a strike is any stoppage of, or ban or limitation on, the performance of work by five or more employees but does not include action referred to in proposed subsection (3) - which gives some very minor ways out of the definition of strike when five or more employees are involved if they are taking action according to those specific requirements - and includes a stop work meeting only if the meeting is unreasonable within the meaning of proposed subsection (5). Those are the two exceptions to the definition of strike.

Let us go to the first supposedly generous way out which the Minister claims he is providing. Paragraph (a) of proposed subsection (3) provides that the definition of strike does not include a ban or limitation on the performance of work by employees which meets four criteria. The first requirement is that the ban or limitation preserves the status quo. I will return to that later, because I think I know what it means, but it is not defined and so could be open to interpretation, which could lead to other problems. I take the words "that preserves the status quo" to mean that the employer has tried to create a change in the workplace and the employees are taking some form of action because they oppose that change.

Mr Kierath: Do you want me to give some explanation as we go?

Mr KOBELKE: Perhaps the Minister will let me give a general summary so that I can record it in one place. The Minister can then explain the words "status quo".

The second requirement is that the action is permitted under, and carried out in accordance with, relevant dispute resolution procedures. The definition of dispute resolution procedures is procedures provided for in an award; therefore, the details are laid down and are in keeping with an award or agreement. These provisions are conjunctive, so employees have to meet all of them. The third requirement is that the action is undertaken for the purpose of compelling or inducing an employer or employee to comply with any existing terms or conditions of employment. Fourthly, the action has to be one in which the commission has not made an order. If the boss or someone has not got the commission to make an order, if the employees are seeking to compel someone to do what they have been doing, if it is in keeping with a registered dispute resolution procedure and if it will maintain the status quo, then employees will not be caught by the definition of strike. That is one aspect.

The second one is that they can have a ban or limitation on the performance of work which will not be taken as a strike where they meet three criteria. Firstly, it is permitted under, and carried out in accordance with, relevant dispute resolution procedures. Again employees must have procedures in their agreement or award and follow them exactly. Secondly, it is undertaken for a period that does not exceed 48 hours. That is qualified later. I will come back to that. Thirdly, the action is one in respect of which no proceedings are before the commission.

Mr KIERATH: Most of the provisions under this definition were incorporated as a result of discussions with a number of parties, the most important of which was a group of unions that called themselves the essential services

unions. That group came along to a meeting with the Deputy Premier, me and others. I think there was a previous meeting when I was overseas. They asked for some exemptions under the definition of strike.

Mr Kobelke interjected.

Mr KIERATH: Yes, but they said that there were some reasons that they would want some exemptions. I will not tempt myself by saying at least they came and talked to us instead of what some other people did. They said a number of things. First, they said, "Let us say that currently two police officers are required to use radar and it was decided to reduce the requirement to one." Under their various procedures the essential services unions have the ability to preserve the status quo; in other words, if a direction comes from the top to cut the requirement to one officer, they can invoke a set of procedures which allows the two officers to remain until such time as the new direction is dealt with by the dispute settling procedures. In talking that through, they said that they wanted to be able to do that and not necessarily have a ballot. So they put their case and we listened to them and said, "Okay, we are prepared to accept that." They also said that under some of their dispute settling procedures they are allowed to engage in some form of action. They said if they were following their procedures and agreeing to the results, they should be allowed to do that, and that they would not bring that in unless they had the agreement of the parties. Again, we were prepared to accept that. That is the benefit of sitting down, talking constructively and making suggestions. They acknowledged that there are circumstances in which they would not get exemption. Proposed subsection (3)(b) means that a ban or limitation covered by the dispute settling procedures can be wider than just preserving the status quo, and perhaps involve taking some form of action, if it is allowed in those procedures. Again that is basically an exemption under this definition, bearing in mind that this definition relates to the pre-strike ballot.

Ms MacTiernan: Under proposed paragraph (b)(iii) employees have the benefit of this exemption only if they have not commenced proceedings before the Industrial Relations Commission. Is the Minister encouraging people not to try to settle disputes by an early intervention of the Industrial Relations Commission?

Mr KIERATH: Not at all. We are saying that if the dispute has gone to conciliation or some other proceeding, the workers should not have the ability to take industrial action.

Ms MacTiernan: We know that is what the Minister is saying, but has he thought the consequences through? One consequence is that it will deter people from taking a dispute to the Industrial Relations Commission.

Mr KIERATH: That is the member's view; it is certainly not our view.

Ms MacTiernan interjected.

Mr KIERATH: No. The unions asked for that exemption and we agreed to provide it.

Ms MacTiernan interjected.

Mr KIERATH: We want to make sure that unions cannot use this as another way of creating industrial action. We want to give them time to use the proper means, which is going before the commission. After all, this is the umpire who is so important, say members opposite, to retaining the integrity of the process. In other words, the issues will be taken before the commission for its determination. This process will allow the union to take action immediately, but a requirement will be to use the procedure of the commission to resolve the matter.

Ms MacTiernan interjected.

Mr KIERATH: That is what proposed section 97B(2) will do.

Mr THOMAS: I take up some points made by the member for Armadale in reference to the impracticalities and stupidity of this amendment which illustrate the lack of wisdom in proceeding with this manner. One exemption to which the member referred was that stop work activity will not constitute a strike matter unless more than 12 hours of stop work activity occurred in the preceding calendar year. This is a most impractical clause. Which workplace keeps records about the length of time of stop work meetings to that degree of precision?

Dr Turnbull: They will have to so to dock wages.

Mr THOMAS: I tell the member for Collie that I have had a fair amount of experience with stop work meetings and I am unaware of workplaces which keeps that degree of records. Why should they?

The Government will take away human rights as hitherto it has been possible for people in a workplace to resolve to strike; that, for the most part, has been accepted. The Government will pass legislation which will mean that unless one jumps through all the hoops the wretched legislation prescribes, people will be subject to a penalty of \$1 000. If they do not pay the fine, they will go to gaol. The member for Collie will pass legislation to take away rights which people in our society currently enjoy. If people wish to exercise what they believe to be their rights, they will end

up in gaol. Court cases will be held and facts will be searched to the level of proof required. If one sends people to gaol, one must know whether the facts can be proved reliably.

This silly and inane provision says that if one has had 11 hours of stop work meetings, one will not go to gaol; if one had 12 hours, 10 minutes of meetings, one will go to gaol. It is a stupid provision! This sort of provision was drafted in haste by a Parliament not performing its duty properly.

I am disappointed in the Deputy Premier's role in initiating proceedings and almost moving amendments - until we drew his attention to the fact that this matter was the Minister's responsibility - as he has a very proud record in this Parliament of upholding human rights. A role of Parliament is to uphold the rights of its citizens against the Executive. In 1977, the Executive sought to pass legislation to disfranchise Aboriginal people in one of the most disgraceful measures ever introduced into this House. The current Deputy Premier; Hon Matt Stephens, the then member for Stirling; and Hon Ian Thompson, the then Speaker, acted in an heroic and laudatory manner in one of the greatest hours of this Parliament in voting against their side of politics. Then Speaker Thompson exercised his casting vote from the Chair and defeated the legislation.

This Parliament has hitherto had a proud record of opposing such legislation moved by Executives of the political colour of members opposite. I am very disappointed that the Deputy Premier sits opposite with his head down in his papers acting as an accomplice to one of the most demented pieces of legislation I have seen since I arrived in this place; this is not to the same magnitude as the electoral amendments of 1977, but it similarly seeks to take away people's rights.

As indicated by the member for Armadale, this legislation is not being dealt with in a competent manner and it will ultimately create problems. This reflects the fact that the legislation is being rushed through and Parliament is not able to properly discharge its functions and examine the legislation and its amendments properly. The Government does not know what it is doing!

[The member's time expired.]

Mr KIERATH: The member for Cockburn knows, although he pretends not to -

Mr Kobelke: He knows what he is doing!

Mr KIERATH: The member should sit there and do what he wants to do while I reply to the member for Cockburn. The only reason a person would go to gaol, as he put it, or would incur the penalty, is by refusing to hold a pre-strike ballot. One will be able to hold stop work meetings of more than 12 hours if a ballot is taken. The limitation is included to allow a limited amount of action. Some members opposite asked the Government to consider exempting a certain number of stop work meetings. I said in this Chamber that I would look at that matter provided I could put a ceiling on the meetings, so they were not used as another form of strike. I said that in this Chamber. We have tried to accomplish that goal by allowing for a limited number of stop work meetings. This provision does not prohibit stop work meetings per se. However, if one wants to go above the limit, one must simply conduct a pre-strike ballot through the outlined procedure.

People will still feel the same way on an issue when undertaking a pre-strike ballot, and that feeling will be reflected in the result. Rather than taking away rights, this legislation enshrines the rights. The efforts of some people around this Chamber today, and within the last few days, have reinforced the view among government members of the need for protection so that people will not be intimidated at a workplace meeting or at other forums. Some people need the protection of the secret ballot so that they can voice their concerns without fear or favour. If one abides by the procedure, one will not breach the Act. Penalties will apply only by taking some industrial action without holding a pre-strike ballot.

Ms ANWYL: It is interesting that the Minister says that people should not fear because they should not breach the Act. The difficulty with this legislation is that one will need a gaggle of lawyers to determine whether one is in breach of the Act. I am totally disappointed by the lack of government involvement in the debate. We are repeatedly told that we are stifling debate in this House. To her credit, the member for Collie is the only member opposite, apart from the Minister, who has taken part in the debate. The Premier and the Leader of the House are not in the Chamber.

Mr Omodei: Nor is the Leader of the Opposition!

Ms ANWYL: I am sure he is deliberately absent! The bulk of government members are in the dining room and I doubt that they have had an opportunity to peruse the amendments made by the upper House.

Let us stick with clause 10 as presented to us this evening, when no staff are available to get other Acts or assist with copies and researching; in fact, no water has been available in the Chamber for the last hour.

Mr Kierath: Whose fault is that?

Ms ANWYL: It is because the Government is unable to run the Chamber in an appropriate fashion. We should not be debating this legislation tonight.

Can the Minister seriously suggest to people present tonight that ordinary people have the capacity to interpret the meaning of "strike", which must be read against other provisions. Why is the strike definition set out in proposed section 97A rather than in the definition provision of the Bill? Why does the Minister not have an adviser with him at the Table? Why did the Minister not provide advice to me after saying during Committee that he would do so?

Mr Kierath: What advice?

Ms ANWYL: I ask the Minister to check *Hansard* if staff were available to assist him. The Minister told me he would provide a summary of advice on the constitutional issues I raised with him. I know that the Minister has not completed his law degree, but I have; furthermore, I have practised law for 10 years. I understand the Minister has dropped out of his course, and it is not surprising: The Minister cannot seriously suggest that the clauses are open to interpretation by ordinary people, let alone a gaggle of lawyers. Where are the Minister's advisers? Why are they not at the Table with him? Is that customary? The Minister obviously does not want to answer me. This is extremely cumbersome legislation. It will do nothing but further complicate any industrial tensions that may exist in a workplace. People will unwittingly breach these laws. Let us leave aside for one moment the so-called militant trade unionists who are quite ready to go to gaol. Thousands of people will unwittingly break these laws without any deliberate intent, day after day in this State. These laws are so broad that they will have no alternative. I ask the Minister to give a coherent and cogent summary of the definition of "strike". Why are his advisers not at the Table with him, as is customary? Who has provided the Minister with advice throughout? Finally, I ask for a summary of the advice he promised me almost a month ago.

Dr TURNBULL: As I said in debate when the Bill was going through the Legislative Assembly, I am very concerned about industrial relations issues. I am particularly concerned about the operation of trade unions within our society. I consider unions to be a very important component of our society. They have a legitimate role in the industrial relations arena. I do not think they necessarily have an important role in the political arena. I have widely consulted my electors about this legislation, including employers, companies and employees - union and non-union. The opinions I have developed have determined the way in which I shall vote in this Chamber.

Many unionists have told me they would like secret ballots to be conducted. I have asked them how secret ballots should be operated. That seems to be the crux of the matter. First, the definition of "strike" must be established, and the reason for holding a secret ballot before a strike takes place. At the Committee stage of this Bill I questioned the definition of a strike. In my opinion a stop work meeting should not be defined as a strike. I have presented that case quite strongly to the Minister.

A member interjected.

Dr TURNBULL: Yes.

Mr Kierath: She is responsible for that one. She asked me and I gave that undertaking.

Dr TURNBULL: Yes, I am trying to formulate a way in which to define a strike. I put the case that the limit of only 12 hours in a year sounded ludicrous. However, a number of people have explained to me what stop work meetings used as a rolling stoppage can do to a workplace. I know that employees have their pay docked for stop work meetings, and that many of them do not like stop work meetings. By the time they have gone through rolling stoppages of up to 12 hours in 12 days, or even 12 hours in six days, many workers are sick of them. Therefore, they would like pre-strike ballots to be held. This legislation does not outlaw strikes.

Mr Carpenter: What is a strike?

Dr TURNBULL: The member for Willagee has asked what is a strike. The definition is very difficult. I do not know whether the full definition in this clause will be effective in all areas.

Ms Anwyl interjected.

Dr TURNBULL: I certainly do, member for Kalgoorlie. I have spoken with people in the work force as I usually do in my electorate. I assure the member that those people know where I stand.

Ms McHALE: I shall first make a couple of general remarks about the process. Having now had time to look at the Council's amendments, it is clear this is the most unparliamentary process to which I have been subjected since I have been a member and in the many years I have been an observer of parliamentary proceedings. These amendments will radically change the Bill without members having had the opportunity to study them. The Government is also asking

members to consider re-inserting clauses from the original Bill that it so vehemently argued should be removed. It is the most appalling process I have observed. The Government is asking members to consider the Bill on the run yet this legislation will set the process for industrial relations into the next millennium and certainly for the next three years. The Government wants members to try to make sense of the original Bill, the amended Bill and the Council's amendments. It is appalling.

A later clause in the Bill will remove the original definition of "strike" that was debated at some length until the Government applied the guillotine motion. The Government has now introduced a different definition of strike, which the Opposition has had no opportunity to consider. The Government is introducing a process that will tie up employers and their administrative staff for days while they set up records. The Government does not understand the nature of employers and organisations in the twenty-first century, particularly large organisations. The Government must be in cloud cuckoo land if it intends to ask a hospital to keep the type of records that must be kept in order to comply with the provisions of this Bill. It is a ridiculous proposal. Once again, it is done without any forethought or regard for the reality of the workplace. The Government will ask employers to count the hours and minutes of stop work meetings, because they can take any time from half an hour to a couple of hours. It wants employers to record the exact duration of stop work meetings, some of which are paid and some are not. Regardless of the nature of those stop work meetings, the Government will impose on employers the most abhorrent legislation I have seen, although it wants them to be productive and efficient. I am dumbfounded that the Government is proposing to amend the amendment relating to the definition of strike, which will cost employers a great deal of money. It is a ridiculous clause and I ask members on the government benches to read the amendment just placed before them and make some sense of what is proposed. It is pathetic, appalling and abhorrent legislation that should be thrown out.

Mr KIERATH: The member for Kalgoorlie asked for a summary of advice and I apologise if I have forgotten to provide that. I will go through *Hansard* and check. I thought I had already been through it, but I will make sure she receives that advice.

It is usual for a departmental officer to be at the Table, but most of these amendments have been the subject of negotiation between me, Hon Peter Foss and certain other parties. Hon Peter Foss has a particular passion, talent and skill for drafting. He loves to work in this area. I place clearly on the record that some of these provisions have been redrafted by Hon Peter Foss.

The member referred to the definition of "strike". At page 16 of the blue copy of the Bill is a definition of strike.

Several members interjected.

The CHAIRMAN: Order, order!

Mr KIERATH: I thought members opposite were seeking information but they obviously want to score some political points. Certainly, the previous definition of strike was very tight and it was intended that almost any form of industrial action would require a secret ballot. I said that I accepted that this provision looks fairly complex, but the complex part is the "outs". The member for Nollamara was correct. This provides the outs where strike action can be taken but is not covered by the Bill. If an action is not covered a pre-strike ballot must be held. In other words, if people are prepared to go through the ballot process they can take any industrial action they like. The provisions allow only outs. These outs were not requested by our side of the argument, although stop work meetings have been exempt as a result of representations by the member for Collie. That goes to show the power of her lobbying and representations.

The member for Collie takes a vital interest in labour relations matters. Even if she disagrees with me, she represents her constituents superbly. She puts their point of view and makes sure it is taken into account at every opportunity. I wish that other members would display the same sort of interest and concern for their constituents as does the member for Collie. The purpose of these provisions is to ensure that any industrial action, other than those specified, must go through the pre-strike ballot process.

Mr BROWN: I have listened to the Minister outline how he has accommodated the member for Collie on stop work meetings. As I understand it, stop work meetings at Collie will be attended by 50, 100 or 200, so how has the member been accommodated in this definition? Subclause (2) relates to any stoppage of work, ban or limitation on the performance of work by five or more employees. Generally, more than five employees will be involved, so that does not help the member for Collie much. Paragraph (b) states that it will include a stop work meeting only if the meeting is unreasonable within the meaning of subclause (5). Therefore, if fewer than five union members attend a meeting it is not an industrial action. If 300 members attend but 296 resign from the union at the beginning of the meeting, only four union members will be in attendance, so that will be okay. If five union members attended such a meeting, it would not assist the member for Collie. Subclause (5) states -

For the purposes of the definition of "strike" in subsection (2) a stop work meeting in which 5 or more employees of the same employer who are members of the same organization participate is "unreasonable" if -

- (a) the meeting has not been approved by that employer by written notice given to the organisation before the meeting;

This is a most unusual stop work meeting. Workers will inform the boss that they are in dispute, and seek a letter from the employer to allow a meeting which the employer will not want them to have, and at which decisions might be made which the employer will not want to be made! What a nonsense! The member for Collie is proud of what she has achieved. She will take that back to the unions and instruct them to beg for a letter from the boss so that they can hold a meeting! What a lot of bloody nonsense! I will be very happy to go to Collie and hear this explained. I can imagine the blue collar workers accepting that all they need to do is face the boss, get down on their knees, and he will provide a letter.

The Minister said that he listened to the member for Collie, and made these wonderful changes to the legislation! If he were using this for evidence in a court of law he would go for perjury! This is like putting arsenic in the meal and then adding some dressing to make it taste a little better. The food still poisons people when it is eaten, but it looks and tastes nice. This provision enables the Minister to put his hand on his heart and admit he has been influenced by the member for Collie; that she is very persuasive, that she is a good member, she has convinced the Minister about the needs of blue collar workers and stop work meetings, and that this is the concession he has made. I applaud the member for Collie for having the courage to speak, because no other member on that side of the Chamber has spoken. If she wants to use that fact in her campaign in Collie, fine! At least she has had the guts to do it, which is more than the wimps on that side have done! If the member for Collie is genuinely concerned - and I think she is - she should not be conned. Certain things happen to people who are conned, and this is the greatest con job ever!

Dr TURNBULL: That was a wonderful performance by the member for Bassendean. Had my time not expired last time I spoke, I would have asked the same question! I had two questions to ask, but I am not very interested in performing in that way during Committee! I am interested in obtaining information. Proposed subsection (5)(a) is not appropriate. I seek also an explanation of proposed subsection (3)(a)(iv). Further disputes can arise when people do not abide by the directions of the Industrial Relations Commission. In those cases, both the employers and employees should be able to express their opinions.

Ms MacTiernan: Why do you not move an amendment to delete proposed subsection (5)(a)?

Dr TURNBULL: I will wait until the Minister has had an opportunity to explain.

I can assure members that many people do not like the pressure and ostracism that is applied to them when an open ballot is held. Those people support secret ballots, but it will be difficult to create a situation for a secret ballot. The law is a living thing and it changes according to the experiences faced during that process. Opposition members have alluded to the fact that court cases will occur, and that will influence the future of this legislation. However, secret ballots are a human right, and people often talk about the denial of human rights. People in my electorate are connected with all sort of unions. Those at the power station, the teachers' union, and the nurses' union want to be able to express an opinion via a secret ballot. The union organisers and representatives in my electorate have said that they have no concerns about the introduction of secret ballots. They say that if an issue is genuine, the union representatives will be able to obtain a positive vote.

I am pleased to see the foreshadowed amendments which will ensure that as long as 75 per cent of those registered to vote actually vote - with a 50 per cent result - that will be a positive vote. That was another area of concern.

Mr KIERATH: I reject the proposition by the member for Bassendean. The definition, in essence, means that a relevant stop work activity which is covered by that ceiling is one that has not been approved by the employer by written notice. In other words, if it has been approved by the employer by written notice it does not count in that 12 hours. It is one that has not been approved by the employer by written notice. In other words, if it has been approved by the employer by written notice, it does not count towards the 12 hours.

A member interjected.

Mr KIERATH: It does. The definition of "relevant stop-work activity" relates to the written notice. It can be related to amendments to clause 10 covering proposed section 97A(5)(a). It says that for the purposes of the definition of a strike, a stop work meeting is unreasonable - that is the key word - if five or more employees of the same employer are participating in it; if the meeting has not been approved by the employer by written notice given to the organisation before the meeting; and if there has not been more than 12 hours' notice. The qualification is that



stoppages are unreasonable if they have not been approved and if they last for more than 12 hours or more than four hours in any one stint. If all of those occur, it is unreasonable.

Dr Turnbull: You mentioned subclause 3(a)(iv).

Mr KIERATH: We were trying to lift some bans or limitations. If the matter is before the commission, those bans or limitations should cease. If the parties are before the umpire getting the dispute resolved and the unions want to take industrial action, we say they must hold a ballot to do that. We do not want them to thumb their nose at the umpire. If they do, the unions will be in front of the umpire who is sitting in judgment, saying they do not care who or what that person is, and they will take action in any event. We lifted the limitation or the ban on taking that action only enough to enable the parties to get before the umpire. If industrial action were taken on a weekend or at a time when the umpire was unavailable, with this limitation the unions could take action immediately; that is, until the parties could go before the commission to have the matter decided. We think that is fair enough, and most reasonable thinking people would go along with that.

In relation to the secret ballots, I agree wholeheartedly with members opposite. Most people would like to have a ballot in secret so they do not have to show somebody else how they voted. It is hard enough being the Minister for Labour Relations making these changes and getting to my feet in front of other members to have a say. If that is what parliamentarians go through, can members imagine what it is like for persons in the workplace who are not used to the pressures in public life? How would those people feel about getting up publicly and saying they had a different point of view from that which had been put? It is very difficult.

This provision allows people to have a say without being identified to others, and to vote in accordance with their feelings, without fear or intimidation. It does not matter whether pressure is put on them by other employees, friends at work, the union representatives or the employers who are telling employees that they want them to do something or other. I have heard employers say something about their work force that turned out not to be true.

It is a fundamental human right to be able to express a view, without intimidation or repercussions of any sort. This provision will allow that. Do members opposite ever stop to think why there is so much opposition to this provision? The Premier was right: The Trades and Labor Council told the Government it is not opposed to secret ballots. The very next thing it did was try to prevent them from occurring. It gives lots of reasons for not wanting these provisions in the legislation. It wants to control all the processes.

The Government says that the umpire, the commission, should determine the requirements. If the unions satisfy all the requirements, they will get a stamp of approval and can run the ballot, but if the unions cannot get the commission's stamp of approval, there can be no ballot. I expect the commission to approve any application made by reputable organisations, which will have no difficulty meeting the commission's requirements to run the ballot. The point is this: An organisation that is not reputable will not get a chance to run the ballot. There are three options. The commission can run the ballot, or it can use someone it has contracted in. It can use the Electoral Commission or the union organisation. In most cases the union organisation is the best network on the ground and the commission will use it if at all possible.

The issue about the 75 per cent was raised. Someone suggested that we soften that option. The 75 per cent requirement will reflect a clear majority of the total number of union members who have voted and will bring about a simple majority with about 37 per cent.

Ms MacTIERNAN: I refer to the provision covering the 12 hour accumulation of stop work activity over a calendar year. What happens if employees start at that workplace in, say, October of a year and have no knowledge of what has occurred in the preceding nine months? The following month a matter may arise in which those employees believe, so they want a stop work meeting. How are those employees to be made liable, because activity had occurred, to which those employees were not a party, and had no knowledge of, and indeed had no way of having any knowledge of? How is this to work?

Let us consider the high turnover of staff in some workplaces. I am very concerned about how this could work. Is it to do with the employees concerned? Must the employees not have had more than 12 hours' stop work activity, or must the entire workplace not have had more than 12 hours' stop work activity? How are different employees to know what stop work activity has been taken by other staff within that workplace? Workers might be employed at a large work site. One plant might have taken stop work action in January and another might have taken stop work action in February. Even if the workers had been at the workplace for the whole year, they would not be in a position to tally up the different hours of stop work action that different employees on that work site had taken. The situation is made even more bizarre if employees come into the workplace in October and, therefore, have even less opportunity to discover and determine what accumulated stop work activity might have gone on in the workplace in the preceding nine months.

A member interjected: It's a bit like losing your driver's licence.

Ms MacTIERNAN: Not just one person's driver's licence. Under this provision workers are all bunched together. Somehow or other they are supposed to know the total time the work stoppages have taken. It would be very sad for members of the National Party, for example, to be bunched together with Eric. They would be in a dreadful situation.

A government member: Fair go!

Ms MacTIERNAN: Let us take the situation of a large employer who has different work sites.

Dr Turnbull: We would go a lot further with Eric Charlton. He is a very practical man. No unionist I know is practical. They do not like getting tied up in knots by lawyers.

Ms MacTIERNAN: I can tell the member this -

Several members interjected.

Ms MacTIERNAN: I want the member for Collie to tell me the answer to this question: When a 15 year old boy starts work with a large employer in October and goes on strike in December, when he asks whether he has broken the law, what will the member for Collie tell him? He will not know - and neither will the member for Collie.

Several members interjected.

The CHAIRMAN: Order! I ask members on both sides of the Chamber, particularly those on the right, to cease the amount of interjection.

Ms MacTIERNAN: This is a very real and practical problem. Is it the case that individuals must make themselves aware of all the stop work action that has taken place by all employees before they can determine their legal situation and also their entitlement to take stop work action? How are people coming into the workplace in the latter half of the year to discover the extent of stop work action that has taken place before the employees arrived at the workplace, which will enable them to determine whether, in taking stop work action, they are within or without the law?

Mr KIERATH: The legislation says it is a stop work meeting in which five or more employees participate. It is not something which accumulates. If it relates to a stop work meeting at the workplace, the time is accumulated. Basically we are providing an out from the pre-strike ballots. If the accumulated tally exceeded the number of hours specified, further stop work meetings could not be held; instead a pre-strike ballot must be taken.

That is what it is designed to do. In every award there are dispute settling provisions. If employees have a grievance or dispute, they must go through those provisions. This amendment covers those who avoid the dispute settling provisions or have been through them and still want to take industrial action. They go to a secret ballot. If they want to avoid the dispute settling process, the commission has a discretion - those opposite have complained about that - to allow them to go to a pre-strike ballot without going through all the individual processes.

Ms MacTiernan: How will the employee know how much industrial stop work action has been taken against that employer in the preceding year?

Mr KIERATH: Each workplace will know the number of stop work meetings.

Ms MacTiernan: Who will keep the records?

Mr KIERATH: If they are not authorised meetings and they have caused interruption to the performance of work, the employer will know.

Ms MacTiernan: So the workers must go and ask the employer?

Mr KIERATH: The employer will probably keep a running total of the number of stop work meetings.

Ms MacTiernan interjected.

Mr KIERATH: They would not be in breach of the provisions if no records were kept.

Mr KOBELKE: The Minister is either a poor listener or he is not willing to answer the questions. What will be judged to be unreasonable with respect to a stop work order involves a range of complex procedures. I understand the provisions relating to a union's seeking a pre-strike ballot. However, if in good faith someone believed the appropriate number of hours of stoppage had not occurred and he took action, he would find he was outside the law. The Minister will not countenance the implications that will have for many workers.

This clause contains a range of important issues and the prospect of the guillotine means we cannot discuss them. Proposed paragraph (c) restates the Occupational Safety and Health Act. It does not resolve the problem of the large

grey area between where the Occupational Safety and Health Act comes into play and where one can be caught by industrial action.

As a result of proposed subsection (4) relating to part IIIB people may think they can take action for up to 48 hours. However, it is qualified to mean that if action were taken on say the Friday, the clock would start ticking. Therefore, by Monday when people returned to work, 48 hours would have elapsed. Although I realise some complicated provisions provide an out, it is possible that people will take action believing it is okay to take 48 hours of action. They may have finished work early on Friday afternoon with a dispute and on returning to work on Monday find 48 hours have passed and they are in contravention.

I do not know whether that is what the Minister intended. If he intends that the clock should start ticking only when industrial action begins, this amendment does not capture that. It provides that the clock begins immediately from the start of action 27 days earlier. It is one of the many aspects of this Bill that we could draw out and debate the meaning if we had time.

Dr GALLOP: Time moves on and we are about to see the guillotine imposed on this legislation yet again. Mr Chairman, it is sad to report to you as Chairman of the proceedings of this Parliament that the Parliament of Western Australia has been rendered worthless. There is nothing here tonight but bricks and mortar. The Executive rules this Parliament, without any qualification or concern for the conventions of our system of government.

First, the votes of the people in a 17-all result for the Legislative Council in December 1996 have been ignored by this Government by its forcing this legislation through before 22 May. Secondly, this Government has broken a fundamental promise to the trade union movement that it would not introduce any new legislation into the Parliament without prior agreement. Thirdly, the legislation has been rammed through the Legislative Assembly and the Legislative Council with the use of the guillotine. It is the responsibility of all of us on this side of the Chamber to debate this legislation, expose its problems and consequences as the opposition spokesman for Labour Relations was doing just before I rose this evening. However, we have no chance to do that properly as a result of this procedure.

Right at the death knock the Government deliberately concealed its tactics from the Opposition so there could be no agreement, as is normally the case, on how a piece of legislation will be dealt with. Then it moved to suspend standing orders so that it could deal with the matter forthwith.

In addition it imposed the guillotine. The process by which this legislation has been treated is exemplified by what happened this evening. It is a very sad day for democracy in Western Australia when - I shall put it where it belongs - we have a Government that has the numbers in this Assembly. It could pass this legislation at any time it wished because it has the numbers in this Chamber.

What is its intention this evening? It wants to prevent argument. The one thing this Government does not want to happen with this legislation is debate. When this legislation is subject to the scrutiny of argument it fails. That is why the guillotine is to be imposed in this Parliament tonight.

The Government has the majority and the will to rule over the Parliament without any qualification, but it cannot stand debate on it because members opposite lack the moral fortitude to argue their case. The argument that exemplifies it all is that the people of Western Australia have not been given a reason for this legislation being pushed through before 22 May. It shows the Government's total contempt for democracy and the processes of debate in this Parliament. This is a very sad day for democracy in Western Australia. Look at all the members opposite sitting there tonight with shame written all over their faces; shame, shame, shame.

In this House we are seeing the final decline and destruction of the National Party. It has no moral authority any more; it has total contempt for Parliament and it now lines up alongside the Liberal Party with its views.

The CHAIRMAN: The Leader of the Opposition should resume his seat; I have allowed him ample time.

Dr GALLOP: I have more to say on this, Mr Chairman. Why do I have to resume my seat? The Chairman should explain to the people of Western Australia -

Several members interjected.

The CHAIRMAN: The time has arrived for completion of all remaining stages and under the sessional order every question must be put that is necessary to complete the business without further debate. The question now is that amendment No 2 be agreed to.

Question put and a division taken with the following result -

## Ayes (29)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei

Mrs Parker  
Mr Pandal  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

## Noes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

**Question thus passed; the Council's amendment agreed to.**

The CHAIRMAN: The question now is that amendments Nos 3 to 30 be agreed to and that I do now leave the chair and report the Bill to the House.

Question put and a division taken with the following result -

## Ayes (29)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei

Mrs Parker  
Mr Pandal  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

## Noes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

**Question thus passed; the Council's amendments agreed to.***Adoption of Report*

The SPEAKER: Order, members! The time previously arrived in Committee for the completion of all remaining stages of business and I am required under the sessional order to put every question necessary to complete the business without further debate or amendment. The question is that the report be adopted.

Question put and a division taken with the following result -

## Ayes (30)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei

Mrs Parker  
Mr Pental  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

## Noes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Question thus passed.

Report adopted.

*Legislative Council to be Acquainted*

The SPEAKER: The question now is that the Legislative Council be acquainted accordingly.

Question put and a division taken with the following result -

## Ayes (30)

Mr Ainsworth  
Mr Baker  
Mr Barron-Sullivan  
Mr Board  
Mr Bradshaw  
Dr Constable  
Mr Court  
Mr Cowan  
Mr Day  
Mrs Edwardes

Dr Hames  
Mrs Hodson-Thomas  
Mrs Holmes  
Mr House  
Mr Johnson  
Mr Kierath  
Mr MacLean  
Mr Masters  
Mr McNee  
Mr Omodei

Mrs Parker  
Mr Pental  
Mr Shave  
Mr Sweetman  
Mr Trenorden  
Mr Tubby  
Dr Turnbull  
Mrs van de Klashorst  
Mr Wiese  
Mr Marshall (*Teller*)

## Noes (17)

Ms Anwyl  
Mr Brown  
Mr Carpenter  
Dr Edwards  
Dr Gallop  
Mr Grill

Mr Kobelke  
Ms MacTiernan  
Mr Marlborough  
Mr McGinty  
Mr McGowan  
Ms McHale

Mr Riebeling  
Mr Ripper  
Mr Thomas  
Ms Warnock  
Mr Cunningham (*Teller*)

Question thus passed.

**ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion by Mr Cowan (Deputy Premier), resolved -

That the House at its rising adjourn until Tuesday, 27 May, at 2.00 pm.

*House adjourned at 8.14 pm*

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**QUESTIONS WITHOUT NOTICE**

HEALTH DEPARTMENT - WORKPLACE AGREEMENTS

*Tax Loophole*

**323. Dr GALLOP to the Premier:**

- (1) Did the Premier authorise the Health Department's use of a loophole in taxation legislation to allow employees signing workplace agreements to avoid paying tax on 30 per cent of their pay?
- (2) Is he aware that the Health Commissioner, Alan Bansemer, opposed this scheme?
- (3) When will he stop this rort which places in jeopardy the tax exempt status of hospitals and public benevolent institutions?

**Mr COURT replied:**

- (1)-(3) I am not aware of the details of the matter to which the Leader of the Opposition has referred. However, I will find out that detail and formally answer the question.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL - UNION NEGOTIATIONS

**324. Mr SWEETMAN to the Premier:**

What negotiations have taken place in recent days with the union movement on the industrial relations legislation currently before State Parliament?

**Mr COURT replied:**

Unfortunately, the Trades and Labor Council switched off the lights on negotiations in January. It has refused to participate in any meaningful negotiations. Interestingly, at a further meeting with the TLC this week we agreed to withdraw some of the provisions of the legislation. However, the TLC said it did not want to participate in negotiations that could be seen to be coming to any deal or arrangement.

Mr Kobelke interjected.

Mr COURT: If that one little matter did not mean a great deal to the legislation, the member should not worry about its being in the legislation! We are very concerned about the behaviour that has gone on today. The behaviour by union militants who have taken over one of the Houses of this Parliament is a very strong attack on our democratic process. The rank and file members of those unions and the general public will be disgusted by their behaviour today. Does the Leader of the Opposition condemn the tactics being used?

Dr Gallop: You heard me on the radio this morning, Premier; do not try to play little games.

Mr COURT: I asked the Leader of the Opposition whether he condemns the tactics and the answer is he does.

Dr Gallop: You heard me on the radio this morning.

Several members interjected.

The SPEAKER: Order! The interjections are getting a little out of hand. I have allowed the Leader of the Opposition, who asked the question, to interject. However, I do not want interjections from both sides of the House.

Mr COURT: The Leader of the Opposition is a passive supporter of the tactics that are being used in the other House. He will be associated with those standards.

Dr Gallop interjected.

The SPEAKER: Order! The Leader of the Opposition has been interjecting incessantly while I have been on my feet. I formally call him to order for the first time.

INDUSTRIAL RELATIONS - DISPUTES

*Effect on Dairy Industry*

**325. Dr TURNBULL to the Minister for Primary Industry:**

- (1) What losses will the rural community face in the ongoing industrial disputes affecting the dairy industry?

- (2) What are the health implications for the community from unpasteurised milk?
- (3) What, if any, are the environmental impacts from the milk being dumped?

**Mr HOUSE replied:**

- (1)-(3) Western Australia produces about a million litres of milk a day. That milk is currently being dumped. It is an enormous waste. The environmental damage that is caused by dumping a million litres of milk a day is enormous. The consequences of it will reverberate for some time. Milk is not an easy product to dispose of in a sensible way. Therefore, farmers are experiencing great difficulties in disposing of it. The cost to farmers is about \$240 000 a day, a loss they can ill-afford. It is very unfair to target people who have no option but to continue to treat their animals humanely by milking them. They have no other option. They are being faced not only with having to suffer economic loss but also taking action that will damage the environment. Every member of this House should be concerned about those people being specifically targeted in this industrial dispute.

#### DRUGS - MINISTER FOR TRANSPORT'S STATEMENT

**326. Ms ANWYL to the Premier:**

I refer to the Minister for Transport's statement in the other place this week in which he criticised the Premier's performance in fighting drug abuse. He said also that more initiatives were needed.

- (1) Does the Premier agree with the Minister for Transport's claim that Western Australia needs another drug task force?
- (2) How can the public be expected to have any confidence in the Premier's drug task force when his Ministers are critical of the performance and are calling for the establishment of a Legislative Council inquiry to come up with initiatives?

**Mr COURT replied:**

- (1)-(2) I agree that plenty more must be done about drug abuse in this State.

Dr Gallop: That is not what the Minister said in the other place. He said nothing was being done.

Mr COURT: Plenty is being done and plenty more must be done. I want to share with this House an experience that I had this morning at Mirrabooka shopping centre. An Aboriginal woman who was in her sixties, I guess, spoke to me about the way drugs had affected her. She had her two great-grandchildren with her who were about two years old. She said she was looking after six other young children because their parents were affected by drugs. She told me that the Homeswest home she was given was not suitable for someone with six children. I will do what I can to assist in this regard. However, the circumstances of these young children was sad and this woman was doing a terrific job bringing them up in difficult circumstances. That is an end result of the drug abuse that is going on in our community.

I will not try to score cheap political points. The Task Force on Drug Abuse has done a great deal. If members opposite familiarised themselves with the education program we are now running in the schools they would be supportive. A great deal more is to be done and it will be done.

#### JOONDALUP CINEMA COMPLEX - LIBERAL GOVERNMENT INITIATIVE

**327. Mr PENDAL to the Minister for Lands:**

- (1) Is the Minister aware that the 1992-93 LandCorp annual report - the last one prior to his Government taking office - foreshadowed an extensive range of extra facilities to be provided at the Joondalup shopping centre including two supermarkets, a discount department store, speciality shops, a child care centre and a senior citizens centre - but no cinema.
- (2) In the light of that, will the Minister now concede that the present Government initiated the cinema project at Joondalup?

**Mr SHAVE replied:**

- (1)-(2) I thank my comrade for the question.

Several members interjected.

Mr SHAVE: If I am a socialist, he is left of Lenin.

I do not have a copy of the document in front of me, so I cannot refer to it. However, I have the master plan of the Joondalup regional shopping centre that was prepared on 18 May 1990. That provides for a cinema.

Several members interjected.

Mr SHAVE: The joint venture partners have looked at the location of the cinema, and from 1990 they have had a preferred alternative location. That is their decision.

Mr Marlborough: What has changed is that until now they have never had a Government silly enough to put money into it.

Mr SHAVE: The member for Peel speaks from experience, because we know how the Labor Party spent money when it was in government.

In answer to the member for South Perth, I will look at that document. I am not overly perturbed about that document.

Dr Gallop: What about your Liberal colleagues who don't like the deal? Have you spoken to them at all?

Mr SHAVE: Everyone is entitled to a point of view.

Dr Gallop: Are you aware that some of your Liberal colleagues are only too happy for you to pursue these issues, because they want to push you over the edge? You should watch them. They are right behind you and they have their knives out.

Mr SHAVE: It is interesting that the Leader of the Opposition should say that, because from my experience in this place, one must be a little careful. Yes, from time to time some of my colleagues have not agreed with me. Since coming to this place I have met many nice people, some of them are my colleagues and some are my friends. I understand that some people will have different opinions from mine. I accept that, just as the Leader of the Opposition must accept it.

[The paper was tabled for the information of members.]

#### JOONDALUP CINEMA COMPLEX - LIBERAL GOVERNMENT INITIATIVE

##### **328. Mr PENDAL to the Minister for Lands:**

Does the Minister now concede that his Government, and a predecessor of the Minister in the coalition Government, initiated the cinema project?

**Mr SHAVE replied:**

No, I totally reject that.

#### CRIME - MOBILE POLICING UNITS

##### *Location*

##### **329. Mr BAKER to the Minister for Police:**

- (1) Will the Minister locate a mobile policing unit in the northern suburbs to assist in the detection, reporting and prevention of crime?
- (2) If so, what are the guidelines to be used to determine the locations of such units in the Perth metropolitan area?

**Mr DAY replied:**

(1)-(2) I regard this as a good news matter for the community.

Mr Ripper: Which part of the community?

Mr DAY: All parts of the community. The Government made a commitment during the last election that 10 mobile policing facilities would be provided throughout the State.

Several members interjected.

Mr DAY: This Government has made many commitments that it is keeping, and this is one of them. The commitment to provide 10 mobile policing facilities is being fulfilled. Mobile policing facilities are a welcome



addition to the Police Service. They allow for greater flexibility and responsiveness in dealing with local issues. Essentially, they are a compact mobile police base from which up to eight officers can operate. Six mobile policing facilities have been ordered for the metropolitan area. I am pleased to advise that one facility has been assigned to the Joondalup police district and has started operational duties in the northern suburbs. The Mirrabooka and Midland police districts expect to receive MPFs in the next few days. These two units are currently receiving their finishing touches. One MPF has been operating on a pilot program in the Fremantle region for some time.

Several members interjected.

Mr DAY: The Commissioner of Police decides where they will be located. However, it is a policy decision of the Government whether the facility is provided in the first place. As the Premier stated, it is an excellent policy. Mobile policing facilities in the Perth and Cannington police districts are expected to be completed by early next month. A total of 10 units will operate throughout the State. In addition to the six units in the metropolitan area, three will operate throughout the southern police region and one each will be allocated to the central and northern police regions. One will be available for the Boulder district as part of the central police region. The Bunbury police district received its mobile policing facility yesterday and that will soon commence operational activities.

This approximately \$1m project on behalf of the Government and the Police Service will put mobile policing facilities into operation. It is a further example of the magnificent achievements under the Delta program of reform and transformation within the Police Service. It is essential to supply police officers with the facilities and equipment to do their job effectively and efficiently, and that is what this Government is doing.

#### BUILDING INDUSTRY - TOILETS ON DOMESTIC BUILDING SITES

##### **330. Ms MacTIERNAN to the Minister for Health:**

In February 1996 the Health Department, after two years of deliberations, made detailed recommendations to the Minister concerning the provision of toilets on domestic building sites. On 20 June 1996 the Parliament was told that the Minister was still considering the recommendations. Why has the Minister still not acted on those recommendations to provide decent sanitary facilities to more than 100 000 workers engaged in the housing and construction industry?

##### **Mr PRINCE replied:**

This issue has been the subject of debate for some time. I was aware of it as Minister for Housing. The debate has concerned a number of different types of facilities. The preference from the health point of view is that site toilets should be connected to a sewer if one is available.

Ms MacTiernan: The Health Department has been saying that since 1994. Dale Alcock does not like that though.

Mr PRINCE: I do not think he has a problem with that where the sewer is in place, say in an estate development, where perhaps a dozen houses are being built within a reasonable proximity and at the same time. That is more than reasonable and builders have said they will have a central point where they can connect a number of sites up to the main drains. That is obviously the best and the healthiest option of the lot. The problem lies with site toilets that cannot be connected to a main sewer because it is not there yet. There are still areas where houses are being built where the sewer is not yet in place. The question has always been the nature of the transportable toilet; whether it is one with a goose neck or long drop flushing system.

Ms MacTiernan: They spent two years considering this and the Minister has been sitting on their recommendations for months. Building workers should have the same conditions that other workers in this State enjoy - conditions that we enjoy.

Mr PRINCE: I am concerned with the issue that the member for Armadale has raised.

Several members interjected.

Mr Brown: It is not a laughing matter.

Mr PRINCE: It is very difficult not to laugh with some of the words that are being used at the moment, and I do not intend to get to the bottom of it. I intend to find out where the matter now stands.

Several members interjected.

Mr PRINCE: The Deputy Premier has said that the job is not finished until the paperwork is done.

I assure the member for Armadale that I will find out exactly what has happened with the issue. I thought that it had been resolved. I am surprised to hear that it has not.

## MINING - GOLD

*Royalty - Meeting in Kalgoorlie***331. Mr GRILL to the Premier:**

- (1) Has the Minister for Mines, who attended a public meeting in Kalgoorlie called by the Association of Mining and Exploration Companies to protest about the imposition of a gold royalty, passed to the Premier the meeting's unanimous request for a study into the effects of the tax before it is levied?
- (2) If so, what action has the Premier taken or what action does he intend to take to respond to that request?
- (3) Is the Premier aware of talk in the industry that he has requested secretly that Access Economics assess the effects of a gold tax, and is that talk correct?
- (4) Why is the Premier afraid of an open inquiry?

**Mr COURT replied:**

- (1)-(4) I am not aware of any work being done by Access Economics on a gold royalty. I will check with Treasury and provide the answer this afternoon.

The Minister explained what had taken place at the meeting. He also said that people at the meeting wanted me to go to Kalgoorlie to talk to representatives of the community. I will do that willingly.

Mr Grill interjected.

Mr COURT: Whenever the member suggests. We are proud of what we have done in Kalgoorlie and the goldfields generally. I am not aware of the motion passed at the meeting, but the Minister said that people wanted me to visit Kalgoorlie in the near future. I will do that willingly.

## JOONDALUP CINEMA COMPLEX - LANDCORP'S PARTICIPATION

**332. Mr BAKER to the Minister for Lands:**

Given the about-face by the Opposition questioning the WA Land Authority's continued participation in the 1988 joint venture which owns the Lakeside Joondalup shopping centre and cinema complex, has the Minister received any recent advice from the authority's board as to its position on the calls that the interest be sold forthwith?

Mr Pandal interjected.

**Mr SHAVE replied:**

The member for South Perth is correct. At a certain point the Government has every right to make all decisions relating to the then WA Land Authority, but the board acts in a management capacity and has rights to a view on decisions that it makes.

As a result of concerns raised regarding the Joondalup shopping centre I contacted the Chairman of LandCorp. He has written to me officially stating that the development of the shopping centre has been staged to fit with the regional demographics and to ensure the timely provision of community infrastructure to meet the needs of the population in the corridor. He states that the board recognises and takes extremely seriously the statutory requirements to operate in a commercially prudent manner. This requirement is factored into the full operating environment and procedures of the authority. In recognition of this responsibility the joint venture ownership and development of the shopping centre is under constant board review. In this regard the board has made a determination not to dispose of its half share at the current time. The board is of the view that disposal of the authority's interest at the current time would be irresponsible from the point of view of both the achievement of the development objectives of Joondalup and the protection of taxpayers' financial interests.

I intend tabling the letter because it contains other information. It has always been the Government's intention to divest itself of that interest. However, members will have heard my comments during debate last night - if it went into *Hansard*. I will not direct the board to make a decision that is not in the interests of the taxpayers. I made the point during discussion last night that a number of rent reviews will be undertaken in the Joondalup shopping centre over the next two or three months. With the increases in rent, the effective value of the Government's capital interest in the shopping centre will be improved substantially.

The member for South Perth referred to the shopping centre and the cinema complex. In a press statement yesterday Mr Lyons, the general manager of Armstrong Jones, said that the master planning for the development of the shopping centre to become ultimately a regional shopping centre of 100 000 square metres had commenced as far

back as 1988. He said that the venture always contemplated cinemas as being an integral part of the centre. He said that the master planning for the centre had been public knowledge for a number of years. Mr Lyons indicated that while the commercial terms agreed with Greater Union reflected the market for cinema developments, there would also be additional traffic flow generated through the shopping centre, and that once the cinema commenced -

Several members interjected.

Mr SHAVE: I will table that also. Mr Lyons expressed surprise over the level of debate on this issue, reiterating that entertainment facilities -

Dr Gallop: You are the Minister in this Parliament. He is a businessman. You are not a businessman. You should make the distinction.

Mr SHAVE: That is the member's view. Other people believe I have a reasonable grasp of business activities. Mr Lyons expressed surprise over the level of debate on this issue, reiterating that entertainment facilities in cinemas were an essential component of all modern day regional shopping centres and that the joint venture partners, LandCorp and Armstrong Jones, were committed to the cinema development. I table the two documents.

[See papers Nos 397 and 398.]

#### MR RORY WHITE - FACIAL RECONSTRUCTION OPERATION

#### 333. Mr CUNNINGHAM to the Minister for Health:

I refer to the case of 26 year old Rory White who has been waiting 15 months for a facial reconstruction operation after a firearm incident in March 1995.

- (1) Is the Minister aware that Mr White was informed last Friday by the only surgeon in Western Australia who could perform this facial reconstruction that he might have to wait between six months and five years for the operation?
- (2) Does the Minister think that this is an appropriate waiting time for an operation which will rebuild this young man's shattered life?
- (3) What is the Minister prepared to do to expedite this operation?
- (4) Will the Minister consider approaching a specialist in another State to perform this vital operation?

#### Mr PRINCE replied:

- (1)-(4) The member for Girrawheen approached me about the unfortunate case of Mr White some weeks ago. He raised the matter with me privately. He has raised other matters with me privately during my term as Minister for Health, and I have on every occasion endeavoured to do everything I can for his constituent on a confidential basis - as I did in this instance. I table the letter which I wrote to the member on 9 April.

[See paper No 390.]

Mr PRINCE: Subsequent to the member's request I met Mr White in the office of the member for Fremantle in this Parliament. I have seen the man. The member knows as well as I do that I have done everything I can to find out the situation. I had the chief medical officer for the health system, Professor Dr Bryant Stokes, look into the matter. A response was given to the member very quickly. The member and I both know that the extent and nature of the man's injuries - not only to the mouth area, the upper palate, and the bone behind the nose, but also to the frontal lobe of the brain, behind the eye sockets and so on - is such that full reconstruction is highly unlikely. There is only one plastic surgeon in this State who can deal with such an extraordinary case. The member chose to make the matter public. I expect that from the member for Fremantle; I do not expect it from the member for Girrawheen. If that is the level at which the member is prepared to operate he is in exactly the same position as the Leader of the Opposition and the member for Fremantle, and that is to bring individual cases of misery into the public arena for purely political reasons.

I have here a list of chronological events relating to Mr White which I am prepared to table. It goes back to 14 March 1995 when he was brought to Royal Perth Hospital's emergency department following the gunshot wound to his head and neck. It details his injuries, and every event since then. In summary, 31 plastic out-patient appointments; three oral surgery out-patient appointments; 23 ophthalmology out-patient appointments; four psychiatry out-patient appointments; the patient did not attend 12 out-patient appointments -

A member interjected.

Mr PRINCE: I am not attacking him. He should not be in the public domain on this issue.

Several members interjected.

Mr PRINCE: He was seen on 9 May at the plastic surgery out-patient clinic for review.

The plastic surgery outpatient clinic conducted a review as the tooth had fallen out in the vicinity of mandible fractures and the plate. Mr White is on the waiting list for reconstructive surgery, but it is not clear whether the surgery will benefit him. I table the paper.

[See paper No 400.]

Several members interjected.

Mr PRINCE: This has come from the hospital.

Dr Gallop interjected.

Mr PRINCE: Six months to five years is the time given, which disturbs me greatly. I will have inquiries made this afternoon, as I have done every time the member has raised this matter.

Several members interjected.

Mr PRINCE: I do not think that this is an appropriate waiting time, but correspondence states, "I am not the only plastic surgeon in this State who can deal with this man." I will inquire of the only person who can answer the question and find out what he says because I do not accept what the member opposite says. I have just told him what I will do. As soon as I have a response the member will be provided with it.

The SPEAKER: For the information of members, we have had 34 minutes of question time today.

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