

Chairman; Mr Murray Cowper; Mr Fran Logan; Mr John Castrilli; Mr Mick Murray; Mr Bob Kucera; Mr Max Trenorden

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**Division 57: Consumer and Employment Protection — Service 2, Safety And Employment Protection, \$47 621 000 —**

Mr A.P. O’Gorman, Chairman.

Mr F.M. Logan, Minister for Energy representing the Minister for Employment Protection.

Mr B.T. Bradley, Director General.

Mr D. Goodwin, Director, Finance and Administration.

Mr R.M.G. Horstman, Acting Executive Director, Labour Relations Division.

Mr A. Koenig, Executive Director, EnergySafety.

Ms N. Lyhne, WorkSafe Commissioner.

Mr M.P. Russell, Executive Director, Resources Safety.

**The CHAIRMAN:** This estimates committee will be reported by Hansard staff. The daily proof *Hansard* will be published at 9.00 am tomorrow.

The estimates committee’s consideration of the estimates will be restricted to discussion of those items for which a vote of money is proposed in the consolidated account. This is the prime focus of the committee. While there is scope for members to examine many matters, questions need to be clearly related to a page number, item, program, or amount within the volumes. For example, members are free to pursue performance indicators that are included in the budget statements while there remains a clear link between the questions and the estimates. It is the intention of the Chairman to ensure that as many questions as possible are asked and answered and that both questions and answers are short and to the point.

The minister may agree to provide supplementary information to the committee, rather than asking that the question be put on notice for the next sitting week. For the purpose of following up the provision of this information, I ask the minister to clearly indicate to the committee which supplementary information he agrees to provide and I will then allocate a reference number. If supplementary information is to be provided, I seek the minister’s cooperation in ensuring that it is delivered to the committee clerk by 6 June 2008, so that members may read it before the report and third reading stages. If the supplementary information cannot be provided within that time, written advice is required of the day by which the information will be made available. Details in relation to supplementary information have been provided to both members and advisers and accordingly I ask the minister to cooperate with those requirements.

I caution members that if a minister asks that a matter be put on notice, it is up to the member to lodge the question on notice with the Clerk’s office. Only supplementary information that the minister agrees to provide will be sought by 6 June 2008.

**Mr M.J. COWPER:** I refer to service 2 on page 958, “Safety and Employment Protection”. The total cost of the service for the 2007-08 budget was \$56.725 million. For 2007-08 the estimated actual is \$63 million, an increase over the actual budget of \$6.5 million. Next year’s budget estimate is \$65 million. That is a fairly significant increase in the bottom line of the budget. I am curious to know why there was such a blow-out in the cost of that service. On page 959 the key efficiency indicators show that full-time equivalents jumped from 467 to 499. That is an increase of some 32 staff, or 6.85 per cent.

**Mr F.M. LOGAN:** The member was talking about the net cost of service for service 2 on page 958 and the increase in the 2007-08 actual through to the 2007-08 actual and forward to the 2008-09 budget estimate.

**Mr M.J. COWPER:** Yes. As I said, in 2007-08 the budget amount was \$56.725 million. The estimated actual is \$63.280 million. That is an increase of some \$7 million.

**Mr F.M. LOGAN:** I am advised that the key sources of variance are as follows. To reinstate the harvested savings of the shared services cost \$1.485 million. For EnergySafety, additional revenues and expenses from industry totalled \$344 000. The residential gas appliance survey undertaken for EnergySafety cost \$1 million. There was a transfer of funding from the Western Australian Industrial Relations Commission of \$2 million to the entity because of the savings that were incurred. WorkSafe incurred increases in revenues and expenses of the business centre, including additional funding for fair pay and conditions of \$31 000. Funding for designated positions of specified callings was \$257 000. Additional funding of \$2.25 million was required to realign information services resources, and funding was needed to meet escalating accommodation costs as well.

[7.10 pm]

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**Mr M.J. COWPER:** Further to that question, there has been an increase in the cost of central business district accommodation. Can the minister explain that increase in cost? Has the department shifted shop; or, if it has remained in the same premises, has there been a change in the contract arrangement?

**Mr F.M. LOGAN:** I will pass that question to Mr Bradley, because he knows more about the operational aspects than I do.

**Mr B.T. Bradley:** The accommodation cost for our rent in the central business district has been re-assessed. That is the reason for the increase.

**Mr M.J. COWPER:** By how much a year has the rent gone up?

**Mr F.M. LOGAN:** I will ask Mr Bradley to respond.

**Mr B.T. Bradley:** It has increased from about \$270 a square metre to \$610 a square metre.

**Mr M.J. COWPER:** That is a fair whack, is it not?

**Mr F.M. LOGAN:** That is not a surprising number. The government has a set policy on the standard of accommodation that is required. That is not a high standard of accommodation; it is a medium-level standard of accommodation. The cost of what is called grade-A accommodation is about \$800 a square metre.

**Mr M.J. COWPER:** Has some of that additional cost resulted from the fact that the number of full-time equivalents has increased by 32, from 467 FTEs in 2007-08 to 499 FTEs in 2008-09? I am interested to know also where those additional FTEs are located. The number of FTEs is projected to increase by an additional five staff. That will take the number of FTEs to 37. I am referring to page 959.

**Mr F.M. LOGAN:** I am advised that those staff are employed in various sections of the organisation. The two main areas of employment growth in the office are EnergySafety—that is, the employment of more inspectors and engineers—and the business centre. Mr Bradley may be able to add to that.

**Mr B.T. Bradley:** We have implemented a new standard for high-risk work. As a result of that, we have had to readjust our certification area. We have also established a business centre. That is the reason for the additional staff.

**Mr G.M. CASTRILLI:** I refer to page 960. The eighth dot point on that page states that EnergySafety has conducted a safety awareness campaign aimed at reducing the number of electrical and gas fatalities. It states also that that campaign is due to be completed by June 2008. Can the minister provide me with the number of fatalities in 2007-08 and in the two previous financial years? What reduction in fatalities does the minister expect in 2008-09?

**Mr F.M. LOGAN:** EnergySafety is currently running a television campaign about the dangers that may result if unlicensed people work with electrical appliances. I am sure the member has seen those advertisements. I have certainly seen them. Those advertisements are fairly effective. Part of the campaign that has been launched by EnergySafety involves taking that campaign out into the general community. I will ask Mr Koenig to provide more detail about that campaign.

**Mr A. Koenig:** EnergySafety is both a safety regulator and a safety educator. We conduct industry education and safety promotion programs, as well as community safety promotion programs. As the minister has just stated, we conducted a significant television and radio campaign earlier this calendar year. In respect of industry safety awareness, we are currently conducting a significant roadshow, with a series of industry presentations. That roadshow is being run across the state, from Albany right through to Kununurra. The attendance at the roadshow, and the level of interest shown by the electrical industry in particular, has been outstanding. At that roadshow, we talk about things such as introducing a new code of practice—which we are doing at the moment—to prevent people from working on live low-voltage apparatus, because we are trying to improve the work practices of electricians and other people in the industry. We have undertaken a broadly based program of activities. It obviously involves a significant amount of expenditure to run both a major roadshow such as this, and a television and radio campaign.

**Mr G.M. CASTRILLI:** I asked also about the number of fatalities in the past three financial years, and what the minister expects the reduction in fatalities to be in 2008-09.

**Mr F.M. LOGAN:** I will ask Mr Koenig to provide the details of that. The member for Bunbury may be aware that a meeting of industry representatives was held the other night in his seat of Bunbury. I think about 260 people attended that meeting. As the member would know, to get 260 industry representatives out on a weekday night to attend a safety awareness campaign is a great response.

**Mr G.M. CASTRILLI:** Do not get me wrong. I am all for it!

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**Mr F.M. LOGAN:** I just wanted to give the member some idea of the response that we are getting to that safety awareness campaign. I ask Mr Koenig to respond to the question about fatalities.

**Mr A. Koenig:** The number of electrical fatalities has been trending at between three and 3.5 a year. That is the number of electrocutions per one million persons per annum. There has been a gradual decline; the trend is downwards. However, I must say that we need to work hard to keep it that way, particularly with the level of industry activity at the moment, and the pressures that are being placed on people. That is one of the things that we are trying to address as part of our roadshow. We believe that we will be able to continue that downward trend through the effort that we are making. We are also looking at introducing a much stronger program for the retrofitting of safety cut-off switches, or RCDs, in residential premises. That will provide a good outcome from a more general residential community perspective, as distinct from an industry perspective, where we are trying to improve work practices. On the electrical side, we believe that we can maintain a gradually improving trend. On the gas side, the statistics are so small, thankfully, that they are rather erratic. In other words, we would not average one fatality a year on the gas side; there is only the occasional death. The trend in serious accidents is declining as a general pattern and naturally we are working to maintain that direction.

[7.20 pm]

**Mr G.M. CASTRILLI:** How much money is being spent on the total campaign for the financial year?

**Mr A. Koenig:** The television and radio campaign totalled approximately \$450 000 and I am working on a budget of around \$250 000 for the roadshow campaign.

**Mr F.M. LOGAN:** The advertisements are primarily aimed at householders, homeowners and general consumers. Members have seen the prevalence of electrical equipment that is now available in hardware stores. People probably think it is easy to install that equipment without realising that they must know exactly what they are doing. They are working with live equipment and must be licensed to install it. The object of the campaign is to remind consumers and the general community to not tamper with electrical equipment at home or try to repair it themselves. They should take the equipment to a licensed electrician.

**Mr M.J. COWPER:** Given that we are talking about residual current devices, I refer to the second dot point on page 962 of the *Budget Statements*, which states —

Implement regulations that make it compulsory for residual current devices to be installed in a dwelling (house or unit) prior to the sale of the premises and in the case of leased premises, within two year years.

Has the agency conducted a scoping report about how much it will cost to implement this regulation? What will it cost the government, given that the government is the owner of a fair whack of real estate?

**Mr F.M. LOGAN:** This issue arose when I was the Minister for Housing and Works when it was referred to me under the national codes. That initiative was taken up and implemented by EnergySafety. I am pretty sure—Mr Koenig can confirm this—that all government homes have RCD devices installed in them. When I was the Minister for Housing and Works, I initiated a major rollout of them to ensure that we complied with what we asked other people to do. We had to ensure that we looked after our tenants because the government is a very large landlord. The initiative was then rolled out into the general community and the requirement for it to be applied in other residences was implemented after my time as the minister. Mr Koenig can probably explain the effect of that rollout.

**Mr A. Koenig:** I can confirm what the minister said regarding the government housing stock. The Department of Housing and Works advised us some 12 months ago that it had completed its program of retrofitting safety switches or residual safety devices into all the existing leased residential premises. EnergySafety has been working for some years to try to improve the retrofitting of RCDs into older premises. Older premises are pre-1992 premises, for which the fitting of safety switches at the time of construction was not compulsory. Of particular concern to us is the oldest pre-1960 housing stock because of the wiring and its condition and so on. If properly installed, safety switches can properly monitor insulation integrity. The plan was not developed in isolation. We have been talking to our counterparts in the other states who have either implemented a similar program or are in the process of doing that. The fitting of RCDs is compulsory as the condition of the sale and leasing of residential premises. We have evolved a plan that we will shortly consult on with industry; that is, the real estate industry and building owner associations and so on. Leased housing will have up to two years to install RCDs and vendors would be obliged to install RCDs in premises that are for sale.

**Mr M.J. COWPER:** Has a scoping report been done to give an estimated cost of the program to the Western Australian community? For instance, the department must have an idea of how much it cost to fit the government

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stock last year. Have any scoping reports been conducted to indicate how much this initiative will cost the Western Australian community?

**Mr F.M. LOGAN:** Mr Koenig.

**Mr A. Koenig:** We have not attempted to ascertain a total figure for the whole of Western Australia mainly because this program will be spread out. Housing stock typically turns over every eight or so years. The penetration we are looking for would be over quite a period. Currently, we estimate that there is no better than 30 per cent of penetration in pre-1992 housing. We estimate that on average it will cost in the order of \$300 or \$400 per residential premises to have the switches retrofitted, depending on the age and complexity of the installation.

**Mr M.J. COWPER:** Has a scoping report not been conducted on this matter? Is it just an estimate?

**Mr A. Koenig:** It has not been done in terms of the total cost to the state as a whole, no.

**Mr F.M. LOGAN:** It is quite common now that the purchaser of a new house will ask whether RCD devices have been installed. The housing valuers and engineers look at the house to give the buyer an idea of the integrity of the house, and the RCDs are part of the inspection. The purchaser would ask whether an RCD has been fitted. As members know, it is compulsory to have them fitted in new houses, and they are standard in most houses. We are talking only about old housing stock for which RCDs were not fitted as a requirement under the regulations.

**Mr M.J. COWPER:** To round off this line of questioning, the *Budget Statements* refers to implementing the regulations. Will the regulations be administered by the Minister for Consumer and Employment Protection or the Minister for Energy?

**Mr F.M. LOGAN:** They would be administered by the Minister for Consumer and Employment Protection because it comes under the auspices of EnergySafety.

**Mr R.C. KUCERA:** I refer to the last dot point on page 953 of the *Budget Statements* under the heading "Safety and Employment Protection". Firstly, I congratulate the minister on a successful appeal —

**The CHAIRMAN:** We are dealing with service 2, which starts on page 958 of the *Budget Statements*. The member cannot ask questions about what precedes that.

**Mr R.C. KUCERA:** I presume we will move on to "Safety and Employment Protection" on page 953. I understand that is part of this division.

**The CHAIRMAN:** Division 57 deals only with service 2, which begins on page 958.

**Mr R.C. KUCERA:** Will we move on to that other item in due course?

**The CHAIRMAN:** No.

**Mr R.C. KUCERA:** I will leave that question for the time being.

**Mr G.M. CASTRILLI:** I refer to the twelfth dot point under "Major Initiatives for 2008-09" on page 961 of the *Budget Statements* and the development of an industry-wide action plan targeted at reducing occupational exposures to diesel particulates. What is the target area for developing this industry-wide plan? What data does the government have that warrants the development of the plan?

[7.30 pm]

**Mr R.C. KUCERA:** Mr Chairman, by way of clarification, are we dealing with page 961?

**The CHAIRMAN:** Sorry, I thought the member said page 953.

**Mr R.C. KUCERA:** As I understand it, this part of the division relates to employment issues dealing with occupational safety and health issues. Why cannot I ask a question on this issue?

**The CHAIRMAN:** We can deal with anything under service 2, which starts at page 958. If the member is referring to an item at page 961, we can deal with it.

**Mr R.C. KUCERA:** My apologies. Please bear with me, Mr Chairman. I take the committee back to page 953, which includes the line item, "Safety and Employment Protection" under "Service 2" and that is referred to at page 961. That is the reason I referred to page 953. Mr Chairman, if you are happy for me to go to page 961, I am happy to do that.

**The CHAIRMAN:** If the member's question relates to page 961, he can ask the question.

**Mr R.C. KUCERA:** I will let the member finish his question.

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**Mr G.M. CASTRILLI:** I refer to the twelfth dot point under “Major Initiatives For 2008-09” at page 961, which states —

Develop an industry-wide action plan targeted at reducing occupational exposures to diesel particulates.

What exactly is the target area for developing this industry-wide plan? What data necessitates the development of this plan?

**Mr F.M. LOGAN:** I am advised that the industry we are talking about is, in particular, underground mining. Underground mining is becoming progressively deeper, therefore more vehicles, particularly diesel vehicles, are being used in the underground mining industry. An example is the St Ives Gold Mine on Lake Lefroy, which I visited only a couple of months ago. It normally uses Volvo articulated haul trucks to pull out ore. Now, because of the unavailability of trucks, it is using normal prime mover and trailer trucks to go down to level 14. They go into the stopes and pick up the ore from the underground bogger trucks, then come back up to the surface. The use of normal trucks to undertake this work is unusual. Previously, specific vehicles were used for underground mining, which required ventilation to be kept at a low level. Diesel fumes are low level and the mines are ventilated in such a way to reduce exposure to diesel particulates. The demand for trucks means that ordinary prime movers and trailer trucks are now being used.

I am advised that personal contaminant monitoring of underground employees shows that their exposure to particulates from diesel exhausts is significant and is increasing. The targeted program to reduce occupational exposure to diesel particulates is proposed for the 2008-09 financial year. Apart from the measurement of particulates, the program will measure other vehicle exhaust gases, review mine ventilation efficiency and examine effective ways to reduce vehicle emissions. It will include the adequacy of maintenance procedures on those vehicles and the benefit of using catalytic converters, as well as filter efficiency and fuel quality, to reduce diesel contaminants in the air underground.

**Mr G.M. CASTRILLI:** I want confirmation that it involves only that area and does not apply to diesel trucks on major arterial routes or people working in industrial areas. Obviously, if it does not, there must be some data to necessitate that plan. Is the minister talking about only underground mining?

**Mr F.M. LOGAN:** I am advised that it relates to occupational exposure as opposed to community exposure. The exposure that people would face from a highway as opposed to occupational exposure, where there is limited ability to remove oneself from that exposure, is different. I am also advised that it is aimed directly at underground mines. I will refer the question to Mr Russell, who will probably confirm what I said.

**Mr M.P. Russell:** The minister is correct. This is targeting only underground mining. The industry already carries out monitoring. We review the monitoring figures that are reported to us. It is an area of concern. It is a proactive program to head off problems that might occur in the longer term.

**Mr R.C. KUCERA:** I refer to the items under “Major Initiatives For 2008-09” at page 961 of the *Budget Statements* that deal essentially with health and safety employment protection. I congratulate the government on a successful appeal today against an employer. It is a good sign. Given the level of deaths and serious injuries that are currently occurring on building sites and in the mining industry, how many inspectors are working throughout the state to inspect the safety employment protection of workers on sites?

**The CHAIRMAN:** Would the member direct us to the dot point he is referring to at page 961?

**Mr R.C. KUCERA:** A range of issues are included under “Major Initiatives For 2008-09” at page 961, such as ensuring that workplaces are informed about new regulations for asbestos licensing, improved awareness of safe asbestos removal, developing legislative amendments, implementing licensing elements to the compliance management program, implementing new dangerous goods regulations etc. I presume that that is done by the department through a range of onsite inspections by inspectors.

**The CHAIRMAN:** The member is referring to the seventh dot point under “Major Initiatives For 2008-09”.

**Mr R.C. KUCERA:** It includes all the dot points under “Major Initiatives for 2008-09”. I presume the department is using inspectors to carry out those inspections.

**Mr F.M. LOGAN:** I am advised that about 133 inspectors are employed across inspectorates, including the construction industry, the mining industry and other industries.

**Mr R.C. KUCERA:** Are they based in Perth or are they spread throughout the state?

**Mr F.M. LOGAN:** I will ask Mr Bradley to answer that question.

**Mr B.T. Bradley:** The bulk of the inspectorate is located in Perth. Bunbury has a substantial inspectorate office. Mining inspectors are located in Kalgoorlie, Collie and Karratha. WorkSafe inspectors are located in Karratha

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and Geraldton. One WorkSafe inspector is currently located in Broome. A number of mining inspectors are located in Kalgoorlie. An inspector is soon to be located in Albany.

**Mr R.C. KUCERA:** Given the rapid expansion across the state in mining and construction, is it the minister's intention to increase the number of inspectors?

**Mr F.M. LOGAN:** Over the years the department has employed inspectors in response to demand. In 2003, not long after we came to government, there was an increase of 20. The member might recall that the act was amended and, as a result, more people were employed. We will continue to do that.

**Mr R.C. KUCERA:** Given the changes that have occurred since the advent of the federal legislation that relates to the building and mining industries, in particular the continuation of the Office of the Australian Building and Construction Commissioner, what is the minister's position on returning some of the equilibrium by giving the unions the right to carry out the role of inspection on mining sites?

[7.40 pm]

**Mr F.M. LOGAN:** I am not the Minister for Employment Protection. I am representing the Minister for Employment Protection; therefore, I cannot speak on his behalf and say what he wishes to do.

**The CHAIRMAN:** That question does not relate to a line item in the budget, so it cannot be answered.

**Mr M.J. COWPER:** I refer to the ninth dot point on page 960 of the *Budget Statements*, which refers to establishing a Fair Employment Advocate service to provide advice to vulnerable workers to raise awareness in the community of what constitutes fair employment practices. This issue has been discussed considerably in the press. One could argue that the whole matter was a case of a job for the boys. As I understand it, the Fair Employment Advocate service has been discontinued. Can the minister describe any particular successes of the Fair Employment Advocate? I am sure that it made significant headway. However, it is interesting that it came and went with the changing of the tide.

**Mr F.M. LOGAN:** I will defer to Mr Horstman, but before I do I cannot let the member for Murray get away with the crack about the position being a job for the boys given that the Fair Employment Advocate was clearly established to deal with the Howard government's WorkChoices and its impact on low-income workers. During debate about another piece of legislation in Parliament the other day, I referred to the impact of Howard's WorkChoices on low-income workers. That system was similar to the system that was introduced by the former Western Australian coalition government; indeed, the WorkChoices system was modelled on that system. Howard's WorkChoices system did not impact on professionals and tradespeople whose skills are in demand; rather, it impacted on the working poor.

**Mr M.W. TRENORDEN:** What a load of nonsense!

**Mr F.M. LOGAN:** The member for Avon would not know a working poor person if he bit him on the nose. That is how far removed the member for Avon is from the working poor. The member for Avon is a joke!

**The CHAIRMAN:** We are trying to get through as many questions as possible. If members continue to shout across the chamber, I will call them to order. I ask the minister to answer the question.

**Mr F.M. LOGAN:** That is why the Fair Employment Advocate service was established. The thing that got up the nose of the opposition was the fact that the person who assumed the role was a former secretary of a trade union. That sent opposition members crazy. I wonder if the opposition would have responded in a similar way if the person who was appointed had been a member of the Chamber of Commerce and Industry of Western Australia. The person who assumed the role of Fair Employment Advocate could have easily been a former Chamber of Commerce and Industry of Western Australia member. The issue was not about who filled the role; rather, it was about the work that needed to be done and what the person was expected to do. The Fair Employment Advocate service was in place for a short period. There is no need for a Fair Employment Advocate given the changes that have been made and will be made federally. Discussions papers that were released identified that WorkChoices had a direct impact on young workers. One of those discussion papers, which was reported in the media, referred to young petrol pump attendants whose wages had been docked after people had filled their tanks with petrol and absconded without paying for that petrol. The employers concerned docked the pay of those petrol station attendants because other people stole money from them by way of a drive-off. The petrol pump attendants were held responsible for the fact that people drove off without paying for their petrol. That occurred on numerous occasions and was brought to the attention of the Fair Employment Advocate who in turn brought the matter to the attention of the media. I defer to Mr Horstman.

**Mr R.M.G. Horstman:** I confirm what the minister said. The Fair Employment Advocate had three primary roles; namely, to give information and advice, to investigate harsh and unfair work practices and to promote fair work places. It received over 500 contacts in the first six months with people alleging harsh, illegal or unfair practices. Those practices typically related to employment insecurity and confusion over entitlements. There

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were three facts sheets and three discussion papers on the issues of unfair dismissals, Australian workplace agreements and, as the minister mentioned, youth workers. They raised the profile of the issue of vulnerable workers and how their interests could best be protected.

**Mr M.J. COWPER:** Mr Horstman referred to a report that was conducted by the Fair Employment Advocate service. If I recall, that report, which was thick and fairly detailed, was released six weeks after the Fair Employment Advocate was established. The Fair Employment Advocate must be the employee of the year given the fact that she released a comprehensive report only a short time after assuming that position. Mr Horstman said that the Fair Employment Advocate received 500 contacts within the first six months. Why did the government abolish that service?

**Mr F.M. LOGAN:** Given the changes that will be made to the federal legislation —

**Mr M.J. COWPER:** AWAs will continue for a number of years during the transitional period.

**Mr F.M. LOGAN:** The federal government's legislative changes will be released for discussion very soon. The federal government will be looking to make legislative change before the end of the year.

**Mr M.J. COWPER:** I hope that it will introduce legislation that is a lot more workable.

**The CHAIRMAN:** Members cannot have a free-flowing conversation.

**Mr F.M. LOGAN:** I certainly agree with the member for Murray that we need decent legislation to replace the legislation that currently exists. Given that legislation will be introduced by the end of the year, the Fair Employment Advocate service will no longer be needed. In terms of the complaints, they are dealt with as a normal procedure of the department's activities. I will ask Mr Horstman to advise whether their number has decreased. I would not have thought that they had because the legislation is not in place.

**Mr R.M.G. Horstman:** They have not reduced significantly. It is not possible for employers to offer new AWAs, although the existing AWAs remain. A lot of the issues originally raised related to new employees being required as a condition of employment to sign AWAs that they believed unfairly disadvantaged them.

[7.50 pm]

**Mr M.J. COWPER:** That being the case, and given that there are still some outstanding concerns, is there any scope for an Australian Building and Construction Commissioner style body to be established in Western Australia to oversee the state legislation? In other words, what safeguards do we have? Can the minister foresee a body similar to the ABCC in this state?

**Mr F.M. LOGAN:** We already have an inspectorate that deals with those issues.

**Mr M.J. COWPER:** It is not supported by legislation, though, is it?

**Mr F.M. LOGAN:** No. This issue does not go to this division; it goes to the Western Australian Industrial Relations Commission division.

**Mr M.J. COWPER:** It goes to the next point that I am going to raise soon, hopefully.

**Mr F.M. LOGAN:** I am just saying that it goes to another division, but we can debate it now if we like. The member is quite right. There is a gap that we expect to be filled once the legislation is in place. If the member is talking about responsibility for the enforcement of those agreements, rather than the inspectorate, I can say that it is still under discussion between the state and federal governments; they are discussing how industrial relations will be managed, whether that be through state-based service delivery or through a nationally controlled system under the Australian Industrial Relations Commission.

**Mr M.J. COWPER:** The very next dot point refers to the development of three industrial relations bills to provide greater legislative protection for employees adversely affected by WorkChoices. I am not sure whether the minister was in this place when we debated those bills and I advocated a number of amendments that I thought would bolster the position of workers in this state. In fact, one of those amendments was recently highlighted in the state Industrial Relations Commission when a decision was handed down about the penalties for schoolteachers, which equated to about 15c per member. Can the minister give an example of how that legislation has helped the workers of Western Australia since its introduction?

**Mr F.M. LOGAN:** As the member will be aware, we had hoped that it would help people between now and the introduction of the federal legislation, but, unfortunately, it cannot because it is stuck in the upper house. I am sure that, when it is introduced, it will start helping people straightaway.

**Mr M.J. COWPER:** That being the case, there is some scope for those amendments to be revisited by our friends in the other place.

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**Mr F.M. LOGAN:** I am unaware of where it is up to in the upper house.

**The CHAIRMAN:** I ask that members not make long statements and just ask a direct question so that we can get through as many questions as possible.

**Mr M.P. MURRAY:** I refer to the first dot point on page 962, which states —

Develop the first stages of the implementation framework for the new regulatory regime covering the safety of electrical appliances and equipment.

In recent times there have been some major changes in this area and further changes will impact on small contractors. I wonder whether any assistance or guidance will be made available, other than just making new regulations. Further, I am concerned that this could hinder the employment of apprentices in smaller businesses, such as small companies with two or three electricians, because of the onerous task imposed on them by the regulations.

**Mr F.M. LOGAN:** A number of issues arise out of this. Australia's electrical appliance and equipment safety approval system has now been operating for 60 years and is certainly in need of modernisation. On 15 September 2006 the Ministerial Council on Consumer Affairs met and supported a review by the Electrical Regulatory Authorities Council of the electrical appliance and equipment safety approval system, and ERAC engaged a consulting firm to undertake a review. An options paper was prepared and public consultation forums were held in all the major capital cities during August 2007. The new electrical equipment safety scheme is to be underpinned by nationally consistent performance legislation in each jurisdiction. Comprehensive scheme rules will be administered by a central ERAC secretariat, and the scheme will be a mixture of pre-market registration and post-market enforcement, with emphasis on the latter. The equipment will be classified in three levels based on risk assessment. Level 1 is high risk, level 2 is medium risk and level 3 is low risk. Before appliances and equipment are offered for sale in Australia, all suppliers of level 1, 2 and 3 equipment are required to be registered on a national database. All appliances and equipment classified as level 1, high risk, and level 2, medium risk, are required to be registered on a national database. ERAC members have established a high-level working group to oversee the implementation of the EESS. The proposed format for gas appliances will be similar. Again, a gas equipment safety system for standards for gas appliances will be established; therefore, gas appliances will need to meet those national standards. Mr Koenig can explain a little further the implementation of the new regulations and their impact on small business and the point raised by the member about the implications for employment for apprentices.

[Ms K. Hodson-Thomas took the chair.]

**Mr A. Koenig:** The implementation of this is some time off yet, but I certainly confirm that it will not affect in a negative sense, or even in a material sense in terms of workforce, the work of electrical contractors and others who work in the electrical industry. Rather, this is about dealing with the safety of equipment at the import and manufacturing levels to ensure that what enters the country and hits the retail scene is in fact suitable and safe. This is about the standards that electrical regulators apply to ensure that people at both the wholesale level when purchasing goods for resale and at the retail customer level can confidently buy electrical products.

**Mr M.P. MURRAY:** As an adjunct to that, I have read that there will be a fee for service for checking the checker. I foresee those safety checks in the electrical industry as being one and the same. Can the minister explain how that will work? Will that involve an electrician checking another electrician's work?

**Mr F.M. LOGAN:** I will pass that question to Mr Koenig. I do not think the member is referring to appliances as such. I think he is asking about the regulatory control of electrical tradespeople and whether we will introduce another level of checking and control of those tradespeople.

**Mr A. Koenig:** Firstly, the existing systems of inspection that are managed cooperatively under a legislative scheme that has been in force since 1995 will remain. The inspectors employed by the energy utilities, such as Western Power, will continue to carry out the primary electrical installation inspections. Equally, this will apply to the gas side. Any reports of bad conduct in which significant defects in the work of industry persons are detected will be made to EnergySafety. We are able to take action to either discipline the person, if necessary, through the Electrical Licensing Board, prosecute the person or issue the person with an infringement notice or perhaps just a caution. In regard to the scheme for which a fee for service is proposed, I believe the member is referring to another item in the budget papers about a fee for service for residential premises. That is for people who want their electrical system voluntarily inspected so that they can receive a meaningful report on the condition of the electrical installation in their premises.

[8.00 pm]



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**Mr R.C. KUCERA:** Going back to pages 961 and 962 on occupational safety and health, following on also from the question the member for Collie-Wellington asked, I noted that all the dot points refer to the implementation of various frameworks, regulations and information to do with occupational safety and health. If we look logically at the number of inspectors across the state that the minister mentioned earlier, they are fairly thin on the ground and cannot be on every site. What is the view of the minister and the department on the involvement in the future of occupational health and safety officers who are employed by unions in this scheme of things? Would it not be a considerable cost saving to government if those people carried out the role that it appears the current inspectors are employed to carry out, given that these union officers are on every site across the state?

**Mr F.M. LOGAN:** There are numerous dot points that the member could refer to relating to those issues.

**Mr R.C. KUCERA:** I raise it because the roles referred to in every one of those dot points are the same roles that are carried out by occupational health and safety officers who are working on building and mining sites. I would like to know what their future role will be. It seems to me that there is a considerable doubling up of roles, and I would appreciate the minister's view of what he regards is the future role of occupational health and safety officers who are employed not just by unions, but obviously in some cases by employers.

**Mr F.M. LOGAN:** I reiterate that I cannot give the minister's view, as I am not the minister for this area. The member would need to ask the minister that question. However, I can give the member an idea of the role of safety representatives on the job, which is really what the member's question goes to. As the member knows, there are many safety reps on the job right now. Those safety reps are elected from the employees on the job; that is, both in the normal WorkSafe area and in the MineSafe area. Because of the changes to the mining safety legislation, the establishment of MineSafe reps was also included, which allows them to be elected from fellow workers on the job. Ultimately, it does not matter whether they are working for a company that has a collective union members' agreement in place or whether they are non-union employees working for the company; all those workplaces can have safety reps in place, and many do. They are elected by the workforce, not by the employer, and they can carry out their role under the Occupational Safety and Health Act to identify safety infringements and bring them to the attention of employers.

**Mr R.C. KUCERA:** My understanding is that they have no power to prosecute. They have no power other than to report issues.

**Mr F.M. LOGAN:** Member for Yokine, they never have.

**Mr R.C. KUCERA:** I realise that.

**The CHAIRMAN:** Order, members!

**Mr F.M. LOGAN:** What they can do is refer those matters to WorkSafe or to MineSafe. Under the current legislation for WorkSafe and MineSafe, as worker representatives they can issue a provisional improvement order and then follow up by reporting an infringement to WorkSafe and to MineSafe. That is not too different from the provisions in place prior to the Liberal government coming to power in 1993. Employees have never had the ability to prosecute themselves. They do not enforce the act; MineSafe and WorkSafe enforce the act.

**The CHAIRMAN:** I suggest to members that I will not tolerate interjections across the chamber. I suggest that all members direct their comments through the chair.

**Mr R.C. KUCERA:** My understanding is that the current commonwealth legislation makes it somewhat difficult for these officers to operate on various sites and various mine sites. On my reading of these dot points, I am concerned that these people will take over the department's occupational safety and health role when the department cannot be on the ground at the time. What I am looking for, I suppose, is the government's attitude to the difficulties that will be put in place by the current federal legislation and how these dots points in the budget papers will improve that position without repealing the legislation.

**Mr F.M. LOGAN:** As I said before, the legislation that is in place governing the rights of elected reps in the workplace, whether they work under WorkSafe or MineSafe, is state legislation, not commonwealth legislation. I cannot foresee how commonwealth legislation could have an impact on the work that they undertake. It is not a question of the department handing over or devolving its current powers to worker representatives; it has never been the case in Western Australia that a department would do that. The power of prosecution and enforcement under the act lies with the government and the department themselves. Bringing issues to the attention of those officers who have the power to enforce the act is the role of every employee in the workplace, but most importantly the role of safety representatives. To inform the member better, I will ask Ms Lyhne to confirm what I have been saying.

**Ms N. Lyhne:** I can confirm what the minister has said: there has been no change to the role of safety representatives in workplaces. In fact, the department goes to a great deal of trouble to support safety and health

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representatives in their role by providing information and general support to them in their activities. Our inspectors go out of their way when they go to workplaces to ensure that they seek out safety and health representatives, and we work closely with them in ensuring safety and health practices at the workplace. Occupational safety and health legislation is designed for matters to be resolved in the workplace primarily and, when that cannot occur, for the matters to be referred to the department, and we take action when we need to.

**Mr R.C. KUCERA:** If these provisions are brought into play, does the minister foresee any change in the role of occupational health and safety officers? Will there be no change to their power or their capacity to carry out their role under these provisions listed as major initiatives for 2008-09? Does the minister foresee their role changing in any way?

[8.10 pm]

**Mr F.M. LOGAN:** I cannot foresee how any dot point in the budget papers or any of these initiatives could have an impact directly on employee safety reps in the workplace. Possibly the sixth dot point under "Major Initiatives For 2008-09", which is "Review the WorkSafe Plan which promotes the management practices needed to establish and maintain safe workplaces", may have an impact by changing management practices in the workplace, therefore making a safer workplace led by the employer. I cannot see how any of the other dot points and the reviews that are underway or frameworks that are referred to would have a direct impact on the work of and the powers outlined in the act for employee safety representatives. Mr Bradley may wish to add to that.

**Mr B.T. Bradley:** To try to put it into context for the member, there have been a number of reviews in the past that have not identified a need to give the safety representative that additional power. A review is being initiated by the Deputy Prime Minister to try to get some harmonisation with these laws around Australia. One of the issues that we will be looking at will be the consultative mechanisms and also the defence provisions that will be applicable. There may be some changes. At present, when we talk about major initiatives for 2008-09, there would not be any change to what we currently have.

**Mr R.C. KUCERA:** Would those changes be under commonwealth law or under state law?

**Mr F.M. LOGAN:** Those initiatives are being made at the federal level to try to get some harmonisation of occupational health and safety law, which is state legislation across all jurisdictions, and also to introduce different types of penalties for injury and death in the workplace, which is a fairly contentious issue. That comes about as a result of the unilateral changes made by the New South Wales government a number of years ago.

**Mr M.J. COWPER:** I refer to the first dot point on page 961, which states —

Settled a claim to increase salaries for a range of specified professions in the State public sector, thereby increasing the competitiveness of the State as an employer.

In light of the recent events on the front steps of Parliament House, when members of the public sector were obviously seeking an increase in salary, which of the specified professions had their claims settled for an increase in salary? This is under major achievements for 2007-08.

**Mr F.M. LOGAN:** I will pass this on to Mr Horstman, who has been dealing with this issue.

**Mr R.M.G. Horstman:** A specified calling is a specific type of occupation for which one requires a relevant degree level qualification and in which one works in a professional occupation that is approved under the Community and Public Sector Union-Civil Service Association of WA award. In total, about 4 000 staff, about 12 per cent of the CSA-covered membership of the public sector, fall into this category. These are people such as child protection workers, engineers, environmental officers, geologists and legal officers. They range across most of the 100 public service departments. They have received increases partly because of the specific difficulties in attracting and retaining those professional groups.

**Mr M.J. COWPER:** How were the claims settled? What sort of increase did they get? Did they get a 4.5 per cent increase, as was offered to the police, the teachers and the nurses, or was it over and above what was offered to the rest of the CPSU?

**Mr F.M. LOGAN:** For these types of specialised callings, the CSA lodged a pay claim averaging 15.5 per cent.

**Mr M.J. COWPER:** Over how long?

**Mr F.M. LOGAN:** It was a one-off payment.

**Mr M.J. COWPER:** Was it 15 per cent in one year?

**Mr F.M. LOGAN:** The CSA lodged a claim for a 15.5 per cent increase for a one-off payment for these specialised callings, being what it saw as market convention rates. I have just told the member how much the

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CSA asked for. The settlement was averaged at a one-off increase of 10.5 per cent, because there were a number of settlements ranging from 8 per cent to 13.5 per cent for those 4 000 staff. I remind the member that we are talking about people who are very, very difficult to attract into the —

**Mr M.J. COWPER:** Ha!

**Mr F.M. LOGAN:** If the member thinks that that is amusing, I can assure him that it is not amusing for a department trying to retain its staff. We are talking about people such as child protection workers and engineers. We could compare what we are paying engineers with what they can get in the private sector. We are also talking about environmental officers—if the mining sector has not employed all of them. I will give an example. Of a staff of 12 environmental officers who were employed by the Department of Industry and Resources, the other Friday eight left in one day for jobs in the mining industry. That gives the member an example of the demand for these types of people. They are in demand because the pay rates are higher. I can give some examples about geologists, planners—most Australian planners appear to be working in the United Kingdom at the moment—and legal officers. The government is in the market to try to attract those people into the public sector and it is competing against private sector wage increases. This is a very reasonable result for both the government and its overall wages bill, given the number of people we employ, and the employees. There is some attraction, along with other job security benefits that one gets from working in the public sector, in working for the government.

**Mr M.J. COWPER:** I acknowledge that it is difficult to retain key professionals within the public sector, but if one had listened to the concerns of the public sector workers as a whole on the steps of Parliament House only two weeks ago, one would know that they were sent off to the Industrial Relations Commission to get their settlement determined, as was the case with the police, the firefighters and the nurses.

**Mr F.M. LOGAN:** The police did not end up at the commission.

**Mr M.J. COWPER:** Is the minister saying that some public sector workers are more valuable than others? Is he saying that all workers are created equal, but some more equal than others?

**Mr F.M. LOGAN:** We have socialists from the Liberal Party arguing the case for the workers. I would actually call on the member for Collie-Wellington to be worried about his credentials as a trade union shop steward because I think he is being outperformed by the member for Murray, who is showing his militant background. Our government has made no secret of its intentions to try to attract and retain staff in specialist callings who are in massive demand in the private sector. The government has made no secret of that whatsoever. The settlement that was reached with the CSA—it was reached with the union, not with the individuals, unlike the legislation that the member's government had in place—through a collective approach has been accepted by the union and by the individuals, and that is not uncommon. We were already doing that before this settlement. We allowed the Department of the Attorney General the flexibility to offer bonuses to ensure that people are retained in the public sector. This is nothing new.

[8.20 pm]

**The CHAIRMAN:** I remind members that the questions should be short and concise, and so too should the answers. In that way, we may be able to get through the many divisions that are ahead of us.

**Mr M.P. MURRAY:** I refer to page 961. The seventh dot point under “Major Initiatives For 2008-09” refers to ensuring workplaces are informed about new regulations for asbestos licensing, and improving awareness of safe asbestos removal methods. Although that is great for workplaces, I am more concerned about shire council rubbish dumps and similar areas. Will a program be put in place to cover those areas? I have complaints made to me on a regular basis—I also see it on a regular basis—about the indiscriminate dumping of asbestos products at some of these rubbish sites.

**Mr F.M. LOGAN:** This major initiative is about the licensing arrangements for improving awareness of safe removal methods for asbestos. WorkSafe intends to prepare a frequently asked questions document about the new regulatory requirements and the transitional arrangements for existing licence holders; develop a new asbestos licence application pack; provide guidance on the application processes, eligibility requirements and details of the type and range of supporting evidence to be submitted with each licence application for the removal of asbestos, with input from the Department of Health, the Department of Environment and Conservation and the Western Australian Local Government Association; and review and update all existing material published by WorkSafe in relation to asbestos in the occupational environment, with a view to publishing a new consolidated document that covers each stage in the asbestos removal and disposal process. That will be followed up with public forums, an asbestos enforcement campaign, and a process for auditing licence conditions to ensure compliance. I will ask Ms Lyhne to talk about the actual dumps for the proper disposal of asbestos, which are controlled by councils.

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**Ms N. Lyhne:** I can confirm what the minister has just said about the plans for the new regulatory environment. The actual disposal of asbestos is outside the jurisdiction of WorkSafe Western Australia. However, we have been working very closely with health, local government and other agencies so that they are aware of these new requirements. They are obviously also working within their own areas to meet the new requirements.

**Mr M.W. TRENORDEN:** I refer to the balance sheet on page 965 and to the third item under current liabilities, which is moneys in trust. What moneys are held in trust?

**Mr F.M. LOGAN:** I will ask Mr Goodwin to respond to that question.

**Mr D. Goodwin:** The balance sheet covers both consumer and employment protection, of course, so some of the items in this trust account may be consumer protection items.

**Mr M.W. TRENORDEN:** Does that mean it is both consumer and employment protection items?

**Mr D. Goodwin:** I am just reminding members that not all the trust items will pertain exclusively to employment protection.

**Mr M.W. TRENORDEN:** Are any of the items in this trust account employment protection items?

**Mr D. Goodwin:** I do not have the list with me, so I am not able to confirm that further.

**Mr M.W. TRENORDEN:** It is interesting that the projected estimate going forward is \$771 000. If these moneys are employment protection funds, I would like to know exactly what these moneys are. I would also like to know whether there is any growth in these moneys. It is a very curious position for a balance sheet.

**Mr F.M. LOGAN:** I will take that as a supplementary question.

**The CHAIRMAN:** I ask the minister to articulate what he will be providing by way of supplementary information.

**Mr F.M. LOGAN:** The member for Avon has referred to the controlled balance sheet on page 965 and to the third item under current liabilities, which is moneys in trust. The amount for that item in the 2007-08 budget is \$658 000, and that increases in the 2008-09 budget to \$771 000 and continues in the out years. I will provide to the member for Avon, from the department, a breakdown of the moneys in that trust account, what that trust is for, and what those moneys are held for.

*[Supplementary Information No A15.]*

**The appropriation was recommended.**

[8.30 pm]