

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

INDUSTRIAL AND RELATED LEGISLATION AMENDMENT BILL 2007

Second Reading

Resumed from an earlier stage of the sitting.

MR M.P. MURRAY (Collie-Wellington - Parliamentary Secretary) [7.01 pm]: I will take a few more moments to finish my comments. Before the suspension, I think I was dealing with self-employed people. I will now move to the issue of a safety net. It is most important that we have safety net coverage in one way or another, whether it be through the award system or any other system. It took a while, but the federal government of the day has acknowledged that; it certainly has. Once the disadvantage test was put in, it found that most people were disadvantaged under the new Australian workplace agreement system because the test was not done properly. Consequently, a lot of those AWAs were disqualified. Therefore, we must work towards having a system that is fair and equitable and under which people can stand up in a workplace, without fear or favour, if there is a safety issue or if there are any other issues within that workplace, and put their point forward. At the moment, I do not believe that is the case. It is far too easy for those people who stand up to be dismissed for reasons other than the actual complaint that they have brought forward. We would hate to see that taken to the extreme whereby people would abuse that. However, that is life on both sides of the political circle and the political divide. Some employers are extremely good employers, and the people who work for them appreciate that. On the other side, people abuse the system. I have seen that, which is disappointing. Therefore, we must strike middle ground, but we must have a workforce that is able to speak out on safety issues and to say that it is time for a pay rise without being threatened with the sack and pushed out the door immediately.

One of the issues that is talked about at the moment is the lack of strikes. We must remember that we have nearly full employment in Western Australia. Certainly, a month ago, if all the jobs had been lined up, which of course they would not be, with the employees who were out of work, there would have been total employment - something that we have not seen for many years. Some people might say that the state system is wrong, but that certainly belies that. I really believe that we must keep going down the line, refining the system and working on it as life changes to make sure that everyone in the workforce has a fair go.

Another issue is that about 44 000 new people came into Western Australia last year. Many of those people were migrants. In the main, they are able to speak English. However, it is very easy for such people who move into the state to be duped, to be quite honest. An unscrupulous employer might take them to the cleaners. That is a major concern. If we do not have legislation to look after those people, that situation will escalate to a point at which not only they, but also the next generation, will not have the knowledge to say, "Right; enough is enough and it's time that we got a fair go." Something that Australia lives on is a fair go. It is very important that we have laws to protect those people. It has been said many times before that migrants, especially the women, will do anything asked of them in the workplace to get a few more dollars to make sure that their children have a better life.

I certainly believe that the bill is a good one. The alterations and the amendments will certainly work towards everyone getting a fair go. I commend the bill to the house.

MR A.P. O'GORMAN (Joondalup) [7.06 pm]: I also rise to support the Industrial and Related Legislation Amendment Bill 2007. The main reason I am rising to support this bill is that what we have seen over the past few years is an erosion of rights and conditions that have long been fought for by individuals and by unions, particularly in the case of young people. We see young people being exploited by employers daily, not because the employers are particularly vindictive or anything like that, but just because they can in some instances. I highlight the case of a young employee, a 16-year-old, who has been left with responsibility for a food shop. In fact, it is a bakery. She was left there to close up, count the money and do the till - take on all those responsibilities - and was being paid as a junior worker. I do not think it is fair to do that to a young person. If a young person takes on those responsibilities, it is right and proper that that young person is paid appropriately, rather than the employer exploiting that young person.

I took this issue up with the employer. I do not have it with me, but I received a letter back from the employer having a go at me because I took up that issue. This employer thought it was outrageous that I should take up an issue such as that when, under the law, this employer was perfectly entitled to do to this young person what he did. I am supporting this legislation so that in future that sort of situation will not arise whereby a young person has to take on the full responsibilities and obligations of a manager in a retail bakery. That is one of the reasons I am supporting this legislation. The WorkChoices legislation clearly does not give that protection to young people.

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Members should look at the way in which the WorkChoices legislation works. I have talked at many schools throughout my electorate, and in fact throughout the northern suburbs, that have invited me to speak to their years 11 and 12 students in particular. It has been highlighted to me by those years 11 and 12 students that they do not know their rights. Why would they? They are not in a union. They have nowhere to go to find out about those rights. Yes, they might get some advice from their parents, but, again, do parents have full knowledge of the legislation that regulates the workplace? In most cases, no, they do not. In most cases, the parents may have knowledge only of the provisions of the industrial relations legislation that affects them in their particular workplace. They may not have a broader understanding of it.

One of the things I have taken to doing is to highlight to young people the way that this legislation is stacked against them. If there is an employer on the other side of this room, under this legislation, that employer has a perfect right to use a lawyer and to use a union, which is the Chamber of Commerce and Industry of Western Australia, because that is a union of employers. It is nothing else. A union is a collection of people who work together for the betterment of its members. That is the purpose of a union. That is what the CCI does. In this state it mainly represents large industry. It does not properly represent the many small business people who run good businesses. Our young people are being denied the right to belong to a union and have the support of somebody with a good knowledge of the industrial relations legislation. I quite often take the biggest guy in the class and put him on one side of the room. Then I take the youngest girl and put her on the other side. I am sorry if I seem to be sexist but this is how we get the message across to these people. Because this young girl, who is probably half the size of the big guy, is the employer and this guy is the employee, she can use so many things against him. She can use a lawyer. She can use previous experience because she has been in business for a long time. She can use the CCI. She can use the industrial relations legislation. She can use other sources that she can pay for as a business owner to get this 14-year-old, 15-year-old or 16-year-old to sign a workplace agreement that he or she probably does not really understand.

Mr M.J. Cowper: It has to be signed off by an adult.

Mr A.P. O'GORMAN: This is exactly how it works in a real workplace, whether or not people accept that this is correct. Nobody can tell me it works any differently, because a number of young people have said to me that this is how it works. I have seen it work with my daughters and my son. This is how it works in reality. This is the injustice of the WorkChoices legislation. That is why it is so important to pass this legislation. This 16-year-old needs protection from her employer when she says, "I don't think it's fair that I manage this shop for you, do all the transactions and put myself at risk of being held up." The risks are far greater for a 16-year-old, a young person, than a more senior person who knows how to stand up for himself and, if he is clever, has probably done the police course that tells him how to deal with a hold-up. That is one situation that we need to remedy.

Another situation that has been brought to my attention is the case of a young worker in a fast-food outlet who is under 16 years of age. The legislation says that that person can work until 9.00 pm. In the actual situation that was brought to my attention, it got to after 9.00 pm and the fast-food outlet was particularly busy. The young trainee manager was not able to cope with the stress of a very busy fast-food outlet with lots of people coming through. He did not have the correct rotation of staff. This young person was straight out of school, was 14 and a half or 15 years of age, did not know the legislation and did not know her rights but knew that mum and dad were sitting in the car in the car park waiting to take her home. The young manager turned and said, "You cannot go. You will give me an extra hour because my senior manager has not done the right thing and we do not have the right level of staff at this point, so you will stay." Firstly, the younger manager broke the law because he went past the nine o'clock rule. Secondly, he intimidated the young person because that young person did not know where to get the support or backing to say, "I'm sorry, it's nine o'clock; I've got to go." In that particular case the father had to go into the fast-food outlet in front of all the customers, talk to that manager and get that young person out. The manager still insisted that that young person should stay there and serve the extra time that he wanted her to serve so that he could satisfy his customers, regardless of the fact that he was breaking the law. He probably did not know the law because he was a young trainee manager. It was embarrassing for that young girl - I know that she was in tears - being stood up in front of all the customers and all her workmates because the manager did not do the right thing and because WorkChoices allows that situation to happen. It is a disgrace that we allow our young people to be exploited in this way. This legislation is absolutely necessary to address some of those issues.

Another situation was highlighted in the media. I think it was on *A Current Affair*, *Today Tonight* or one of those shows. It involved a petrol drive-off situation. The console operator was being charged with the cost of replacing the stolen fuel. That is against the law but employers are doing it. Again, when they employ young workers, those young workers, who are still not aware of their rights, do not have an opportunity to fight back.

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That is another situation in which many people are disadvantaged by this industrial relations system. A similar incident happened in my electorate at one of the BP stations. It is not run by BP; it is run by a contractor. People were being offered shifts and were saying that they did not want to work certain shifts but wanted to work Sundays or whatever. Their penalty payments were then taken away because their choice was to work on a Sunday. When that goes to the Fair Employment Advocate, she can rule that that was reasonable, despite the fact that under the award system penalties were in place for working those particular hours because they are unsociable etc. According to the Fair Employment Advocate, that is allowable.

The WorkChoices legislation is not perfect. It is not the be-all and end-all for employers or employees. In fact, it is very discriminatory towards employees. AWAs have been welcomed by the mining sector in this state. As members who spoke before me mentioned, we have near on full employment; the unemployment rate is four per cent. That means that at the moment employees have power and they can name their price. If they do not get what they want in one area or with one employer, they can go next door and get it. Tradesmen like me are doing it all over the state daily. When people have a bargaining chip, they can do that.

What happens when the economy is on the downturn? These companies are going to come in. I have no doubt that the employment rate will again be about six, seven or eight per cent in the future. We have seen this cycle many times, and I am sure it will get there again. At that stage the employers will be paying their employees less and they will drive down wages. Then we will have a situation with a lot of people who have borrowed money to buy property, cars, boats and recreational equipment and do all the things that we all like to do. When the downturn comes, either we will see people who were on big money and who hocked themselves start selling things off or the banks will be moving in and taking back some of those things. That is not a situation that we want to get back to. The better situation is for everyone to have a fair go. Unions are an integral part of that, just as the CCI is an integral part of that. The business associations throughout this state are part of that. We have to start accepting that we need to negotiate not only with the industry organisations, but also with the unions and the groups of employees that organise themselves. It is vitally important to do that. It can be done. An example of it was given earlier when the member for Vasse quoted me out of context about 800 years of foreign rule in Northern Ireland. Now, after that 800 years of foreign rule, and after the past 40 or 50 years of violence and thuggery in Northern Ireland, we have a Northern Ireland Assembly that is united in making sure that Northern Ireland moves forward. There are two sectarian groups - unionists and republicans. Some people say that it is sectarian - that is, Catholic and Protestant - but that just happens to be the way it fell down, with the unionists and the republicans. These two groups of people are now working together in Northern Ireland and are discussing among themselves ways of overcoming their problems.

It is time the Liberal Party and employers started to realise that unions are an integral part of this society. Unions stand up for workers' rights. Yes, I know there are unionists - they have been mentioned in this place numerous times - who step over the line. However, there are also employers who step over the line. We all need to realise that if we are to have a proper industrial relations system in this country and this state, we need both unions - employees' organisations - and employers' organisations. We need a system in which everyone can have a fair go and can negotiate, not a system in which people are stacked one side against the other. I think the Northern Ireland Legislative Assembly gives us an example to look up to so that we can move forward in this state. That is all I have to say on this matter.

The SPEAKER: The member for Avon.

Mr R.C. Kucera: Mr Speaker -

The SPEAKER: The member for Avon.

MR M.W. TRENORDEN (Avon) [7.21 pm]: I must have been slightly faster on my feet than the member for Yokine.

Mr R.C. Kucera: For once I did not hear you, member for Avon!

Mr M.W. TRENORDEN: I tend to be very quiet!

I have a great problem with speeches like the one I have just heard, because of the drivel that is involved. My electorate is very different from your electorate, Mr Speaker. In my electorate, unions basically play no part, because individuals deal with individuals, individuals believe in individuals, and individuals interact with each other. There are no unions in the Avon area, basically, except for the teachers' union and the police officers' union, and a few other formal ones. If we are talking about the classic workplace, unions just do not exist.

Ms J.A. Radisich: Are you saying that teachers and police are not working people?

Mr M.W. TRENORDEN: Who said that?

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Ms J.A. Radisich: You just said that you have no unions in Avon other than the teachers' union and the police officers' union!

Mr M.W. TRENORDEN: If the member for Swan Hills does not think they are working people, that is all right by me!

The reason the union movement does not exist in my electorate is that the people choose not to deal with unions. There is no-one in my electorate from big business, because big business does not exist in my electorate, and there is no-one one in my electorate from the union movement, because the union moment does not exist in my electorate. People make their own choices, and they choose not to be members of a union, except, as I have said, in the classic case of the public service. Outside of that, the union movement does not exist in my electorate. If the unions had anything to offer in my electorate, people would join the unions. If the unions were offering a service, people would join the unions. For the members on my left to say that we need to bring in a system under which 20 per cent of people will dominate the other 80 per cent of people, because people cannot be trusted, is absolutely pathetic. Why cannot people be allowed to make their own choices?

Mr R.C. Kucera: Because history shows that that has not been the case. When I think about your argument in relation to shearers -

Mr M.W. TRENORDEN: Shearers! How many shearers does the member know who are members of a union?

Mr R.C. Kucera: So how did they get to where they are?

Mr M.J. Cowper: They are on contracts!

Mr M.W. TRENORDEN: Yes! The reason they are on contracts it that they are making a lot of money. They are independent operators. They choose their own working hours. Anyone who is in the wool industry knows that it is almost impossible to get a shearer.

Mr R.C. Kucera: How did they get there?

Mr M.W. TRENORDEN: The country got wealthy!

Mr R.C. Kucera: Exactly!

Mr M.W. TRENORDEN: It is people cooperating with people. I have been a union supporter for most of my life. I was a vice president of a union in my time. However, members on my left, and also in the federal scene, under Mr Rudd, want to make it compulsory for people to do a whole raft of things, just because of some argument that individuals are brainless and have no capacity to debate and to organise themselves. I would be the first person in this place to agree that there are quite a few good unions. If members go back through *Hansard*, they will see that I have said that the best advocates for workers' compensation are the unions, and that in many places of arbitration, the unions do a very good job. However, that does not mean we should make it compulsory that unions be part of the process. If the service that is provided by unions is good enough, people will join unions. Members opposite should not be imposing rules on my constituency, just because they have some argument about a Saturday or a Sunday -

Mr R.C. Kucera: Then why is the federal government doing that right now?

Mr M.W. TRENORDEN: Both sides of the argument - Labor and the conservatives - are making a fictitious or biased presentation. I worked for Western Mining for about 13 months. About two weeks before I was due to leave, a union official walked up to me and said, "You're going to join the union." When I said, "No, I'm not", he said, "Put it this way; if you don't join the union, I'm going to break your legs", and I joined the union because I knew he would break my legs! That is an ancient story. A not so ancient story is that a workplace in Northam that was unionised did not want to hire a crane from a local businessman because his workers were not members of a union, so it got a front-end loader, put a chain on it and used it to lift things in an illegal way. That company preferred to put people's lives at risk than allow a non-union worker to come onto the work site.

Western Australia is a great state. One of the reasons Western Australia is a great state is that we have allowed people to make choices. We need to continue to allow people to make choices. The days of allowing 20 per cent of people to rule the other 80 per cent are long gone. As I have said, in many circumstances, the unions do a good job. Teachers stay in the teachers' union because it does a good job. Police stay in the police officers' union because it does a good job. Nurses stay in the nurses' union because it does a good job. However, outside of the public service unions, I cannot think of one union that operates in my electorate

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Mr R.C. Kucera: It is very difficult for a government to mount the kinds of attacks on public service unions that are mounted on private sector unions. However, had the federal government had the opportunity, it would have done exactly the same to the public sector unions, because that is what its agenda is.

Mr M.W. TRENORDEN: This conspiracy theory is just absolute nonsense! The old mentality that it is workers versus the boss needs to be buried. There needs to be a process by which individuals can go about their lives and do the very best for themselves. About a year ago, I was flying back from Newman and happened to be sitting alongside a pretty interesting character who lives in Rockingham and is working in the mining industry. I asked him what he thought about AWAs, and he said, "They're terrible; they're an attack on the rights of workers, and they shouldn't be allowed." So I said to him, "What's so good about awards?", and he said, "Oh! I won't go anywhere near awards! They're terrible! What I do is I go out and negotiate with the boss, and I get the best deal for me, and if he doesn't pay me well, I move on."

Ms J.A. Radisich: What is he going to do when the recession comes?

Mr M.W. TRENORDEN: He will do what everyone else does! Why members opposite want to retreat back to the 1800s is beyond me! There will be a recession. However, we do not need a system under which brutality, thuggery, ignorance and arrogance rule the workforce. Why is that a good thing for Western Australians? We need a process for when the recession does come - and it will, members. Sure as the sun will come up tomorrow, there will be a recession at some time in the future.

Mr R.C. Kucera: That is precisely what this legislation is about.

Mr M.W. TRENORDEN: No, it is not. It is about control. This legislation is about putting control in the hands of everyone other than the worker. Under this process, the worker will have the least amount of control. The worker will be told what his wages are, when to front up and when not to front up. My son works in the construction industry. Two or three years ago, the top unionist in that union was up for election. There was a phone call, which I took. The person who phoned knew that I was Max Trenorden, member for Avon, and said that the next day my son would vote for whomever it was or he would not have a job.

Mr R.C. Kucera: Nobody supports that kind of thing.

Mr M.W. TRENORDEN: It happens in the unions right now. The fact that I was a member of Parliament did not bother him. He told me that as a member of Parliament, because he knew that no action would be taken against the boss. That is the system that Labor members want to promote. Some people at the top of unions instantly get rich and no-one seems to care about that. The argument is that it is all right if someone at the top of the business scene who is a key union person gets rich quickly by pulling a few levers so that lots of money falls into that person's basket. It is not all right. We are watching that happen in this state on a regular basis. The way that Multiplex used to operate 15 years ago was appalling. Multiplex got to be a major corporation by doing deals with the unions. That is what the Labor Party is trying to do. These people on the left are about organisations. They believe that organisations are benevolent. I have never come across a benevolent organisation, including the Anglican Church. There is no such thing as a benevolent organisation.

Mr R.C. Kucera: That is precisely why safety nets are needed.

Mr M.W. TRENORDEN: Previous speakers sang the praises of John Howard and his safety net. We all want safety nets. We do not want any individual to suffer unnecessarily in the process, but government members are not about that. They are about giving control. They are about making sure that the right people have power. That affects their preselections and seats and the money that flows into the ALP. That is basically what this bill is all about. It is not about employees at all.

It is disappointing that in 2007 we cannot move ahead and have a process in this state whereby individuals can make their own decisions about their lives and their outcomes. I agree that there needs to be a safety net in that process. The fact is that this side will get back into power at some time in the not-too-distant future. Those issues that the government is playing around with now will get played around with again. As long as I am in Parliament, I will be keen to bat for the individual, not for faces behind dark doors that control whole processes, which is the government's system.

MR R.C. KUCERA (Yokine) [7.33 pm]: I remind the member for Avon that the last time that course was followed, it cost him government, but that is another matter.

The Industrial and Related Legislation Amendment Bill 2007 is about replacing some of the disempowerment that has occurred under the WorkChoices legislation at a federal level for the people who have remained in the state system. Some 70 000 individual agreements and Australian workplace agreements and more than 30 000 collective agreements in this state are not covered by the fairness test. It has already been shown that almost

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

100 000 agreements and AWAs have been stripped of core award conditions. This legislation is really about recognising the six or seven issues that WorkChoices very conveniently glossed over in all those state awards. I was a very proud member of the police union for most of my career. In fact, when I resigned from the police union, I did so because I became a commissioned officer and I did not believe that the boss should be part of the union process. I think he should be able to negotiate, and that was the only reason that I parted company with the union, which, incidentally, offered me honorary membership in any case. However, that is beside the point.

The point I am making is that this legislation has not been rushed into this place because of the federal election, as was alleged by the member for Murray. I remind the member for Murray that these issues were being discussed in 2005. In fact, I recall 15 years ago when I was doing management studies at university writing a paper for my thesis on the H.R. Nicholls Society and the views that were expressed by Peter Costello and John Howard after the Dollar Sweets Company dispute. Even in those days they outlined very clearly their agenda for Australia. Their agenda was to smash any resistance at all by workers to employers - end of story. That followed on very strongly from what Thatcher did for the coal industry workers in the United Kingdom. I am not a radical when it comes to union issues. I do not take issue with some of the comments of the member of Avon. There has to be a balance. I do not agree that any person, whether he be an employer or a representative of organised labour, has the right to stand over anybody in the workplace, whether that be an employer or an employee. This legislation seeks in a small way to replace some of that fairness at a state level. Even the federal government has recognised that there is a problem with fairness in the system that it has introduced, whether it be at a federal or state level. Incidentally, the first review of the WorkChoices legislation has shown that 25 000 AWAs across this nation failed the fairness test. That should indicate to the member for Murray, the opposition spokesperson on industrial relations, why there is a necessity to get a degree of fairness back into the process. I am very pleased that the Liberal Party agrees with some of these issues that we are introducing. The basis of the legislation is not about political issues and the federal election. The legislation deals with child labour protection and the Industrial Relations Act. WorkChoices has taken away all those agreements at a state level and has denied the contractual benefits that would ordinarily flow to workers under the state system. They have been denied those benefits by the very existence of WorkChoices. This bill will put back some of that balance.

The bill will also improve an employee's access to the Industrial Magistrates Court. Unfortunately, the umpire has been removed from the process at a state level. The umpire has been neutered. In fact, section 29(1)(b) of the state legislation has essentially been overridden by WorkChoices because it knocks out the capacity to have any kind of discussion - the federal government calls it a dispute. It really knocks out the capacity for anybody to take an issue before an independent umpire. That is the fundamental problem with the federal legislation that this bill is seeking to change back. If somebody has a verbal or written arrangement under the Western Australian Industrial Relations Commission's processes, and the employer decides to renege on that and denies a person a benefit that has been argued individually by the person with his or her employer, under WorkChoices, that person is denied the capacity to go before an umpire.

This legislation will put a little fairness back in the system, at least at a state level. There is no doubt at all that the WorkChoices system has displaced and replaced the independent umpire at a state level, even for commonwealth contracts. The member for Avon spoke about empowering the individual, but under the WorkChoices system the individual, particularly the young person, has become powerless. One of the provisions of this legislation will amend the Children and Community Services Act to strengthen the capacity of 14 and 15-year-olds who work at fast-food establishments or help out in shops in the country to at least be heard. It will give them the opportunity once again to have an umpire.

I want to talk about independent umpires because a lot has been said in this place today about unions and their role. Let us look at the other side of the argument and at the Australian Industrial Relations Commission and let us talk about its independence. Let us examine the appointments in the past five years to the Australian Industrial Relations Commission. For example, Nick Blain happens to have a relative in the state who just happens to be the President of the Liberal Party. Nick Blain has been appointed. He does not have a law degree, yet is sitting in essentially a judicial position in an industrial court.

Mr M.J. Cowper: There are plenty of examples of that.

Mr R.C. KUCERA: The member for Murray does not know the scene or the history of it. The convention was always that somebody from the employers' or academic side and somebody who represented the worker would be appointed to the Australian Industrial Relations Commission. That has not happened over the past five years. Every appointment to the commission has been from the side that benefits from the so-called progress that Howard wanted to make under his WorkChoices legislation. For instance, Bruce Williams is the head of the Chamber of Commerce and Industry of Western Australia. Members have talked about appointing someone from the union, but Bruce Williams is so far to the right that Genghis Khan would lay down before him. He has

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been appointed to the Industrial Relations Commission to give unbiased - in inverted commas - views on what occurs in the national industrial relations system. Of course, the Howard government rammed through the WorkChoices legislation. The member for Murray has spoken about consultation. For goodness sake, consultation! I can recall exactly how Kierath got his legislation through this house, because I happened to be in charge of the police contingent here on the day that it happened. I saw how it was done. That, coupled with what I saw happening on the wharves at Fremantle, as I have said before in this house, is one of the reasons that I decided to go into politics. Fairness and equity ceased in this nation at that time.

None of the people who have been appointed to the Australian Industrial Relations Commission are former industrial relations practitioners; they are academics or heads of industry. I will compliment John Howard on one appointment he made, that of Brendan McCarthy. Even though Brendan McCarthy came from that side of industry, he has a sense of fairness and equity and of where things should be. I have no doubt at all that the current fairness test that has been imposed on the federal government - make no bones about it - has been imposed as a result of public views. I also have no doubt at all that Brendan McCarthy has had something to do with that to put back a sense of balance into what Howard has been trying to do to this nation for the past 15 years. The federal government broke a longstanding convention that had been in place since the 1950s and that was to make sure there was balance in the industrial arena. That balance has been taken away. This is not about unions or chambers of commerce and industry but a sense of balance and the 14-year-old kids who might get a job in a hamburger bar in Northam, for example, and have no idea when they sign the great big piece of paper what it means for their take-home pay.

Mr M.J. Cowper: Under the AWA they have to have an adult sign off.

Mr R.C. KUCERA: If that is the case, perhaps the member for Murray might tell me why 25 000 of those agreements have already been found to be chargeable; not merely unfair, but taken before the federal Industrial Relations Commission so that the employer can be charged and a penalty imposed. This state has 70 000 of those agreements, none of which at this stage has even been investigated. This is what this legislation is about. It is not a political ploy at all but about bringing a bit of fairness back into what is happening in this state. This state had an industrial system that was held up as being one of the best in the nation. It has had imposed on it a national federal system which, whatever members say, has taken away the rights of individuals to be able to deal in a decent and respectable way with their employer. This legislation does not go all the way but it does put a degree of balance into the system for the individual.

Since the WorkChoices system came into being there has been no independent umpire. For those who work in a company employing fewer than a hundred people there is no independent umpire. WorkChoices even overrides a state award or agreement. The employer now knows full well that under the WorkChoices regime he can tell his worker to take a running jump if something is found wrong with an agreement. This is not about standing over people. For years we worked with the Western Australian Police Union of Workers to make sure that our people had the best conditions they could possibly get. It is the same with people in the building industry. Members can say what they like about building industry union people. I do not countenance thuggery in any way, and I am not saying that it happens either, but what I will say is that any person in the union movement will do the best for his members, in the same way as the CCI does and we do as local members of Parliament. That should not be argued against in our great democracy and this kind of legislation should not be knocked when it is brought into Parliament to try to put a little bit of balance back into industrial relations.

Barbara Pocock wrote a paper in November 2005 during the lead-up to the WorkChoices legislation. She said that the impact of WorkChoices legislation would affect people and families in seven ways. She said that everybody needs a secure living wage. They need security of employment. They need adequate, predictable, common family time. The member for Avon talked about shearers. They achieved something unique in the world. The old trades hall on the Esplanade at Fremantle has on its wall three eights: eight hours we work, eight hours we sleep and eight hours we have to ourselves. Whatever happened to adequate, predictable, common family time, including social work time and holidays? Barbara Pocock also said that people need flexibilities that meet their needs, including the opportunity for leave and part-time work. They need protection from excessive hours. They need quality, accessible, affordable child care. They need adequate paid and unpaid leave to deal with personal and family sickness, birth etc. I would challenge any Australian workplace agreements under the WorkChoices legislation to ask whether or not those work conditions, which were fought for in the 1900s and which shearers and other people established as a way of life in this nation, are still the case nowadays under WorkChoices - they are absolutely not. Just three weeks ago there was a report in *The West Australian*, which I rarely read these days. I must say I was a bit dubious about reading it, because I always ask whether something is the truth or whether it was in *The West Australian*. However, I read the article and it said that people in Western Australia, and indeed in Australia, now work longer hours than the people of any other

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

western nation. That has come about because of so-called flexibility. I raised the issue with the member for Leschenault who said that people are doing these things because they want to.

The point is that many of the changes that have occurred in workplaces have been due to the imposition of government policy. I recall under the Court government when Graham Kierath was responsible for labour relations, what amounted to just a simple thing. The member for Murray will know what I am talking about. Twelve years ago in this state, the vast majority of country roads were maintained by country road boards and local shires on a contract basis within their own areas. It was costing about \$1.80 or \$1.90 a kilometre to support. The member for Moore will recall what I am talking about. In its wisdom, the Court government privatised all those programs. I think a couple of very large companies such as Brierty Contractors and a few others won the statewide privatised programs for the maintenance of roads. I am not knocking the companies - good luck to them - they are good companies, which operate well.

[Member's time extended.]

Mr R.C. KUCERA: All the individuals who worked in the road boards in those small country towns suddenly found themselves out of a job. In many instances, the vast majority of those people were from the Aboriginal community and people in small country towns who generally found it absolutely impossible to get another job in that area. What happened? Suddenly a new welfare group was created right across the country because privatisation took away individuals' rights and their choice of occupations in small country towns. Why did we do that? Because of economic rationalism. I think the cost per kilometre of maintenance was reduced from about \$1.80 to about \$1.20. What did it do to those people and those small towns? In this house we talk about closing police stations.

Dr S.C. Thomas interjected.

Mr R.C. KUCERA: Members opposite should read about the past and see what I am talking about. I can tell them that every railway station town along the South Western Highway had graders. A couple of years ago during the floods at Moora we could not find a grader, a bulldozer or anything else to fix the levies and deal with the issues that resulted from those floods. Why? We had to hire them from the big contractors in the city because they had all disappeared. We talk about taking away choices. This is what WorkChoices has done. It was exactly the same in Esperance.

Mr G. Snook: Will you take an interjection?

Mr R.C. KUCERA: I have only 12 minutes so I will keep going.

Mr G. Snook: The Shire of Dandaragan had their trucks and graders there within hours and so did other shires.

Mr R.C. KUCERA: They were the last ones there.

Dr S.C. Thomas: It's a sweeping generalisation.

Mr R.C. KUCERA: There is an old saying in life -

Ms J.A. Radisich: It's your fault.

Mr R.C. KUCERA: There is a member on his feet, thank you.

Several members interjected.

Mr R.C. KUCERA: There is an old saying that all generalisations are dangerous, including this one, so we should not generalise. We tend to generalise about unions, the Chamber of Commerce and Industry and many other issues. However, the reality is that the vast bulk of people in this nation who are caught in the middle are now suffering. It is fantastic that we have a great economy; it is surging at the moment. In a couple of years when the economy turns around and none of these safety nets are in place, we will see what I saw last year when I went to the north of England to meet the Muslim leaders. I went down to the valleys in South Wales to meet Muslim leaders and other people there who are having great difficulties with groups of young people who are totally disadvantaged because of the current economic situation in parts of that country. We will see the same thing happen in this nation. This legislation will start to put back a little bit of balance and fairness. At the end of the day, this is what it is about.

The member for Leschenault commented that because the government has introduced this bill it obviously supports Australian workplace agreements etc. The minister was quite right: regardless of what happens at the next election, some issues will need to be sorted out, and any change of legislation will take at least 12 to 18 months, whether we like it or not. It took the federal government that long to ram through the WorkChoices legislation, even though it had control of the Senate. There is no guarantee that the numbers in the Senate will

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

change. In the meantime, as a member of this house, I do not feel that, responsibly, I should leave young people in our state and the 100 000 people under state awards putting up with the problems being imposed by WorkChoices for a day longer, let alone another 18 months. This is not an attack on WorkChoices, albeit, unfortunately, WorkChoices has created the sorts of situations I am talking about. It has put an imbalance back into our system. It has disempowered those people in the community who can least afford to be disempowered.

Once a week I go to Mirrabooka shopping centre, have a little bit of lunch and put up my sign "The member is in". We have a cup of tea and a plate of laksa soup or whatever else is there with people in the centre. Individuals who work for the small businesses constantly ask me about the industrial system. By and large the majority of them are being paid well and their employers are looking after them. Why? Because they are desperate to get workers; there is just no-one available. That is fantastic. I came here as a 17-year-old, but I remind people that I can recall when no-one could get a job unless they were in a fixed position. Whether we like it or not, those times will return and what concerns me greatly is that we will be condemning generations of people in this state to a system in which the working conditions have been reduced to a level that reflects that of a Third World country. Having seen the situation in the United Kingdom, I honestly think -

Mr D.F. Barron-Sullivan interjected.

Mr R.C. KUCERA: The member knows what I am talking about. I have seen what has happened in the valleys in Wales and in the north of England. Yes, the stockbrokers in London are having a great time. However, members should see the steel workers in the north of England or go up to Glasgow or Edinburgh - up to the Clydeside. Without the euros that are being poured in there, they would be divested of any sense of future, and many of them are. That is what economic rationalism has brought about. It concerns me greatly that if we do not do something at a state level, all hope will be lost for those sorts of people. This is not about our supporting unions or anything like that. It is about supporting individuals and people. I recently had an opportunity to spend four days with my brother in Dubai.

Dr S.C. Thomas interjected.

The SPEAKER: Order! I know the member for Capel likes to hear his voice, but I do not. I call him to order for the first time.

Mr R.C. KUCERA: Thank you, Mr Speaker. My brother works in one of the shipyards in Dubai where he manages one of the major groups that produces jack-up oil rigs. The average worker in his yard is imported from Pakistan and earns \$400 maximum a month. While we were there the whole group in the shipyard went on strike. They were immediately deported - I am sure Peter Reith would have loved it - because they were asking for \$20 a week more in their wages.

Dr S.C. Thomas: Where was this?

Mr R.C. KUCERA: In Dubai.

Mr A.D. McRae interjected.

Mr R.C. KUCERA: Exactly. I thank the member for Riverton for raising that. Whilst I was there, one of the people I met was a manager of another group that builds armoured cars for people in the Emirates. He worked on the wharves in Dubai training the people who were to come down and take over the next part of the change to our industrial system that was the passion of John Howard and Peter Reith. What a great thing that was. He was quite open with the information he gave me. I was quite amazed; in fact, I might give his name to *Four Corners* and it can do a rerun.

If we bring it back into perspective, there is no doubt that our economy is great at the moment. People are earning good money, although costs are going up. The industrial relations system we have at the moment supports employees in a time of plenty. Ever since I saw what happened in Fremantle on those wharves and I saw brothers pitted against brothers and people against people, my great concern has been that that would be the agenda in the long term.

Much has been made of the police, nurses and public sector unions. The only reason that they are not suffering the same fate as all the privatised organised labour groups in this country is that there is a shortage of labour and of trained people who want to work in those areas. Members can mark my words, and I will come back and remind them: if we do not change this legislation that has been imposed on us by the federal government, once there is a downturn and those people who cannot get a job in those areas find themselves out of work, their unions will be the next ones to be attacked. I have discussed this with the union leaders in those areas. I have spoken to them about this over the past few years, although I did not speak often to Mark Olson because he is off on a tangent and is only looking after Mark Olson. He asked us if he could be preselected, but we did not want

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

him. Members opposite might be looking for some new blood. Members can mark my words. This is not an idle threat; it will happen. The same pressures will be brought to bear on the nurses - the member for Alfred Cove's nursing friends - as are being brought to bear on everyone else in the industrial relations system. The nurses are very fortunate because they are skilled and well organised. They deserve what they get. I remind the member that Mark Olson said of my term as minister that the nurses got the best deals in a decade. Once the economy turns, we will see the true nature of WorkChoices unless there is a change of government at the end of November.

The paper to which I refer was written in 2005 when we talked about the problems we would have with WorkChoices as it then was. Since 2005 we have been looking at ways to improve and replace some of the fairness in the system. I remember the thugs on the wharf. I have read the publications of the H.R. Nicholls Society, going back 15 or 20 years since it was established. I keep up with what it does. There is an overall view among its members that the only people who matter in the industrial relations system are those who employ labour. It is their view that it is a privilege for everyone else to work for them.

Recently, Michael Keenan, the federal Liberal member for Stirling, which is in my electorate, was talking to a group of people about the link between poverty and low wages. According to my notes, he said -

I am happy to discuss poverty with you but if you intend to really discuss industrial relations changes then just say so. There is actually no linkage between our proposed changes and poverty . . .

He should tell that to one of the 25 000 people who have just signed an AWA that was found to be unfair. He should tell that to those who work in the hospitality business. I repeat that he said -

. . . there is no linkage between poverty and our proposed changes and you would be completely wasting your time and my time if you intend to come and argue that there is.

That is a window into the view that is being expressed by the so-called leadership of the Liberal Party at the national level. According to Michael Keenan, there is no link between what one earns, the industrial relations system and poverty. That takes us back 800 years, which the member for Joondalup talked about, to the dark and black days. There is no fairness test at all in this system. That is why we need to put some balance and fairness back into the system. The seven issues that are raised in this legislation do exactly that. I commend the bill to the house.

MS J.A. RADISICH (Swan Hills - Parliamentary Secretary) [8.03 pm]: I thank members for the opportunity to address the house.

Dr J.M. Woollard: Are you going to talk about female workers? How about talking about female prostitution then?

Ms J.A. RADISICH: I will talk about female workers, member for Alfred Cove, since the member seems to have such a strong -

The ACTING SPEAKER (Mr P.B. Watson): We are dealing with the industrial relations legislation.

Ms J.A. RADISICH: I will take an interjection from the member for Alfred Cove.

Dr J.M. Woollard: When are you going to talk about the prostitutes?

Ms J.A. RADISICH: The sex workers. We are looking after their protection.

The ACTING SPEAKER: The member for Alfred Cove will have an opportunity to speak later. The member for Swan Hills is on her feet.

Point of Order

Dr S.C. THOMAS: The member for Swan Hills has said directly that she would take an interjection by the member for Alfred Cove.

Ms J.A. RADISICH: I concur with the member for Capel.

The ACTING SPEAKER: There is no point of order and I call the member for Capel to order for the second time.

Debate Resumed

Ms J.A. RADISICH: Does the member for Alfred Cove have something to say?

Dr J.M. Woollard: I am just going to listen to you defend women and defend prostituted women.

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

The ACTING SPEAKER: Order, member for Alfred Cove. I know that the member likes to hear her own voice, but we do not want to hear it at this time. I call the member to order for the first time. I suggest that the member for Swan Hills get on with her speech and not talk to the member for Alfred Cove.

Ms J.A. RADISICH: I am not in a position to comment on your chairmanship, Mr Acting Speaker, because one cannot when one is on one's feet.

Ms S.E. Walker: Tell us about the workers. Tell us about the clients.

Ms J.A. RADISICH: I will tell the member for Nedlands about the workers, since the member seems to have such a strong, albeit new-found interest in workers. Possibly she found her interest just this evening upon the commencement of the second reading of the Industrial and Related Legislation Amendment Bill 2007.

I do not intend to speak for too long but I will put a few comments on the record about this very important legislation. I commend the Minister for Employment Protection. The minister has had the foresight to predict some eventualities that occurred because of the federal government's WorkChoices legislation. She also understands the reasons for many of the circumstances that have arisen since the introduction of that federal legislation and she has sought to introduce legislation that will protect many more people from the industrial battering that they are receiving as a result of John Howard's WorkChoices legislation.

I agree in particular with the comments of the member for Joondalup. Many of his opinions are similar to mine, in contrast to the points of view put forward by the member for Avon, who I think was in one of his crazy rant modes. Not only did he not reflect on the details of the bill - although that is not uncommon for him - but also he painted the Australian Labor Party and its members, who are represented in this chamber, in quite an unfair and wrong light. The legislation we are introducing will protect the few. We submit that the WorkChoices legislation does not affect the entire workforce in either Western Australia or the rest of the country when we are experiencing economic good times. We have sought to put in place our industrial relations amendment bill to fix as many of the gaps as we have the power to fix in our own jurisdiction, which John Howard clearly does not care about. He does not care about people who get hurt at work or about young workers or women and other minority groups - at least not in the workforce - who are unfairly discriminated against at work. Nor does he care about many other classes of vulnerable people.

Mr R.F. Johnson: That is totally untrue.

Ms J.A. RADISICH: It is not totally untrue. John Howard - the leader of this country - is the absolute master of wedge politics. He applies that philosophy to divide and conquer workplaces. He drives a wedge between not only employers and employee but also between groups of employees. He prefers to ensure that similar classes of employees do not get involved in collective, proper and organised bargaining. He prefers to force each individual, about whom we hear so much from the Liberal Party, to use their own time and resources. They are often put in a vulnerable position when attempting to negotiate with their employer if the employer in question is even willing to negotiate. Usually no negotiation takes place at all. We are talking about employers giving an existing employee or a potential employee just one option. The option is that the employees either sign or they lose their jobs or they do not get jobs. Frequently, not a lot of negotiation goes on with these Australian workplace agreements. I will admit one thing and one thing only: AWAs are somewhat marginally better than the workplace agreements that were put in place by the former Richard Court government in Western Australia.

Mr R.F. Johnson: In your opinion.

Ms J.A. RADISICH: In my opinion, and I have studied the matter in some detail. The workplace agreements under the Court government, in fact, were the absolute worst individual contracts for working people in the country, which is why even the Howard government and its relevant ministers over time thought that what the member for Hillarys did, when he was a member of that cabinet in the previous government, went too far.

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Order, members! We have a member on her feet, and I think it is very unwise, especially for the members on her own side, to interject.

Ms J.A. RADISICH: The Industrial and Related Legislation Amendment Bill 2007 has a number of components, a couple of which I will briefly comment on. Essentially, the bill seeks to protect children in the workplace; that is, people who are under 18 years of age. The bill also seeks to promote occupational health and safety standards, which WorkChoices seeks to take away, to provide improved protection for injured workers, which is extremely important, and we have sought to do that for a number of employees in different industries since we came to government in 2001, and to broaden the power of the Western Australian Industrial Relations

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Commission, which is a body that has a very fine tradition in this state of protecting people when they need it most within that industrial framework.

The member for Avon painted our legislation -

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr R.F. Johnson: What did he actually say?

Ms J.A. RADISICH: He was commenting on the legislation.

Mr R.F. Johnson: What did he say? You are criticising him.

Ms J.A. RADISICH: He was focusing on people making their own choices.

The ACTING SPEAKER: Is the member for Hillarys giving a speech? No? I would be quiet then.

Ms J.A. RADISICH: We say that unions have a very important and legitimate right in this state and in this country generally. In fact, the only real advancements for working people in the past 200 years -

Ms S.E. Walker interjected.

The SPEAKER: The member for Nedlands is on two strikes and she keeps interrupting. If she continues to interrupt, she will be on her third strike, and with the next strike she will be on her bike.

Ms J.A. RADISICH: The only progress that working people have ever made in this state is when unions work together with employees from each sector, and stand side by side in advocating for the rights of working people in those particular industries. That is something that we support because it is proven time and again, even outside of the industrial sphere, that when people band together and unite, they get a better outcome for everyone. This outcome is beneficial to employers as well. Many studies have been conducted indicating the productivity and other benefits accrued by employers who support their employees when they collectively organise and bargain together. Therefore, it is quite short-sighted to overlook that aspect.

The bill that we present focuses on support for the most vulnerable workers at times when they are, in fact, most vulnerable. I was a child worker myself, Madam - sorry, Mr Acting Speaker.

The SPEAKER: The member for Swan Hills nearly got a point of order then.

Ms J.A. RADISICH: I commenced work a few weeks before I turned 14 years of age, and I have held a number of paid jobs from that time onwards. I am very fortunate, though, because I was treated well by my employers; I was respected, paid properly, given leave when it was necessary for study or other personal or health commitments, and so on. However, not everybody is as lucky. I can think of examples of situations that our legislation will go towards remedying should they arise in the future. One example would be if young people were brought in for a five-hour shift, but after an hour the employer decides that they are not really needed anymore and lets them go. The young workers would not be paid for the remaining four hours, and it would disrupt their families because often transportation issues are involved. If the young workers are only 14 or 15 years old, it might not be appropriate, given the time of day or the day of the week, for those young people to get themselves home and so forth. Many examples have been brought forward in Western Australia in which young people have been grossly discriminated against and had their industrial rights grossly abused under WorkChoices. As I said previously, I commend the Minister for Employment Protection for introducing this legislation to go a great way towards helping to protect those people who need it most, such as young people in the workforce, people who are injured or who are at risk of injury, and other classes of workers.

A great deal more could be said about our legislation, which is in stark contrast to the legislation promoted by John Howard and his cronies. However, I know that many other members in this chamber want to comment on this very important issue tonight. Therefore, I will leave my comments at that, and I look forward to hearing from other members.

DR J.M. WOOLLARD (Alfred Cove) [8.17 pm]: I had not planned to speak on the Industrial and Related Legislation Amendment Bill 2007, which makes changes to industrial and related legislation. In her second reading speech, the Minister for Employment Protection stated -

The Industrial and Related Legislation Amendment Bill 2007 will amend various pieces of legislation. The primary objective of the bill is to strengthen protections for vulnerable workers.

I believe that the Prostitution Amendment Bill 2007 will go through this house this week, so this legislation will be applicable to those prostituted women - those victims of prostitution. Therefore, I will now take a very close

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

interest in the Industrial and Related Legislation Amendment Bill 2007 because I want to know what this government will do. Certainly, the prostitution bill will legalise brothels, and if the legalised brothels are run at a state level, those state brothels will come under this legislation.

The second reading speech referred to child labour protections -

The bill will amend the Children and Community Services Act 2004 to strengthen protections for children.

I am amazed. Tonight, I have been reading through various articles from newspapers over the past decade that show a very clear relationship between children and brothels. I have read about children working in illegal brothels and prostituted children, and how they are enticed into the area. If they do not have a good secure family background and are out on the streets or get addicted to drugs, prostitution is seen by some of those children as an easy way to make money to feed their drug habit. Therefore, when the Industrial and Related Legislation Amendment Bill 2007 talks about strengthening protections for children, I want to know how the government weighs this bill up with the other bill it has brought into this house that will see the growth of prostitution and the growth in the number of children who will now believe, with this government's prostitution bill, that it will be okay to be a sex worker. Why wait until they are 18 years old? Why not start when they are 13 or 14 years old?

During the matter of public interest debate today I listed most of the states in the United States that say no to legalisation.

The ACTING SPEAKER (Mr P.B. Watson): Member, I have been advised that what you are talking about is not what the bill before the house is about. You are talking about child prostitutes, but I do not think that child prostitutes have industrial relations legislation or workplace agreements or things like that. You are getting off the track by talking about prostitution. I think you should try to get back on to talking about the actual legislation.

Dr J.M. WOOLLARD: I think this legislation will impact upon and affect children, but I am more than happy to talk about adult prostituted women, because they will be covered by this bill.

The ACTING SPEAKER: No, they will not. As far as I know, there are no workplace agreements in the prostitution industry. If there are, and you know of some, then fair enough. You are trying to talk about this bill to push another barrow, and if you keep doing it, I will sit you down.

Dr J.M. WOOLLARD: This bill deals with workplace bullying. If I have this wrong, Mr Acting Speaker, then I apologise, but it is my understanding that when the prostitution bill is enacted, if there is a brothel that is run privately as a business with the government's newly termed "sex workers", this legislation will be applicable to them as workers.

Mr A.D. McRae: How?

Dr J.M. WOOLLARD: As sex workers. The member for Nedlands has just pointed out the clause for me. Clause 38 states, in part -

"comparable State award", in relation to work carried out by a child, means a State award that regulates the terms and conditions of employment of employees carrying out the same kind of work as the work carried out by the child;

You are right, Mr Acting Speaker, that the prostitution bill does not say that it is okay to work as a child in prostitution. However, the prostitution bill allows the growth of the sex industry, and therefore a growth in the number of sex workers in the state. The bill presently before the house is intended to amend the Occupational Safety and Health Act 1984 to improve safety protection for workers. Surely that will encompass prostituted women.

Mr A.D. McRae: Are you in favour of that?

Dr J.M. WOOLLARD: I am in favour of throwing the government's legislation out the door.

Several members interjected.

The ACTING SPEAKER: What the book says is that the member for Dawesville is in the book. The member for Dawesville is not running the chamber; I call him and the member for Capel to order.

Point of Order

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Mr A.D. McRAE: This point of order relates to the relevance of the member's presentation on this legislation. I say that the member is clearly not relating her discussion to any aspect of the provisions of the legislation currently under debate in this chamber, as you have already pointed out, Mr Acting Speaker, and I am not attempting to add to that. It is clear from the most recent comments of the member that she has no intention of talking about the legislation in relation to Australian workplace agreements that this house is debating. I ask that she be made to be relevant.

Dr S.C. THOMAS: Further to that point of order, although the opinion of the member for Riverton might be that this has no relevance to the current debate, the member for Alfred Cove has made a very strong point in relation to sex workers becoming legitimate workers in the state. It is incumbent upon the Chair to accept that the member for Alfred Cove has a legitimate point in this case. The member for Riverton has not made his point on the issue of relevance.

The ACTING SPEAKER: I have not seen anything in the prostitution bill so far that says that people will be given workplace agreements. The member for Alfred Cove is treading a very fine line at the moment. I think she has put her point across about prostitution. I would prefer that she tried to get on to the bill that we are talking about. If the member drifts away from that again, I will be forced to sit her down.

Debate Resumed

Dr J.M. WOOLLARD: There has been no debate to date on the terrible prostitution bill in relation to Australian workplace agreements. What will these prostituted women come under? This bill deals with safety protection for workers. The second reading speech said that the states retain capacity to legislate occupational safety and health protections. It is the same as last week when I asked the Attorney General about Centrelink forcing people to go and work in brothels. We do not look only at the ramifications of the bill before the house in the short term; we must look at the long-term ramifications of that bill. In the long term those prostituted women are likely to be covered by workplace agreements and, therefore, when they are covered, this is the bill that will do that. The second reading speech states -

The Occupational Safety and Health Act will also be amended to provide a process for dealing with workplace bullying which creates a risk to safety or health.

Mr A.D. McRae: Will that cover bondage?

Dr J.M. WOOLLARD: The member for Riverton has asked me whether it will cover trafficking. It is related to trafficking, because these people are bullied. They are locked up in rooms. It is very relevant, because this bill deals with workplace bullying, and we know from the evidence that has already been presented during debate on the prostitution bill that workplace bullying goes on in those areas. That is why 70 per cent of prostituted women have been abused, and the other 30 per cent suffer from psychological stress. There is workplace bullying, particularly of trafficked women. We know that 300 women are being trafficked into Australia every year, and there are probably 1 000 in Australia at any one time. They are certainly subject to workplace bullying. Will this legislation help them? The prostitution bill certainly will not help them and will not do anything to stop those trafficked women. This is the government's Industrial and Related Legislation Amendment Bill. Will this bill not do anything to help those women who have been trafficked into Australia, and who will be trafficked even more when the government's prostitution bill goes through and there is a doubling in the number of illegal and legal brothels?

Point of Order

Mr J.C. KOBELKE: In the member's own words, she is talking about the prostitution bill. Her contribution, if it can be called that, shows that she has no understanding of the bill before the house. The bill's reference to occupational health and safety relates to a tribunal, and the structural issues about how matters can be dealt with. It does not actually seek to amend any issues that go specifically to occupational health and safety. Therefore, the member is drawing a very long bow when she tries to stretch that out to talk about another bill, which we will be moving to very soon if we can make some progress on this bill rather than talking about a bill that is not before the house.

Dr J.M. WOOLLARD: The member said that we are dealing with the Western Australian Industrial Relations Commission.

The explanatory memorandum states -

The Industrial and Related Legislation Amendment Bill 2007 (the Bill) will amend the following legislation:

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

- (a) the *Industrial Relations Act 1979*, mainly to expand the jurisdiction of the Western Australian Industrial Relations Commission (WAIRC) to deal with denied contractual benefits and to hold joint proceedings with other State industrial relations tribunals;

I put it to the Chair that there will be joint proceedings with the Western Australian Industrial Relations Commission and the State Administrative Tribunal.

The ACTING SPEAKER (Mr P.B. Watson): When making a point of order, the member should remember that she should not make a speech. I agree with the point of order from the Leader of the House.

Dr K.D. HAMES: Further to the point of order, I refer to page 11 of the Prostitution Amendment Bill 2007, which refers to workers' compensation. Proposed section 13B states -

- (1) A person's entitlements under the *Workers' Compensation and Injury Management Act 1981* may not be lost or affected in any way by his or her being capable of working as a sex worker if he or she refuses to do, or to continue to do, that kind of work.

As such there is a specific reference within the Prostitution Amendment Bill that relates to the Workers' Compensation and Injury Management Act, which, in turn, relates specifically to the matters being raised by the member.

The ACTING SPEAKER: The member for Alfred Cove can talk about the legislation but she cannot go back to speak about the Prostitution Amendment Bill and her concerns about that. She can talk about what the member for Dawesville has just said concerning rights and the tribunal. The member must deal only with what the member for Dawesville spoke about in relation to how that proposed section is affected by this bill.

Debate Resumed

Dr J.M. WOOLLARD: As the member for Dawesville said, the link is very clear in the Prostitution Amendment Bill. Proposed section 13B is titled, "Refusal to work as sex worker does not affect entitlements". It states -

- (1) A person's entitlements under the *Workers' Compensation and Injury Management Act 1981* may not be lost or affected in any way by his or her being capable of working as a sex worker -

As Mr Acting Speaker knows, that means a prostituted woman -

if he or she refuses to do, or to continue to do, that kind of work.

Proposed subsection (2) discusses refusing to do so. The bill on the table - the Industrial and Related Legislation Amendment Bill 2007 - is very relevant to prostituted women. That is why I am bringing this up, as it relates to that section. As I said before, although I was not going to speak on this legislation, I will now go through it with a fine toothcomb and look at how this legislation will affect prostituted women under the Workers' Compensation and Injury Management Act and under other acts that this bill deals with.

Mr R.C. Kucera interjected.

The ACTING SPEAKER: Order, member for Yokine!

Dr J.M. WOOLLARD: Someone needs to think about safety protection for prostituted women because the government is now saying that it is okay to legalise the prostitution and abuse of women. The government is saying that it is okay to legalise the abuse because the work is acceptable work for girls and women; the government is saying that it is acceptable for them to do that work. That is what this legislation is doing. Therefore, we have to look at -

Point of Order

Mr R.C. KUCERA: I ask about relevance. The member just read out a proposed section of a piece of legislation that she says links that bill to this bill. In fact, the proposed section she read out states quite clearly that none of the privileges that are affected by this bill are changed or altered in any way. Therefore, that negates her whole argument. To persist with it is increasing the issue of irrelevance as we go along.

Mr R.F. JOHNSON: The member for Alfred Cove has emphasised in her contribution to the debate on this bill the issue of prostitutes. In all fairness she is linking the employer and the employee, which is what the bill before the house is all about. I ask the indulgence of the Chair to let her continue along those lines provided they relate to employers and employees, which is covered within this bill.

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

Dr S.C. THOMAS: As I occasionally sit in the Chair I would certainly make the comment that if something is missing from a bill it should obviously be part of the test of relevance. If it is the ruling of the Chair that if something missing from a bill is not relevant, we would probably remove a large proportion of the debate that we have for nearly every bill that comes before the house.

The ACTING SPEAKER: Members, we have just had three points of order about a member who is going very close to the line. I will hear no more points of order until the end of the member's speech. If I find that the member is getting off the track, I will advise her, not members. The member for Alfred Cove should be very careful because she is going right near the edge.

Debate Resumed

Dr J.M. WOOLLARD: I know that the Prostitution Amendment Bill will be discussed next so I will not continue to refer to it other than to say that the bill on the table is very relevant to what the government is now calling "sex workers". As this bill goes through the house we need to look at it carefully. I will certainly scrutinise it to make sure that it not only addresses currently accepted workers, but also the implications for what the government is calling workers through the Prostitution Amendment Bill. I do not need to speak any more on this now -

A government member interjected.

Dr J.M. WOOLLARD: - but I could, of course, if the member for Riverton wants to keep interjecting. I could look again at the bill. I could go through the bill and find -

Several members interjected.

The ACTING SPEAKER: Order! Members, the best way to proceed so as to avoid confusion is for no-one to interject.

Dr J.M. WOOLLARD: I am sure I could find clauses in the bill, if the member wants me to, to go through point by point. This legislation, and all other pieces of legislation that come to this house, now have to be looked at in terms of the implications of the Prostitution Amendment Bill, which the government is ramming through this house and has, I am sure, every intention of ramming through the other house.

MR A.D. McRAE (Riverton) [8.37 pm]: I support the Industrial and Related Legislation Amendment Bill 2007. I think we are seeing a piece of law being put in place in Western Australia that will be widely accepted within the community as establishing a legislative framework for fairness, something that the federal government's WorkChoices legislation has taken away.

I will comment very briefly on the expression "WorkChoices". There is no such thing as choosing one's conditions and one's capacity to take a job or to not take a job if a person is poor, in need, a young person without any capacity to negotiate, a person with a disability or a mother being required to return to work because of the federal government's extraordinarily harsh return-to-work obligations that it is imposing on people who are single parents looking after children and being required to work when things such as voluntary work in school kiosks and community work are not regarded as relevant work test activities. "WorkChoices" is really a contradiction in terms. George Orwell would be very proud of the Howard government for its selection of that title for its legislation, which has been shown not just nationally, but twice in Western Australia's experience, to be the basis for unfair working laws.

I am the member for Riverton because the previous member for Riverton was the architect of unfair workplace laws. In my campaign during 1999-2000, I met literally hundreds of families, particularly mothers and fathers, who were distressed by the exposure of their children to having to personally negotiate short-term contracts without a safety net and without the basis for any industrial leverage of their own. They had to negotiate short-term contracts that placed them at a disadvantage relative to the rest of the community. We need to understand when we expose people to that kind of disadvantage, either in their workplace conditions or in the other protections that we see as being the basis for a fair society, such as our occupational health and safety laws, laws that protect children in employment and laws that go to the administration of contracts of employment and how all other related matters are dealt with by courts and tribunals, that these are the elements by which we judge our society to be a fair society.

We talk about our society being a multicultural society, and it is. We talk about our society being an advanced technological society, and it is. We talk about ourselves now enjoying the fruits of the greatest amount of wealth production that this state has ever seen, and we are living through that. However, none of that is worth anything if, as a society, we do not have a framework for fairness. In the absence of a framework for fairness, the social

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

contract that allows us to live as a civil society is taken away. The social contracts that assure people they will receive a fair day's pay for a fair day's work and be protected by standards that apply equally to them and to every other person in that society are essential frameworks for a civil society. This legislation puts back, to the extent that we are able at a state level, the jurisdictional underpinnings that have been removed by the serious failings of John Howard's WorkChoices legislation.

We know from the minister's presentation of this bill, from looking at the second reading speech and from looking at the particular parts of the bill before the chamber that, in addition to the amendments to the Magistrates Court (Civil Proceedings) Act, which are administrative matters that I will not go into, and the amendments to the Workers' Compensation and Injury Management Act and to the Public Sector Management Act, which are also primarily administrative or procedural functions, those things that go to establishing rights of people under this legislation will be applauded universally. I draw the attention of the house to, for example, part 4 of this bill, which deals with amendments to the Children and Community Services Act 2004. This part of the legislation establishes two key elements of fairness that are absent from the WorkChoices laws. This legislation will ensure that conditions of employment for children are not less than the conditions prescribed by state awards. How on earth could anybody argue against that as a reasonable proposition?

I can tell the house that in my electorate of Riverton people will say, "What do you mean you have to pass a law to put that in place?" People will be astounded to learn that the detail of WorkChoices law in Australia has meant that children are exposed. Children in workplaces today have no guarantee about the minimum conditions of employment, other than those established through what we already know is a failed fairness test. Children in employment today are entitled to be sure that they will have those conditions that are available under the minimum conditions in the state award system. I will give an example. My second daughter signed up under the previous state industrial relations laws - those that have been mirrored under WorkChoices legislation by the Howard government - and the contract of employment included a provision that should a customer make a civil complaint seeking damages from the employer in the provision of the goods that she was selling on behalf of the employer, she was to be liable for any civil losses. That was a baking franchise. I will not name it because I think it has changed its attitude a little in recent years.

Mr R.F. Johnson: Did you agree to her signing that?

Dr K.D. Hames: How old was she?

Mr A.D. McRAE: She was 16 years of age.

Mr R.F. Johnson: Did you agree to her signing that?

Dr K.D. Hames: You would have to agree to it.

Mr A.D. McRAE: In those days, no, I did not; I refused. I actually crossed it out and refused her -

Dr K.D. Hames interjected.

Mr A.D. McRAE: Precisely; and that is precisely why anyone would want to introduce the minimum conditions in the applicable state award as the basis for any child labour in this state. That is precisely why anyone would want to do it, member. Of course the member says it is reasonable and of course he says that no child should be forced to do it.

The ACTING SPEAKER (Mr P.B. Watson): Order, member for Dawesville!

Mr A.D. McRAE: Of course the member says that a parent has the right to countersign it, or maybe even the legal right to do it. Why would we then put that obligation on to a parent who may or may not have the capacity to interpret a contract of employment that ran to some 45 pages? That is an absolutely ridiculous situation in which to put families in Western Australia. It is absolutely right that we should go to establishing state awards as the basic minimum for child labour in Western Australia.

The ACTING SPEAKER: Order, member for Dawesville!

Dr K.D. Hames interjected.

The ACTING SPEAKER: I have called the member for Dawesville to order twice, and now I call him to order again. I asked him to be quiet, and he kept going. That is the second time he has been called to order. I hope he is learning a lesson.

Mr A.D. McRAE: The second aspect that this bill deals with in broad terms, but importantly under the amendments to the Children and Community Services Act 2004, is the unfair dismissal and denial of contractual benefits provisions that are also absent from the WorkChoices laws that the Howard government has implemented. It is nearly beyond belief that we would remove from a child in employment the right to

Mr Mick Murray; Mr Tony O'Gorman; Speaker; Mr Max Trenorden; Mr Bob Kucera; Ms Jaye Radisich; Acting Speaker; Dr Steve Thomas; Dr Janet Woollard; Mr Tony McRae; Mr John Kobelke; Dr Kim Hames; Mr Rob Johnson

protection from an unfair dismissal law. It just beggars belief that we, as a society, have a national government that thinks that is okay. I return to my original argument that I believe industrial laws are an essential contribution to the social contract that allows us to exist as a civil society. What sort of civil society is it that removes protection for a child from unfair dismissal? Where in other parts of the world would a child find the capacity to protect himself or herself from the kind of unfair, unjust and intimidating behaviour of a rogue employer? Where are we going to find the balance in our workplaces and in our society in the absence of this? For that reason alone, this legislation should be endorsed, applauded and supported by members on both sides of this chamber and in the other chamber also.

The bill also, of course, improves occupational safety and health protections. I cannot, again, comprehend how our national government has passed WorkChoices - again, the extraordinarily named "WorkChoices" - laws and brought them into being, knowing that the effect of the passage of that legislation was to allow an employer to summarily dismiss an employee who was pursuing the improvement of occupational health and safety in his workplace. What sort of workplace do we have when we have abandoned the protection of a person who is attempting to establish workplace safety as a right and as a matter of justice in a civil society? The Carpenter government has been recently advertising on television these very rights. I am proud of a government that has embarked on communicating to the people of Western Australia that we think that every worker who goes out to work in the morning has a right to return safely to his or her family in the evening. That is not something that we should be able to legislate away at a whim. That is not something that we should be able to pass over to the jurisdiction of the employer regardless of whether the employer is a good employer or a rogue employer. It should be embedded as a statutory right for all workers, at all levels, in every part of this state. We should not allow the employer to make the judgement as to what those conditions should be. These are the basic threads of the fabric of a civil society. If we take away those rights, we expose workers to risk. I accept the arguments from the other side that only a relatively small number of employers are rogue employers. That is not what we are debating here. I am not arguing that all employers are bad. That is not what I am putting. I am saying that as a civil society, we must agree on some basic standards. The right to go to work and come home safely must be enshrined in law, to protect every worker in every circumstance. This legislation will re-establish the right of people to stand in their workplace and argue the merits of an occupational health and safety issue when it arises, and not be frightened of being sacked, dismissed, suspended, stood aside or demoted. We must give workers that protection. I have said that I will not be going into the detail of this legislation. However, the jurisdictional and procedural protections that are enhanced in this bill in the workers' compensation field, in the Magistrates Court civil proceedings field, and in other aspects of this bill that deal with the Western Australian Industrial Relations Commission, are all designed to underpin the essential principles that must prevail in a civil society; that is, the ones that I have been arguing about.

As I have said, when I was campaigning to be elected in 2000, I had hundreds of people say to me that they were concerned about their children. One family in particular stays in my mind. This family came to a political meeting that was held in the park. Both the mother and the father were in their fifties. They had never once voted for the Labor Party. They came to check me out and to quiz me about the effects of Labor's industrial relations laws. The reason they were interested in that was that they had two daughters. Both their daughters had completed postgraduate degrees in biological and physical sciences. One daughter was in her early thirties, and the other was in her late twenties. Both of them represented in my mind the very best of what Western Australia's education system, economy and society can produce. They were bright, energetic and ambitious, and keen to make a contribution and to develop their own lives. However, their parents said that they had never had a contract of employment more than three months long, and that they were not able to get married or buy a house because of the uncertainty of their employment.

In the absence of this legislation, we will be returning to the grim days when workers were abandoned to the whim of the employer, rather than be given what we understand to be a fair go in a fair society. I will not stand by and allow that to happen. I am proud to be part of a government that is reintroducing the elements of fairness, to the extent that we can, into our industrial and occupational health laws. I commend the bill to the house.

Debate adjourned, on motion by **Mr J.C. Kobelke (Leader of the House)**.