Legislative Council

Tuesday, 28 September 1993

THE DEPUTY PRESIDENT (Hon Barry House) took the Chair at 3.30 pm, and read prayers.

LOTTERIES COMMISSION AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

HOSPITALS - FREMANTLE

Laboratory Computer Systems Development Report, Tabling

The Minister for Health (Hon Peter Foss) tabled a report on an inquiry into the laboratory computer systems development at Fremantle Hospital.

[See paper No 620.]

MINISTERIAL STATEMENT - BY THE MINISTER FOR HEALTH

Fremantle Hospital, Laboratory Computer Systems Development Report

HON PETER FOSS (East Metropolitan - Minister for Health) [3.32 pm] - by leave: I refer to the report which I have tabled today by the independent investigator Mr Simon Ford, which details the findings of an inquiry I established under section 9 of the Hospitals Act, related to laboratory computer systems development at Fremantle Hospital. I established this inquiry on receiving a series of questions from Hon Cheryl Edwardes. The findings clearly identify serious deficiencies in the application and control of public moneys by Fremantle Hospital. The project was originally estimated at $36 000 but was allowed to rise to $1.3m, and now is estimated to cost over $2.1m if completed. The project was not discussed at board level. The report outlines an apparent disregard for basic management control over the use of public moneys at Fremantle Hospital over the past two years. Western Australians must at all times be assured that public funds are expended properly and are controlled in accordance with the highest standards of management. The board was unaware of the project's existence and had no formal requirements in place to require this or any such project to be considered or reported at board level.

The report shows that the chief executive initiated a project unilaterally which he estimated originally to cost $36 000 - thus not requiring the invitation of public tenders - and did not at any subsequent stage when the project expanded significantly inform the board or seek its approval; attain a formal contract with the external contractor; undertake a cost-benefit analysis of the project; introduce effective systems development or management processes; or reconsider other options or stop the project. It also shows the significant breakdown in basic controls compounded other elements of this project: The original estimate of $36 000 was grossly underestimated; proper steps were not taken to achieve the best - lowest - prices; considerable savings may have been lost by not seeking competitive quotations for purchases and in fact accepting mark-ups from the external contractor of up to 35 per cent above cost; early advice from an independent senior information technology manager that the original proposal was seriously deficient and significantly underestimated was disregarded; the project manager, who was an outside contractor, was specifically advised not to discuss the project outside the hospital, including with the Health Department; the project was allowed to continue to rise from $36 000 to above $1.3m and possibly over $2m; there was a failure in basic accounting controls; there was a lack of compliance with relevant statutory requirements and policies; and no assurance was attained that the selected contractor held relevant experience and qualifications to undertake the project.

Finally, it now appears that the project could eventually have risen to over $2m to

complete a system which the inquirer believes may be seriously lacking in acceptability, quality and performance. All this took place at a time when the board was continually raising concern over a lack of Government resources provided to the hospital for essential patient services. In addition, questions had been raised in this Parliament by Hon Cheryl Edwardes during this period raising these matters and were answered in a manner so as to divert inquiries from obtaining the truth. Despite this, no action was taken within the hospital to follow up or determine the correct situation. Given the significant breakdown in management and control at key levels of Fremantle Hospital, I will -

(1) speak with the members of the board of management urgently regarding their future role;

(2) refer this report to the Public Service Commissioner for his urgent consideration and appropriate action with regard to the findings related to the then Chief Executive, Mr David Lewis, who is a member of the Public Service Senior Executive Service;

(3) request the Acting Commissioner of Health, Mr Paul Solomon, to ensure proper management control and accountability processes are in place at Fremantle Hospital; and

(4) request the Acting Commissioner of Health to identify the value of the existing work completed to date and identify the most cost-effective future course of action for the project.

I have asked my department to investigate a number of further matters relating to management and accountability which also give me great concern. I will report to Parliament when I receive further information.

MOTION - URGENCY

Industrial Relations Legislation

Debate resumed from 23 September.

HON JOHN HALDEN (South Metropolitan) [3.37 pm]: Point (c) of the letter the subject of my urgency motion reads -

> the representative Minister's high-handed and erratic decisions about the way in which this legislation was to be dealt with in this House;

Since I moved the motion the Minister for Health, who is responsible for the legislation here, has seemingly reacted in a far different way, and, in fairness to him, the management of this legislation is now far more in accord with established procedures that have been laid down in this House. There is no need to pursue that matter, and I do not wish to make a cheap political point out of it. At the time this motion arose, the realities were that I and members of this House were not happy with the way the Minister responsible for the Bill was handling it. By way of negotiation and discussion that situation has improved markedly upon that which existed some time ago.

With regard to the debate in this House, I agree with Hon Peter Foss when he said that there is no such thing as an amendment of a Bill until the legislation has reached Committee stage. It has no effect whatsoever until somebody has moved the amendment during the Committee stage, and at that stage the amendment has some effect and is before the Chamber to be considered. One cannot in any way blame the Opposition for being suspicious in regard to this Bill. We saw in the other place the spectacle of this Bill -

Hon Peter Foss: I should tell you in fairness that I am placing on the Notice Paper all the amendments to all three Bills, and they are remarkably small.

Hon JOHN HALDEN: I thank the Minister responsible for that. As I was saying, one could not be anything but suspicious about this matter. That is not lessened to any degree by the Minister's comments. The Opposition, at least, appreciates the fact that it will see

the Government's amendments on these Bills, no matter how small they might be. In the other House two considerably important industrial Bills were not debated in the Committee stage. In addition, as the minutes were ticking away and the guillotine hung over the head of the Opposition there was the spectacle of amendments being pencilled into the Bill by the Minister with no debate whatsoever. Under those circumstances, it is not unreasonable that the Opposition should be particularly suspicious of any of that Minister's actions. I am not referring to Hon Peter Foss. However, he said that I should have a greater understanding of the democratic processes. I have quite a thorough understanding of the processes of this House and of this Parliament. What happened in the other House did not in any way highlight the democratic process. If anything, one could say that the spectacle in the other place was an absolute disgrace, contrary to the normal processes of this Parliament and had very little to do with the democratic process or principles. For those reasons the Opposition wanted to make it clear that in this place it would not accept that behaviour or those antics. I thank the Minister for his comments.

In the Press on 25 August the Minister for Industrial Relations said that in discussions with the Trades and Labor Council he was prepared to consider amending one-third of these Bills. The Minister in this place can shake his head, but I refer him to the article in *The West Australian*. I have not seen any great denial by the Minister for Labour Relations on that matter. Again, he changed from admitting that one-third of the Bills could be open for amendment to saying that five, then eight, amendments were proposed and now a small number of amendments is proposed. Bearing in mind what I have said before, amendments to this sort of controversial legislation could well diffuse a number of our concerns or, in fact, highlight our anxiety. Not to provide the Opposition in the other place with those amendments was, if nothing else, high handed and a continuation of the process we saw in the Legislative Assembly which was not appropriate for any House of Parliament.

I wait to see the amendments; we will deal with them when we see them. We still did not know what they were at the conclusion of the second reading debate on the third Bill. As I said, with legislation of this nature, it assists the Opposition to examine the amendments. At the time this motion was moved there seemed to be in this place also great haste to pursue this legislation. Our concern was that we would be trapped to the same degree as our colleagues in the other place. Obviously we would not allow that situation to occur.

Hon Peter Foss: I think they are in front of you.

Hon JOHN HALDEN: They are in front of me.

Hon N.F. Moore: I hope you do not call this "great haste".

Hon JOHN HALDEN: I must say we are debating these Bills in an appropriate way as laid down by the standing orders.

Hon Peter Foss: You have had three weeks to look at them.

Hon JOHN HALDEN: I accept that, but when this motion was moved on 16 September the intention of the Government in this place was by no means clear. However, as I said, it has been made clear by virtue of my comments in point (c) of the urgency motion. I do not wish to go into the points raised in the debate in this place; under standing orders I am sure I would run contrary to your wishes Mr Deputy President (Hon Barry House). The reality is that in putting forward this legislation, as the Minister said, unintended consequences have arisen which the Opposition has attempted to highlight. I hope the Minister's amendments will allay some of our concerns. Those unintended consequences have related to youth, women and the disabled and issues concerning occupational health and safety and the array of minimum conditions which appear in the Minimum Conditions of Employment Bill and their impact on the most vulnerable group of workers in our society. Added to that is the most unbelievable situation where a set of minimum conditions is laid down in the Minimum Conditions of Employment Bill, but from which the Minister, by regulation, can exclude a person or group of workers. As this motion states, the Opposition believes they are some of the unintended consequences.

We hope the amendments before us will deal with some of those matters. If not we will vigorously debate those amendments as well as the rest of the clauses during Committee and attempt to point out to the Government yet again that, as the Minister has said, this Bill has an array of unintended consequences. I do not believe many members opposite will be happy with some of those consequences. Although I understand it, I do not accept the philosophical commitment of Government members. Some of the unintended consequences the Opposition sees in this Bill would be far and above what even the Government would see as being reasonable. The whole point of this urgency motion has been to try to point out to the Government that the Minister's comments were justified. These Bills have a range of problems. A classic is that the handling of the industrial relations legislation in the other place, not necessarily in here by this Minister of late, has highlighted the problems this legislation can create for people. I thank the Minister in this place for his cooperation. When I and others view the amendments we will be pleasantly surprised that perhaps the Government has reassessed these Bills and taken a far more reasonable position on them. If that is not the case, we are in for some rigorous and long debate during Committee. I do not wish to waste the time of the House unnecessarily, except to say that these pieces of legislation attack the very principles in which we on this side of the House believe and which are, to many of us, a way of life. To treat us with disdain by disregarding our values and belief system is most inappropriate. That situation has improved in this House but, as I said before, we wait to see the amendments which are on the Notice Paper. I hope the debate will not be as long as it might by virtue of some sensible amendments. I understand the requirements regarding this motion, and I therefore seek leave of the House to withdraw the motion standing in my name.

Motion, by leave, withdrawn.

MOTION - SELECT COMMITTEE APPOINTMENT

Waste Minimisation, Waste Storage and Disposal

Debate resumed from 14 September.

HON SAM PIANTADOSI (North Metropolitan) [3.50 pm]: I found an interesting article in the *Free China Review*, which is a magazine that I receive from Taiwan every month. It is interesting, because at the time we are debating waste minimisation in this State, one of the major features in the magazine was an article on the problems that Taiwan is facing with garbage disposal; it is a massive problem. On the last occasion I spoke, I referred to the pollution of our ground water. That issue was a significant feature of the article in that magazine. The headline states "Water supply in peril". Apparently, because of the dumping taking place - many industries have alarming freedom to do that in Taiwan - Taiwan is suffering a massive problem not only with a shortage of water but also because the water it has left is polluted. For the benefit of the House, I will read the article, which states -

> In the pursuit of economic prosperity, Taiwan has recklessly exploited its water resources. Increasingly, this long-term abuse is producing a bottleneck for further economic development. The severity of the problem surfaced in mid-April in the southern county of Kaohsiung. The nineteen plants at the Linyuan petrochemical industrial zone, including the third naphtha cracker of the state-run Chinese Petroleum Corp., were forced to either close or scale down their operations because of excessive salinity in their water supply.

The massive amount of pumping of the underground resource without replenishment has caused the ground water level to drop below sea level. Salinity is encroaching on fresh water supplies so that that water has been rendered unusable, especially by industry. Therefore, not only is it causing environmental problems in Taiwan, but also the industries which make Taiwan so prosperous have been forced to scale down their operations or to close down completely. Most of the rivers have become polluted for a number of reasons. Hog farming, for instance, is causing the same problems it causes in the upper reaches of the Murray River. The nutrients from that industry feeding into the Murray River are polluting the Peel Inlet. We discussed that issue at some length in this

House. I remember that Hon Jim Scott had quite a bit to say about it some weeks ago. Extensive duck farming in Taiwan has also compounded the problem.

Apparently the matter has been brought to a head by extremely poor rainfalls this year. The rivers are not flowing as quickly as they should. Normally, they would dilute the sea water that has now encroached on the fresh water levels because that level has fallen so low. Again, that is not unlike our situation with the Peel Inlet following the damming of the Serpentine River. Dredging the river beds for metals and stones has also compounded the problem in Taiwan. Taiwan has suffered such severe water shortages that the authorities have now clamped down and applied water restrictions which are not unusual in this country and other western countries, but are foreign in that country.

Private pumping of ground water has also led to its dropping to worrying levels. Again, unless it is replenished, the problem will become more severe. Hon Derrick Tomlinson may be interested to know that, some years ago, I alerted the former Court Government to problems with the Swan liquid waste dump in East Metropolitan Region. The ground water was being removed to such an extent that it created a vacuum effect so that the liquid waste was filtering into the ground water. Apparently that problem is being experienced in Taiwan now because the ground water is not being replenished. One of the major problems being experienced in Taiwan from the reduced ground water levels is that land has subsided and buildings have fallen over.

Many articles have appeared in newspapers over the years relating to the problems in Western Australia. An article in *The West Australian* on Tuesday, 21 May 1991 was headed "Scandalous tale of neglect". It refers not to Taiwan but to our own Swan River and its problems. Another headline in *The West Australian* on the following day referred to Swan River Trust officials inspecting debris floating in the Swan River. This is happening on our doorstep. A further headline states "Our sick river" and refers to the rescue of the Swan. The article on that day indicated the steps that should be taken to prevent further deterioration. It stated -

> The State Government, with the help of the Commonwealth, must immediately commit itself to a program to overcome the backlog of unsewered suburbs.
>
> Finance must be provided for urgent research into the conditions that are likely to increase algae growth in the Swan River.
>
> Councils in the catchment area must reduce unnecessary fertilising and watering of parks, gardens and sports ovals.
>
> The public must be encouraged to become more involved in the planning and management of the river environment.
>
> Stricter controls must be imposed on industries setting up on the Swan and Avon rivers and their tributaries.
>
> Farmers in these areas must be educated to reduce fertiliser runoff into rivers and streams.
>
> Penalties for illegal dumping of toxic wastes in metropolitan drains and gully traps must be increased.
>
> A comprehensive program must be undertaken to tell the public about the dangers to the river system and how to overcome them.

Hon Derrick Tomlinson: What is the date of that article?

Hon SAM PIANTADOSI: The date was 22 May 1991. Again, it points to the drain with which most members are familiar; that is, Hon Derrick Tomlinson's infamous Bayswater drain.

Hon Derrick Tomlinson: I am very familiar with the infamous drains in my electorate.

Hon SAM PIANTADOSI: If one wanted to score points against Hon Derrick Tomlinson one could say that most of the pollution in the Swan River comes from his electorate.

Hon Derrick Tomlinson: It does.

Hon SAM PIANTADOSI: The Midland waste dump is situated on the Swan River, as is the Bayswater dump. Some time ago the Burswood dump was also situated on the river. In the South Metropolitan Region there was a dump on the South Perth foreshore. In an area between 10 and 12 kilometres there were five or six landfill sites on the shores of the Swan River.

Hon Derrick Tomlinson: Leaching directly into the river.

Hon SAM PIANTADOSI: Yes. The reason for the massive problem around Bayswater is that the drainage pollution was compounded by the leaching from the Bayswater tip, and not far away were the problems created by Cresco Home Garden Fertilisers.

Hon Derrick Tomlinson interjected.

Hon SAM PIANTADOSI: That was situated in the North Metropolitan Region, so the blame can be shared. In the early 1950s that industry dumped PCBs in the area. In the past the decision makers let us down badly in a number of areas with regard to the legacy of pollution of the Swan River we have inherited. During the 1950s as many people used the river beaches as used the coastal beaches. I recall the beaches that were used on the strip from Crawley to Peppermint Grove, and those on the Como and South Perth strip. We also used to swim in the area alongside the Bunbury bridge, close to the State Energy Commission works. It may be that in my younger days I was affected by some of the PCBs then being dumped in the river.

Hon Derrick Tomlinson: No doubt at all.

Hon SAM PIANTADOSI: Does the member support the view that I have been affected?

Hon N.F. Moore: You probably glow in the dark!

Hon SAM PIANTADOSI: One never knows. In those days we were not alerted to the dangers, and now is the time to repair some of the damage. Hon Doug Wenn has moved that a select committee be appointed to inquire into these matters. Mistakes were certainly made in the past. I recall what happened two years ago when a tyre dump caught fire and pollution leached into the nearby streams. That pollution travelled some distance and created considerable damage. A series of stories appeared in the newspaper on 21, 22 and 23 May 1991. The heading in the newspaper of 23 May is one to which we should all look forward, "Grand vision for a people's river". Members may be aware that the number of people using the river throughout summer and winter is enormous. At this stage, even though by normal standards the river is polluted to a degree, we are fortunate that Western Australians can still use the river for a number of activities, including fishing in certain areas. However, unless we correct the problems that have been created, it may well be that future generations will not be able to either swim or fish in the river. Most members will recall that 20-odd years ago sharks were sighted near the Guildford Road bridge. There is still a lot of good fishing for bream in the river in certain areas. It sounds as though I am going through an exercise for the East Metropolitan Region! Netting used to be a favourite pastime in the river for bream and mullet.

Hon Derrick Tomlinson: I was one of them.

Hon SAM PIANTADOSI: Was the member taking advantage of the situation - illegally fishing?

Hon Derrick Tomlinson: Netting was not legal; I used a line to fish.

Hon SAM PIANTADOSI: Does the member mean a number of lines tied together to make a net?

Hon Derrick Tomlinson: No, just one hand line.

Hon SAM PIANTADOSI: A number of people were able to step out of their backyards and enjoy fishing in the river. Now they must be very wary because of the heavy metal and other pollution leaching into the river, caused by offenders in the Bayswater industrial area.

Hon Derrick Tomlinson interjected.

Hon SAM PIANTADOSI: I refer to Simsmetal Limited, and Krasnostein before that, which used to directly dump the acid from batteries into the drain which passed not far from its property in Clavering Road. I must question one of my uncles who worked for Krasnostein to find out whether he was a culprit in any way and was aware of any pollution going on while working for that company.

Hon Derrick Tomlinson: He was simply doing his job.

Hon SAM PIANTADOSI: I must question his ethics. Now that he is no longer working for that company, he may be able to tell some tales and shed more light on the subject. We will canvass that area. Many small industries through the late 1950s and early 1960s were based in that area, and also near the Claisebrook drain. At one time ACI Fibreglass and other big industries were also based in the area.

The Mindarie tip proposal was a joint facility to be utilised by the local authorities of Stirling, Wanneroo and Perth for dumping. It was to be sited on top of underground water streams, and it was good to see that after pressure was applied by a number of people and residents, those local authorities saw fit to line the tip. I urged the councils to take that action and I was pleased that they eventually decided to do so to ensure that if any spillage occurred it would have a minimum effect on the ground water.

One of the most important factors involved, which I think the Minister for Water Resources will be looking into very shortly, is the number of private bores, the amount of water they draw, and the restrictions that should be applied. Already the Water Authority of Western Australia has reduced the number of kilolitres of excess water we are allowed each year. I will not say that was done just as a revenue increasing stunt by the Government. I guess that a commodity that is free is always subject to a certain amount of abuse. In the metropolitan area, two out of three households may have backyard bores that are all drawing water from underground, so it is not just the treatment plants that are doing so.

If it is thought that the supply will not dry up, it might be well to recall what happened some 12 years ago in Jandakot. When the Jandakot ground water treatment plant started up, it drew water from the Jandakot mound and many bores dried up because they were shallow. Once the shallow water dried up, people had to bore down 50 or 60 feet to get their bores active again. Levels dropped because of the amount of water being pumped out. Unless we replenish the ground water, we will have problems. We must replace what we take out. In Western Australia's fragile environment, it would be disastrous if levels fell below sea level. We can imagine what would happen to the coastal plain, as its environment is already dry. If our ground water were to become saline, what would be the cost? It has also been discovered that reservoirs have only a very short life span. It has been estimated that some reservoirs have up to 50 years of life, depending on the amount of silting that takes place, so even reservoirs are not the answer. One needs to have balance. Should our ground water problem become similar to that of Taiwan, with its massive misuse of its water resource, the cost would be much greater than the cost of solutions now. Even Ernie Bridge's proposal to pump to Perth water from the north that is lost to the ocean every year would be cheaper than letting the problem escalate.

We need to consider such aspects as the fact that Western Australia is not graced with huge mountains that can provide large storage facilities. We are very restricted in what we can utilise as reservoirs. We need to consider what damming the Serpentine has done to the electorate of the Deputy President (Hon Barry House) and to the Peel Inlet. The damming has meant that the river can no longer do its job of flushing as effectively, so we have had to spend money to build the Dawesville Cut to bring back the balance. But we created the problem in the first instance; it had not previously been a problem. Pig farming and leaching of nutrients have also created problems in the area as not enough attention has been paid to our environment.

Hon Derrick Tomlinson: Didn't the environmental study a few years ago show that fertilisers applied to farming areas are significantly responsible for pollution of the Murray?

Hon SAM PIANTADOSI: Yes.

Hon Derrick Tomlinson: That included pig farming.

Hon SAM PIANTADOSI: Hon Derrick Tomlinson might recall that Hon Jim Scott touched on this matter at some length. Questions were asked at the time about the length of time it took the Environmental Protection Authority officials to take action once they found that certain farmers had violated the environmental guidelines applicable. I think it took them something like 10 years to take action. I do not know the answer. Perhaps Hon Jim Scott has found out the answer. He may be in a position to enlighten us as to what did happen. Here was a major problem, yet it took 10 years before any action was taken to correct the balance.

Hon W.N. Stretch: There would have been some red faces about that.

Hon SAM PIANTADOSI: There would have been. Mr Stretch may recall that this issue was discussed by Hon Colin Bell, a former member, and me some years back. We looked at what was creating the problem and found that it was nutrient levels. The decision was made that only low grade fertilisers should be used within one kilometre of the river boundaries as a mechanism to try to restrict leaching into the Murray. That has had some effect, but if we could stop using nutrients altogether in that area, the river system in the Peel Inlet would have a much better chance to clean itself. A combination of factors led to the problem. It was not any single factor that led to the problem. As I said, when the Serpentine was blocked, flushing was ineffective. We have had to create the Dawesville Cut to try to clear up the problem. I ask members to excuse me while I read a note just passed to me.

Hon Max Evans: Read it out for *Hansard*.

Hon SAM PIANTADOSI: It reads -

> Mention "Red Mud" as a possible solution to the Peel-Harvey Inlet!! A light on the hill for the future to correct past mistakes.

Hon W.N. Stretch: The light on the hill was red mud.

Hon SAM PIANTADOSI: I do not know whether past mistakes get rectified. I could see some people continuing along that road. I certainly hope we have changed and can go beyond that.

Hon Derrick Tomlinson: Some farmers are already using red mud in the Murray area.

Hon SAM PIANTADOSI: Many steps have been taken, including harvesting the green algae growth that was there. It needs to be flushed out, because it can be harvested one day and two or three weeks later there is another outbreak. It can be a costly exercise.

Hon Doug Wenn took into consideration areas of his electorate. In the south west their exists one of the largest water mounds into which the State can tap. Hon Doug Wenn said that, despite that, there were something like 130 waste dumps, landfill sites, throughout that catchment area. What damage could that do to that resource that one day we might have to tap into? There are other problems with our continuing to tap into ground water. Every summer we have problems, especially in the northern suburbs. Demand is not met when there is a very hot spell. Untreated water sometimes gets put into the system and many residents complain that they get a very high whiff of chlorine. Very shortly, the Minister for Water Resources, Paul Omodei, will have to consider very seriously the establishment of another water treatment plant towards Mindarie to meet the needs. Currently, there are treatment plants at Gwelup, Mirrabooka and Wanneroo, but there are not enough. Some water is stored in reservoirs during the off peak period, but it is not enough to meet the demand during a very hot period. Many members on the Government benches would know that I am familiar with this subject. Also, many older members would be fully aware that ground water, wetlands and the treatment of sewage are matters with which I have been closely associated for many years. I have knowledge of this matter and I have expressed concerns when relevant issues have been raised.

We now have an opportunity to make the right decisions for the future. We must plan

with the available technology to make great inroads into the problems. In that way, people in the future will not reflect in critical terms on what we are doing now. Future generations may look at this period as one in which we tried to rectify the problems. I urge the Government to support the motion.

Debate adjourned, on motion by Hon George Cash (Leader of the House).

MOTION - RETROSPECTIVE LEGISLATION AVOIDANCE

HON N.D. GRIFFITHS (East Metropolitan) [4.22 pm]: I move -

(1) That this House opposes in principle the introduction of retrospective legislation unless it is required to overcome an error on the part of Parliament itself.

(2) This House considers retrospective legislation that affects the rights of private parties in civil and criminal litigation to be a misuse of the powers of the Parliament.

(3) That the terms of this resolution be conveyed to the Legislative Assembly.

Retrospective legislation changes the rules after events which are subjects to those rules have taken place. Retrospective legislation can make wrong that which was right, inhibit planning, and provide uncertainty in planning; it is contrary to the spirit of Magna Carta and the Bill of Rights.

Good government generally avoids retrospective legislation, unless it is required to overcome an error on the part of Parliament itself. By contrast, bad government does not avoid retrospective legislation. It is not reasonable for a Government to behave badly because it won an election or because it is of the view that another Government behaved badly. These arguments to justify the bad behaviour of Governments have been used since this Parliament opened. However, they are arguments without substance and are based on the false premise that two wrongs make a right or, to put it another way, that one fault excuses another.

This motion has immediate relevance because of measures being considered by the Government. These measures disclose a tendency to exercise power unrestrained by reason as, by nature, they are harsh and unduly severe. In the course of speaking in support of my motion I shall deal with two measures which, by way of exclusion, are not measures designed to overcome an error on the part of Parliament itself or to do with criminal litigation. I trust that no member of this House would at any time go along with a law that offended Dicey's first proposal in his classic exposition of the rule of law; namely -

> No person is punishable except for a breach of law established in the ordinary legal manner. In accordance with this proposition a person should be able to know in advance whether a proposed cause of action will be lawful or unlawful. Accordingly, it is desirable that unlawfulness should be defined precisely and should not depend on variables e.g. the opinion of Government officers.

The measures to which I refer affect the rights of private parties in civil litigation. To put these measures into legislation in the manner proposed by the Government would be a misuse of the powers of the Parliament. The first of these measures is contained in a media release dated 29 June 1993 - I suspect that some members will be familiar with this release - which reads -

> Mr Court said the Government had also agreed to an SGIC proposal to limit general damages claims for pain and suffering by applying a $15 000 threshold and $200 000 cap on claims arising from accidents occurring from July 1.
>
> Awards of up to $40 000 would be reduced by $15 000. The reduction would be scaled-down for awards between $40 000 and $55 000. There would be no reduction to awards over $55 000.
>
> An upper limit of $200 000 would be set for claims for pain and suffering.

Claims for past and future economic loss and medical expenses would not be affected.

No legislation dealing with this proposal has been presented to the Legislative Council. The arbitrariness of this Government is evident in the proposal. In fact, the proposal was first raised in this House when the Minister for Finance provided an answer to question on notice 244 asked by Hon Mark Nevill. This question is contained on page 1610 and 1611 of *Hansard*. The relevant part involved the member asking the Minister to provide information relating to each State and Territory about damages thresholds. He also asked whether Commonwealth claims would be allowable. The Minister for Finance's answer indicated that he was adopting the wording of the press release.

On 8 July 1993 I referred the matter to the Minister, the reference to which can be found on page 1421 of *Hansard* in question without notice 162.

[Debate adjourned, pursuant to Standing Order No 195.]

TAXATION LEGISLATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [4.30 pm]: I move -

That the Bill be now read a second time.

The purpose of the Taxation Legislation Amendment Bill is to introduce a new scale of rates for land tax and a new rate of metropolitan region improvement tax to apply from the 1993-94 year of assessment. Although the Bill's provisions are very simple, I am sure that it will be of great interest to all landowners in Western Australia who pay land tax. It complements the Acts Amendment (Annual Valuations and Land Tax) Bill which was recently presented to this House. The Bill requires all unimproved valuations in the State to be updated by the Valuer General at a common date - annually, if possible.

Members may recall that, in explaining that Bill, I indicated that the deficiencies and inequities in the current land tax scheme required a twofold solution: Firstly, all valuations for land tax purposes should be determined at a common date; and, secondly, once all valuations had been updated, the land tax rates scale should be revised to take account of the change in the valuation base. I wish to emphasise that these measures are being introduced for the sole purpose of making the land tax system fairer and more manageable. In recent years, increases in assessments got out of hand and the legislation provided little opportunity to bring the position into order. The provisions of the Bill which was earlier introduced and of this Bill, will restore order. A land tax scheme will be established under which tax rates can be reviewed on each occasion on which a comprehensive Statewide revaluation is conducted by the Valuer General.

Looking firstly to the amendments proposed to the Land Tax Act, it should be understood that the new scale of rates proposed in this Bill is not intended to provide additional revenue for the Government. On the contrary, the application of the rates to valuations which have been updated by the Valuer General for 1993-94 should result in a reduction of about $1m in land tax raised by comparison with 1992-93; land tax collections in 1993-94 are expected to be over $5m less than the $128.5m collected in 1992-93. If the new valuations were to be introduced without any change to the land tax rates scale, land tax raised would total over $205m. This would be a very substantial increase above the $125m raised in 1992-93.

Although the small reduction in land tax revenue will translate into a reduction in the majority of land tax assessments, there will unfortunately be some whose assessments will increase. A major disadvantage of the current land tax arrangements is that new valuations have been introduced each year for only a portion of the State. The revaluation cycle has meant that only one-quarter to one-third of valuations in the

metropolitan area were updated each year. In country areas the cycle has been spread over an even longer period. This first occasion on which all valuations have been brought up to date at a common date will ensure that for the first time taxpayers with properties of the same value will be assured of paying the same amount of land tax. However, those taxpayers whose previous valuation is particularly old are more likely to receive an increase in their assessment than someone whose previous valuation is of a recent vintage. For instance, in the metropolitan area a good many of the valuations in force went back to 1988. In country districts some went back about 10 years. Although it would be nice to be able to design a uniform land tax rates scale which produces the same rate of change in all assessments irrespective of the degree of change in individual valuations, that is, of course, a mathematical impossibility. Moreover, the fact is that landowners whose values have not been increased for a number of years have received the benefit of the lower valuations during that time. Although these owners may not have appreciated the position, they have been advantaged by comparison with those whose assessments were based on values which were more recently updated.

Nevertheless, I am pleased to say that the proposed new scale should be satisfactory to most people. It represents the result of a good deal of work involving, as it did, the modelling of nearly 70 different scales. I do not believe that we could have produced a fairer result. Of course, in future years there will be no catch-up valuations. The playing field will be perfectly level. Some of the features of the new land tax scale are that 96 000 landowners, or 80 per cent of all taxpayers, will receive a 1993-94 land tax assessment which is lower than in 1992-93; landowners with taxable land valued at $10 000 or less will not be subject to land tax - the current threshold is $5 000; the scale is simpler as it involves only eight marginal rates compared with 10 in the current scale; the number of landowners who will be liable for land tax in 1993-94 will be approximately the same as last year; and, although the top marginal rate of 2¢ remains unaltered, it will apply to only that portion of a valuation which exceeds $1m - a substantial increase on the $150 000 above which the top rate currently applies. The introduction of the new scale reflects the Government's desire to minimise increases in tax bills resulting from the introduction of annual valuations. A similar goal underlies the proposed changes to the metropolitan region improvement tax rate.

The Bill proposes replacing the present metropolitan region improvement tax rate of 0.225¢ with a rate of 0.15¢ as from 1993-94. As was the case for the land tax rates scale, the rate for the metropolitan region improvement tax is to be substantially reduced to compensate for the large increase in the valuation base as a consequence of bringing all values to a common date of valuation as at 30 June 1993. Metropolitan region improvement tax, which is included in the assessments as are issued for land tax, applies to all land situated in the metropolitan region which is liable to land tax. Amounts raised from this tax must be paid into the metropolitan region improvement fund established under the Metropolitan Region Town Planning Scheme Act. The fund may be applied to expenditure incurred in carrying out or giving effect to the metropolitan region scheme including the acquisition, development, maintenance and management of property for this purpose. If the current rate were to remain unchanged, with the introduction of new values for the entire metropolitan region in 1993-94, the amount raised from this tax would increase by about 50 per cent over the 1992-93 figure. The proposed new rate of 0.15¢ will raise approximately the same as the $17.7m which was raised in 1992-93. Taken together, I believe this Bill and the Acts Amendment (Annual Valuations and Land Tax) Bill put in place an efficient and equitable land tax regime which addresses the long term problems posed by the previous tax regime. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Debate resumed from 23 September.

HON N.D. GRIFFITHS (East Metropolitan) [4.37 pm]: When we adjourned on

Thursday I was dealing with section 44 of the Industrial Relations Act. On behalf of the employees of Western Australia I was lamenting the fact that they would not be able to avail themselves of the benefits of the efficient machinery of that section if they found themselves in workplace agreements. I had referred the House to the fact that section 44 of the Industrial Relations Act had within it provisions which were instrumental in minimising the incidence of industrial disputes in Western Australia. Of course, they were only a factor in minimisation in Western Australia. For the record I point out that we have experienced a record low level of disputation in Western Australia primarily because of the cooperation of the trade union movement and the Labor Governments, both Western Australian and Federal. The Industrial Relations Commission will no longer deal with industrial matters of the employees who are unfortunate enough to engage in workplace agreements. It is appropriate that the House consider just what is involved in an industrial matter so that those employees in Western Australia who find themselves in workplace agreements will realise that the Industrial Relations Commission will no longer be interested in these matters.

The definition of an industrial matter as outlined in section 7(1) of the Industrial Relations Act 1979 is -

> . . . any matter affecting or relating to the work, privileges, rights, or duties, of employers or employees in any industry or of any employer or employee therein and, without limiting the generality of that meaning, includes any matter relating to -
>
> (a) the wages, salaries, allowances, or other remuneration of employees or the prices to be paid in respect of their employment;
>
> (b) the hours of employment, leave of absence, sex, age, qualification, or status of employees and the mode, terms, and conditions of employment including conditions which are to take effect after the termination of employment;
>
> (c) the employment of children or young persons, or of any person or class of persons, in any industry, or the dismissal of or refusal to employ any person or class of persons therein;
>
> (d) any established custom or usage of any industry . . .
>
> (e) the privileges, rights, or duties of any organization or association or any officer or member thereof in or in respect of any industry;
>
> (f) in respect of apprentices or industrial trainees -
>
> (i) their wage rates; and
>
> (ii) subject to the *Industrial Training Act 1975* -
>
> (I) their other conditions of employment; and
>
> (II) the rights, duties, and liabilities of the parties to any agreement of apprenticeship or industrial training agreement;

All of those matters will be lost to those employees in so far as those matters come within the jurisdiction of the Industrial Relations Commission. The workplace agreements regime contains minimum safeguards which are based on a very optimistic view of human nature - that is, if one gives the Government any bona fides - that the employee and employer have equality in bargaining. We on this side of the House view that as a fantasy. Regrettably the truth is that this Bill and the other Bills which are the Government's industrial relations package are based on a view of humanity which is not so much optimistic but which downgrades humanity.

From my reading of the Government's industrial relations package, particularly this Bill, the Government treats human beings as commodities. Apart from the matters of detail in the Minister's second reading speech that have been dealt with to date, and which will be dealt with during the Committee stage, I am fundamentally opposed to this Bill because it

is not appropriate that people treat other people in the same way they treat bananas, bicycles or cars. People are special and unique. Human beings are not commodities. They cannot be looked at purely in terms of price. People are above value. People deserve to be valued but they are not being valued in so far as they are employees in Western Australia if cognisance is taken of this Bill. I regret that the Minister's second reading speech evidenced a tendency - if one accepts the speech as reflecting his views - not to see people as being something special. The Minister stated in the second reading speech that the commission would be denied jurisdictional authority to flow on conditions contained in a workplace agreement to other employees of other employers or of other employees of the same employer who were not parties to a workplace agreement. The Minister said that this was a critical reform designed to release employers and employees from the fetters of what has become known as comparative wage justice or flow on and to allow parties to address their own specific needs. Those words contain no sense of fairness or equity. The Minister then went on to say that section 114 of the Industrial Relations Act would not apply where a workplace agreement was in place. Section 114 states -

> (1) Subject to this Act, a person shall not be freed or discharged from any liability or penalty or from the obligation of any award, industrial agreement or order of the Commission by reason of any contract made or entered into by him or on his behalf, and every contract, in so far as it purports to annul or vary such award, industrial agreement or order of the Commission, shall, to that extent, be null and void without prejudice to the other provisions of the contract which shall be deemed to be severable from any provisions hereby annulled.
>
> (2) Each employee shall be entitled to be paid by his employer in accordance with any award, industrial agreement or order of the Commission binding on his employer and applicable to him and to the work performed, notwithstanding any contract or pretended contract to the contrary, and the employee may recover as wages the amount to which he is hereby declared entitled in any court of competent jurisdiction . . .

The removal of that clause is crucial to the intended operation of the Bill. The Minister in his second reading speech said that parties to the agreement may submit questions or disputes about the meaning or effect of the agreement to the commission for determination, but the commission would not be able to exercise any of its other powers on such matters. The Industrial Relations Commission will be toothless when it comes to workplace agreements, and that is clearly the intention of the Government, which is intent on setting up an alternative regime of industrial relations to the operations of the Industrial Relations Commission.

In the second reading speech the Minister said that employees whose workplace agreements so provided may seek reinstatement in relation to a claim of unfair, harsh or oppressive dismissal through the WA Industrial Relations Commission. "Employees whose workplace agreements so provides" is a fascinating phrase, so there is no minimum condition. No minimum condition is contained within the Minimum Conditions of Employment Bill for an employee to have access to the Industrial Relations Commission to seek reinstatement after unfair dismissal. I urge the Government to reconsider its stance, in particular to this provision and to the Minimum Conditions of Employment Bill.

Clause 7 seeks to insert proposed new section 23A, and subsection (4) may be considered by many to be unfair in its restrictions. I ask the Government to give some consideration to that.

Under clause 10, proposed section 29(2) of the principal Act relates to a limitation period for a referral by an employee. That clause may be considered by many to be unreasonable, and I ask the Government to give some consideration to that before the Bill reaches the Committee stage. Many factors concern me about this Bill. The Minister in his second reading speech says -

> Where the commission provides an interpretation or deals with an unfair dismissal case or parties to a workplace agreement, a fee for service may be payable to the commission. Regulations will be drafted to provide for the practice and procedure to be adopted and the amount and method of calculating fees.

This is an emasculating provision. It has the potential to make the commission even less accessible to those who unfortunately find themselves in inappropriate workplace agreements. As a general rule it is rare in a society such as ours to have a user pays system where matters are in dispute. It is true that occurs in private arbitration; however, where people have access to the courts it is not a matter of user pays or anything like that. I ask the Government to give some further consideration to the operation of that proposal. The Minister's speech continues -

> The Government has been at pains in this reform process to provide an alternative system which will allow the parties to negotiate directly and resolve disputes with an absolute minimum of external involvement by third parties. Clearly, on the basis of that principle, it is our intention that the Industrial Relations Commission should not be able to exercise its general powers in relation to workplace agreements. That is the purpose of the amendments to the Industrial Relations Act that I have outlined.

I agree that seems very much the purpose of the amendments to which I have referred in my speech, and certainly the amendments to which the Minister referred in his second reading speech up to that point. I point out that this is a matter of principle. I disagree with the principle that the Government is putting forward, and to which the Minister refers under the heading in his speech "Opting out of the system". There seems to be some concern that unions will remain with the State system and not move to the Federal system because the Minister stated -

> Any such move would be a loud and clear denial of that union's supposed concern about the best interests of the State.

With respect to the Minister, that is a very arrogant statement. I trust that it does not reflect the Minister's state of mind. I accept that these speeches are often written for Ministers by others; however, I wonder just what the writer of this speech had in mind. Is the Government going to have some form of loyalty test down the track? The Minister's speech continues -

> The State commission has demonstrated that it can deal speedily with disputes and that it has specialised knowledge which it can bring to bear on a local or State based dispute.

That is a fair comment. Why then does the Government propose to emasculate the commission in the way that this Bill will? The Bill contains a number of clauses which I suggest are heinous. In dealing with the terms of the Bill I think the Minister states with accuracy -

> This Bill will provide the Minister with the power to suspend wholly or partially the State award of any employees bound by a Federal award. During such time as that suspension order is in force, the State commission will be denied authority to make an award in respect of those employees.

That is the stated effect of clause 11 of the Bill, which seeks to introduce a new section 37A. I disagree with what the clause proposes to do in detail. I note that it permits the Minister to suspend, but no time period is given for suspension. If this is the sort of scheme that is to be put in place, the Government may consider that a suspension should carry on forever and a day. We had a wages freeze many years ago; perhaps that clause is proposing an awards freeze. I do not agree with the philosophy behind this Bill. Some areas of it can be improved so that from my point of view life can be made a bit more reasonable for people living in Western Australia. I hope the Government will at least give some consideration to what the Opposition says. The Minister's second reading speech engages in rhetoric about the advantages of the State industrial relations system as it is now; so why the nastiness contained in this Bill and the two previous industrial

relations Bills with which the House has dealt? The Minister's second reading speech further states -

> Any union and any employees will need to consider carefully before deciding to abandon it. The system will no longer tolerate these games of jurisdictional hopscotch without accountability.

That is a very arrogant statement; I trust that the Minister is not the author of it. I would give the author of it zero out of 10 if I were a schoolmaster.

[Questions without notice taken.]

MINISTERIAL STATEMENT - BY THE MINISTER FOR MINES

Mining Application for Shell Beach, Carnarvon - Leave Denied

Hon George Cash (Minister for Mines) sought leave to make a statement relating to questions without notice 493 and 498 asked by Hon Tom Stephens.

Leave denied.

MINISTERIAL STATEMENT - BY THE MINISTER FOR LANDS

Strelley Group of Pastoral Leases

HON GEORGE CASH (North Metropolitan - Minister for Lands) [5.36 pm] - by leave: Members will be aware that earlier this year there was substantial press comment about the following pastoral stations: Strelley, Carlindie, Lalla Rookh, Coongan and Callawa. Following that media comment, but not specifically because of it, the Pastoral Board was required by me to make an inspection of the properties and then report to me. I later invited an independent person with pastoral experience to visit the stations to assess the situation and offer advice to me on what might be done in my capacity as Minister for Lands.

First, I should remind the House that when we discuss these stations there are two elements involved, one being the pastoral leases and the other the living areas within certain of the stations, particularly Strelley, Carlindie and Lalla Rookh. I will deal with these in a moment.

The inspections of pastoral leases have been completed, as I have advised the House. I have decided in respect of Strelley, Carlindie and Lalla Rookh that the three leases in common ownership should be amalgamated into one composite pastoral unit, as required under section 98(10)(a) of the Land Act. I have also required that the lessees submit a management plan for the total area of the combined leases by 31 January 1994, and that this must be implemented progressively to the satisfaction of the Pastoral Board and completed within three years. A part of that requirement will be the inclusion of a timetable for the various stages of development and/or infrastructure and rehabilitative measures during the three years, and also that the necessary infrastructure is provided and/or refurbished so that the pastoral business is re-established by the end of the three years.

In respect of Coongan station, the lessee and/or Strelley Pastoral Pty Ltd are to submit a management plan by 31 January 1994. This plan must be implemented progressively to the satisfaction of the Pastoral Board so that it is completed within three years, and also must include a timetable for the various stages of development and/or infrastructure and rehabilitative measures for the three year period, and also that the necessary infrastructure be provided and/or refurbished, so that a pastoral business is established by the end of the three years.

Callawa station has been determined to be a non-viable lease, and the lessee has been invited to surrender the lease with an alternative form of tenure to be considered and possibly granted, either by way of the creation of a reserve with appropriate vesting or by way of a special lease under section 116 of the Land Act. In either case, provision will be made for the access road through the lease to remain open.

The living areas comprise the following four special leases: Lease 3116/9217, which is within Strelley; lease 3116/9220, which is within Carlindie; lease 3116/9219, which is within Lalla Rookh; and 3116/9218, also within Lalla Rookh. As I indicated earlier, these living areas comprise relatively small areas of land. The first, on Strelley, is 2 211 ha; the second, on Carlindie, is 50 ha; the third, on Lalla Rookh, is 280 ha; and the fourth, also on Lalla Rookh but near the Coonterunah Pool, comprises 17 ha.

Hon Tom Helm: Are they the homesteads?

Hon GEORGE CASH: Yes. I have determined that it would not be feasible to forfeit these properties. However, I have spoken to representatives from the Strelley group and determined that fresh leases should be drawn up with strict compliance provisions and a more tightly defined purpose stipulated for each of the lease holdings. It is intended that the lease areas should be regularly reviewed to ensure that the provisions of the new leases are complied with, and also the inspections will ensure that the conditions are not permitted to deteriorate to the state the lease holdings are now in.

There will be some in the community who will find it convenient to criticise me for not forfeiting, first, the pastoral lessees and, secondly, the Aboriginal living areas. However, I should firstly point out it is important to distinguish between the two separate leases on the various properties. With respect to pastoral leases, members will no doubt be aware that a number of the pastoral properties under consideration have just passed through the BTEC program. Although the pastures in some areas are in reasonable condition, a significant amount of infrastructure is in need of repair and refurbishment. That, in itself, is not sufficient to warrant forfeiting the leases. The Aboriginal housing areas or the special leases are those areas on which the media has concentrated and on which photographs have generally been shown in various publications. They depict houses and other outbuildings which have been vandalised. It would be impractical to forfeit those living areas as, no doubt, in due course they will become part of the pastoral lease anyway. It is also proper that more tightly defined conditions be imposed on those areas. It is my understanding that the Aboriginal and Torres Strait Islander Commission, which it is said has provided much of the funding for buildings on the special leases within the pastoral leases, is about to conduct an investigation into the money provided by ATSIC over a period which has been spent on those Aboriginal living areas. I repeat there is clearly a need to distinguish between the special and pastoral leases when commenting on the future of these leases.

Hon Tom Helm: Will the Minister identify and table those documents?

Hon GEORGE CASH: The documents from which I have read are confidential within the department and the ministerial office. I therefore decline to table them.

Hon Tom Helm: I do not understand why they are confidential, as the Minister has read from them. Perhaps the Minister will explain the importance of their confidentiality. What do standing orders say on the matter?

Hon GEORGE CASH: Standing orders provide that if I determine them to be confidential, they are. I am happy to run through them with the member in a minute.

The DEPUTY PRESIDENT (Hon Barry House): Order! The Minister for Lands is quite within his rights according to Standing Order No 47.

[Consideration of the statement made an order of the day for the next day of sitting.]

INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON N.D. GRIFFITHS (East Metropolitan) [5.43 pm]: On page 6 and 7 of the Minister's second reading speech, he refers to supposed difficulties under section 41 and said, among other things -

> Thus, an employer, or an organisation or association of employers and an

> organisation or association of employees, may make agreement with respect to any industrial matter without a requirement for the commission to ensure that the agreement is consistent with general wage principles.

Clause 14 of the Industrial Relations Bill contains proposed new section 41A under the heading "Restriction on power to register industrial agreements". Subsection (1) reads -

> The commission shall not under section 41 register an agreement as an industrial agreement if -
>
> (a) the agreement applies to more than a single enterprise; and
>
> (b) any term of the agreement is contrary to this Act or any General Order made under section 51, or any principles formulated in the course of proceedings in which a General Order is made under section 51.

It would appear that the Minister read his speech but not his Bill. That poses the question: Why would the Minister say that in his speech if the words of the Bill were to the contrary? To answer that question in the remaining moments I have, I refer to a likely source of the Bill, or should I say, the second reading speech. I refer to a photocopy of a document titled "Western Australian Chamber of Commerce and Industry Western Australia - Industrial Relations Bills - Recommendations to the Minister for Industrial Relations". They are great, this mob - they do not even get their own title correct! On page 6 of that document under clause 1.3D, headed "Workplace Agreements - Industrial Agreements" the document states -

> By removing the public interest test (Wage Fixation Principle) the only major differences between workplace agreements and enterprise agreements will be that compulsory conciliation and arbitration still remains for those covered by industrial agreements and that unions are required to be party to an agreement. Employers wishing to move to workplace agreements will have a more difficult task convincing employees and unions of the increased benefit in workplace agreements when there are no public interest constraints left in section 41. The result will be that any conditions can be ratified and employees can still enjoy the protection of unions and the Industrial Relations Commission. Workplace Agreements is the option for employers and employees not wishing to be bound by wage fixation principles. There should not be, as provided by the Labor Government federally, the opportunity to receive the benefits of the current industrial system including compulsory conciliation and arbitration while at the same time being able to ignore the wage fixing principles. There must be a significant attraction towards workplace agreements as opposed to section 41 agreements.

I suggest that is the source of the Minister's second reading speech. I think we are yet to find out what is the true source of the Bill.

HON KIM CHANCE (Agricultural) [5.50 pm]: This is the last of the three Bills concerned with the Government's changes to the industrial relations system. As such, it is also the last opportunity that any of us will have to speak on the issue other than in the Committee stage. I appreciate Hon Derrick Tomlinson's disappointment. The fact that it is the last opportunity caused me to reflect on the whole debate over the weekend. That reflection led me to again read a document which I had not read for some time. I thought I would share with members two short sections of that document, which is now over 200 years old. However, it seems strangely apt to the situation we face here. The document was written in 1776 and we refer to it as the United States Declaration of Independence.

Hon P.R. Lightfoot: I thought you were talking about the Luddites.

Hon KIM CHANCE: Sadly, no. The first section I want to read refers to the duties of a Government to its people and the rights of people within Government. It states -

> We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. - That to secure these rights,

> Governments are instituted among Men, deriving their just powers from the consent of the governed, - That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

A few lines further on, it states -

> But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

As a result of these archaic and oppressive laws that will be instituted by this Government, the people of Western Australia will, at the first opportunity, throw off the shackles of this Government. Much of the United States Declaration of Independence deals then with a list of the tyrannies employed by the British monarchy and British Legislature against the people of the American colonies. I will not list the tyrannies. However, at the end of that section I found something which is most appropriate and which could have been written by Western Australian workers about this Government. The Declaration of Independence further states -

> In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people. Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity.

I have said some fairly unkind things about the United States in this place in the past and it is true that, in many ways, the people of the United States have fallen far short of the aspirations their forefathers held for their young country in 1776. However, what will always give Americans a legitimate aim is to try to achieve that which their forefathers aimed for in that Declaration of Independence. It is an inspiring document. Its beauty comes not from the construction of its words, but from the revolutionary spirit that it expressed on behalf of its people who were determined to throw off the shackles of an oppressor, the British monarchy. It is not difficult to draw an analogy between their determination to resist an oppressor and the determination of Western Australian workers to resist the oppression of this Bill and its like. I wonder whether it is just a coincidence that the Government that is responsible for these Bills remains such a staunch defender of the British monarchy in the face of the move towards Australian republicanism.

Hon P.R. Lightfoot: What about the freedom of compulsory unionism?

Hon KIM CHANCE: Believe me, I will get to that.

I do not intend to deal principally with the Bill. I prefer, on this occasion, having dealt with the previous Bills in the detail that I did, to concentrate on the Minister's second reading speech because I found in that rather more definition of the Government's intentions than I had in the second reading speeches of the other two Bills. Perhaps I have read it differently. However, I found defined in this Bill some 13 principles, not all of which I intend to address because I do not intend to speak for a great deal of time. I will address nine of them. The first appears in the first paragraph of the second reading speech. It seems that one of the aims of the Bill is to bring about "long awaited reforms" to legislation in the industrial relations field. Long awaited by whom is not precisely established. However, it is clearly not a "reform" required by the 10 000 workers who marched on this place demonstrating against the Bills.

Hon P.R. Lightfoot: You know that is an exaggeration. You know that 2 500 is a more accurate figure.

Hon KIM CHANCE: On an earlier occasion, Hon Ross Lightfoot suggested that the figure was lower than 10 000. His figure was 2 500. As I said before, I am happy with that because when a single worker comes to me and complains about the oppression of the current system, I will believe Hon Ross Lightfoot. When I see a single worker, let alone 2 500 or 10 000, marching and campaigning at the front of Parliament House so that we will pass these Bills, I will believe Hon Ross Lightfoot.

Hon Derrick Tomlinson: Perhaps they did that when they voted on 6 February.

Hon KIM CHANCE: Hon Derrick Tomlinson knows that is not right because if Hon Derrick Tomlinson, if he is able to count at all, looks at the electorates where there is a predominance of workers, he will find that Labor candidates were elected with increased majorities against the general swing.

Hon Derrick Tomlinson: Is that why we had a change of Government?

Hon KIM CHANCE: There were a number of seats that swung the other way. However, the Labor vote increased where there is a substantial number of workers. That is a statement of fact; it is not a matter of debate.

Hon P.R. Lightfoot: Do you want to go outside and argue about that or get back to the Bill?

Hon KIM CHANCE: We will get back to the Bill.

Sitting suspended from 6.00 to 7.30 pm

Hon KIM CHANCE: The second of the relevant matters in the second reading speech is that the Bill aims to limit the power and jurisdiction of the Western Australian Industrial Relations Commission. The processes of conciliation and arbitration are not unique to Australia, but it is fair to say that our industrial relations system has used and refined those measures more successfully than most others in the world. Those who migrated to Australia to escape the wreck of war torn Europe in the late 1940s and early 1950s were attracted to Australia by a number of factors. Migrants of that era to whom I have spoken and those whose works I have read were remarkably clear in the reasons that they chose Australia as the place in which to spend the rest of their lives. The principal reason is fairly obvious; that is, Australia is about as far from Europe as it is possible to get. They also saw Australia as a country which offered a great deal of opportunity, but probably no more than Canada or the United States, which were also very popular areas for migrants to choose. One of the features common among many of those migrants who had the luxury of choice, or who thought to go into the matter, was the recognition that in Australia industrial disputes were not settled on the streets with batons and shields. Nor were they resolved with police or, even worse, troops. Industrial disputes in Australia, even in those days, were solved by a process, as far as they could see, involving something like a court of law.

Hon Derrick Tomlinson: What about Ballarat?

Hon KIM CHANCE: That was a long time ago. I was about to make the point that Australia certainly has had a history of violence in industrial relations, as every country has. One has already been mentioned in the context of this debate; the shearers' strike of 1890.

Hon Derrick Tomlinson: What about 1929?

Hon KIM CHANCE: There were a number of specific instances. That only goes to prove that industrial disputes are potentially violent, and certainly those people escaping post-Depression and postwar Europe were aware of how violent an industrial dispute could become. Migrants regarded Australia as a civilised place because they could see that disputes did not have to be settled in the manner in which they had been settled in the countries from which they came. The European migrants who had some understanding of Australian industrial relations history could have looked back to an award that already

by the end of the war was almost 40 years old; that is, the harvesters' award which has already been referred to in this debate. It was probably the most advanced industrial legislation in the world at that time, and remained so for many years.

The Australian system of conciliation and arbitration, through its various changes, has over history engendered a system of equals bargaining together. I feel this Bill most challenges that principle. It allows an individual to go in virtually unarmed against a powerful industrial machine; an employer may well be a multinational company with massive financial resources. The Bill is not consistent with the principle of equals bargaining together. In my view the arbitration and conciliation system has formed an important part of that aspect of Australian society we value so much; that is, its egalitarian nature.

Hon Derrick Tomlinson: Liberty, equality and fraternity.

Hon KIM CHANCE: They are, in fact, wonderful things to aim for.

Hon Derrick Tomlinson: My word they are! Goals to be aimed for.

Hon KIM CHANCE: For this legislation to seek to limit the powers and jurisdiction of the Industrial Relations Commission so blatantly is an act not only of stupidity but also of social vandalism.

Hon Derrick Tomlinson interjected.

Hon KIM CHANCE: Sadly, it does the opposite. Those workers who eventually are forced into a workplace agreement will not have the protection of section 114 of the current Industrial Relations Act, which prohibits contracting out of an award. Proposed new section 7E states -

> A workplace agreement is not a contract to which section 114 applies.

In those 12 words this amendment Bill denies the role of an industrial system that has provided justice and fair play for workers and employers alike for almost all of this century.

A third issue I isolated from the second reading speech is that issues arising between parties to an agreement are not regarded as industrial matters. This is one of the key factors of the legislation. Industrial law is replaced by contract law. Easy access to the commission by either the employer or employee is denied. Instead the parties must resolve their disputes literally in a courtroom, not in a system rather like a court of justice but in an Industrial Magistrate's Court. The advantage that brings to the employer is fairly obvious; the advantage to the public and the public interest seems to me to be rather more obscure.

The fourth principle, the collection of union dues by an employer, will no longer be a matter for the commission's jurisdiction. I can imagine why employers have seen the task of deducting union dues as one they would rather not have. Even so, it is a relatively simple matter for an employer, and results in unions being able to concentrate their resources on serving the interests of their members rather than running around chasing subscriptions. While amendments to the definition of "industrial matter" contained in the Bill do not prevent an employer from collecting union dues, they have the effect of making it an optional matter. If the Government truly believed what it says, when it tells us that this is not an attack on unions, why on earth would it seek to impede such an efficient administrative function?

Hon Derrick Tomlinson: Freedom of choice.

Hon KIM CHANCE: It is just sheer bloody-mindedness. Another of the principles is the denial of the right of the Industrial Relations Commission to call a compulsory conference under section 44 of the Act. In the second reading speech the Minister justifies this denial by two means: Firstly, by wishing such disputes could be solved in the workplace. He said it is intended that disputes should be solved in the workplace. Secondly, he said that a solution can be obtained by the very limited dispute resolution provisions in part 5 of the Workplace Agreements Bill. That is in a Magistrate's Court,

assuming that section 20 arbitration procedures fail. The power to order a compulsory conference under section 44 has been a means of resolution of some of the most difficult industrial disputes that we have faced in this State. By removing the role of the Industrial Relations Commission in this matter, the legislation has removed a safety valve for further disputes. That safety valve has prevented situations from becoming ugly and violent. By limiting the capacity to take a dispute to resolution in that matter, the Minister may well have caused disputes to be settled in the workplace, but in a manner that neither he nor we would approve of.

The association of violence and bloodshed with industrial disputes has indeed been rare in Australia since the processes of conciliation and arbitration were introduced to provide proper avenues for dispute resolution. But there are certainly precedents for violence. The 1890 shearers' strike has already been mentioned. Also in the shearing industry, the reality of violence exploded in the 1970s as part of the wide comb dispute, principally in New South Wales and western Queensland. It was an ugly and potentially very serious industrial problem and it was testament to the skill of the sometimes much maligned industrial relations community that a resolution was found to that dispute before the full awful realisation of what might have happened in New South Wales and western Queensland did happen.

Hon Peter Foss: Couldn't it also be said to be an indication of the cloud cuckoo land we are living in that it even became a dispute, to have a law that didn't allow people to be efficient?

Hon KIM CHANCE: The Minister has made a comment on the issue of the dispute itself and I suppose it is legitimate to raise it in that manner. Nonetheless, the issue was about a major change -

Hon Peter Foss: They were prosecuting employers when employees wanted to use wide combs. The union came along to prosecute the employers.

Hon KIM CHANCE: The fact is that the award at that stage did not provide for the use of the wide combs.

Hon Peter Foss: It prohibited them.

Hon KIM CHANCE: Yes.

Hon Peter Foss: That is nonsense, just cloud cuckoo land.

Hon KIM CHANCE: I do not disagree with what the Minister is saying. I strongly supported the introduction of the wide comb into the pastoral industry award. The fact is that that is what the situation was. What I am talking about is the process of the resolution. The Minister is pointing to the fact that the cause of the problem is one which should not have existed and that is not necessarily something that I disagree with. What I am talking about is the process of resolution.

Hon Peter Foss: What I think I am saying is it is like saying you have good order and government in the lunatic asylum, but whether you should be in the lunatic asylum in the first place is questionable.

Hon KIM CHANCE: I will leave members to try to make some sense of that when they read it in the record. The fact is that there is considerable potential for violence in industrial disputes. The way industrial disputes have been handled under the current system has prevented the worst excesses of that happening. By removing access to section 44 - compulsory conferences by parties to an agreement - the Government is taking an awful responsibility on itself. The Minister may want the proposed provisions to be adequate. The Minister may even believe that the proposed provisions will be adequate. But if he had any sense of history, he would realise that there will be occasions on which disputes will be resolved by violent and illegal means if they cannot be resolved by the Industrial Relations Commission.

Another of the principles contained in the second reading speech is that the commission will be denied jurisdictional authority to flow-on conditions. This aspect has been sold on the basis that the principle of comparative wage justice does not allow parties to

address their own specific needs. Some unkind things have been said of that comparative wage justice during the conduct of this debate. It should at least be seen for what it is. For all the problems that the principle causes, it remains one of the key factors in maintaining a relatively even spread of wealth in our society. It is based on the principle that equivalent work should be paid for in an equivalent manner. It is what farmers fight for in pursuing the aim of "like price, like product", which has driven their support for orderly marketing structures for farm produce.

Any group of employers is able to argue before the commission that certain conditions should not flow on, and any group of employers can use their specific conditions as the basis for that argument. The incapacity of industry to pay, for example, is one such area that employers can argue. I have been appalled by comments I have heard recently to the effect that depressed regions and depressed industries should be able to reduce wages in order to restore profitability. If an industry is in trouble - certainly I have had enough experience of working in industries with real problems - it has to respond by either becoming more efficient and competitive or addressing the cause of its problems in some other way. A great southern wool grower would not gain much, for example, by cutting shearers' wages by 20 per cent. He may well survive the effect of crippling low wool prices by shifting the emphasis of his production away from wool towards grains or meat. That is precisely what is happening now. If he were able to cut shearers' wages by 20 per cent, it would save him about $2 000 a year. If he were able to grow an additional thousand tonnes of grain, it would net him about $50 000 a year. That second figure would ensure that he at least survived to hope that the next year would be better. The amount of $2 000 in the context of a great southern wool grower at current wool prices would be neither here nor there. However, it might be enough to cause his shearers to give up their trade and that is precisely what shearers did in the period 1965 to 1972 when, for a number of reasons, comparative wage justice did not apply in the shearing industry.

By 1970-72, it was almost impossible to find people who were willing to shear at the shearing rates that were provided at that time. In 1973, with the increase in the price of wool and a huge push by the Australian Workers Union to increase shearers' rates, we finally started to attract young people back to the industry. I am sure that the Minister was about to say that that is an indication that the current system is not perfect - certainly none of us ever said it was - so I will save him the trouble. In the context of comparative wage justice, I am suggesting that had there been a proper flow-on through to shearers' wages in the period 1965 to 1972, the situation would not have become as difficult as it did.

The next reference reads -

> Where the commission provides an interpretation or deals with an unfair dismissal case or parties to a workplace agreement, a fee for service may be payable to the commission.

We have heard words used like oppressive, draconian and mean spirited to describe this Bill; all those words can be applied to describe this aspect of it. The Government is so keen on marginalising the role of the Industrial Relations Commission that it will not allow free access to it for persons fighting for their rights to a claim of unfair dismissal. This provision is designed to load the dice against a worker a little more. How on earth a change like this can be described as a reform is beyond me. The Minister claims "that employers, employees and clear thinking unions will see the potential in the reform for an improvement of the existing awards system, which, as a result, will become more dynamic, productive and fair". Fair! It is not fair when an unfairly dismissed employee must meet the cost of proving that unfair dismissal. The sheer hypocrisy of that statement is breathtaking!

The eighth point in the second reading speech is that the commission will "not be able to exercise its general powers in relation to workplace agreements". This provision, as much as any, sets out to emasculate the role of the commission. The role of umpire that the commission has fulfilled will become irrelevant to those parts of the workplace subject to non-award contracts.

The Minister then referred to the resolution of disputes occurring with an "absolute minimum of external involvement by third parties"; here he is talking about the disempowerment of workers when any dispute arises. In the same paragraph, the Minister referred to the reform process providing an alternative system. I can accept the truth but not the morality of that statement. However, it must be considered in the light of the Workplace Agreements Bill by which an employer can offer employment only on the basis of a contract, and that contract may not resemble current award provisions. Therefore, to talk about alternatives without blushing must have been very difficult for the Minister!

The speech also refers to an employee signing a legally binding contract, but having done so that employee will have signed away his right to access the commission and its general powers. The choice - the only choice - the employee will face is that of signing or not signing the contract, and having or not having a job. This is not an unintended consequence of the legislation. This situation has been carefully planned by the Government. If the Government wanted to ensure that people were not put in this position, it just had to give the commission the power to veto conditions below the current award and allow it to hear any dispute arising from an agreement. That is not asking for a great deal. It leaves much of the Government reform in place, but it provides a safeguard and choice; however, that is not the Government's intention. It is interested only in a wholesale assault on current award conditions, and ensuring limited access to a fair means of redress.

Point nine arising from the second reading speech is that the legislation provides for action against workers if a number of workers transfer to the Federal award. The speech reads -

> This legislation cannot prevent unions from seeking Federal award coverage, but it will ensure that if Federal coverage is awarded, both the union and/or the employees affected may be denied access to the State system.
>
> The Bill will provide the Minister with the power to suspend wholly or partially the State award of any employees bound by a Federal award. During such time as that suspension order is enforced, the State commission will be denied authority to make an award in respect of those employees.

That section of the second reading speech includes some amazing assertions. It refers to opting out of the State system and moving into the Federal award. The beginning of this section reads -

> The commission's jurisdiction remains with the award system. However, some unions may, in response to the Government's reform, seek to remove control of some State award employees from State commission to Federal commission award coverage. Any such move would be a loud and clear denial of that union's supposed concern about the best interests of the State . . .
>
> Many of the applications for Federal award coverage that have been made in recent months, including those threatened by unions in this State, amount to no more than cynical exercise by union officials in retaining authority over their members.

If workers say that they prefer the Federal award system, and if they do what is offered by the Government, as thousands of Victorian workers have done -

Hon Cheryl Davenport: Seven hundred thousand!

Hon KIM CHANCE: Indeed; 700 000 Victorian workers have made the choice to transfer to Federal awards rather than suffer the oppression the Victorian Government has tried to inflict on them. The Minister for Labour Relations said that if Western Australian workers choose to exercise that choice, that decision would be the result of a cynical exercise by union officials. He claims it would not be an intelligent and informed decision, but no more than a cynical exercise by union officials. That is not a rational consideration of the facts. It does not adhere to the democratic right of people to exercise choice. Members opposite have spoken about people being on magic mushrooms, but

the Minister must have taken some pretty hard stuff when he wrote this speech! If members opposite believe what the Minister said, they do not know Australian workers or trade union officials very well.

What will the Minister do if he is faced with a threat of an exodus to Federal award coverage? The obvious suggestion is that he will act like a spoilt child: He has said that he will cancel the State award and deregister unions. He will do this if only a number of people in that union are found to be bound by the Federal award; presumably, a number means one or more. The Minister did not state whether he would exercise those powers if people join the Federal award system before the passage of this legislation. In fact, 99 per cent of cleaners are covered by the State award, but the remaining workers are covered by the Federal award; this principally involves cleaners in the mining companies as this system is convenient for employers and employees. That situation has existed for some time. Will the Minister cancel the State award because one per cent of cleaners are already under Federal cover? That is not clear. This is the Minister and the Government that campaigned on the issue that their industrial relations legislation was about providing choice and individual freedom. If a worker or a group of workers make a decision and choose to enter a Federal award, they will have to do so in the certain knowledge that their actions will cause the cancellation of, firstly, the award of their fellow workers and, secondly, the registration of the union.

Hon B.K. Donaldson: It calls for some leadership by the union leaders.

Hon KIM CHANCE: That is precisely it. Members opposite do not understand what the legislation says. I will say it again: If one or some union members - not officials - decide to go out of the system and join the Federal award because, presumably, it will suit their and their employer's interests to do that -

Hon Peter Foss: It must be done by a union anyway.

Hon KIM CHANCE: The Minister should read the legislation again.

Hon Peter Foss: The unions have not heard of it.

Hon KIM CHANCE: If the union unknowingly is involved in it - the union may know about it and it may even have facilitated it - that would be enough to cancel the award. Perhaps the Minister should have a better look at the legislation. Why is it said to be "a number" if it is to be a serious problem? I can understand the Minister being concerned if 90 per cent or 80 per cent went over to the Federal award. If that were the case, perhaps the Minister may have a reason to cancel the award.

An Opposition member: That is a very good question.

Hon KIM CHANCE: Precisely. If this is so, why does the Minister not say so? If the figure were 10 per cent, it would be hard to justify a Minister doing it. If the Minister means 10 per cent, he should say that. But the legislation says "a number" - one or more. Much has been made of the myth that present industrial relations constrains the rights of individuals. Even though I have never heard of a single complaint that this is the case, I must ask: What individual freedom has the Minister given to a worker who is happy with the State award, happy to be a member of a State based union, that can be denied on the whim of a Minister because an unspecified number of other workers, who may be a dozen out of thousands, choose to exercise their free choice?

Hon B.K. Donaldson: I invite Hon Kim Chance to go to the Whitford City Shopping Centre where a Target store is being built and where there is a no ticket-no start notice on the gate. Do you believe that is democratic?

Hon KIM CHANCE: The difference is, irrespective of whether that is done, it is not supported by legislation. In fact, if members read carefully section 96 of the industrial relations legislation, they will find that it is not supported by legislation.

Hon Peter Foss: It happens.

Hon KIM CHANCE: The kind of oppression I am talking about is where that provision is contained within legislation. There is a difference. No system is perfect. I am the first

to admit that we can draft the best legislation in the world and still not achieve the social objectives that we are after. There is something very wrong with a system that will endorse crook legislation. My argument is that this is crook legislation.

Hon Peter Foss interjected.

Hon KIM CHANCE: I do not know that. This is autocratic legislation. It is a denial of basic human rights and of natural justice. It has no basis in fairness or a desire for the common good. If it becomes law, it will be a law that I cannot respect, and it will be one that I cannot ask others to respect.

Hon B.K. Donaldson: If it were a denial of justice, it would not get past either the Supreme Court of Australia or the High Court of Australia. You know it is not a denial of natural justice.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon KIM CHANCE: Shut up! I have one minute to go. I believe that the Opposition -

The DEPUTY PRESIDENT: Order! That is very unparliamentary on both accounts.

Hon Graham Edwards: I will move for an extension for you.

Hon KIM CHANCE: I thank the Leader of the Opposition. All of us will regret these laws. The Opposition could not have done more than it has to try to point out where we see the deficiencies in this legislation. It is legislation that at the end of the day we can say that we have done all that we could do to prevent it. The burden of the legislation lies with the Government. I sincerely hope that in time the Government will see how wrong it is.

Debate adjourned until a later stage of the sitting, on motion by Hon George Cash (Leader of the House).

[Continued on page 4679.]

SITTINGS OF THE HOUSE - EXTENDED AFTER 11.00 PM

Tuesday, 28 September

On motion by Hon George Cash (Leader of the House), resolved -

That the House continue to sit and transact business beyond 11.00 pm.

RURAL ADJUSTMENT AND FINANCE CORPORATION BILL

Second Reading

Debate resumed from 22 September.

HON KIM CHANCE (Agricultural) [8.06 pm]: In this case members will be pleased to learn that the Opposition is supporting this legislation.

Hon Derrick Tomlinson: Without a recital of the American Declaration of Independence?

Hon KIM CHANCE: On this occasion I can probably dispense with the Declaration of Independence. Nonetheless, the Opposition appreciates the tone of the legislation. The changes in the Bill were thoroughly forecast by the Minister in the lead-up to the election campaign. It stands in stark contrast to the blatant deceit of the Government in relation to the Industrial Relations Amendment Bill about which I have just spoken. I know, Mr Deputy President, that you will not welcome my reference to another Bill in that manner. I appreciate the fact that we had not only plenty of notice during the election campaign of these changes but also the briefing with which the Minister for Primary Industry provided us some time ago. It was a fairly precise and useful run-down of the changes proposed in this Bill. The Opposition is pleased to support it.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [8.08 pm]: I thank Hon Kim Chance for his cooperation in seeing through the passage of this legislation. Obviously it is important now to get it into place. A great deal of concern has been

expressed about the current Act for some time. I am sure that the comments of Hon Kim Chance will be welcomed right across Western Australia as will his commitment to ensuring the passage of this Bill in such a quick and cooperative fashion. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee and Report

Bill passed through Committee without debate, reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and passed.

HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL

Second Reading

Debate resumed from 14 September.

HON KIM CHANCE (Agricultural) [8.11 pm]: The Opposition is pleased to support this amendment Bill. The original Bill was introduced in 1988 by Julian Grill, as Minister for Agriculture. The Bill will achieve substantially the aims of the original Bill. The amendment Bill seeks to address those areas in which the original Bill was found to be deficient in one or two mostly administrative matters. My understanding is that the shadow Minister for Primary Industry, Julian Grill, was pleased to support this Bill in the other House and likewise the Opposition supports the Bill in this place.

HON E.J. CHARLTON (Agricultural - Minister for Transport) [8.12 pm]: Things have taken a turn for the better and I hope that Parliament can look forward to continued cooperation from the Opposition. It seems that if Hon Kim Chance is in control we will be able to make some progressive decisions. I appreciate sincerely the cooperation of the Opposition in allowing the passage of this and the previous Bill tonight. As members are aware, we would not otherwise have had the opportunity of dealing with these Bills this week or next week. An amendment will be moved during the Committee stage and the Opposition has indicated its support. The amendment does not change the Bill's intent, but seeks to streamline the Bill, and I thank the Opposition for its support. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon W.N. Stretch) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Clauses 1 to 7 put and passed.

New clauses 7 and 8 -

Hon E.J. CHARLTON: I move -

Page 4, after line 16 - To insert the following new clauses -

Section 12 amended

7. Section 12(5) of the principal Act is repealed.

Section 17 amended

8. After section 17(2) of the principal Act the following subsection is inserted -

(3) Regulations providing for determining the result of a poll shall not have the effect that a poll can be declared to be in favour

of a proposal if less than a majority of persons eligible to vote in the poll are in favour of the proposal.

The first amendment is a procedural decision to repeal section 12(5) of the principal Act and the other provides for determining a poll when less than a majority of people eligible to vote are in favour of the proposal. This amendment does not change the intent of the Bill, but seeks to streamline the Act by simplifying the poll procedure.

New clauses put and passed.

Title put and passed.

Bill reported, with amendments.

All Remaining Stages: Leave to Proceed

On motion without notice by Hon E.J. Charlton (Minister for Transport), resolved with an absolute majority -

That leave be granted under Standing Order No 15 to put the Bill through its remaining stages in this sitting.

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and returned to the Assembly with amendments.

INDUSTRIAL RELATIONS AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON CHERYL DAVENPORT (South Metropolitan) [8.22 pm]: It will come as no surprise to members in the House that I too oppose this Bill. It is of great use that in this House at least members have all been able to have their say on the Bill. Members know that debate was guillotined in the Assembly Chamber before the Bill even reached the Committee stage.

Hon T.G. Butler interjected.

Hon CHERYL DAVENPORT: We have noticed, Mr Butler.

Hon Derrick Tomlinson: Don't provoke me, I will stand up and speak.

Hon CHERYL DAVENPORT: That would be good; we would be interested to hear what Hon Derrick Tomlinson has to say. The Industrial Relations Amendment Bill is the third Bill in the trilogy of legislation that has come before this House over the past month. One of the points I make at the outset is that the Minister in another place has from time to time, almost ad nauseam, talked about choice. In reading the second reading speech delivered in this House by Hon Peter Foss I find it interesting to note some of the Acts that are to be overridden by the trilogy of Bills that have been brought to bear in this place. Firstly, the Occupational, Health, Safety and Welfare Act will be overridden. I am interested to know why that must be so. Secondly, wages and conditions of workplace agreements will not be open for public scrutiny. I wonder why that is so. I am also interested to know why these Acts should override the Freedom of Information Act, after the considerable debate that occurred in the other place on that Act. This legislation in part is the main Bill which will override the rights of workers because it deals predominantly with the tearing down of sections of the Industrial Relations Act and, in particular, the Industrial Relations Commission.

When I have spoken on this trilogy of Bills I have concentrated on people who I think are at the lower end of the employment hierarchies. Once again I intend to concentrate on those people. Those people who perhaps do not have the ability to articulate as well as

some of us might will, in the main, be affected by a devolution of rights. Since 1900 the Industrial Relations Commission has been the means by which the weakest worker throughout the community has been given protection. I say again that for those people from non-English speaking backgrounds, for people with disabilities, for women and for Aboriginal workers, the Industrial Relations Commission is a refuge; a place where a reasoned argument can be waged. It is one of the only places where those people have a hope of negotiating improved conditions. The Industrial Relations Commission has been the main reason women have moved further towards equal pay for equal work, and it is the place where agreements have been reached for maternity and parental leave. Those conditions were not achieved by exerting industrial action, but by rational argument through the Industrial Relations Commission.

I turn briefly to the Minister's second reading speech. Some of the areas on which I have chosen to speak have been covered already by other speakers. I find it interesting that the second sentence of the second paragraph states -

> Issues that arise between parties to a workplace agreement will not be regarded as industrial matters, and will not be capable of being determined as such for the purposes of the Industrial Relations Act.

I wonder why it would not be classed as an industrial matter when people are working out a workplace agreement which relates to their conditions of work. It seems fairly logical to me. However, the second reading speech states that for the purpose of this Bill it is not to be classed as such. I ask that the Minister tell members why that should be the case. Another area I will touch on, which Hon Kim Chance mentioned earlier, is the section of the second reading speech which states -

> Where the commission provides an interpretation or deals with an unfair dismissal case or parties to a workplace agreement, a fee for service may be payable to the commission.

Has that fee been determined? What will that amount be? How will a worker have to pay the fee? Exactly what is that proposing to achieve? When somebody is seeking unfair dismissal, resolution, and things of that nature, it will make it much more difficult for a worker if he or she must pay to have a dispute sorted out. Another section in the speech deals with opting out of the system. The Minister states at page 3223 of *Hansard* that -

> Many of the applications for Federal award coverage that have been made in recent months, including those threatened by unions in this State, amount to no more than a cynical exercise by union officials to retain authority over their members.

I suggest that unions should continue to address their workers' concerns on the basis of human rights and not States' rights. I see no reason that workers should have to pay the penalty for opting out of the system yet that is what this legislation is seeking to do.

I will refer to that part of the Bill dealing with industrial agreements. Hon Nick Griffiths referred briefly to this issue this afternoon. On my first reading of this part of the Bill I thought it was quite positive because it would facilitate the means by which enterprise bargaining and general agreements could be negotiated through the Industrial Relations Commission. However, on a closer reading of it there appears to be an impediment in the original section 41 of the 1979 Act. Hon Nick Griffiths referred to the Committee debate in the Legislative Assembly on proposed section 41(2) - clause 13 of the Bill introduced into the Legislative Assembly - in which the words "or any General Order made under section 51, or any principles formulated in the course of proceedings in which a General Order is made under section 51" were deleted. Section 51 of the Act deals with national wage decisions.

In the Minister's second reading speech in this place reference is made to the amendment made in the Legislative Assembly. The Minister's second reading speech reads -

> The provisions contained in this Bill seek to amend those sections of the Act to remove those constraints.

The Minister was referring to the constraints under section 51 and also to the general order provisions. I am a little mystified at how that can be the case because, bearing in mind what Hon Nick Griffiths said when he quoted from the submission of the Confederation of Western Australian Industry to the Government which referred to sections of the Act that should be amended in the Industrial Relations Amendment Bill upon its introduction into the Legislative Assembly, the Government moved to delete some of the words in clause 13 of the Bill introduced into the Legislative Assembly. However, I note that the same provision has been inserted in clause 14 of the amended Bill which was introduced into this House. It reads -

> After section 41 of the principal Act the following section is inserted -
>
> **Restriction on power to register industrial agreements**
>
> 41A. (1) The Commission shall not under section 41 register an agreement as an industrial agreement if -
>
> (a) the agreement applies to more than a single enterprise; and
>
> (b) any term of the agreement is contrary to this Act or any General Order made under section 51, or any principles formulated in the course of proceedings in which a General Order is made under section 51.

I cannot for the life of me understand why the substance of this clause was removed by the amendment to the original section 41 of the Act in the Industrial Relations Amendment Bill introduced into the Legislative Assembly and why it has been reinserted in clause 14 of the amended Bill. I will be interested to hear the Minister's comment on this matter.

I refer to the debate in the Legislative Assembly and, in particular, to the speech made by my colleague the member for Morley. He concentrated on issues which he felt had been mythological and his contribution was to some degree an attempt to explode some of those myths. The first myth he referred to was that somehow an award is a union document. He said -

> The first myth is that the award is somehow a union document; that the award is set in stone and cannot be amended. For those who hold that belief, let me correct it. An award is made between two parties - an employer or employers and a union or unions. If either side to that award does not like its content, it has the opportunity of seeking to negotiate with the other side appropriate changes and conditions. If one side is not able to achieve its goals and objectives by way of negotiation it has the opportunity of presenting a case for changes in the Industrial Relations Commission. Some people who would like to see changes to the award system know that their arguments have no basis in merit and no economic logic or substance. They simply seek to downgrade wages and conditions. Hence, they do not take those arguments to the commission because the Industrial Relations Commission requires to be put before it substantive argument and not theories which may or may not be true. It is quite wrong to theorise or create the myth that somehow an award is a document of the union movement or of particular unions. Employers who are party to an award have an opportunity to either exempt themselves or seek changes to it. That is important to understand in this debate.
>
> The second myth about awards is that somehow the minimum wage is in fact the wage that is paid under the award system. The minimum wage is $275.50 a week and it is contained in some awards. However, in awards in which wages are specified for certain categories and classifications of employees, the wages so specified are the minimums. That is, in the shop assistants' award the rate for a shop assistant is $385 a week. If that award also contains the minimum wage of $275.50, the minimum rate that can be paid under the award is $385; not $275.50. There appears to be some misunderstanding, for the want of a better term, that if awards contain the minimum wage, that is the minimum. It is not. The minimum is the rate that is contained in the award for the classifications so mentioned.

The third myth is that the award system somehow prohibits different payments to different employees. The member for Morley said that this is a myth for two reasons and I quote -

> Firstly, many awards provide for different employees with different skills; the higher skilled receiving higher payments and the lower skilled receiving lower payments. Secondly, the award system itself has never prohibited the payment of over-award payments or over-award conditions. Any individual who believes that he or she has a superior skill or knowledge, or earns more for the employer, has the capacity today to sit down with the employer and negotiate better terms and conditions of employment or higher wages. There is no prohibition on that. Indeed, anyone with a fleeting knowledge of what happens in the work force today would know that many employees take advantage of that situation. Many employees are paid well above the award rate and will continue to be so paid.

The fourth myth is that the system proposed under the Workplace Agreements Bill, the Minimum Conditions of Employment Bill and the Industrial Relations Amendment Bill will be advantageous for non-award employees. The member for Morley said -

> What has not been addressed anywhere in this debate is that by reducing terms and conditions to those contained in the Minimum Conditions of Employment Bill, that Bill will have the effect of reducing conditions not only for award employees but also for non-award employees. That point has been made quite clear and is particularly relevant when one has regard to the pervasive effect of awards in the community today. Awards set the base and they should continue to set the base. It is upon that base that other rates and conditions are set. The award system has also provided protection for new employees. Many new employees do not have sufficient bargaining capacity to be able to ensure fair wages and conditions of employment. The award system has provided that guarantee; it has provided that protection that is so necessary. That protection will be removed by these changes, particularly by the changes that are now proposed to the Industrial Relations Act by this Bill.

What would a 21 year old, first time employee, who has perhaps just completed a TAFE course or university degree, know about arguing wages and conditions in a workplace agreement? Can members opposite picture a person with a disability, or a woman from a non-English speaking background, saying to an employer "I want to discuss what mechanisms should be used if I feel that I am being treated unfairly in my employment or if I am unfairly dismissed"? Anyone who believes that a person who has come straight out of an educational institution or someone who is quite desperate to work will be able to sit opposite an employer from a big business and argue in that way is living in cloud cuckoo land.

Hon Derrick Tomlinson: Why put them down like that?

Hon CHERYL DAVENPORT: I am not putting them down. It is a reality, and a matter about which members opposite should think seriously.

Hon Derrick Tomlinson: You should not denigrate the working class like that.

Hon CHERYL DAVENPORT: I am not. I am talking about the reality.

Hon Derrick Tomlinson: You make it sound like they have no gumption or basic intelligence.

Hon CHERYL DAVENPORT: That is not true. We all know that there are exceptions, but it is ludicrous to expect that young people, particularly in the economic climate that we have today, will be able to sit in front of a big, strong employer, who does not care and who is happy to employ the first person who suits him, and know that they have to negotiate in a workplace agreement for an unfair dismissal clause and for someone to arbitrate that.

Hon Derrick Tomlinson: You should try to argue with some of those 16 year olds when they are asking for one more mark to be given on a test!

Hon CHERYL DAVENPORT: It is a different situation. This Bill is probably the unfairest of the lot because it will water down the ability of the Industrial Relations Commission to act on behalf of employees. These three Bills are a travesty, and I hope members opposite will rethink their position and oppose them.

HON J.A. COWDELL (South West) [8.42 pm]: I will be brief this evening. Hon Derrick Tomlinson can withstand only a certain amount of rational argument in any one evening.

Hon Derrick Tomlinson: I will give it my total concentration.

Hon Peter Foss: We are waiting for the rational argument. Does that mean you will have one?

Hon J.A. COWDELL: I will not neglect the Minister on this occasion, as I have not on previous occasions. I will refer appropriately to some wisdom of the nineteenth century so that he may feel at home and so that the Bills will be placed in an appropriate context.

Hon Peter Foss: I always find your speeches extremely interesting - almost logical.

Hon Cheryl Davenport: Do not patronise him.

Hon Peter Foss: No; they are very good.

The DEPUTY PRESIDENT (Hon Barry House): Order! I think we all find the member's speeches interesting, so let us hear him without interruption.

Hon J.A. COWDELL: Thank you for those comments, Mr Deputy President. This final Bill in the trilogy creates the brave new world of industrial relations in Western Australia, except that the world is, of course, neither brave nor new. The Government presents us with a nineteenth century formula that can contribute nothing in the last decade of the twentieth century.

Hon Peter Foss: Are you using one of your earlier speeches?

Hon J.A. COWDELL: No. I never recycle them.

Hon Peter Foss: It sounds vaguely familiar.

Hon J.A. COWDELL: That is because each of the three pieces of legislation is vaguely familiar.

Hon Peter Foss: You should have agreed to debate the Bills cognately.

Hon J.A. COWDELL: Then the Minister would have missed three excellent speeches!

Hon Peter Foss: Only three, unfortunately.

Hon E.J. Charlton: They were all yours.

Hon Peter Foss: The other 51 were not worth listening to.

Hon J.A. COWDELL: That is no way to refer to the speech of Hon Ross Lightfoot!

Hon Peter Foss: I do not think this one will be worth listening to, so that brings us back to 51.

Hon J.A. COWDELL: I have on previous occasions alluded to the world where these ideas flourished; that is, the ideas that were contained in the previous Bills. It was not a happy place in respect of industrial harmony or of material conditions. The colonial Legislatures sought to create something better. The report of the Royal Commission on Strikes arose out of the strikes of the 1890s -

Hon Derrick Tomlinson: Why not go back to the poor law reform of 1826?

Hon J.A. COWDELL: No; I am sure that will be applicable to some future legislation - perhaps workers' compensation. The report states -

> We have already pointed out the great distinction to be observed between disputes which concern the remuneration and comfort of the workmen and those which concern the rights of labour organisations. And in concluding our Report we wish to bring this distinction again into prominence. Of late years the latter cause of

> quarrel has come more and more to the front, and it is becoming a fundamental question between employers and the employed. The contention on the side of labour is the 'recognition of Unionism'. The contention on the side of the employers is 'freedom of contract'. The question of the organisation and federation of Unions is a fundamental point. It has not been possible for us to discover a solution, but we have had to consider whether Courts of Arbitration could be competent to pronounce a decision on the question when it comes before them as the principal element in a threatened strike. We cannot pretend to say that a Court, as we propose it, would be fully competent to deal with so large a question ... It seems to be the task of the present generation to work at this problem incessantly until the right conclusion is reached. The evidence before us has, however, impressed us with the conviction that the continuous operation of conciliation and arbitration will tend to assuage the bitterness of the dispute, to remove much misconception and suspicion, to bring the merits of the controversy more clearly into view, to diminish the force of contending influences, to bring the disputants nearer together, to educate public opinion, and, if new laws should be necessary, to prepare the way for such legislation. While, therefore, we do not pretend that a State organisation for conciliation and arbitration would, under the existing circumstances, be a perfect cure for all industrial conflicts, we are of opinion that it would render inestimable service in the right direction, and that its establishment should not be delayed.

Indeed, that is sound advice, from which the current Government is veering away.

Hon Peter Foss: We are keeping it there. You are again misrepresenting the legislation.

Hon J.A. COWDELL: No. I would never misrepresent the proposed legislation. In the current system, which was built on the report of that royal commission, we looked towards replacing confrontation and class warfare with conciliation, arbitration and some form of wage justice. The Government, with its partial dismantling of the system, will take us back towards the situation that prevailed in the nineteenth century. There can be no doubt that individual contracts or workplace agreements, if one prefers that euphemism, will shift the balance very much in the employers' favour.

Hon Peter Foss: A euphemism for what?

Hon J.A. COWDELL: For individual contracts.

Hon Peter Foss: Trying to make things better than they are.

Hon J.A. COWDELL: The Government has put its imprimatur on this open labour market. It has legitimised the law of the jungle as an industrial relations system. A commissioner will be appointed with whom agreements can be lodged; some of the forms and niceties of the current system have been used to tart up the new system. Of course the Government has recognised where such a system is heading -

Hon Peter Foss: You use emotional language without the facts. Where are your facts?

Hon J.A. COWDELL: Tart up is definitely appropriate.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon J.A. COWDELL: Thank you, Mr Deputy President. Where such a system is heading, there can be no doubt. A basic raft of minimum conditions is essential; the open market could hardly be relied upon not to impoverish and demean the poorest and weakest sections of the work force. The Government has recognised that by its minimum raft of conditions. I criticised the Government's Minimum Conditions of Employment Bill because of the paltry nature of the raft of minimum conditions and the signal this would send to employers as to what should be appropriate rather than minimum conditions.

The Industrial Relations Amendment Bill I find more objectionable. We have in place an Industrial Relations Commission that provides a means for the arbitration and conciliation of workplace disputes with some likelihood of a fair and impartial result. This is to be swept away or, more particularly, to be made available only to craft groups

that are strong enough to maintain award coverage. I can understand that the Government may choose to set out minimum conditions in a separate Act. I can understand that the power to alter the conditions could be taken away from the Industrial Relations Commission once Parliament had determined such minimum conditions. I do not condone the changes as I think the system will become far too rigid and not flexible enough in terms of adjustment of minimums. Nevertheless, I can understand the Government policy in this regard. What I cannot comprehend or understand is the fact that those who are employed under workplace agreements or individual contracts are to be denied the most basic minimum of all - the right to redress grievances.

I do not take seriously the arbitration arrangements that are allowed for under the Workplace Agreements Bill - the pitiable clauses that refer to arbiters that may be employers' agents or brothers-in-law or people of ill repute -

Hon Peter Foss: The arbitration Act applies; that should not happen.

Hon J.A. COWDELL: - and the right of litigation, that theoretical right to run to the Supreme Court at a mere $10 000 or $20 000 a day to ensure that justice is done.

Hon Peter Foss: Do you suggest that a commercial arbitrator would act in that manner?

Hon J.A. COWDELL: I was not referring to commercial arbitrators. I was referring to the persons who may be appointed under the terms of the Workplace Agreements Bill. The Minister may find a mixed bag of persons who can be appointed as arbiters. I make the comparison with the expertise and the experience of the Industrial Relations Commission and those arbiters.

This Bill systematically excludes the Industrial Relations Commission from any arbitration or conciliation role for those involved in workplace agreements, those who are most in need of assistance. I note the relevant clauses in the Minister's second reading speech which refer to the exclusions; to wit, the new part 1A contains provisions which impose limitations on the jurisdiction and powers of the Western Australian Industrial Relations Commission; in relation to the provisions of the Workplace Agreements Bill, the issues that arise between parties to a workplace agreement will not be regarded as industrial matters and will not be capable of being determined as such for the purposes of the Industrial Relations Act. The Minister's second reading speech goes on -

> It is intended that parties to a workplace agreement should resolve disputed matters directly or by the procedures outlined in the Workplace Agreements Bill and not have recourse to the powers of the Industrial Relations Commission - such as those available under section 44.
>
> Those powers may not be exercised by the Industrial Relations Commission in relation to persons who are parties to a registered workplace agreement.

Of course, it goes on -

> Employees whose workplace agreements so provide may seek reinstatement in relation to a claim of unfair, harsh or oppressive dismissal through the Western Australian Industrial Relations Commission. Such claims will be dealt with as if they had been referred under section 29(b)(i).

That is, with one small exception. We have a rider -

> Where the commission provides an interpretation or deals with an unfair dismissal case or parties to a workplace agreement, a fee for service may be payable to the commission. Regulations will be drafted to provide for the practice and procedure to be adopted and the amount and method of calculating fees.

We can be sure the fee will be more than the current $5 and that section may effectively be used to exclude any temptation to use the commission in the way suggested in the previous paragraph by the Minister. We have with the Industrial Relations Commission a great deal of expertise. I notice that the Minister does acknowledge this when arguing that unions should not transfer to Federal awards. The Minister states -

> There are many advantages to employees and to organisations in remaining

> within the State commission's jurisdiction. For instance, the reinstatement and unfair dismissal law is unclear at Federal level but beyond doubt at State level. Common rule applies in the State system, whereas the Federal equivalent of roping in is much more cumbersome . . . Response time by the State commission is quicker than by its Federal counterpart . . .
>
> These are some of the more obvious statutory advantages quite apart from the functional advantage of having all commissioners living here, having extensive local knowledge of an industry or area, and being able to provide immediate access to disputing parties.

We have all this wonderful expertise and it is to be denied to anyone who is involved in workplace agreements.

Hon Peter Foss: Come on!

Hon J.A. COWDELL: Effectively denied.

Hon Peter Foss: No, we will have even more localised people and better access.

Hon J.A. COWDELL: Of course! The brother-in-law and the paid agent!

Hon Peter Foss: What a strange statement. What is the basis for that wild allegation?

Hon J.A. COWDELL: The clauses in the previous piece of legislation. The value of the commission may be seen in the statistics contained in some of its recent annual reports. The statistics refer to the commissioners' sitting alone considering new agreements, new awards and variations of awards. In 1991-92 there were 460 in that category; conferences to resolve disputes were 712; and other individual items numbered 1 037.

Hon Peter Foss: I can hear those statistics, but I am not sure whether you are saying it is good, bad, big or small.

Hon J.A. COWDELL: They show that our arbitration and conciliation system works.

Hon Peter Foss: You think that suggestion proves that?

Hon J.A. COWDELL: No. I am suggesting some of the individual cases represented by these statistics do.

Hon Peter Foss interjected.

Hon J.A. COWDELL: The Minister will have an opportunity to speak shortly. The commission will not be able to call compulsory conferences. A limited and very tortuous path is available for those who suffer unfair dismissal to have recourse to the commission. The Bill provides that the commission can order reinstatement even if there is no effective prospect of reinstatement, but not provide directly for compensation.

Hon Peter Foss: You might notice a small amendment on the Notice Paper. Your words have not fallen on barren ground.

Hon J.A. COWDELL: That is excellent. I am pleased to see that the Government is lifting its game in this regard.

Several members interjected.

Hon E.J. Charlton: The member is only going to make a short speech.

Hon Peter Foss: I am sorry.

Hon J.A. COWDELL: The Minister has been assisting me in giving this very short speech.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.A. COWDELL: The other two items I want to refer to on this Bill involve the continuation of the anti-union attack as seen in the Workplace Agreements Bill. The elements contained here are no doubt the essence rather than the other trappings contained in it. The Minister should get every detail here. Perhaps he has missed out on

a few opportunities to attack unions. We have the wide powers given to the Minister for Labour Relations under section 73 which states the Minister may initiate deregistration proceedings against a union when, in his opinion, the safety, health or welfare of the community is at risk. It will then be mandatory for the Industrial Relations Commission to comply with whatever decision the Minister makes. The Minister may also deregister a union if it or one of its members or officers commits an offence. We have terms such as "instigated or encouraged the breach". The union has to prove that it took all reasonable steps available to it to prevent the breach. The union is rendered perpetually responsible for the action of other people. The discretion given to the Minister in matters of deregistration is very broad. All that is required is sufficient evidence for the Minister to act, not a proved case. There is no right of appeal. There is the right of punitive action by the Minister with regard to unions who seek Federal award coverage.

Hon Peter Foss: It is recognising the reality.

Hon J.A. COWDELL: So much for the supposed freedom of choice that this legislation enshrines.

Hon Peter Foss: There is no point in having two awards.

Hon J.A. COWDELL: On the basis of this legislation it is probably nearer one and a half. As proposed section 37A of the Bill states -

> If in the opinion of the Minister a number of employees to whom a particular award under this Act... extends are bound by an award under the Commonwealth Act the Minister may by order published in the *Industrial Gazette* suspend the State award.

A union may have had some of its members covered by a Federal award for 80 years, yet this could now be a pretext for the whole of the State award to be suspended. As an example, if one happened to run the cleaners' union, and 95 per cent of the members were covered by State awards and five per cent by Federal awards, and this is pertinent to the Pilbara area, one could be suspended at the whim of the Minister. It appears not to be the case that unions start action to transfer after this Bill but are rendered liable by part coverage already.

Hon Peter Foss: You misstate this as being a punitive section.

Hon J.A. COWDELL: It allows the Minister to be punitive.

Having thanked the Minister for his assistance on these few points, I will conclude with one simple observation. The Government is introducing in another place amendments to the Workers' Compensation and Rehabilitation Act. What is it doing? It is replacing expensive recourse to the legal system; it wants differences to be sorted out with the minimum recourse to legal form; it intends to remove the element of conflict; and it divides workers into different classes for the purpose of common treatment regardless of individual circumstances: All ideals contained under the amendments to the workers' compensation legislation. In this Bill members opposite are replacing a specialist arbitration and conciliation tribunal and throwing people back into an expensive, ordinary legal system. They are reintroducing the element of head to head conflict. They are removing the element of common treatment and reducing each worker to a single production unit. This is the sum import of the Bill before us. For the reasons I have stated, particularly the aspect of denying the expertise and experience of the Industrial Relations Commission to those who are most in need of that support when dealing with arbitration and conciliation matters, I oppose this Bill.

HON T.G. BUTLER (East Metropolitan) [9.07 pm]: It will come as no surprise to members opposite that, like Hon Cheryl Davenport, I oppose this legislation. Ever since it was brought to my attention that this trilogy of industrial relations Bills was to be introduced into Parliament and would in some way provide for awards and workplace agreements to operate side by side, I have waited with a great deal of patience to have explained to me how that would possibly work. After reading these three Bills, I am afraid I am no wiser and so I hope that the Minister will be able to enlighten me as to how the Government sees that happening. The thought of putting a three tiered system of

industrial relations legislation in place and expecting it to be the answer to all of the ills of the economy is mind blowing and naive in the extreme. It can do nothing but complicate the industrial relations system, which, incidentally, was set up as a layman's court where people could put their cases unhindered and not be subjected to the rules of evidence.

However, over a great number of years and through continuous interference by conservative Governments by numerous amendments they have made it has become more difficult for employers and employees to cooperate, because of the Government's dislike of conciliation. What we have seen are amendments restricting the parties in a whole raft of issues which Liberal Governments define as not industrial matters. The 1974 amendments introduced the fuel and energy provisions designed to weaken the strength of the unions and clearly restrict their ability to organise on behalf of their membership. The 1983 amendments introduced the employer prerogative, which meant there was no industrial matter which came within the jurisdiction of the Industrial Relations Commission. Specifically, workers' compensation, rents, and union membership were deleted from the definition of industrial matters; a dispute over any of those matters could not be dealt with by the commission, simply because it could be claimed as an employer prerogative.

Members might recall that in 1983 there was also a six months' wage freeze which of course did not allow for any wage increases for six months unless one could convince the then Minister for Industrial Relations that an increase was justified. It was somewhat like the provisions in the Minimum Conditions of Employment Bill where the Minister has control over increases to the minimum wage. Despite the introduction of section 6, I think it is, of the Industrial Relations Act - which deals with union membership, amendments to the IR Act to weaken questions of industrial matters and introduction of employer prerogative - and despite the wage freeze, the Government of the day went to the 1983 election with record unemployment and a weakened economy. It was a situation of no hope. Its timing was impeccable and as a result it was soundly defeated. Legislation aimed at restricting the work force from collective organising, the challenging of any workplace injustice or restriction of wage increases did not solve the economic ills of the country. That was clearly proved in 1983.

When the Labor Party became the Government in 1983 the Minister for Industrial Relations, Hon Des Dans, established a tripartite industrial consultative committee which I understand this Government intends to get rid of, if it has not already done that. It was set up to review the Industrial Relations Act and to make appropriate recommendations to amend the Act. There was not, of course, agreement on every issue and the final Act did not reflect all the Government's wishes. Nevertheless, the consultative process was carried out without dispute. A major problem was that the Opposition in this House used its undemocratic numbers to weaken the legislation in a number of ways. Despite that, many provisions were agreed to by all parties to the consultative process. With the 1983 election of both the State and Federal Labor Governments, we approached industrial relations as a consultative process rather than one of confrontation. In doing so we established the accord with unions which tied wages to productivity increases. We saw a dramatic decrease in unemployment and increases in profits and, as we recall, business confidence went through the roof. The accord mechanism has served the economy well, particularly in these times of recession. We have seen it reduce inflation, maintain real wages and bring about a decrease in the hours lost in industrial action. Now, unfortunately that is all about to change through the inexperience of the Minister for Labour Relations and his less than knowledgable academic advisers.

It is planned to replace a single system with a three tiered system that by its very nature must lend itself to confusion and, in time, confrontation. Each of these Bills has a provision for different jurisdictional significances to be established which, in some instances, will cross the boundaries of other jurisdictions. For instance, the Minimum Conditions of Employment Bill allows that a Commission in Court Session must once a year make a recommendation to the Minister on the minimum wage. At that point it has no other function, but it later has a role. The workplace agreements legislation also has a

commissioner who is appointed by the Governor for registering agreements. I figure that his appointment will be recommended by the Minister, which makes it quite a questionable proposition. That commissioner cannot engage in conciliation or arbitration. However, schedule 1 outlines the powers of an arbitrator and clause 20 advises on the question of arbitration and allows the parties to appoint the arbitrator or to work out the means for appointing an arbitrator. The Workplace Agreements Bill also allows for enforcement of agreement before the Industrial Magistrate's Court which, to the individual, would in most instances be too costly to pursue because the Industrial Magistrate's Court is a court of summary jurisdiction and is therefore governed by the rules of evidence. It would simply mean that if an employee in disagreement with his employer were to take the employer to the Industrial Magistrate's Court he would have to take with him a solicitor. He may be looking only to recover one week's wages of the minimum wage and find himself paying something like - I believe it is the minimum rate for a solicitor - $135 an hour to pursue an amount of something like $150. That makes it an undesirable proposition for any worker.

In this trilogy mess, provision is made for the Commission in Court Session in the Minimum Conditions of Employment Bill, a workplace agreements commissioner, an independent arbitrator and an Industrial Magistrate - all different offices - in the Workplace Agreements Bill. One could not get much more confused than that, but the best is yet to come. We have not yet looked at the Industrial Relations Amendment Bill or fathomed our way through the major amendments to see what role the Industrial Relations Commission will play. Its role in workplace agreements will be restricted. A dispute between an employer and an employee under the Workplace Agreements Bill for the purposes of the Industrial Relations Act is not an industrial matter and, as such, cannot be determined by the commission unless the parties to a workplace agreement can agree that the parties willing to sign a workplace agreement, or those members of the work force prepared to sign an agreement, can have that agreement registered and those people also working in the same establishment who wish to be excluded from the agreement and who do not wish to be signatories, can be subjected to the Industrial Relations Act. At least that is what I think it means - I have read it several times. If that is the case, we are not told how the Workplace Agreements Bill can operate alongside the award, we are told only that it can happen. What will happen in a company where a certain part of the collective work force agrees to a workplace agreement while the rest decide to take their case to the Industrial Relations Commission?

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! If the Leader of the Opposition wants to conduct a telephone conversation he might do it elsewhere.

Hon T.G. BUTLER: As I was saying, a section of the work force not party to the collective agreement could take its case to the Industrial Relations Commission which in turn could come down with a higher rate of pay than was collectively agreed to. It seems to me to be a recipe for industrial disaster and continued industrial confrontation. It seems to be a recipe for continued industrial confrontation. That suggestion is an insult to everybody who will become involved in this mess. It is an example of the naivety of people responsible for this legislation. To suggest that a collective agreement can provide for part of the work force through a workplace agreement and the other part through an award displays a complete misunderstanding of the workplace. It is a fantasy and those people who perpetuate that fantasy should be ashamed of themselves and have another look at what they are proposing. It is unreal unless it can be shown to me that I am wrong.

It is interesting to further note that parties to a workplace agreement can, for the purposes of interpretation of the agreement, involve the Industrial Relations Commission and can, by agreement, refer it to the commission with a request for the commissioner they want. If the chief industrial commissioner cannot accommodate that request, the referral is stayed until such time as the parties agree that the matter can be referred to another commissioner by the chief commissioner. It is wonderful stuff! That sort of gobbledegook is a recipe for frustration. It comes from cloud cuckoo land.

Hon Peter Foss: Again?

Hon T.G. BUTLER: Most of this has. Can I say to Hon Peter Foss, the Minister handling the Bill in this House, that the cuckoo responsible for it will leave him with a legacy that he will find very hard to cope with. The commission cannot, in that circumstance, exercise any of its functions as if the dispute were an ordinary industrial matter because it cannot exercise its compulsory conference powers under section 44 of the Industrial Relations Act. Its role in the workplace agreements is to make a determination on the dispute and, under a further section, it can deal with a harsh or unfair dismissal. However, from my reading of the legislation, it does not appear to be able to receive any evidence relating to the workplace agreement. That would muzzle the commission somewhat and is ridiculous in the extreme. Therefore, the maze of the jurisdiction involved in this legislation is more and more bureaucratic and more and more puzzling, and will do nothing other than to confuse the parties about which jurisdiction they need to deal with and why. It will do nothing to resolve the conflict for the parties because, no matter where the Industrial Relations Commission can be involved, it cannot be involved on its own motion and it cannot exercise the powers of conciliation that it exercises so well in the broader industrial relations scene. I believe it will not be long before the parties to the workplace agreement will have to return to the people best equipped to deal with the conflict - Hon John Cowdell dealt with that very clearly - the Industrial Relations Commission.

I and many of my colleagues on this side of the House have claimed that this trilogy of Bills is an attack on the award system and the union movement. I have not seen anything that convinces me that we are wrong. What convinces me that we are right can be found in the Minister's second reading speech where he said on page 3222 of *Hansard* -

> A number of definitions, such as those dealing with "employer", "employee" and "industrial matter", are amended. The definition of "industrial matter" is principally altered to provide that should an employer choose to cease collecting union dues, on behalf of the union, the issue of the restoration of that practice will no longer be within the commission's jurisdiction.

The collection of union dues by employers has not been forced upon them; employers have been willing to do that. To allow them to reject the proposition if they so desire, and then to not allow any dispute that may arise out of that to be dealt with by the commission is clearly an attack on the union movement. The building trades' unions and the metal trades' unions by and large do not rely on employers to collect union dues and they employ about a third of the work force. The union dues collected on behalf of the Government unions including the State School Teachers Union, the Civil Service Association and other Public Service unions is good accounting practice by both the employer and the union. However, that will cease under this Government. If that is not drawing the unions into confrontation, I do not know what is. If it is not an anti-union move, I do not know what is. I suggest that the Government tread very warily if it takes that path because clearly it is an anti-union proposition and it should be discouraged.

The other feature about this amendment to the Industrial Relations Act which worries me is that section which allows the Minister to suspend the State award if an equivalent Federal award applies. That is bat and ball stuff - I will take my bat and ball home because the rest of the team will not play by my rules. It is petty and is aimed only at those unions which have had the foresight to obtain a Federal award because they believe that it is in the best interests of their membership, as we did in the building trades' unions in 1975. We believed it was our best method of serving the membership. If the Minister cannot accept that, there is no hope for him and no hope for his advisers. I do not think even Nick Blaine would have thought that up, but I cannot be sure of that.

The Minister for Labour Relations will soon implement a building industry code of practice. I have had an opportunity to look at that code of practice and it is a classic example of a document of employer's prerogative. It was again drafted without consultation with the unions involved, despite the fact that a task force had been set up to draft the code. I do not know what the status of the code will be but it is obvious where we are heading, should the Government proceed with it, because it is a real recipe for industrial disputation. The code of practice clearly spells out this Minister's and his

Government's contempt for unions and their working class members. The whole exercise of this trilogy of Bills and the prospective code of practice is a confidence trick, and I am sure it will be viewed by workers and their unions as just that. Although we shall see some workplace agreements signed, the parties will inevitably recognise the value of united action and will seek support from unions because they will have been forced into it by this legislation.

Mr Bill Brown, probably known to all of us, was formerly chief executive officer of the Confederation of Western Australian Industry. He will be remembered by the Liberal Party as its endorsed candidate for the Federal seat of Stirling at the 1987 Federal election. Members will also remember that he was granted his endorsement after an appeal against the endorsement of Mr Ian Campbell was upheld. Mr Campbell is now Senator Campbell and is the young fellow who got his comeuppance on the steps of this building from the young woman student at the guild rally recently. I have known Bill Brown for more than 35 years. I first met him when he was an industrial advocate with the old Department of Labour. I have developed a very healthy respect for Bill and I think a great deal of him. During a conversation I had with him on one occasion he said he would hate to live in a country that did not have a strong trade union movement. He realised, as should any sensible, thinking person, that countries which do not have a strong union movement are third world countries with appalling wages and living conditions. That applies also to some States in the United States of America that do not have union involvement, and where workers are completely exploited by employers. I agree with Bill; I, too, fear living in a country that does not have a strong, responsible trade union movement such as we have in this country. Remember, trade unions did not spring up overnight because somebody thought they were a good idea at the time. With those few words, I oppose the Bill.

HON A.J.G. MacTIERNAN (East Metropolitan) [9.34 pm]: I will go back briefly in history tonight to see whether we can learn a few lessons from it. I fear we may be reinventing the wheel.

Hon Peter Foss: Here comes the poor law.

Hon A.J.G. MacTIERNAN: No, not the poor law. I am not going quite that far back.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: That may get a passing reference. I am glad to see that the Minister has been alert, and we hope he is finding these history lessons we are offering instructive because it certainly appears that those parties who have prepared this legislation, and developed this very flawed ideology, have not spent much time contemplating the lessons of history. The Depression and the great strikes of the 1890s were a bitter and divisive experience across Australasia.

Hon Peter Foss: You have not accidentally picked up Hon John Cowdell's speech?

Hon A.J.G. MacTIERNAN: No. It is the case of great minds thinking alike. I attempted to liaise with Hon John Cowdell but obviously, once again, we have steered onto the same path quite by accident. I am sure that presenting these lessons to the Minister twice can only be of benefit, although his Government by now should be in a position to understand these things in any event. That obviously not being the case, a little repetition learning might be in order. As no doubt Hon John Cowdell has set out, the Depression and the great strikes were very bitter and divisive experiences right across Australia and New Zealand. It was in particular the collusion of Government with capital to crush the great strikes that galvanised the union movement and radicalised many who had suffered as a result of the protracted and sometimes bloody disputes. It certainly led to the introduction for the first time within the union movement within Australasia of socialist and revolutionary thought. Notwithstanding this, there were those on both sides who continued to take a more measured approach.

The Labor movement in Australia had argued for a system of arbitration and conciliation since the 1870s. It had been said in those times that the Labor movement's belief in the efficacy of conciliation and arbitration was based on its acceptance of the assumption that

labour and capital could work together for their mutual benefit. That approach has not changed within the Labor movement. These more moderate forces, the continuing strand within the Labor movement, backed in the 1890s by increasing political success, continued to agitate for a fair dispute resolution mechanism. The non-Labor Governments in New Zealand and Australia realised they could no longer be simply the instrument of one group, and indeed that there were no winners in a situation of industrial chaos. Business and conservative political entities came to understand that labour and representatives of labour - the unions - must be recognised and that a dispute system must be put in place. In 1901 in the Legislative Assembly the Attorney General, Hon R.W. Pennefather, a member of the conservative Forrest party, introduced the first conciliation and arbitration Act in Western Australia. It would certainly be very instructive for members of the Government to share some of the insight of Hon R.W. Pennefather, who seems to have developed an understanding of industrial and social realities that is now lost on his ideological descendants in the Government.

Hon Reg Davies: I remember that.

Hon A.J.G. MacTIERNAN: If Hon Reg Davies remembers the speech, he has been around here just a smidgin too long. I will quote some of this, because I think it is excessively interesting and, as I say, it is important to understand that we are not talking of a Labor Government; we are talking of a conservative Government on 18 September 1900.

Hon J.A. Cowdell: It may lead the Minister to progressive thought.

Hon A.J.G. MacTIERNAN: That is right. As the wheel turns around, those opposite may catch up to 1900. Hon R.W. Pennefather had this to say -

> It is undoubtedly accepted as an axiom nowadays that the industrial prosperity of every civilised country mainly depends on the harmonious relationships existing between labour and capital.

He then reflects on the historical development of unions and the need for unions.

Hon Peter Foss: I have said the same thing myself.

Hon A.J.G. MacTIERNAN: If Hon Peter Foss suspends comment for a few minutes, he may see that there are some radical departures between him and Hon R.W. Pennefather. He went on to say -

> During the last 20 years, or 25 years at the outside, we have come to that wonderful organisation which, in the industrial development of Australia and throughout the whole of the British Empire has been the vitality of the interests of the workers as crystallised in trade unions. We have seen, and many of us know personally, that the interests of these unions came into conflict with those of their employers, and that the only possible way in which their disputes could be settled was either by yielding on the one part or starvation on the other. Every hon. member will acknowledge this is a most barbarous method of settling industrial disputes . . . and the time has now come when this country must fall into line, as I take it, with the other parts of this great continent and with New Zealand, in giving to workers such recognition as will enable them not only to protect their own interests, but shall place them, acting within their legal rights, in such a position that it shall be competent for them, if they are so inclined, to make bargains in a collective capacity with combinations of employers.

Hon Peter Foss: Hooray! Exactly!

Hon A.J.G. MacTIERNAN: Let us proceed a little further so that Hon Peter Foss can see where this departure is.

Hon Peter Foss: We are going really well, so far, aren't we? It sounds like the workplace agreement.

Hon A.J.G. MacTIERNAN: No. I do not think the workplace agreement is focused on the notion of collective bargaining.

Hon Peter Foss: It is.

Hon A.J.G. MacTIERNAN: No. In fact, it is predicated on the opposite notion of individuals entering into bargaining. In any event, I ask Hon Peter Foss to suspend judgment for a few minutes while we go on to more words of wisdom from Hon R.W. Pennefather, who says -

> If you create a body and give it a *locus standi*, it will be accepted as a body that has rights and duties appertaining to it; and the people who compose that body will necessarily in time be educated to a sense of their responsibility, and the officers and controllers, and directors of these societies must necessarily be improved both in knowledge and education. That must not only strengthen the societies, but must make for this, that it will help the employers, for when they come to discuss the terms in dispute with those societies they will reason and argue with educated men, -

I take "men" to mean the broader generic sense of men, which includes women; Hon R.W. Pennefather is obviously an extremely enlightened man. I would say he would certainly be also contemplating women at the time he was using the word "men". He continues -

> - and men who have a thorough knowledge of the subject they are called on to deal with. Another reason that strongly sways in the consideration of the question why this freedom of contract in combination shall be granted, is that there is nothing so difficult for men who are not accustomed to it, and even for those who are accustomed to it, as to try and think out a problem for themselves. Every man who works, and particularly the man engaged in manual labour, has not much opportunity, and perhaps has not much education, to think out the principles in which he and a number of representative men find their destiny mixed up; and I take it that one should have a right when he does belong to a union, to say "I want that man to think for me. He is better educated than I am, and his interests are identical with mine. I know that his advice will be for my good."

Hon Peter Foss: You know the legislation allows that.

Hon A.J.G. MacTIERNAN: That points out the fundamental flaw in the Government's legislation.

Hon Peter Foss: Quite the contrary.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order!

Hon A.J.G. MacTIERNAN: Not at all. The legislation has at its heart the fallacy of freedom of association and the myth of equality. We will go on, perhaps, to see what -

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: The principle here is that constantly cited within the speeches that the Minister has delivered - whether or not they are his in preparation I am not sure -

Hon Peter Foss: They are not, obviously; nevertheless they are sound.

Hon A.J.G. MacTIERNAN: Certainly there is a constant rhetoric, a constant appeal to the notion of freedom. It is a very illusory concept in these areas, as Hon R.W. Pennefather well understood. He goes on to quote the Royal Commission on Labour which, I suspect, may be the reference to the royal commission on strikes that Hon Peter Foss made earlier tonight. I quote this portion -

> We find that a considerable and very important part of British industry is conducted under collective agreements made in the most formal way between highly organised trade associations, and that the substitution of agreements between associations for agreements between individual employers and industrial workmen is a growing practice, and one which is intimately connected with the mode and scale upon which modern industry is at present carried on. It seems to us to be clear, from the evidence, both of employers and employed, that the advantages of this system outweigh the disadvantages.

What we are doing here is rewinding the system. We are moving in the opposite direction. We are now going back. We are now failing to recognise the very real advantages that flow from collective bargaining, those advantages that I attempted to set out for the House in one of the earlier pieces of legislation that we debated here by looking at the very clear contrasts between the reform performance on the Australian waterfront and the performance on the English waterfront.

I have a final piece from my good friend Hon R.W. Pennefather that I would like to share with the Chamber, because I think it encapsulates it.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: That is right, because the conservative politicians of those days were less ideologically oriented, and far more prepared, it would seem, to accept the realities of the day. Hon R.W. Pennefather, referring to the laws of England, says -

> There contracts are made with bodies of men with regard to the terms of employment, the hours of labour, and all the conditions that interest the parties. These are decided by contract between representative leaders of the workers on the one hand and of the employers on the other. It may well be argued: if those are the conditions that prevail in England voluntarily, what possible objection can there be to introducing them to this colony or to Australia? If those conditions are good for England, they surely ought to be good for Australia, because their main object is to save industrial war. Of course, the argument has been and doubtless will be used that this Bill involves a breach of what is so dear to many people, freedom of contract.
>
> That argument has been used time after time whenever any reform is sought with a view of levelling up the condition of the workers. But that phrase "freedom of contract" must not be taken in its literal acceptation: we must look at the condition of the people, the circumstances surrounding those who are making that contract; and except both parties to the contract be placed upon a level, there is no equality of contract.

This clearly addresses the inequality of contracts. There is no equality of bargaining or freedom of contract unless both parties are on an equal footing, but that cannot be the case unless there is a notion of collective bargaining. This troika of legislation will result in employees being offered a job on the basis of the employer's offer. By signing a workplace agreement an employee will lose protection of collective bargaining and the arbitration provisions of the Industrial Relations Commission.

My final reference to the antiquities of *Hansard* is from a speech by W.H. James in introducing the second Conciliation and Arbitration Act in 1901. He said -

> Before we had trade unions, there were practically no trade disputes. There could be none, because it was the employer then who held the control, and necessarily held the control; and the only way to secure power which could to a certain extent counterbalance the employer's power was to obtain it by means of organisations of the men.

That is a very frank and candid recognition of the realities. We can talk all we like about freedom and individuals having access to so-called arbitrators - be it the boss' brother or whoever - the reality is that without collective bargaining and the protection of the arbitration mechanism, no equality will exist between employers and employees, apart from highly skilled workers who may be in demand.

To recap, at the time the first conciliation legislation was introduced, a great deal of industrial disputation occurred throughout the British Empire in England, New Zealand and Australia. The way forward was regarded as establishing compulsory conciliation and arbitration to resolve the disputes without recourse to the flexing of industrial muscle and to the pain of disruption. That early industrial relations legislation was established, and this has been improved and refined over the years.

Over the last decade we have had a substantial amount of industrial peace. However, the

conservative forces have forgotten that lesson and want to strip back the operations of the system of arbitration and conciliation. This reminds me a little of the folly of parents who have lost sight of the horrors of diphtheria, tetanus and whooping cough: These parents have decided that for short term gain they are prepared to take the risk of not inoculating their children. Australia has seen the reintroduction of those very nasty and dangerous diseases, which were virtually wiped out. It is not extending the metaphor too far to say that we are witnessing the same thing in industrial relations.

Hon Peter Foss: You are making me feel like Darth Vader.

Hon A.J.G. MacTIERNAN: The conservative forces have forgotten the lessons of history, why the industrial relations legislation was necessary and the benefits which have arisen from it. They now seek to destroy it. This will be a great loss to our community. It will do nothing in the long term to enhance the strength of either democracy or prosperity in this nation. The honesty of our earlier conservative politicians stands in stark contrast, Mr Acting Deputy President -

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I am the real thing; that is, the Deputy President!

Hon A.J.G. MacTIERNAN: I am sorry, Mr Deputy President, but I am on a learning curve.

Hon E.J. Charlton: You are doing very well since you gave those notes away.

Hon A.J.G. MacTIERNAN: That is right.

Hon Peter Foss: You will find that she has actually picked up Mr Cowdell's.

Hon Cheryl Davenport: At least we have a go.

Hon A.J.G. MacTIERNAN: We do more than that. We must penetrate some thick skulls opposite and it does not do a disservice to repeat some of our more salient points in our message.

The honesty of earlier conservative politicians stands in stark contrast to the hollow piety we hear today. In particular, I point to the passage in the second reading speech which claims that removing the workers with workplace agreements from the jurisdiction of the Industrial Relations Commission will provide "an alternative system which will allow parties to collectively negotiate and resolve disputes with an absolute minimum of external involvement from third parties". This is farcical! Hon Eric Charlton has entered the Chamber recently and has not had the benefit of most of my argument.

Hon E.J. Charlton: I have been listening.

Hon A.J.G. MacTIERNAN: Excellent. The claim outlined in the second reading speech is farcical. The bargaining power will be totally inequitable unless the employee has some highly sought after skill. No alternative method of dispute resolution is included. We now reach the point involving a fair amount of slippage in terminology. We heard in the workplace agreements debate about the arbitration program and the appointment of the employer's uncle as the arbitrator. The arbitrator need not necessarily be a person with skill in this area or even a disinterested party. Further, in reality no arbitration is available at all for disputes which arise in unforeseen circumstances. Arbitration available to the signatories of a workplace agreement is not arbitration in the sense of that available with the Industrial Relations Commission. That difference in arbitration outlined in this legislation involves two aspects: Firstly, the arbitrator is not a person appointed to a quasi-judicial position and that person has not necessarily adjudicated on a wide range of disputes which have no relevance to him. We do not have here the case that an arbitrator -

Hon Peter Foss interjected.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! If the member continues to address the Chair, the member will not be distracted by the unruly conversations on the other side of the House.

Hon A.J.G. MacTIERNAN: As I said before, there are two factors to consider, one of which has been canvassed at length in this House; namely, the sort of person who can be an arbitrator.

Hon Peter Foss: There is no basis for that at all; it is total nonsense.

Hon A.J.G. MacTIERNAN: I am very happy to have the Minister's admissions recorded in *Hansard* because we know they will be of use in interpreting the legislation.

Hon Peter Foss: It is the Commercial Arbitration Act and you know what the rules are with that.

Hon A.J.G. MacTIERNAN: The only persons who can be appointed are those under the Commercial Arbitration Act.

Hon Peter Foss: Of course it is. It refers to the Commercial Arbitration Act. If you read the Bill, you will see it refers to that.

Hon A.J.G. MacTIERNAN: We are saying that, instead of having persons who are acting in a quasi-judicial position -

Hon Peter Foss: It is judicial; not quasi-judicial.

The DEPUTY PRESIDENT: Order! Perhaps the member will continue her remarks.

Hon A.J.G. MacTIERNAN: The Workplace Agreements Bill permits a person who has a close, and even a direct, pecuniary interest in the business of the employer to be appointed arbitrator. More importantly, no arbitration in the true sense is available. The only arbitration that is available - there is no arbitration in the sense that we have arbitration under our current industrial relations system - under the workplace agreements legislation is that which relates to the interpretation of the provisions that are within the workplace agreement.

Hon Peter Foss: If we agree to something, we ought to stick to it, don't you think?

Hon A.J.G. MacTIERNAN: If the Minister had listened a bit more closely to the words of Hon R.W. Pennefather, he might have appreciated one of the things that earlier member said. That is, even for those people who are highly skilled in negotiation, for men and women of learning, it is very difficult for them to anticipate all the possible circumstances that might arise. It is anticipated that these workplace agreements will last for up to five years. To suggest that it will be possible for the average blue or white collar worker to anticipate the whole plethora of circumstances and factors that might arise is to live in pixie land.

Hon Peter Foss: That is a change from cuckoo land.

Hon A.J.G. MacTIERNAN: The great benefit of the current arbitration system is that when those unforeseen circumstances arise - they are often unforeseen by both employer and employee - there is recourse to the commission to have an independent decision made about those circumstances and about the way the relationship will be governed. Under the arbitration, so-called, that is offered in the Workplace Agreements Bill, there is no such capacity.

Hon Peter Foss: It includes dispute resolution procedures.

Hon A.J.G. MacTIERNAN: There is no capacity whatsoever.

Hon Peter Foss: It talks about dispute resolution procedures quite plainly.

Hon A.J.G. MacTIERNAN: This is very instructive. From our reading of the legislation, and from our legal advice, there is a suggestion that there is no capacity for the arbitrator to deal with other than the precise terms of the agreement.

Hon Peter Foss: The contract of itself requires dispute resolution procedures. You ignore that.

Hon E.J. Charlton: People don't have to join it if they don't want to.

The DEPUTY PRESIDENT: Order!

Hon A.J.G. MacTIERNAN: It is so important that this piece of legislation cannot be dealt with properly and is being debated by way of interjection. We are raising some substantial problems. If the odd interjection thrown across the floor is to be the only way in which we debate and finally determine and understand the nature -

Hon Peter Foss: It is the wrong Bill. You are talking about another Bill altogether.

Hon A.J.G. MacTIERNAN: Because these Bills are part of a package and they are interdependent on one another, as the Minister says -

Hon Peter Foss: We should have done it cognately.

The DEPUTY PRESIDENT: Order! Perhaps the member will continue to address the Chair on the Bill before the House.

Hon A.J.G. MacTIERNAN: It is very instructive to read the second reading speech of the Industrial Relations Amendment Bill because it refers extensively to the Workplace Agreements Bill. The Minister in the second reading speech takes great pains to point out that the proposed amendments are being proposed to put into effect the provisions of the Workplace Agreements Bill and the Minimum Conditions of Employment Bill. It is a complete farce for the Minister then to object, when we try to show some of the disparities that are caused in both these pieces of legislation, and to say that we should stick to the Bill.

Hon Peter Foss: I said that we should have done it cognately.

Hon A.J.G. MacTIERNAN: They are a package.

Hon Peter Foss: Why didn't you debate them cognately?

Hon E.J. Charlton: She is doing it now.

Hon A.J.G. MacTIERNAN: We believe that this is an extremely important legislative package. It is changing an industrial relations system that has been painstakingly developed over 100 years. We were not at all confident - what can I say without breaching the standing orders - that we would be given an opportunity, based on past experience -

The DEPUTY PRESIDENT: Order! The member is going very close to breaching standing orders.

Hon A.J.G. MacTIERNAN: For one reason or another which will have to r unspoken because of the standing orders, we were not at all confident that we woul a full debate in Committee on this legislation. Hence, we sought to us parliamentary opportunity we could to debate these provisions as thoroughly as v

Hon E.J. Charlton: How many weeks did you think you needed?

Hon A.J.G. MacTIERNAN: For which?

Hon E.J. Charlton: To debate the whole thing.

Hon A.J.G. MacTIERNAN: I would say that to debate all the amendme... ...ke some time.

Hon E.J. Charlton: What do you think is a fair thing?

Hon A.J.G. MacTIERNAN: We are not sure. One of the difficulties is t... ...e not quite sure what Bills we will end up debating when this matter comes to t... ...nittee stage. We keep reading media statements from Minister Kierath -

Hon E.J. Charlton: You do not believe what you read in the paper?

Hon A.J.G. MacTIERNAN: No; we certainly do not. There is enough independent evidence via media releases to suggest that Minister Kierath intends to amend this legislation. Until we see exactly what amendments he may introduce, it is very difficult for us to give an estimate of how long this might require. It is extremely important legislation and under the circumstances we would be derelict in our duty not to ensure that the matter is debated as fully as possible.

We have two concerns about this notion of arbitration, one of which has been discussed at length: The class of person who can be an arbitrator. A more important issue that arises out of the nexus of the Workplace Agreements Bill with this Bill is that no true arbitration is possible because arbitration of disputes arising from unforeseen circumstances which are currently dealt with by the Industrial Relations Commission will not be available to those persons who are signatories to the workplace agreements. Unlike Hon Peter Foss, we agree with those earlier members Hon R.W. Pennefather and Hon W.H. James that it is farcical to talk about individual workers being able to negotiate equally in any real sense their conditions of employment without some backing of a collective unit.

Hon Peter Foss: W.H. James was a partner of Stone James.

Hon A.J.G. MacTIERNAN: He could well have been and perhaps that might make Hon Peter Foss take his comments a little more seriously.

Hon Peter Foss: I do, very seriously.

Hon A.J.G. MacTIERNAN: Hon John Cowdell, Hon Kim Chance and Hon Cheryl Davenport have set out in great detail many of the Opposition's specific concerns about the legislation. One further concern is the question of the artificial limitation on enforcement of a reinstatement order. The legislation preserves the rights in relation to unfair dismissal under the Industrial Relations Act for those who have signed workplace contracts. However, the power of the Industrial Relations Commission has been quite illogically stripped back. The commission can make a reinstatement order, yet it has no power to enforce that order and no explanation has been given of why that has been done. It seems quite without precedent to give a judicial tribunal such as this the right to make an order, but deny it any power to enforce such an order. Fundamentally it gives the employers the right to elect whether they will comply with that order. That is an extraordinary situation.

Concerns also exist in relation to the limitation on the amount of compensatory damages that can be awarded to an employee. Notwithstanding that the matter will go to the Industrial Relations Commission, which must make decisions as to whether the claim is fair and reasonable in the circumstances and as to what has been the loss or the damage suffered by the employee who has been dealt with in a harsh or oppressive manner, a limit on the employee's entitlement has been introduced of some six months' salary. No justification was given in the second reading speech for the limitation of that right. The commission has the obligation to make an honest assessment and if there is anything untoward in that assessment an appeal can be made to the Full Court. It is not clear why this limitation of six months' salary has been introduced into this legislation. In a number of circumstances highly meritorious awards have been made under these provisions - awards that extend beyond that six months' salary limitation. I would like members to focus on the inherent deficiencies of not only this legislation but of the whole troika. It is based on the lie of equality, the notion that an average employee is in a position to negotiate as an equal with an employer - a principle which is so clearly wrong that even the Government does not subscribe to it by virtue of its recognition of the need to introduce the Minimum Conditions of Employment Bill.

Hon Peter Foss: Are you against having minimum conditions?

Hon A.J.G. MacTIERNAN: No, we are not, but we are saying the explanations given in the second reading speech for the Minimum Conditions of Employment Bill, as we have pointed out before, are at direct odds with the allegation of equality, freedom and those sorts of notions found in the second reading speech of the Industrial Relations Amendment Bill and the Workplace Agreements Bill. The other inherent deficiency in the industrial relations package is that it ignores the economic and social benefits from a strong and stable union movement. It also fails to recognise that any worthwhile prosperity is predicated on a stable society. No-one is arguing that the industrial relations legislation - like any other legislative package - needs review. As is happening in the Federal arena amendments need to be made and concepts need to be developed to allow for more enterprise bargaining. There has been a considerable successful enterprise

bargaining within the framework of the existing legislation, as Hon Ross Lightfoot reminded us the other day with the Sheraton case, and many other cases can be added to that. We do not shy away from the fact that we could anticipate further developments in that direction, but this legislative package seeks to remove all the protections that have been so carefully built up over the past 100 years within our society.

HON BOB THOMAS (South West) [10.16 pm]: The shadow Minister handling this Bill has asked us to restrict our comments tonight and to keep them reasonably brief, and I intend to comply with his request. This Bill is one of three pieces of legislation which are a beachhead for further assaults on the living standards and working conditions of ordinary working Australians. Collectively these three Bills go about that quite differently. The Workplace Agreements Bill will discriminate against the weak in favour of employers. Anybody who does not think that will happen is not realistic.

Hon E.J. Charlton: I do not.

Hon BOB THOMAS: I refer to an interjection made by Hon Derrick Tomlinson when we were talking about how young people would be affected by having to negotiate with employers for reasonable wages and conditions. He remarked that anybody who has had to negotiate with a student who is trying to get that extra one mark for his assignment or an examination would know how well young people would be able to negotiate. That is exactly the attitude that makes me believe that members of the Government are too far removed from reality to understand what they will do to the workers of this State with this legislation.

Hon E.J. Charlton: You people have never employed anyone; you do not know anything.

Hon BOB THOMAS: Those sort of gratuitous remarks will get the Minister for Transport nowhere. I have employed people.

The remark by Hon Derrick Tomlinson showed how far removed from reality some members opposite. There is a heck of a lot of difference between negotiating with a student one has been teaching for the past three or four years, encouraging him, building his self-esteem, trying to get the best out of him, and for that same person to leave school and have to negotiate with an employer to set a reasonable wage and conditions for employment. That sort of negotiation will require a lot of information which a lot of employees will not have in their hands. One aspect of the Workplace Agreements Bill is that the agreement will be secret so that, in this supposedly free labour market, information which is vital for the functioning of that market will be denied to people. There are quite serious penalties for people who breach the legislation.

Hon Peter Foss: You can tell people about your own agreement; it is only the commissioner who can't.

Hon BOB THOMAS: No, many other people cannot. Strict penalties can be imposed by people who divulge that information. That information will be denied to many people, and they will not be able to make what is a reasonable bid for wages and conditions with their employers. Employers will hold the whip hand. Many employees do not have the ability to be able to calculate what inflation will be, what sort of technological changes they can expect to occur, what will happen to interest rates or how their standard of living will change over the next five years - the term of the agreement. Those people will be entering into agreements on the basis of not having enough information at hand to be able to make reasonable estimates about what they should expect over the next five years; therefore, they will be denied what should be justice. People who think that this will be a fair way to set wages and conditions for people who enter into agreements with employers are kidding themselves. All it will do is ensure that the weak, the people who do not have the skills to be able to negotiate well, and people who do not have good English or did not do well at school, will be the worst affected by this legislation. The Minimum Conditions of Employment Bill is also before the House.

Hon Peter Foss: What about the Industrial Relations Amendment Bill?

Hon BOB THOMAS: If the Minister will be quiet, I am about to come to that. I have never come across such an arrogant and conceited person.

Several members interjected.

The DEPUTY PRESIDENT: Order! Let the member on his feet address the Chair and the interjections cease.

Hon BOB THOMAS: Another part of this assault on the conditions and wages of the work force comes from the Minimum Conditions of Employment Bill, which has already been partially considered in this place. With that Bill the Government is saying that it will tolerate certain minimums. It has considered various awards, found the lowest common denominator, and said that it will accept that as the lowest it will tolerate. When that Bill is passed, if it is passed, we will see greater numbers -

Hon Derrick Tomlinson: What else is the minimum?

Hon BOB THOMAS: The minimum that the Government is prepared to tolerate for the whole of the work force.

Hon Derrick Tomlinson: That is exactly what it is.

Hon BOB THOMAS: If the member stops interjecting and listens perhaps he will realise that the next thing I was going to say -

Hon Derrick Tomlinson: I am listening; I am trying to make sense of your nonsense.

The DEPUTY PRESIDENT: Order!

Hon BOB THOMAS: A large number of people currently working in occupations which are covered by awards have minimums far greater than that outlined in the Bill before the House. As a result, a larger number of people will be forced down to those minimums than are currently at those levels. An increased proportion of Western Australian workers will be "enjoying" poverty level wages as a result of that legislation. To complete this assault, the Government has introduced the Industrial Relations Amendment Bill, which is nothing more than an emasculation of the union movement, and it will deny workers the protection, assistance and support given by unions which they have come to depend on over the past hundred years because they know that under the existing system -

Hon E.J. Charlton: If it is so good, why is everybody leaving them?

Hon Tom Helm: You've got it wrong; they are joining them now thanks to your lot. You are doing us a favour, don't worry about that.

The DEPUTY PRESIDENT: Order!

Hon BOB THOMAS: The Minister is an example of the quality of person we have in this Ministry. The Government does not understand the changes that are taking place in the labour market or in industry, or the fact that many of those occupations which were traditionally covered by unions are now being lost to our community, and a range of other occupations are being created which are not yet covered by unions which have the sorts of memberships that we have experienced in the past. An interesting factor which is occurring in the union movement is an increase in the proportion of women and part time occupations being covered by unions. That is good because many more women will be exposed to educational programs run by the Australian Council of Trade Unions and the Trades and Labor Council. They will be exposed to much more information about the sorts of policies that this Government has. We will see that the women in our community will be supporting the Labor Party in roughly equal numbers to the men who support it. At the last Federal election for the first time in many years women supported the Labor Party in the same numbers as men.

Hon E.J. Charlton: I wonder what they reckon today.

Hon BOB THOMAS: We do not have to win elections six months out from the election; we have to win them on the day. Industrial relations was a major issue in the Federal election; it was not much of an issue in the State election.

Hon Peter Foss: Where were you? That is rubbish.

Hon BOB THOMAS: A few good cliches were mouthed by members opposite.

Hon Derrick Tomlinson: A few good cliches were mouthed by the union movement.

Hon Peter Foss: You were running around spreading lies to a range of people.

Hon T.G. Butler: What did the Government do? You promised people that you would not close the Midland Workshops.

The DEPUTY ?RESIDENT: Order! There is one member on his feet and I would appreciate hearing from that member on something that is relevant to the Bill before the House.

Withdrawal of Remark

Hon BOB THOMAS: I take offence to the Minister saying that I spread lies during the last State election campaign. I ask that he withdraw that.

Hon PETER FOSS: That comment was not directed at the member himself, but at the Labor Party in general. If he felt that it was directed at him I withdraw it.

Debate Resumed

Hon BOB THOMAS: The Industrial Relations Amendment Bill is merely a vehicle for this Government to undermine the rights of unions to be able to represent workers in what has been for the past five years a reasonably fair way to resolve disputes in our industries and to ensure that we have a reasonably fair way of setting wages and conditions. Much more savage changes will face workers, and a much more savage attack on workers will come from this Government in the future. These three Bills before the House are merely a beachhead for more punitive measures which will be introduced by this Government later within its term.

Hon Peter Foss: Now we are getting onto Bills we haven't even introduced. What about this Bill?

Hon B.K. Donaldson: Tell us about no ticket, no start.

Hon Graham Edwards: Obviously you blokes haven't got a ticket because you haven't started once.

The DEPUTY PRESIDENT: Order! If members want to address the House and have not already spoken on the Bill they are able to do so; however, they cannot do it sitting in their chairs. The member on his feet has that opportunity and I would appreciate his continuing to address the Chair.

Hon BOB THOMAS: I am surprised that given that this legislation is so important to members opposite they are not able to keep enough people in this House to maintain a quorum. I am glad that in his interjection Hon Bruce Donaldson referred to no ticket, no start because I expect there will be more savage attacks on the workers in this State.

Point of Order

Hon PETER FOSS: I have tried to indicate to the member that he should speak to this Bill. He does not seem to want to speak to it.

The DEPUTY PRESIDENT (Hon Barry House): There is no point of order, but the member's attention has been directed to the fact that he should address the Chair on the Bill before the House.

Debate Resumed

Hon BOB THOMAS: I was doing that and I note that the Minister for Health has become quite short tempered and is losing what little control he had.

The Industrial Relations Amendment Bill was introduced into this House because of a number of philosophical views held by people within the lay and parliamentary wings of the Liberal Party which are out of touch with reality. I speak to members of the Liberal Party, especially young members, all the time and for many years we have argued about industrial relations issues. When I was the manager of a Commonwealth Employment Service office I had to deal with employers with views which caused them to adopt employment practices which were against the existing industrial relations legislation. I

had arguments with many members of the Liberal Party who had the view which I will allude to and was going to allude to when the Minister wrongly called a point of order.

The DEPUTY PRESIDENT: Order! Any member of this House has the right to call a point of order if they so desire at any time. It is not wrong for members to do that.

Hon BOB THOMAS: I accept your guidance, Mr Deputy President. It is common for members and supporters of the Liberal Party to believe that there is injustice in the industrial relations system. Some businesses have the no ticket, no start sign displayed at their workplace and they frequently refer to Multiplex and other construction sites in Perth. Having worked in the CES for seven years I have come across instances where people with a union background have applied for work and have been refused it because they have known union affiliations and are seen as troublemakers. There is a lot more discrimination against people who have a union background than there is against employees who do not belong to unions.

Hon P.R. Lightfoot: You cannot name one employer or business that does that.

Hon Graham Edwards: You would harass them.

Hon P.R. Lightfoot: I would give them a VC.

Hon Graham Edwards: You would arrest them for not being right wing enough. Do you know what a VC is?

Hon BOB THOMAS: Another view held by the leading lights of the Liberal Party is that Australia is living beyond its means. That was alluded to in the Minister's second reading speech on one of the industrial relations Bills. Members of the Liberal Party who parrot that view believe that the Australian work force must reduce its standard of living.

Hon E.J. Charlton: You always take the negative aspect, not the positive aspect.

Hon BOB THOMAS: I am telling members what people in the Liberal Party tell me; that is, that because Australia is living beyond its means, workers must reduce their standard of living. They do not say that the employers or the wealthy must reduce their standard of living. They say that the privileges of the wealthy must be maintained and that employees should strive to become employers to gain those privileges. Often they refer to Australia needing to adopt the work practices and the industrial relations systems operating in third world countries. They do not tell us that in third world countries where wages are significantly lower than they are in Australia two or three people often do the same job that a highly trained and productive Australian worker is able to handle. In addition, they do not refer to the occupational health and welfare policies in those countries which result in workers being maimed and killed. They receive very little compensation or care because there is a pool of unemployed ready to take their jobs for little more than subsistence wages. That attitude prevails in these three industrial relations Bills. Another attitude which I have frequently encountered is that the Western Australian work force must accept reduced wages because it would provide more jobs and training opportunities.

Hon W.N. Stretch: Who said that?

Hon BOB THOMAS: If I mentioned the person's name members opposite would carry out a witch-hunt. I will tell members about an argument I had with a member of the Liberal Party in Albany last year. The argument arose because I was highly critical of Hewson's Fightback policy and his suggestion that youth wages should be set at $2.50 and $3.50 an hour. The person to whom I spoke said it would be a good thing because he had visited America recently and some adult workers received $3.50 an hour. The work provided them with experience and their wages were supplemented by tips. This Government wants to create a mendicant class.

Several members interjected.

Hon BOB THOMAS: I am glad that members opposite say that is a silly argument, because that is exactly what that member of the Liberal Party said to me in Albany last year. It is silly that Australia should reduce its living standards to that extent because it

would affect small business which is dependent on a high employment rate which results in better spending power for workers. I frequently come across people who say that if wages were reduced the 80 000 small businesses in Western Australia would have the capacity to take on additional employees and there would be zero unemployment. It is so unrealistic that it is laughable. In my experience a business will take on the number of people it needs to perform the task required to meet the demand on the service it provides. It will not take on another employee and allow him to stand in a corner or push a broom around the place if there is not an increase in the demand for the service or the product it provides. Other people say that what we need to do is reduce wages so that we can improve the profitability of small business. However, that suggestion ignores the fact that we have a comparable example in what has occurred in Australia over the last two or three years; namely, that as interest rates have come down, most businesses have used the income that they have saved to pay off the debts that they built up in the 1980s or to increase profits rather than to employ more workers.

Hon Peter Foss: What a terrible thing it is to pay off debt!

Hon Graham Edwards: You did not pay off much debt in the last Budget; in fact, the debt increased.

Hon BOB THOMAS: This Government said it would reduce debt, yet in its first Budget we saw State debt increase.

Another appalling attitude that I have encountered from the guiding lights in the Liberal Party is that Australian welfare payments are too high. They want to see some cuts made to welfare payments to people who are not fortunate enough to enjoy the benefits of employment which obtain at the moment. The Fightback package proposed to increase from one week to three weeks the waiting period for sickness and unemployment benefits, to allow employers to take on the long term unemployed at 70 per cent of award wages, and to cut people off the dole after nine months.

Hon P.R. Lightfoot: That has nothing to do with this Bill. That would have been a Federal initiative.

Hon BOB THOMAS: I am describing to the House the sort of attitude that I have encountered among members of the Liberal Party, particularly the lay Liberal Party, and how that attitude has influenced the Industrial Relations Amendment Bill that is now before the House. Those attitudes are far removed from reality and should not have the influence on this Government that they have. The changes which this Government wants to make to the industrial relations system in this country are unfair and uncalled for.

I will tell members about a case that I had when I was the manager of a CES office in a country town. I negotiated a wage subsidy agreement with an employer, a farmer, who wanted to take on an 18 year old as a farm labourer. There was no award to cover that occupation, but we agreed that that employee would work a 40 hour week for a minimum wage, and on the strength of that the CES would pay a subsidy of a certain amount - I think $100 a week - for the first 26 weeks of that person's employment. However, after a month the employee's parents came to visit me and asked me whether it would be possible for their son to leave that job and to be granted unemployment benefits again. I said that pretty strict rules applied and that the employee would not be permitted to leave his job and to apply for unemployment benefits; there would be a lengthy waiting period. The parents went on to tell me that the employee had been ill and had taken a day off to go to the doctor. He was prescribed some medication and was sufficiently well to go to work the next day, which was a Tuesday. On Friday, when he went to collect his pay, there was only three days' pay for a week in which he had worked four days. When he asked why that was so, the employer said, "Well, you had Monday off sick, so that is a day you owe me, and when you came to work on the Tuesday you worked off the day you owed me, and I started paying you again on Wednesday."

I did not believe the parents, so I rang up the employer and asked him what was going on. I told him, "The parents of this employee have told me that you deducted two days' pay for the day that the boy was sick." He said, "That is correct. He owed me a day and he

worked it off on Tuesday." I suggested to him that that was not right and that he owed the boy the day's pay for the Tuesday, but that as far as I could see he did not owe him a day's pay for the Monday because the employee had not accrued any sick leave. We argued quite heatedly for some time and in the end I was forced to advise the employer that if he was not prepared to pay the boy that day's pay, I would cease payments to him for the subsidy. By that stage, I think the CES owed him about $400. As a result of that, the employer terminated that boy's job and they parted company on quite a poor note.

Hon P.R. Lightfoot: You lost that boy his job!

Hon BOB THOMAS: Did I! That is the sort of interjection I would expect from members opposite. The point I am making is that the changes to the industrial relations system, accompanied by the changes in the Minimum Conditions of Employment Bill and the Workplace Agreements Bill, will stack industrial relations in favour of the employer. There are many people in the community who do not have the skills or knowledge to know what is right and how to negotiate decent wages and conditions. What will happen is that we will see a small proportion of unscrupulous employers take advantage of those people. If members opposite do not understand that, they do not realise how little goodwill a small proportion of employers have. We need a system which sets a more reasonable standard than what is being offered in these three Bills. I oppose the Bill.

HON TOM HELM (Mining and Pastoral) [10.48 pm]: Do members opposite give up now? Have we convinced them that they are on the wrong track? Is the reason that members opposite will not come into the Chamber that they are ashamed of these three Bills?

Hon Peter Foss: None of you is saying very much at this stage.

Hon TOM HELM: We do not need to say very much because we have demonstrated that these three Bills are a fraud and that this Bill tops the other two fraudulent Bills that are before this place. No-one, including the Minister handling the Bill, has shown us a policy statement that stated that the coalition would take this kind of action when it won Government.

Hon Peter Foss: That is precisely what we said, word for word.

Hon TOM HELM: Where is the policy document? Almost every speaker from this side of the House, and none from the Government side, has demonstrated that the policy -

Hon Peter Foss: You have not referred to our policy at all.

Hon TOM HELM: We are referring to the fact that the coalition did not have a policy.

Hon Peter Foss: Come off it!

Hon Derrick Tomlinson: I gave it to you in exchange for yours. We made the exchange on the floor of this House.

Hon TOM HELM: That was before the election. It did not contain a structure to reduce the wages and conditions of workers, which is what these Bills intend to do.

Hon Peter Foss: It is in your mind.

Hon TOM HELM: Does the Minister mean to tell me that the Bills will not mean a reduction in wages and conditions for workers in this State?

Hon Peter Foss: It is all in your mind.

Hon TOM HELM: The Minister cannot say it. He will be seen as ideologically driven.

The DEPUTY PRESIDENT (Hon Barry House): The Minister cannot say that, because he is not able to interject.

Hon TOM HELM: With due respect, Sir, he interjected but he did not answer the question. That is what you meant to say, Mr Deputy President. All the Minister needs to do is to tell me, at some other time or even by just a nod of his silly head, that these Bills will not mean a reduction in wages and conditions of the workers in this State. The

Minister will not even look at me. I have read his response to the debate on the two Bills so far, to try to get a handle on how he can justify to himself, how he can sleep at night, how he can look his family in the eye when he goes home -

Hon Peter Foss: It is easy. I don't listen to rubbish. I have read the Bills.

Hon TOM HELM: In none of his responses has the Minister addressed the issues. He has not addressed what the Bills are all about. He seems to think for some reason that the Opposition supports some aspects of the Bills, and that it has problems with some clauses. We do not have a problem with any clauses; our problem is understanding them. Another problem is that all these Bills will increase profitability - and there is nothing wrong with that; they will increase shareholders' funds, but they will also decrease the working conditions and wages of ordinary workers. That is what the legislation is all about. The Minister is obliged to explain but he does not. Can any of the attendants in this Chamber tell me how many times we have had to drag back to the Chamber members of the Government, kicking and screaming because they will not sit here and listen to what we have to say?

Hon Derrick Tomlinson: There is a limit to our tolerance.

Hon TOM HELM: There is no limit to the member's shame.

Hon Derrick Tomlinson: I am proud of what the Government is doing.

Hon TOM HELM: How many times has the member been dragged back? Not one member on that side of the House has had the guts to speak in defence of what the Government is doing, with the exception of Hon Ross Lightfoot. The Minister has not explained. He has been paid 30 pieces of silver. He has made a response to the second reading debate but he has not addressed the questions raised. Can the Minister point to a situation which reflects what Robe River Iron Associates wants to do, or what BHP wants to do -

Hon Peter Foss: We are debating the third Bill. Let us hear something new. Let us hear something about this Bill.

Hon TOM HELM: The reason we must repeat things is because sometimes we doubt the intellectual capacity of the person handling the Bill in this place. We know that the Minister's integrity is in doubt and that he has trouble understanding the industrial relations system in this State. He chooses to ignore that. However, he can count. He knows that no matter what we say the Government will win the vote. The Minister chooses to not address the problems in this State that need Bills of this nature if they are not to reduce working conditions and wages of workers. I have asked the question many times. Perhaps the Minister will answer one day.

Hon Peter Foss: Read the second reading speech!

Hon TOM HELM: I have. It would be useful if the Minister got to his hind legs to indicate where he has addressed the issues and the need for these changes. In not one of his second reading speeches has the Minister explained the reason for the Bills. The Minister will not explain because he is ashamed of these attempts to reduce the conditions of working people.

Hon Peter Foss: Boring!

Hon TOM HELM: As part of my contribution to this debate I need to give a history lesson for the benefit of the Minister.

Hon Peter Foss: Not another one!

Hon TOM HELM: The Minister should wipe the silly grin from his face and listen. He has often used the example of Robe River Iron Associates to indicate what is necessary in this State.

Several members interjected.

Hon TOM HELM: I will take the opportunity while I have the time because there is none so deaf as those who will not hear. The Minister cannot hear because he is too embarrassed to answer. He chooses not to hear. When referring to the Robe River

situation, the Minister said that the union bully boys needed to be brought to heel because they would not negotiate or discuss the issues. In 1987, the convenor of the metal workers, Neil Flynn, attended award negotiations with Robe River Iron Associates at which Peko Wallsend representatives were present to observe negotiations between Cliffs and the union movement. These were the biannual award negotiations. Neil Flynn asked the representative from Peko Wallsend whether he wanted to make a contribution to the award negotiations to reflect the Peko Wallsend corporate view. Peko Wallsend decided that it did not want to contribute at those negotiations. It was asked more than once. The union movement is not so stupid that it is not aware of the background of Peko Wallsend activities on King Island. It is the same behaviour as in the Pilbara.

Hon Peter Foss interjected.

Hon TOM HELM: The Minister should allow my comments to sink into his remaining grey matter that has not been destroyed by dollar signs.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! It is often said, and it is true now as it always is, that members do not have to like what other members say but they must listen. It is worth reminding the members of that.

Hon TOM HELM: Mr Deputy President, it needs to be said, particularly to Hon Phil Lockyer, that being polite means one does not talk when someone better is talking. One should always listen to one's betters. Hon Peter Foss keeps making the same mistake. Hon Phil Lockyer usually knows when to keep his mouth shut and his ears open. But he has forgotten tonight. I know that it is his birthday and he is allowed to be raucous. He has just turned 50.

The DEPUTY PRESIDENT: Order! I know we would all wish Hon Phil Lockyer a happy birthday, but it has nothing to do with this Bill. I invite the member to address his remarks to the Bill.

Hon TOM HELM: I was giving an excuse for Hon Phil Lockyer's rumbustiousness.

To continue with the Robe River saga so that Hon Peter Foss can understand a little better from the workers' point of view rather than from the bosses' point of view or that of a person who has been paid 30 pieces of silver to screw the workers: In 1987 the Peko Wallsend representatives were asked to contribute to the award negotiations. They said no. Without doubt, it was widely known - Hon Peter Foss is correct, but I do not refer exclusively to the shop stewards - some wild rorts were taking place at Robe River and things needed to be changed.

Hon Peter Foss: What an understatement!

Hon TOM HELM: There were some very wild ones! What I am trying to do, if the member can understand this, is agree with what he is saying.

Hon P.H. Lockyer: You worked for Robe River, didn't you?

Hon TOM HELM: I did not work for Robe, but members of its work force were part of the Wickham-Karratha branch of my union. There were massive problems with union and non-union people who were taking advantage of a situation - expecting the three flavours of ice-cream and probably a lot more that even Hon Phil Lockyer would not know about. They were doing the union movement and the management of Robe River no good, but they were difficult to deal with. Hon Peter Foss in a second reading contribution told us that Robe River had to take action to stop those things happening. However, the shop stewards and union conveners were going to management and asking it to help stop those bad things because they were reflecting on union activities in Hamersley Iron, BHP and Goldsworthy. People were looking for these sorts of rorts, which had nothing to do with good industrial relations but everything to do with bad management practices and bad union practices. I am attempting to demonstrate that, all the way through, the union conveners, shop stewards, branch secretaries and organisers knew these things were going on and were trying to stop them; but, as is the case today, management's right to manage always prevails.

Hon Peter Foss: You're kidding.

Hon TOM HELM: Management's right to manage prevails.

Hon Peter Foss: At that time?

Hon TOM HELM: Even now. This has not changed.

Hon Peter Foss: The unions had a funny way of trying to stop those practices.

Hon TOM HELM: I can introduce the Minister to the conveners who were trying to do it. We can have a private conversation about this, but it needs to go on the record that there was a willingness and anxiety on the part of the unions to try to get rid of those changes.

Hon Peter Foss: This is recreating history. I was around then.

Hon TOM HELM: I do not think I am putting the union movement in a particularly good light, so I do not see why the Minister is saying that.

Hon Peter Foss: You are saying they were trying. I was working for Robe River.

Hon TOM HELM: The Minister was working as a lawyer for a legal firm which was being paid by Robe River.

Hon Peter Foss: They used to come out with the strikes.

Hon TOM HELM: The Minister can believe that argument or not, but let us go to what happened. The management was sacked with half an hour's notice, and if that was not because there were bad management practices I do not know why it was. The next thing to happen was that the work force was sacked, so they went to the Industrial Relations Commission and were reinstated. In the meantime, in one of his second reading contributions, Hon Peter Foss told us that Robe River has identified a lot of work practices that need to be changed. There are approximately 160 of them.

Hon Peter Foss: About that.

Hon TOM HELM: The commission stated that 160 work practices need to be changed. Both the commission and the union movement are waiting for those work practices to be identified. I am not saying they were not there. Robe River said they were there, but we have not yet heard what they were. It may be that they have been addressed.

Hon Peter Foss: There is a list of them, as you know perfectly well.

Hon TOM HELM: That is the point; there was not a list of them.

Hon Peter Foss: Rubbish!

Hon TOM HELM: The reason why I say there was not a list of them was that the commission had in its head the idea of reinstating those workers so that the 160 unacceptable work practices could be addressed. If there were 160 unacceptable work practices within the award provisions, the commission would have had the ability to change them, but none was promoted. I am telling the saga from another perspective, which is not to deny what Hon Peter Foss has said. I am trying to relate this to the Industrial Relations Amendment Bill, because the Bill will not change things so that Robe River will act differently in the future; in other words, it will not help Robe River be more effective. It may help Robe River to create more profit.

However, let us not forget that Robe River has still not paid the three years of wage rises everyone was entitled to under the accord provisions. As Robe River is still not paying what it is supposed to pay to its workers, this proposal is not going to strengthen its position nor is it going to weaken it. What it will do is lower the lowest common denominator. During the Committee stage I will be asking the Minister to say who will be the determiner of the facts that make up the minimum wage. Will the $275.50 applicable in the metropolitan area be the same in the Pilbara or offshore, and where will the minimums apply or not apply? Who will determine how the minimum will be adjusted to suit particular conditions and needs in one area of the State different from another in those jobs which have a dirt element or living away from home element?

Hon P.R. Lightfoot: The award provisions still apply.

Hon TOM HELM: Let us say the member is right. What happens, for instance, if a union commits an offence and is subject to deregistration? Could a worker go to that union and have it as a bargaining agent?

Hon P.R. Lightfoot: If the union is deregistered, I suppose not.

Hon TOM HELM: Therefore, where is the freedom of choice that these three Bills are supposed to demonstrate? The Minister has demonstrated what sort of a fraud these Bills are.

Hon P.R. Lightfoot: I suppose you could go to workplace bargaining, if the union is deregistered, and that would be a quantum leap forward on the situation prevailing today.

Hon TOM HELM: So choices are limited.

Hon P.R. Lightfoot: They are more limited if you have a deregistered union and you do not have workplace bargaining.

Hon TOM HELM: So one has to have workplace bargaining and a bargaining agent that will not be the union of one's choice, because it is deregistered.

Hon P.R. Lightfoot: It is a rare occasion that a union is deregistered. How many have been deregistered in the last decade?

Hon TOM HELM: Only the Builders Labourers Federation.

Hon P.R. Lightfoot: Therefore, the analogy you are using does not wash.

Hon TOM HELM: I am trying to demonstrate the freedom of choice if these circumstances happen. There is no freedom of choice; it is a lie and a fraud. How can there be a freedom of choice when the Minister who is promoting the Bill in the other place has said that if any workers go from the State award to the Federal award system, he will find a way of sanctioning these people.

Hon P.R. Lightfoot: He did not say that he would sanction people.

Hon TOM HELM: Has the member read it?

Hon P.R. Lightfoot: Yes.

Hon TOM HELM: I understand the member wants to be somewhere else, because if I were in his shoes so would I, but if he is going to be here let him spend the little time he has on his hands reading the second reading speech. Perhaps he would like me to show him where this is stated.

The DEPUTY PRESIDENT: Order! If the member would address the Chair and the interjections would cease, I think we would make some progress.

Hon TOM HELM: I am sorry about that, Mr Deputy President. Of course, you are right again. The second reading speech states

> As opportunities are provided through workplace agreements for employees to make genuine choices about whether to belong to, and be represented by, a union in workplace bargaining, so union officials scurry for the cover of Federal legislation which still awards mandatory rights on unions to be the sole employee parties to certified agreements. That system is inimical to effective workplace bargaining. However, the Federal Government has recently made public its plans for the reform of its industrial relations system and in respect to the rights of non-union parties. These changes have similarities to those in our Workplace Agreements Bill.

It goes on to say this legislation cannot prevent unions from seeking Federal award coverage, but it will ensure that if Federal coverage is awarded, both unions and/or the employees affected may be denied access to the State system. I also refer the Minister, when he wakes up, to the statements that have been made by Minister Kierath that he will go out of his way to punish groups of people whose unions choose to get Federal coverage rather than State award coverage. If this legislation is a panacea and does what

this second reading speech says it is supposed to do and if these three Bills are not phoney, there will be no need for anyone to scurry anywhere; they will be welcome with open arms. It will be peaceful and quiet around the place. Everybody will embrace the minimum conditions. The Federal award does not provide for minimum conditions. The Industrial Relations Commission will determine what will be the minimum conditions. However, in this State every worker will earn $275.50. Who will complain about that? Members opposite know this is part of three phoney Bills. It has nothing do with minimum awards or freedom of choice - freedom of choice might be there. Hon Peter Foss has told us many times that this Bill, as part of the three Bills, will give the people of this State an opportunity to have enterprise or workplace agreements that will range, for instance, from the type used at Broken Hill Proprietary Co Ltd to the proposal put before the workers at Robe River Iron Associates even before this Bill becomes law. They are about as varied examples as one can get. One agreement was arrived at after lengthy negotiations with the union movement and the workers. The other will be imposed on people by an employer which does not pay the correct wage rate to its workers. Those things the Bill is supposed to provide already take place in this State. It has been good for the State as has been demonstrated in all the speeches - for example, our position in the OECD as an effective and efficient State and nation. The freedom of choice will be taken away. The Minister will go out of his way to punish those people who choose to adopt a Federal award rather than a State award.

Hon P.R. Lightfoot: You said the freedom of choice is taken away if the Minister punishes those people who choose a Federal award as opposed to a State award. You cannot be consistent in saying there is no freedom and then saying you can choose the Federal award.

The DEPUTY PRESIDENT (Hon Sam Piantadosi): Order! Let us have a bit of consistency and cut out the interjections.

Hon TOM HELM: If people choose the Federal award the Minister has said he will find a way of punishing those people.

Hon P.R. Lightfoot: That is your choice.

The PRESIDENT: Order!

Hon TOM HELM: The member should watch me when I am talking to him. A prospective employee of an enterprise may rock up to the boss who might want him to work for $275.50 a week. However, if it costs that prospective employee $400 a week to live, his choice will be to work for $275.50 a week or not to work at all. I apologise to the member; he is right. I should not say there is no choice, but if one exercises one's right to the choice, sanctions will be made against one.

Hon Peter Foss: Then you are under a Federal award.

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: We are talking about individual contracts and about doing the things the Bills allow. We are talking about the situation where an employer, within his rights under this legislation, offers the minimum wage of $275.50 a week to a worker who may have six children and cannot live on $275.50. Maybe that person lives in the Pilbara, where it may cost $100 a week to air-condition the house, especially if he has young children. The choice in that situation would be to not take the job. That person would remain unemployed and receive the unemployment benefit. Hon Ross Lightfoot is perfectly right, of course one has a choice, but it is a choice between being hung or going in front of a firing squad. A sillier statement I do not think anyone could make.

I refer now to the other part of this Bill and the amendments it proposes, such as those that reduce the power of the Industrial Relations Commission to hear certain matters. A clause in the Bill provides for the Minister to take steps to punish people who work under a Federal award. Who will determine when an employee is able to exercise his choice about taking holiday pay? What will the reaction of the employer be when the employee says to the employer, "In this firm, we don't take holidays; we just get paid for our holidays as is allowed for in the legislation"? What sort of freedom does someone have

about whether one takes one's holidays. Where is the arbitrator or the umpire - the commission we have had for 100 years?

Hon Reg Davies: Is that dead set in the Bill.

Hon TOM HELM: That is right. It is more specific in the Minimum Conditions of Employment Bill.

Hon Peter Foss: It is in another Bill.

Hon Reg Davies: I understood that you must have a certain amount of leave and if you worked overtime you could get a day's leave in lieu of being paid overtime.

Hon TOM HELM: I am talking about the annual leave provisions in the Minimum Conditions of Employment Bill. This Bill takes away the power of the Industrial Relations Commission to determine whether the employee is able to tell the employer he would rather take holidays, or whatever the case may be, and to provide that balance we have now where a person who is not particularly for the worker or for the employer, but is there to provide that balance the Industrial Relations Commission has provided for 100 years. I am trying to demonstrate the lack of balance which could be provided by an independent arbitrator. An employer may want his workers to work all year and not take holidays because people must be trained to take the place of other workers; the job may be highly skilled and require the workers to be on the job all the time.

Hon Reg Davies: Like this job.

Hon TOM HELM: Yes, like this job. When it is put to the individual, called shall we say, Hon Reg Davies, that in this place we do not expect our employees to take holidays, he may want to get away with the family perhaps for a fortnight once a year for holidays. The employer may say that, because of the Minimum Conditions of Employment Bill, we expect all our employees to take their holiday pay rather than their holidays. Where does one go when that condition is imposed? Supposing an employee leaves because he wants to take his four weeks' leave and, as Hon Peter Foss believes can be done, takes the company to court for unfair dismissal. Where will that person stand then? Maybe it will come out during the Committee stage. The ability for that outside party, that party with no interest in either side of the matter, to make a determination as has been the case for the last 100 years does not apply any more. I am trying to demonstrate to the House that these Bills are phoney Bills.

Hon Reg Davies: Nobody is forced to take on a workplace agreement if he wants to stay under the award.

Hon TOM HELM: Let us say my employer came to me and said that it would be a good idea if we had a workplace agreement, but I decided I wanted to stay on the award. The employer could then say, "Okay, you stay on the award, but the majority of workers will go onto a workplace agreement nothing of which you will know about because of the secrecy provisions." The award rates of pay can be annualised. Award rates of pay apply at BHP now. Those payments have within them a component for an award rate of pay and, on top of that, a payment in lieu of a shift allowance and other things. Therefore, the rest of the work force working under the workplace agreement might get six weeks holidays a year but I would get only four weeks; they might take home $500 a week, but I would be taking home the award rate, which would be substantially less. Where is my freedom of choice there? There would also be an overtime element in the salary.

Hon Reg Davies: I think you have painted a good picture for competition.

Hon TOM HELM: That is right, if the competition were open.

Hon Reg Davies: I know that would be in a perfect world.

Hon TOM HELM: Even in an imperfect world, it would be a good concept if everybody knew what everybody else was getting. It would be fair if we were treated the same way and if our wages were the same. There would be no reason why, if the member had more skills than I, he should not be paid more. If we were both riggers, but the member could weld or cut, or had some fitting ability, there would be no reason why he should not be

paid more. That happens today. If I wanted to earn the same as the member, I would have to achieve the same skills and would have to be cooperative in the company.

Hon Kim Chance: That is what the BHP agreement is based on.

Hon TOM HELM: That is right. That would be more difficult under the workplace agreement because the member and I could not discuss our conditions. It would be an offence under the Bill. Therefore, the whole structure of workplace agreements is built on sand.

We have not been given any good reason for these Bills being introduced. No argument has been put forward by members of the Government about the efficiency of the work force in this State. The second reading speech states that the Bill has been introduced to make the work force more efficient. In fact, it states that the Australian Chamber of Commerce and Industry said in its submission to the Federal Government Review of Industrial Relations Legislation -

> The overall effect of the present system is hostile to the development of a greater enterprise focus in industrial relations.

However, no-one could say that BHP would agree with that. In fact, I suggest it would be hard even to get Robe River Iron Associates to agree with that. Hamersley Iron Pty Ltd would certainly not agree with that. They are major employers. The member should look at some of the smaller and medium size employers, particularly in the Pilbara. I deal with them because I attend chamber of commerce meetings and I also have friends who are small business people. There are no restrictions on their opportunities to employ people or to hire people at appropriate rates of pay. The routine exists already. If they did not make a profit, they would not be in business and they would not hire more people. The flaw in all of this is the suggestion that there is a need for change. That has not been demonstrated. The flaw is that the Minister has not shown us the policy document that says that the coalition Government would present the people of this State with these Bills that would bring about these changes. I do not think members opposite are saying for one minute that the idea behind these proposals is to increase the wages and conditions of workers. The Minister has not suggested that for one minute; he is certainly not suggesting it now. Therefore, the aim of the Bills is not to improve the conditions of workers.

The second reading speech says that the Bills will make industry more efficient. When we tell members opposite that the efficiency of our work force is, by any measure, second to none in the world according to many statistics, it is more difficult for them to explain why these Bills have been produced. The Chamber of Mines and Energy has stated that because the efficiency of the work force, management and industry has improved, to some extent our balance of payments has improved. For that reason, I looked through the Minister's second reading speech when he closed the debate on the previous two Bills and realised that he picked out only those points raised by members of the Opposition that referred to problems with the Bill and laboured those points. He has agreed that the Bills were drawn up rather hastily and is embarrassed because we have only just been given the amendments.

Hon Peter Foss: It is three weeks until you need to debate them.

Hon TOM HELM: It is expected that Bills that come into this place will be changed through the Opposition's amendments and the Government's amendments. However, very rarely are amendments relating to Bills of such importance and of such controversy not presented to this Chamber well before they have been on this occasion so that the Chamber can consider the proposals.

Hon Peter Foss: You have six days to debate them and three weeks to prepare for that debate.

Hon TOM HELM: The Minister should pay attention. We have debated the second reading motion of two Bills and part of a third that will be changed substantially.

Hon Peter Foss: Have you read the amendments?

Hon TOM HELM: No, I have not read the amendments. I apologise because I got them only today. I have other things to do. I said that the Minister was embarrassed. By the look on Hon Derrick Tomlinson's face, he is also embarrassed by the fact that the amendments were not given to this Chamber before today. There was a real rush to get these Bills into this House. They have been badly drafted and will be changed substantially.

Hon Peter Foss: No, they will not be.

Hon TOM HELM: Hang on! Maybe the Minister for Health is calling the Minister for Labour Relations a liar because he told the newspaper that, subject to talks with the Trades and Labor Council, a third of the clauses in the Bills will be changed. I think a third is pretty substantial.

Hon Peter Foss: Have a look at what is there.

Hon TOM HELM: If the Minister calls his colleague a liar, then it is up to him! He has to go into the party room. I would be very careful if I were him. Hon Derrick Tomlinson should watch closely because there will be a vacancy soon. It is ideologically driven and it has nothing to do with freedom of choice for anybody. Even an employer might have difficulty getting freedom of choice. This Bill is about driving down wages and conditions and all three of these Bills should be sent back from where they came - back into the rubbish bin in which they were found. It is a cheek and an audacity to have members of this Chamber debate Bills which are so controversial and which have no substance. We have never seen anyone wave around a policy document of the Liberal Party that has anything to do with these Bills. The Fightback WA document was about minimum conditions and reducing people's wages, but it had nothing to do with reducing the role of the Industrial Relations Commission.

Hon Derrick Tomlinson: The cat will get your tongue, Tommy.

Hon TOM HELM: I already owe Hon Peter Foss a pound sterling - it is on its way from England - because he proved me wrong in that Hon Ross Lightfoot got to his feet and spoke in this debate. It was the best pound I have ever spent. I will give Hon Derrick Tomlinson a pound if he can demonstrate that any of the policy documents issued prior to the election indicated that these are the sorts of Bills the work force of Western Australia could expect. I do not hear him taking up that bet. At least Hon Peter Foss had the guts to take on the bet. That has successfully demonstrated the whole background of these Bills. They have nothing to do with choice or helping this State to be more efficient. They will bring Western Australia into industrial disputation and strengthen the union movement. I said in the second reading debate on one of the other industrial relations Bills that one of the unions had re-affiliated with the Labor Party. Discussions are going on with other unions to take the same action. The Labor movement will do what it is supposed to do - fight the employers and the coalition Government policies tooth and nail right down to the wire. It is the 1970s revisited. If members opposite want to go down that track, this is the way to do it. I do not want to see it because I have been there before. I hope I have learnt from history. I hope we have all learnt from history. The Metals and Engineering Workers Union, of which I am a member, has been criticised because it so rapidly adapted to some of the proposals put forward by the Labor Government to reduce conflict, increase productivity, and get rid of demarcation. My union, and the State secretary of it, John Sharp-Collett, have been at the forefront of those substantial changes to that union, which is generally recognised as a left wing union. Because of education, and the desire to get on with employers and Government to reduce strikes, the union took the step of negotiation rather than confrontation. The Government is asking my union and all the other unions to go back to confrontation. I hope it does not succeed but I suspect it might unless it sends these Bills back to the bin and swamp from where they came. I oppose the Bill.

HON REG DAVIES (North Metropolitan) [11.33 pm]: I speak in this debate as a representative of the average worker in my electorate, which I share with six other members in this Chamber. You, Mr Deputy President (Hon Sam Piantadosi), will be aware that I do not speak in this Chamber unless I have some positive contribution to

make to the debate. I do not intend to be part of the filibustering brigade this evening because I am not an expert in the area of industrial relations. However, I am rapidly learning about it. Although there has been considerable parliamentary debate on this Bill and the other industrial relations Bills, over a fairly protracted period, I believe confusion still exists in the community. Certainly I am confused. I heard a moment ago that it will be an offence for a person to tell other employees what his workplace agreement contains. I was under the impression that it was total nonsense, yet Hon Tom Helm was very convincing on that point. In this House are three lawyers, some former union representatives, some current members of unions, and several academics who have all interpreted this and the two complementary Bills. However, the Opposition and the Government still argue that neither side has grasped the intent of the Bill.

Many workers are still quite confused about the implications of this Bill. The second reading speech does not help the average worker to understand it. It would be fairly difficult for an average worker or people for whom English is their second language to understand one of the paragraphs in this speech. Members of Parliament understand it because they are fairly au fait with parliamentary gobbledegook. The average workers in Girrawheen, Koondoola or Balga who have been in the country for only a few years and who have difficulty grasping the English language would have great difficulty familiarising themselves with this legislation if they wanted to. One paragraph in the second reading speech states -

> As well, the commission will be denied jurisdictional authority to flow-on conditions contained in a workplace agreement to other employees of other employers, or to other employees of the same employer who are not parties to that agreement. This is a critical reform, designed to release employers and employees from the fetters of what has come to be known as "CWJ" - comparative wage justice - or flow-on, and to allow parties to address their own specific needs.

That is not very clear and that is probably why I have received a considerable amount of correspondence from people recently. I will read from some of the letters I have received from constituents in the North Metropolitan Region -

> Dear Mr Davies
>
> I understand the proposed changes to the Industrial Relations Commission is now before the Legislative Council.

Are changes proposed to the Industrial Relations Commission? That is the view of the average worker. The letter continues -

> I am a worker and am very concerned that the community does not understand, nor has it had the opportunity to debate the Bills.
>
> I urge you as an independent to call for the establishment of an inquiry before these Bills become law.

Another letter states -

> I am an Ambulance Officer who works shifts and I am very concerned about the New Industrial Relations legislation.
>
> I believe it will reduce my wages and conditions and as a worker who works shifts I feel I should be compensated for not being able to spend time with my family.
>
> I'm asking you as a member of Parliament to hold up this legislation until the community fully understands it and has debated it.

A further letter states -

> I am a hospital worker at Mt Henry hospital. I am very concerned at the proposed industrial laws. As you are no doubt aware hospital workers are at the lower end of the wage scale. If the new laws are passed it will create considerable hardship in the community, especially the new minimum wage of $275.50. I urge you to oppose the new bills in their present format.

Hon Tom Stephens: The Minister has fixed that because he has shut the hospital.

Hon REG DAVIES: Another very short note from a constituent in Joondanna reads -

> Dear Sir
>
> The Bills threaten my family's base pay because we can no longer take our wages for granted.

A letter from a constituent in Kingsley reads -

> I am writing to let you know how concerned I am. I am a worker at a hospital and concerned about the New Industrial Relations Legislation. I believe it will reduce my wages and conditions and as a low income earner I will no longer be able to support my family. I am asking you as a member of Parliament to hold up this legislation until the community fully understands it and has debated it.

A constituent in Craigie writes -

> I wish to protest in the strongest terms the new Industrial Laws legislation due before the Legislative Council on the 7th Sept. 1993.
>
> To use Mr. Kierath's own words, this is "radical legislation." As such, it must be allowed full and proper debate by the community. The legislation has been rushed through the Legislative Assembly without proper debate and will soon come before the Council; all before the community has had any opportunity to debate these issues about which they are not yet fully informed.
>
> These new laws will drag Australia back into a feudal system, will drastically lower our standard of living and will offer the worker no protection at all.
>
> I urge you most strongly to take all possible action to ensure that this legislation does not become Law and safeguard our hard won conditions and rights.

A letter from a constituent in Tuart Hill reads -

> I am a hospital worker and I am very concerned about the new Industrial Relations legislation.

It is along the same lines as the previous letter, except that it continues -

> I am asking you as a Liberal/National Party member of Parliament to hold up this legislation until the community fully understands it and has debated it.

A constituent in Edgewater writes -

> I have been a member of the health department for the past 5 years, and I am currently employed at Wanneroo hospital.
>
> I am concerned that the community does not understand, nor has it had the opportunity to debate the Bills (changes to industrial commission).
>
> I urge you as an independent to call for the establishment of an inquiry before these bills become law.

Hon Derrick Tomlinson: Mr Davies, there is a certain repetitiveness in those letters, isn't there?

Hon REG DAVIES: I would suggest that there is repetitiveness in some of them. We all know that we get letters of a standard type from our constituents.

Hon Derrick Tomlinson: An orchestrated campaign.

Hon REG DAVIES: I always think that people who take the time to sit down and write in their own handwriting and put their names and addresses on letters are concerned.

Hon Peter Foss: I give you that.

Hon REG DAVIES: I take less notice of a standard letter that has been roneoed off and that has on it the wrong name and address. However, these people have a right to write to me. I encourage my constituents to keep me informed of their views so I can fully represent them here.

Hon Derrick Tomlinson: So you should, but aren't you alarmed that a standard letter does not necessarily reflect their views but views that they are recycling on behalf of somebody else?

Hon REG DAVIES: Another letter reads -

> I am writing to you to ask you to think twice about allowing the new legislation regarding working people. I am a person who looks at "FAIRNESS" -

This is not standard -

> - which is a major factor in life. Is it fair that you politicians who were only a short time in parliament receive a big pay rise, which the tribunal said you could have. The Labor politicians didn't accept one in the last three years of power. I would ask, "were you people thinking of the economy when you accepted this", and yet under the legislation you want to attack our wages and conditions. "WHERE IS THE FAIRNESS" in this lot. Liberal Policy surely comes to light here. "THE RICH GET RICHER, THE POOR GET POORER". Maybe it would be nice if you politicians were to come and reside with a couple of low income earners just to view how hard it is, you might think twice about the new legislation.
>
> I'm 38 years of age and a supporting Mum of one child who is 16 years of age. It is not easy at all, working and caring for your child. Having the worries of how to meet everything that is required on one income.
>
> If it comes to us having to sign agreements, well then I feel the public of WESTERN AUSTRALIA who pay your wages by way of Taxes, should draw up agreements for politicians. Don't you think that is "FAIR".

I have not responded to that letter yet, as I have just received it. Another one from a constituent in Girrawheen is along the same lines and yet another is about legislation yet to be debated and on which I have hundreds of letters.

I am essentially saying that if members of this Chamber do not fully understand the legislation and cannot agree on what clauses of the Bill mean - one side says a clause means this; the other side says it means that - we have a problem. It is very difficult for the average person in the community to understand the Bills in the short time that we have had them. I said that we have had a prolonged and protracted debate in the Parliament. However, only a very few people have had the opportunity to read these riveting debates.

I have also taken the opportunity of reading a document titled "Workplace Focuses" prepared by the Department of Productivity and Labour Relations on the three Bills. It gives a completely different picture from what the Opposition has been giving. Hon Nick Griffiths made some comment in his speech on Thursday about how he does not like interjections. The only reason I interject in speeches is so I can try to understand the legislation. I suggest that Hon Nick Griffiths, who is not in the Chamber at the moment, learn how to deal with interjections.

Hon Graham Edwards: He is sitting here in the Chamber listening to you.

Hon REG DAVIES: Good. I suggest that he learn to deal with interjections and become more comfortable with them. If he does so, he will realise that it is not a personal attack on him or on the speech he is giving.

Hon Sam Piantadosi: Mr Davies, if you don't mind my interjecting, how many workers would have a copy of that document?

Hon REG DAVIES: I have no idea. I suggest there would not be many.

Hon Peter Foss: I think Mr Davies' point is a very good one.

Hon Sam Piantadosi interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon REG DAVIES: I would like to see every worker in the State get a copy of this

document. At the same time, it is very important that they get the documents put out by the union movement. Last week, a very good document was sent to me by a union leader. It also looks at the Bills very critically. Workers can then look at both sides of the argument and make up their own minds.

I would like the Minister to answer one concern before the Bill is passed, which we all know is a fait accompli. I am concerned about the provision that people in the country who have difficulty with their employers, their work, or unfair dismissal have to seek the services of the commissioner. Will the commissioner move from place to place or will these people have to come to the city? If they have to come to the city, who will pay for their fares and their accommodation? As I said at the outset, I am not going to stand here and filibuster on this, because I am genuinely concerned. I am not as familiar with the detail of the three Bills as I should be, although I have attempted to familiarise myself as much as I can. I do not expect the people who will be employed under the new legislation to be full bottle on the Bills. I am concerned that we have not had the time to inform the public fully, which I believe is one of the responsibilities of Parliament, if not the ultimate responsibility of Government. A certain amount of misinformation is doing the rounds. I understand that an official Government publication will be delivered to every household in this State to give people one side of the story.

As I said when speaking on the other industrial relations Bills, I intend to move at the passage of the second reading that the three Bills go to the Standing Committee on Legislation for further review and public discussion. This will allow the public to be informed on the consequences of the legislation. I have had discussions with the Minister handling the Bill in this House, and he believes it is unnecessary for that to occur. Nevertheless, I intend to move that motion. I hope members will decide to support that move for the benefit of our constituents; namely, the citizens of Western Australia.

HON J.A. SCOTT (South Metropolitan) [11.51 pm]: Listening to other speakers on this legislation, particularly Hon Bob Thomas, I search for the proper word to describe his feeling about the Government's attitude with this Bill.

Hon E.J. Charlton: Did you get it?

Hon J.A. SCOTT: I think I found the correct word; namely, sublapsarianism. That is a doctrine by which God allowed the fall of man, and afterwards elected certain persons to salvation while passing over others.

Hon P.H. Lockyer: Was that before or after Dr Shea arrived here today?

Hon J.A. SCOTT: Perhaps the members of the Labor Party got it wrong; perhaps the legislation does not come from sublapsarian philosophy at all. Maybe the Government is concerned about the growing gap between the rich and poor in this country! Clause 6 of the Bill will exclude the application of the award to workplace agreements. This is probably because the Government believes that awards are insufficient and wants to see higher pay for workers.

In his interjection Hon Derrick Tomlinson said that a 17 year old person could adequately argue his or her case in a workplace agreement. This person would be negotiating with a properly trained person from a large company who has years of training and experience in that job. I suppose the member sees himself as being able to weld the seams on aluminium sheets at his first try. Perhaps Hon Peter Foss could have a good try at a dinner plate, or something else.

Several members interjected.

Hon Derrick Tomlinson: You were doing so well when you were attacking me!

Hon J.A. SCOTT: We heard Hon Peter Foss talk about equality in this legislation. However, this equality is rather like that George Orwell describes in *Animal Farm* as an equality which applies to all, but some are more equal than others.

Unfortunately, when I consider the legislation I do not believe a young person could properly negotiate these three Bills at once. It would not be possible for that person to

retain the three Bills in his or her head when making an agreement with an employer representative who has many years of experience and expertise in the field. I find it difficult to understand how much of the legislation can be carried out. For example, how will the confidentiality clause in the Workplace Agreements Bill apply when workers are in the hotel after work talking about their wages and conditions?

Hon Peter Foss: Have you read the clause? It only applies to members of the commission!

Hon J.A. SCOTT: It does not say that.

Hon Peter Foss: If a 16 year old had your comprehension skills, he or she would not survive!

Hon J.A. SCOTT: Clause 37(1) of the Workplace Agreements Bill refers to "a person to whom the subsections applies".

Hon Peter Foss: Read subclause (4)!

Hon J.A. SCOTT: Surely the subclause will apply to the people -

Hon Peter Foss: Subclause (4) indicates that subclause 37(2) will apply to a person who holds or has held the office of commissioner.

Hon J.A. SCOTT: It says that an agreement lodged with the commission is "not open for inspection by any person except a party to it".

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! It is very difficult for Hansard, among others, to pick up what the member is saying with cross-Chamber interjections.

Hon J.A. SCOTT: Surely a party to an agreement is a person whose name is on the agreement.

Hon Peter Foss: Yes, but read subclause (4)!

Hon J.A. SCOTT: It does not refer to subclause (4)!

Hon Peter Foss: You should read it! Subclause (4) indicates that it only applies to the commissioner. Why don't you read it?

Hon J.A. SCOTT: I have read it. If I cannot understand it, probably many others do not as well!

Hon Peter Foss: If you cannot understand it properly, that says more about you than other people!

Hon J.A. SCOTT: Unfortunately, most people -

Hon Peter Foss: Because you do not bother to read!

Hon J.A. SCOTT: - do not speak in legal jargon. Just as I said that Hon Peter Foss would not make a good welder, most people would not make good lawyers if they do not have the training.

Several members interjected.

The DEPUTY PRESIDENT: Order! Let us get on with the Bill. If the Minister stops his interjecting, we can progress. He will have an opportunity to sum up at the end of the debate.

Hon J.A. SCOTT: Unfortunately, the average person will not be able to collectively regard all these clauses and make an agreement of any sense. That will not be hard, but impossible.

Hon E.J. Charlton: Do you believe the unions should do it on behalf of the worker?

Hon J.A. SCOTT: People should be able to have representatives acting for them who understand the legislation; that may or may not involve unions.

Hon E.J. Charlton: They can do that.

Hon J.A. SCOTT: If they are prepared to pay for a lawyer, that can be done.

Hon E.J. Charlton: It does not have to be a lawyer.

Hon P.R. Lightfoot: You should stick to butterflies and budgerigars.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon J.A. SCOTT: I also have a number of other problems with this Bill. The legislation's main aim is to get unions out of the bargaining process. Like other speakers before me, I cannot believe that the legislation contains a threat hanging over the head of people who move to the Federal awards. That sort of threat is not the way to frame legislation: If we are to have freedom of choice, it should be a free choice.

However, I do not agree with a closed shop, and some sensible negotiations should be conducted with trade unions to work out a way to avoid a closed shop situation. This legislation is not the way to do that. Unfortunately, the Government believes that consultation involves drafting a Bill and then talking to people about changes they want to make. The Government probably has consulted with some people, perhaps between five per cent and 10 per cent of the population. I am not sure what the employer side of the equation is. I am pretty sure that the Government did not consult with the unions before framing this Bill. There is not much point talking after the event when something is beyond repair. Without getting into particular clauses of the Bill, I do not have a lot more to say on the matter except to reiterate that I took off my rose-coloured glasses at sunset. I do not believe this Bill is in the interest of the workers, of the State or of the employers. I oppose it.

HON TOM STEPHENS (Mining and Pastoral) [12.01 am]: When we were in office we focused on the record of the Legislative Council to contrast it with the role that it adopts in times of conservative Administrations. The Australian Labor Party members developed a score system where we totted up the number of Bills that were introduced and subjected to either amendment or rejection by the Legislative Council, and we then compared the two lists of those Bills.

Hon Peter Foss: We have already explained to you a long time ago why that method does not work.

Hon TOM STEPHENS: The Minister should just steady on there.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: I am sure that you, Mr Deputy President, will be aware that the list of Bills that are amended or rejected when the Labor Party is in Government is traditionally quite long and during a conservative Administration the list is quite short. In many times of conservative Administrations this House has gone to sleep completely and has allowed for the passage of all of the Government's legislative program.

Hon Peter Foss: What a lot of nonsense.

Hon TOM STEPHENS: I want to make sure that we place on record tonight that we have here a trilogy of Bills.

Hon Peter Foss: We have only one actually.

Hon TOM STEPHENS: We have three Bills that are on the Notice Paper dealing with the same topic. It is a tragedy in three Acts which we have been advised will be amended by this House. We need to make it quite clear and have it on the record that this is not a case of the Council flexing its muscles in the face of a conservative Administration and amending unacceptably the Government's legislative program as it trundles its way through the Parliament of Western Australia. This is not a case of the bold and fearless members of the independent House of Review coming into this House with courage to show the Government of the day that they will use its role as a House of Review and amend legislation. Let us make sure that in the record of this debate there is no

equivocation about this question. These amendments arrived on the Notice Paper on the instruction of a Minister in the other House, telling his members on his side of the House in this place what they will do by way of amendment to this legislation.

Hon E.J. Charlton: This came as a consequence of advice and contribution by people, probably within the Labor Party, as a way to improve the legislation.

Hon TOM STEPHENS: That shows how far Hon Eric Charlton is removed from the drafting process of this legislation.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: Hon Eric Charlton has got the Government in enough problems just by sticking to transport legislation.

Hon E.J. Charlton: Don't you worry about me, mate.

Hon TOM STEPHENS: I say to Hon Eric Charlton, "Don't you worry about that." The Government is in enough difficulty as a result of his contribution to the transport debate.

Hon E.J. Charlton: Have a look out there and see how we are going.

Hon TOM STEPHENS: We need to make it quite clear for the purposes of this debate that this is not an example of the role of this Legislative Council flexing its muscles and telling the conservative Administration what to do with its legislation. This is no more than the riding instructions of the Minister for Labour Relations in the other House telling this place how it will amend this unacceptable legislation and make it even less acceptable to the people of Western Australia. At the same time we are seeing in this tragedy in three Acts - this Greek tragedy -

Hon Peter Foss: That is racist.

Hon J.A. Cowdell: Call it Portuguese.

Hon TOM STEPHENS: We will see a silence on the part of Government members by and large. In the consideration of this legislation, we have yet to see any Government member contribute by way of anything more than a three word interjection.

Hon E.J. Charlton: We have reviewed it and found it all to be correct.

Hon Cheryl Davenport: Great recommendations!

Several members interjected.

The DEPUTY PRESIDENT: Order! I am sure the honourable member has enough trouble with the interjections from people on the other side, let alone those from people sitting next to him.

Hon TOM STEPHENS: The passage of legislation in this House has seen silence from those on the other side by and large, with the exception of a few interjections; an extremely voluble opposition from those on this side of the House; and extremely detailed expressions of that opposition.

Hon Peter Foss: Total drivel - and you will continue it.

Hon TOM STEPHENS: The legislation now before the House is legislation that was part of some core issues that were put to the people of Western Australia earlier this year. In the lead-up to that election we, the party then in Government, went to the people and said, "You need to subject these pretenders to the throne to close scrutiny to see precisely what they are up to on the questions of industrial relations." Time and time again we asked this Liberal Party, when it was in Opposition, to spell out its policies. What finally emerged in the lead-up to the election? A most slender policy document that contained scarcely any detail at all and certainly gave no indication of the nature of this legislation that is now before the House. In fact, those debates that went on in the lead-up to this election tried to extract the detail that was available to the community. It was not possible to get the detail, despite the constant demands of our party while we were in Government to extract that detail for the people of Western Australia to be able to make a

fair and reasonable assessment of the policies of the two parties in these questions. Now the detail is before the House.

Hon E.J. Charlton: People are not complaining. It is only you. You are the only one who is complaining.

Hon Reg Davies: In spite of that, the people elected them anyhow.

Hon TOM STEPHENS: Indeed, the Government was elected on the basis of a party that was silent on these questions that are now before the House.

Hon Max Evans: Rubbish!

Hon Peter Foss: Nonsense.

Hon John Halden: Why don't you say that what the AWU said was absolute rubbish?

Hon TOM STEPHENS: Members opposite, while in Opposition, said that claims made by the Australian Workers Union were absolute rubbish.

Hon Peter Foss: You make more sense when you are reading.

Hon John Halden: The Opposition leader said, "We would not do that. This is not Victoria. I am not Jeff Kennett."

Hon Peter Foss: Quite right.

Hon E.J. Charlton: You are not like Keating either.

Hon TOM STEPHENS: This is not Victoria, and this legislation in so many ways is far worse.

Hon B.K. Donaldson: Look at the poll result published in the newspaper last weekend.

Hon TOM STEPHENS: The Premier of Western Australia is indeed no Jeff Kennett. He is a new type of Liberal leader. He is Richard Court, who will no doubt be the type of Liberal leader who will be characterised by the South Australian Opposition as it faces the polls by saying, "This is not WA and I am not Richard Court."

Hon E.J. Charlton: Who do you reckon will win that?

Hon TOM STEPHENS: The line that no doubt will be used by the Liberal leader in South Australia as he faces the people later this year will be, "This is not WA and I am not Richard Court." I hope the people of South Australia are not silly enough to believe that line.

Hon E.J. Charlton: He will lose too.

The DEPUTY PRESIDENT: Interjections are out of order and I am desperately searching the member's remarks for some relevance to the Bill. I am sure he will bring his remarks around in a minute.

Hon TOM STEPHENS: The great skill of this Government in handling the legislation in this House is probably given no greater testimony than in the way that members opposite can quite rightly indicate that in the community there has not been the great crescendo of objection to this legislation that it deserves. Hon Reg Davies in his contribution was able to indicate that he has received some significant correspondence that was addressed to him expressing the concern and objection of many of his own constituents.

Hon E.J. Charlton: Not as many as he had on daylight saving.

Hon TOM STEPHENS: A number of people have raised their concerns about this legislation with me. It has been the skill of this Government while in office to succeed so far in sneaking this legislation through the House.

Hon P.R. Lightfoot: You would hardly call it sneaking when you have had weeks.

Hon TOM STEPHENS: It has not been subjected to any media scrutiny or any in-depth investigative analysis that it deserves.

Hon P.R. Lightfoot: Are you blaming the media?

Hon TOM STEPHENS: There is another phase of this legislation at which this House will subject these Bills to scrutiny - that is, of course, the Committee stage.

Hon E.J. Charlton: You are grandstanding.

Hon TOM STEPHENS: It is very important indeed that the media take the opportunity of awaking from their slumber on the analysis of this legislation and hopefully be able to hear me on the loud speakers as I address them: "Wake up from your slumber." I hope they will awake from their slumber and place this legislation under the in-depth analysis that it deserves. It should be given the type of analysis that was given to Jeff Kennett's Victorian legislation. The Western Australia media have not so far served the people of Western Australia well on this question. Just compare the media coverage of Jeff Kennett's legislative package with its coverage of this Government's two packages. Bill after Bill that Jeff Kennett rammed into the Parliament were placed under analysis in page after page of newspaper print, reel after reel of commentary on the television and enormous national coverage on radio. The media in Victoria at least were not asleep as this type of legislation was rammed into the Victoria Parliament. An unwritten rule given to all new members of this House by the wise hands on both sides of the House is that if they want to be given a fair go in the media then, for goodness' sake, never attack it. I recognise that I am breaking one of the great unwritten rules of the place.

Hon Peter Foss: They already don't like you so it will not make any difference.

Hon TOM STEPHENS: That is, no matter what the media may say about us, do not criticise them. I found myself rising to my feet in some trepidation to take the opportunity of criticising the media's coverage of this legislation in so far as it has progressed in this House to date.

Hon P.R. Lightfoot: You mean lack of coverage.

Hon Reg Davies interjected.

Hon TOM STEPHENS: Hon Reg Davies makes a telling point. It is indeed a daunting prospect for a member in this House who knows of the power of the media to know that they can put the people of Western Australia to sleep on important questions or they can have the people of Western Australia rising up in agony, anguish and anger about initiatives of this Parliament. At the moment we are seeing the people of Western Australia by and large asleep as these three important pieces of legislation pass into the next phase of the consideration of this House.

Hon E.J. Charlton: They got knocked unconscious by you when you ripped them off.

Hon TOM STEPHENS: I beg the media to address the detail of this Bill as they have not done to date, to understand that these workplace agreements, these individual contracts that are being imposed by this legislation on the people of Western Australia do apply across the board to all sections of the community. It may be that the only time people will realise is when self-interest is at stake, then will they start to show the sort of attention this legislation deserves. Individual contracts will also apply to journalists.

Hon P.R. Lightfoot: They already do.

Hon John Halden: They have an award.

Hon P.R. Lightfoot: Some of them have individual contracts.

Hon John Halden: You should engage the brain before the mouth.

The DEPUTY PRESIDENT: Order!

Hon TOM STEPHENS: Hon John Halden has interjected in response to Hon Ross Lightfoot by indicating that individual contracts do not operate currently as they will operate after the passage of this legislation. This legislation removes the backdrop that is currently in place - that is, awards. The Industrial Relations Commission has the capacity and power to put a moderating influence on the role of Governments and employers that will not be in place in the future after the passage of this legislation. This is a revolutionary change that we are seeing in this Parliament in the passage of this

legislation. We are seeing swept away 100 years of evolutionary history that has produced for Western Australia a system to which most sections of the Western Australian community have become accustomed, with which most have become comfortable, and by which most have been served well.

Hon Reg Davies: Like the Constitution and the flag?

Hon TOM STEPHENS: Hon Reg Davies has made a worthwhile interjection. He referred to another debate that will take place with vigour and enthusiasm where the media will help the process of ensuring that all sections of the community know all about the proposed changes to the flag, the move to a republic and the removal of monarchy. I hope they will continue to do their job so that all sections of the Australian community are aware of the proposals. More importantly, just as they have adopted a high profile with those questions in the media, we need to see a recognition that these very significant Bills are entering their most significant phase in the debate in the Legislative Council.

The Minister handling this legislation arose at the end of the second reading debate on the second Bill to produce a paternalistic display of his arrogance, where he gave headmasterly-like comments on the contributions of members on this side of the House. I am not interested in his scorecard; neither is any other member on this side of the House. We are not interested in his arrogance, his paternalism, his showmanship or his display of intellectual contempt for the contribution of anyone on this side of the House. I listened at great length and with pride to the contributions of various colleagues of mine. They were significant and different contributions. I refer, for instance, to the contribution of the Leader of the Opposition in the Legislative Council, Hon Graham Edwards, who made a significant contribution in the last debate, but which fell on deaf ears on the part of the Government in this place. With great regret it also apparently fell on the deaf ears of the media. The Leader of the Opposition made a significant speech on the questions of this legislation -

Hon Murray Montgomery: In whose opinion?

Hon TOM STEPHENS: In my opinion, and I hope in the opinion of Hon Murray Montgomery also.

The DEPUTY PRESIDENT: Order! The honourable member is really referring to history, a Bill which has already been debated in this House. He should be addressing the principles of the Bill which is before the House. I invite him to do so.

Hon TOM STEPHENS: Industrial legislation of this sort that changes the whole framework of the structure for considering the pay and conditions affecting wages is significant legislation. The prospect of seeing words used that will somehow disguise the meaning of what the Government is doing is a daunting prospect as well. Words have been used in this trilogy of legislation, including the Industrial Relations Amendment Bill, that obfuscate the real intent of the Government in the words that are used in the legislation itself, in the commentary and in the glossy magazines such as "Workplace", a magazine that has been produced with a full page photograph of the Minister on the front page. This particular publication puts the efforts of Hon Bob Pike when he was last in Government into a pale shadow. When Hon Bob Pike was in Government as the Chief Secretary, he used to be chided again and again for sporting his face across the various publications that he produced on behalf of the Arts portfolio at the time. In an effort to facilitate the passage of this Bill through this House, pamphlets such as this have a photograph of the Minister for Labour Relations covering the entire front page. It is distressing that the Government is taking the opportunity of producing a one sided analysis of the legislation in support of it, packaging it up in this glossy document with a photograph of the Minister, shooting it off around the community, defending the legislation, and failing to address the innumerable concerns that are being expressed on this side of the House.

Hon Peter Foss: Tell us what is wrong with the legislation.

Hon TOM STEPHENS: I am not going to be in breach of standing orders by engaging in tedious repetition -

Hon Graham Edwards: Like the Minister's interjections.

Hon TOM STEPHENS: - like the Minister's interjections. I will not be involved in tedious repetition enumerating the failings of the legislation because those failings have been pointed out by speaker after speaker on this side of the House. We now move at the completion of this debate to the Committee stage of the legislation. I hope that we will see in the detailed analysis that is given to this legislation by the members of the House, at least on this side of the Chamber, that there will now be on the part of some media at least some renewed enthusiasm for their part in the processes of the democratic traditions that have emerged in Western Australia; that is, recognising their role as part of the watchdog process. They have an obligation, just as we as the Opposition have, to focus on the detail as we have and to ensure that the community understands that detail and comes alive to the fact that they are about to see enormous problems facing the work force of Western Australia as it arrives in the face of Acts of Parliament such as this.

Hon Reg Davies made an interesting contribution and spelt out what a tragedy it was that the community of Western Australia was not yet fully cognisant of this legislation. In this debate, particularly as the Bill goes to the Committee stage, we need to rectify that situation in the wider community. We need to ensure that the Committee debate on the clauses of this legislation is fulsome, and finally attracts the attention of the media so that they understand that they should be worried about this legislation.

I conclude my remarks by ensuring that it is recorded in *Hansard* again that this is not one of those Bills that will be amended by this Legislative Council because of any new found courage on the part of the conservative members of this place. It will be amended, as we are told by the interjections so far by the Minister handling the Bill and also by a schedule of amendments on the supplementary Notice Paper. It will no doubt be ensured that those amendments are pushed through the Committee stage of this debate because it is the will of the Minister in the other place, not any new found courage on the part of the conservative members, and certainly not because of any new discovery of this Legislative Council's role as a House of Review, even while conservative parties are in Government in this State. I oppose the legislation vigorously and look forward to the Committee stage of the debate in the hope that the media will be with us in understanding this legislation and making sure that the people of Western Australia understand the legislation before it is passed through this place.

HON PETER FOSS (East Metropolitan - Minister for Health) [12.28 am]: This has been a disappointing debate because most of the speakers who spoke against the Bill tended to speak on almost any Bill except the one currently before the House and tended to repeat the arguments they used on the other Bills; even to the extent in the case of Hon Jim Scott, who showed a puzzlement over a section of the Workplace Agreements Bill that I thought had been carefully laid to rest in a previous debate. However, I will not deal with that at this stage because it is not germane to the discussion we are having tonight, but I will deal with it at the Committee stage. It has become clear during the course of this debate that the matters in dispute are the same matters that we originally talked about - a difference of opinion about how the legislation should proceed. In large measure, it was a matter of emotional attack on the concepts behind the Bill rather than any reference to the clauses of the Bill. The general message that was conveyed during this debate was that members opposite did not like the idea of this Bill. It appeared they did not think there was anything significant about this Bill and it comes down to the fact that they do not like the idea of workplace agreements.

I was grateful to Hon Kim Chance for raising the interesting argument of the wide comb dispute. Although I believe the commission has a useful role to play, it has on many occasions been the scene of flights of pure fantasy. Through its central wage fixing system and the people involved in the industrial relations club, it has arrived at conclusions which no-one in his right mind would accept as sensible. The wide comb dispute was a classic example.

Hon Kim Chance: The commission endorsed the wide combs.

Hon PETER FOSS: Eventually it did, and that is exactly the point I am making. The question is why wide combs were not to be used.

Hon Kim Chance: Why are there speed limits? There are rules.

Hon PETER FOSS: There was never any argument for wide combs and it shows the Alice in Wonderland-type logic that is occasionally accepted in the commission. People might say that the problem has been resolved, but how on earth can that Alice in Wonderland nonsense occur in the first place? The fact that things have become better only indicates the occasional total detachment in the commission and there were signs of that during the Robe River dispute.

Hon Kim Chance: It fixed it.

Hon PETER FOSS: Eventually, but how did it get there in the first place?

Hon E.J. Charlton: They were frightened that they were shearing the sheep too quickly.

Hon PETER FOSS: That is right. It was felt that the shearers would be too efficient. I had to appear before the Australian Industrial Appeal Court which comprised three judges who were flown to Western Australia from Canberra to hear that appeal. Some poor employer was being prosecuted because it was held that he had not exercised sufficient diligence in the shed to prevent the workers from using wide combs. The prosecution was brought by the union with regard to the action of its members. It was an extraordinary situation and it was being treated as logical.

Hon Kim Chance: But it resolved the dispute.

Hon PETER FOSS: This ludicrous situation continued for years. Many examples of how the commission can fix things up could be given. Even if members accept that some of the decisions are not inherently weird, as was the case with the wide comb case, the problem with a centralised wage fixing system is that occasionally it is inappropriate to the workplace and the people involved. This legislation will provide the opportunity to those people, both employers and employees, who want it to operate in a way that suits their business. We constantly hear workers and employers saying that they could be more efficient if it were not for the straight jacket element of the centralised award fixing system. They know they can do it better, but they are not permitted to do so because of that system. The unions will not allow them to change the system. Under this legislation people will be able to take control of their lives by having that choice. The Government has set up a system of Bills which gives them that choice.

Several members interjected.

Hon PETER FOSS: Members opposite do not agree with that because they see if from the unions' point of view. It was the unions who put them in this place and I would expect them to do what their political puppet masters tell them to do. Members opposite are driven by the fact that their unions have told them they are not to agree to the industrial relations legislation. Therefore, they have trotted out the same arguments three times. It is a shame we could not have a cognate debate on these three pieces of legislation; it would have been a more useful debate.

Hon John Halden: Will you get to the Bill?

Hon PETER FOSS: I am dealing with the contribution to this debate by members opposite. It is difficult for me to deal with the arguments raised by Opposition members, because they did not relate to this Bill. I tried on many occasions to suggest to members that they address the Bill, but unfortunately the Workplace Agreements Bill and the Minimum Conditions of Employment Bill were addressed, but not this Bill.

Hon Kim Chance: What about the Minister having the power to cancel awards?

Hon PETER FOSS: The Minister does have the power to cancel or suspend an award, either in whole or in part. It is inappropriate to have both a Federal and State award applying to the same things. Under section 109 of the Constitution the State award is unaffected to that extent.

Hon T.G. Butler: It is not - that is rubbish!

Hon PETER FOSS: A State award cannot occupy the same space as a Federal award.

Hon T.G. Butler: It can mirror the Federal award for non-respondents to the Federal award.

Hon PETER FOSS: That is quite right, but it cannot occupy the same space.

Hon John Halden: Not only do you not want to debate this Bill, but also you cannot get it right.

Hon PETER FOSS: I said it cannot occupy the same space and that is correct. The member did not understand me.

Hon John Halden: It is my fault again!

Hon PETER FOSS: Hon Reg Davies made a useful contribution to the debate. He said that we should make certain that the information produced in the magazine to which he referred is made available to the public. It was intended that when the legislation is passed people are made aware of the legislation. I will certainly convey to the Minister for Labour Relations the suggestion that it may be appropriate for that to happen prior to the legislation passing through the Parliament.

Although the question about country persons is not a matter which fits within this Bill, it is intended that they will be available for the assessment in the same way as people in the metropolitan area.

Hon John Halden: So there will be more than one?

Hon PETER FOSS: The Bill has the capacity to make people available for the assessment of those things. The member was talking about the commissioner.

Hon John Halden: I understand what he was talking about.

Hon PETER FOSS: One of the concerns raised about this Bill was the question of arbitration. The important thing to recognise is that when people talk about being deprived of the Industrial Relations Commission's services, one of the requirements of a workplace agreement is that it contain dispute settling procedures. It is wrong to assume that there will be no dispute settling procedures whatsoever because they are an obligatory part of any workplace agreement. It is wrong to assume that an arbitrator appointed to oversee a workplace agreement does not have the capacity to deal with these matters. Firstly, part of the agreement will be the dispute settling procedures and that is one of the things with which the arbitrator has the capacity to deal. Secondly, the assumption that the person appointed to the position of arbitrator under a workplace agreement will in some way act improperly, whereas a union official or an employer appointed to the Industrial Relations Commission will act properly is extraordinary. It is totally wrong that the person appointed to an arbitrator's position should be assumed to act dishonestly simply because he is not appointed by the Government.

Hon John Halden: But one could appeal its decisions. In regard to some of these there will be no right of appeal, except on questions of law.

Hon PETER FOSS: That is the main reason for appeals to the Industrial Appeals Court of Western Australia.

Hon John Halden: That is one of the reasons.

Hon PETER FOSS: That is the main reason. The basic assumption that appeared to be inherent in what was said by some members opposite is that people who take on the solemn and important job of arbitrator will somehow behave improperly because they are appointed under the Commercial Arbitration Act, whereas under other Acts they do not behave improperly. My experience has always been that people who are appointed as arbitrators act judicially and take their position seriously. I can see no reason that the situation will be any different in the case of people appointed -

Hon A.J.G. MacTiernan: The employer will effectively have control over the appointment of the arbitrator.

Hon PETER FOSS: That is a strange statement, because it will be governed by the provisions of the Commercial Arbitration Act, and the member knows perfectly well that,

under those circumstances, it is not a matter that is entirely in the hands of one person. The arguments of members opposite are based on a negative outlook on life. They seem to believe that everyone, with the exception of themselves, will act dishonestly. Obviously the people of Western Australia will find that a bit rough, coming from an Opposition which has behaved in the way that this Opposition has over the last 10 years in Government. It is more appropriate to believe that the people who take on these jobs carry them out seriously, because the experience in our community is that that is the case.

I do not know what will be the process during the Committee stage, and I make no predictions about what will be the Government's attitude to the Opposition's amendments, many of which it would be ridiculous to contemplate that we would accept because it is clear that they are contrary to the spirit of the Bill and to the intentions of the Government as announced prior to the election and endorsed by the people of Western Australia. In regard to any matters that do not go to the policy of the Bill, we will listen carefully to any arguments at the Committee stage, but I make no predictions about what will happen. I do not believe it is appropriate for the Opposition to make any predictions either.

It is clear where the amendments that I have placed on the Notice Paper have come from. The Trades and Labor Council originally refused to have any discussion with the Minister for Labour Relations about what should be done in order to meet some of its objections to this legislation. It carried out a policy of demonstrations and generally showing an irresponsible attitude.

Hon Tom Helm: The Minister would not listen to it.

Hon PETER FOSS: The member is wrong. It refused to have any discussions with the Minister.

Hon Tom Helm: The Minister spent an hour with the TLC and then left the meeting.

Hon PETER FOSS: At long last, last week the TLC decided to make some submissions and, quite rightly, the Minister listened. The proposition that is now embodied in the amendments which I have placed on the Notice Paper arises out of those discussions. Surely members opposite would not wish me to disregard those amendments which have come out as suggestions from the TLC in discussions with the Minister for Labour Relations. To see that as some sort of riding instruction as opposed to our listening to the democratic processes seems to me to be quite extraordinary. The further democratic process will take place during the Committee stage, when we will have the opportunity to discuss not only the Government's amendments but also the Opposition's amendments. The Opposition will have three weeks to consider the amendments that have been put on the Notice Paper at the suggestion of the TLC.

Hon John Halden: They are not just from the TLC. They are also from the Chamber of Commerce and Industry.

Hon PETER FOSS: Yes, the public of Western Australia, and that is the important thing.

Hon John Halden: Most of those amendments have not come from the TLC.

Hon PETER FOSS: Some of the amendments are ones which the Opposition has asked for, and I am sure the member is pleased that they are there because they deal specifically with matters that he has raised. All the way through, we have seen Opposition members leap at shadows and make quite unjustified suppositions about what the legislation is about and how people will behave. Members opposite believe that this legislation is a threat to unionism. We see it as a challenge to unions to provide a service to their members, and I hope they will rise to that challenge.

Hon John Halden: Can you guarantee me that, under this legislation, unions will have the opportunity to effectively represent workers?

Hon PETER FOSS: I guarantee that they will have the opportunity. Whether they will take it is another matter altogether. What they will not have is the opportunity to insist that they be the only people who do that. They will not have the opportunity to take it over and run it entirely without regard to the workers. They will certainly have that

opportunity because they are able to show that they have a useful part to play in the process.

In the end, I think it will be seen that the Opposition's objection to this Bill is purely ideological and flies in the face of the mandate that we received at the last election. I know members opposite do not like to face that fact and I know they are not prepared to accept that this legislation is in line with our policy, but in the end that is the major area of dispute between us. I am sure that there is some minor detail that we can look at in regard to the wording of the Bill to ensure that we have the best possible legislation, but essentially the problem we have here is a difference of ideology and a failure to accept the judgment of the people of Western Australia. I commend the Bill to the House.

Division

Question put and a division taken with the following result -

	Ayes (16)	
Hon George Cash	Hon P.R. Lightfoot	Hon B.M. Scott
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch
Hon M.J. Criddle	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Muriel Patterson *(Teller)*
Hon Max Evans	Hon M.D. Nixon	
Hon Peter Foss	Hon R.G. Pike	
	Noes (13)	
Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Tom Helm *(Teller)*
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon Graham Edwards	Hon J.A. Scott	

Question thus passed.

Bill read a second time.

MOTION - WORKPLACE AGREEMENTS BILL, MINIMUM CONDITIONS OF EMPLOYMENT BILL, INDUSTRIAL RELATIONS AMENDMENT BILL

Referred to Standing Committee on Legislation

HON REG DAVIES (North Metropolitan) [12.53 am]: I move -

> That the Workplace Agreements Bill, the Minimum Conditions of Employment Bill and the Industrial Relations Amendment Bill be referred to the Standing Committee on Legislation for the committee to consider, and in considering the Bills the committee have regard for the following -
>
> (a) whether the Bills unfairly impact on the underprivileged;
>
> (b) whether the Bills will have a detrimental effect on the union movement; and
>
> (c) whether the Bills would be detrimental to the tourism and hospitality industries of this State.

The motion is consistent with my comments during debate on the Bills that there should be more community input before the Bills become law. I commend the motion to the House.

Hon J.A. Scott: I second the motion.

HON PETER FOSS (East Metropolitan - Minister for Health) [1.54 am]: I oppose the motion. I originally indicated to the House that I would be happy for all the Bills to go to the Legislation Committee immediately after moving the second reading of the Bills. I felt that that would allow a significant amount of time for consideration of the Bills by the Legislation Committee and for the sorts of matters referred to by Hon Reg Davies to

be taken up and dealt with. I had also intended at that stage to propose that, while that consideration by the Legislation Committee took place, this House continue to debate the second readings, thus enabling a significant time for consideration of the Bills by the committee and at the same time allowing us to complete matters of policy. By doing that it would have had the double advantage of allowing the committee to consider policy but also allowing this House to debate the matter adequately at the same time. That offer was not taken up by the Opposition. I made that clear at the time. I also made it clear that that was the attitude of the Government to the matter. The problem now is that we have been debating the legislation for several weeks; we have been able to look at it generally. We now have another six days at least of Committee stage for the legislation to be considered, and then a seventh day before the Bills can be read a third time.

I am most reluctant for any further delays to take place because it is not possible to have it carried out in that time. The offer was not taken up originally and I regret I am unable to accept this suggestion. I wish that my original views were taken up. That was not the case. I can understand that may have been the decision made at that time but I do not believe we can change the situation. The matter must now go forward to the Committee stage in order that the Bills can be completed through the Parliament.

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [12.56 am]: The Opposition does not support the need to send these Bills to the Legislation Committee at this stage. We need full, open and frank debate at the Committee stage of the Bills. We have not had such debate in this House yet -

Hon John Halden: Nor in the other House.

Hon GRAHAM EDWARDS: Hon John Halden is right. We have heard a number of good speeches from this side, and on each occasion that the Minister has chosen to respond he has sidestepped the issues raised by Opposition members. He has involved himself in childish antics, almost holding up scorecards.

We need full, open and frank debate of this legislation because we need to improve it. The Opposition has foreshadowed something like 200 amendments. The best way to deal with those amendments is on the floor of this Chamber. The Minister has indicated that he thinks there will be a minimum of six or seven days spent in Committee. He is being a touch optimistic, but we will see. We will see also whether he is genuine when he says he will keep an open mind on the amendments foreshadowed by the Opposition. Notwithstanding his view that the Government has a mandate for this legislation or that the legislation is right, it can be significantly improved. It will be improved if the Government is prepared to accept the Opposition's proposed amendments.

As to whether the Bills unfairly impact on the underprivileged - they do! As to whether the Bills will have a detrimental effect on the union movement - of course they will! As to whether the Bills would be detrimental to the tourism and hospitality industries in this State - without doubt they will be detrimental to all industry. Those reasons are in part why we have put forward the amendments. We are not opposed to this legislation going to the Legislation Committee, despite the fact we have concerns about the politicisation of those committees. Indeed, if those committees had not been politicised in the way the Government has politicised them, undoubtedly the Bills could have gone there at the time Hon Peter Foss wanted. We have had no control on the make up of those committees, and we are saddened by the way they have been politicised. Once we have had the Committee debate and seen what amendments the Government is prepared to accept and once we see what the end shape of the Bill is going to be, I think we will then be in a better position to consign the Bills to the Legislation Committee and get that committee to look at the Bills after they have been fixed up and properly drafted. I am sympathetic with the position of the Hon Reg Davies, except that in my view he is premature in moving this motion; we should wait until the end of the Committee stage. We oppose the motion.

Point of Order

Hon DERRICK TOMLINSON: Mr Deputy President, I seek your clarification. It is my

understanding that each of the three Bills in the motion of the Hon Reg Davies has passed the second reading stage. If a Bill is referred to the Standing Committee on Legislation, having passed the second reading stage, the standing committee is precluded from debating the principle of the Bill. It is constrained to consideration of the detail of the Bill. The motion requests that the committee consider matters of principle contained in the Bills, but since the Bills have already passed the second reading such consideration is not within the capacity of the committee. May I have your ruling, please?

Ruling - By the Deputy President

The DEPUTY PRESIDENT (Hon Barry House): I believe the member is partly right in that the Legislation Committee is precluded from considering the policy of the Bill; however, the Legislation Committee is not precluded from considering how the drafting of the Bills affect different individuals or organisations. Therefore, I believe the point of order cannot be upheld in toto, but the member is partly correct.

Question put and negatived.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon George Cash (Leader of the House), resolved -

That the House at its rising adjourn until Thursday, 21 October.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [1.05 am]: I move -

That the House do now adjourn.

Adjournment Debate - Deregulation of Market Place

HON SAM PIANTADOSI (North Metropolitan) [1.05 am]: Before I get to the item on which I wish to comment, I place on record and acknowledge Hon Philip Lockyer's fiftieth birthday. He has become a little wider but none the wiser, as we have found out from his efforts in the Chamber this evening.

In closing the debate on the Industrial Relations Amendment Bill, the Minister for Health talked about community attitudes and freeing up the market place for the community, so the total community would benefit. My question will probably have some answers in time, but for the benefit of the consumers there should be a freeing up of the Meat Marketing Authority, the Lamb Marketing Board, the Potato Marketing Board and the Egg Marketing Board, because in all those areas there are set prices and guarantees of returns to those people who are in the greater part constituents and supporters of members of the Government.

I am heartened by some of the comments the Minister made about the shearing industry and the wide comb decision and the removal of the commission. The commission was the mechanism that ensured workers rights were protected. I would like to see in the future the Minister, his colleagues on the front bench and all members of the Government come back with proposals for removing the constraints placed on many growers, such as those affected by the Potato Authority and all those similar bodies, so that everybody can get a slice of the cake and many people can go into business and set up poultry farms or grow potatoes, if they so wish.

The Government might also deregulate the Wheat Board and the Wool Corporation. The Government has maintained throughout that it is accountable and will change things to ensure there is accountability and equal opportunity for everybody - that is the statement the Minister made in the closing debate of the Bill. Why not be fair dinkum and create opportunities for everybody else affected by those organisations I have mentioned? If he wants to claim credibility, he should put his words into practice, just as he has with workers' conditions, to ensure that consumers in Western Australia will benefit also by deregulating those areas I have mentioned.

Adjournment Debate - Legislation Passed Prior to Christmas Adjournment, Industrial Relations Bills

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [1.08 am]: The Leader of the Government should fairly shortly be coming forward with a list of legislation that the Government hopes to have passed before the end of the year. I asked him a week or so ago if he could give the Opposition a list of that legislation, if indeed he has it. I ask him to note Orders of the Day Nos 20, 26 and 28 and invite him to say when he considers that the Government might be able to deal with those three items.

HON GEORGE CASH (North Metropolitan - Leader of the House) [1.10 am]: In answer to the Leader of the Opposition, I am still considering the number of Bills that will need to be passed prior to the House rising for its Christmas adjournment. However, the Government intends to sit through November and into December and the break that had previously been advised will no longer be taken. Quite clearly with the amount of time being devoted to the three industrial relations Bills and the clear indication that the Opposition has given of the time that will be required for the Committee discussion -

Hon Graham Edwards: We have no problem with that and thank the member for the advice.

Hon GEORGE CASH: I am pleased Opposition members do not have any problem. With respect to Orders of the Day Nos 20, 26 and 28 -

Hon Graham Edwards: I assume you will not deal with Order of the Day No 25 because a committee has already been established.

Hon GEORGE CASH: I will consider when that might be dealt with. That will depend on how much time the Opposition spends on other legislation before the House.

Question put and passed.

House adjourned at 1.11 am (Wednesday)

QUESTIONS ON NOTICE

POLICE PROSECUTORS - LEGAL TRAINING PROGRAMS

146. Hon N.D. GRIFFITHS to the Leader of the House representing the Minister for Police:

(1) Will the Government be providing programs to enable police prosecutors to undergo more intensive legal training to assist them in their prosecution role?

(2) If so, what programs are proposed?

(3) If so, when is it proposed that such programs will commence?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1) There are no programs presently proposed.

(2)-(3)

Not applicable.

PORT KENNEDY DEVELOPMENT - CHANGES

323. Hon REG DAVIES to the Minister for Health representing the Minister for Planning:

(1) Has the Government received a revised proposal for the development of Port Kennedy?

(2) If yes, will the Minister outline the details of this plan?

(3) Are there any substantial changes in plans for development from those proposed in the Port Kennedy Development Agreement Act 1992; viz., will the area become, by and large, a housing estate as foreshadowed by members opposing the agreement during the second and third reading debate?

(4) If yes, is this change congruous with stipulations contained within the Port Kennedy Development Agreement Act 1992?

(5) Will the Minister list all the parties who now have financial input into the proposed development?

(6) Is the proponent of this development still Fleuris Pty Ltd?

(7) Has the proponent proposed moving Port Kennedy Drive to the south in order to increase the area of stage 1?

(8) If yes, is this permitted by the Port Kennedy Development Agreement Act 1992?

(9) Has LandCorp sold, or is it negotiating to sell, lot 605 adjacent to Port Kennedy?

(10) If yes, to whom?

(11) Has Homeswest sold, or is it negotiating to sell, lot 602 adjacent to Port Kennedy?

(12) If yes, to whom?

Hon PETER FOSS replied:

(1) No.

(2) Not applicable.

(3) No.

(4) Not applicable.

(5) Fleuris Pty Ltd.

(6) Yes.

(7) No.

(8) Not applicable.

(9) I am advised that LandCorp has not sold lot 605. It would be prepared to negotiate with Fleuris Pty Ltd.

(10) Not applicable.

(11) I am advised that Homeswest has not sold lot 602. It would be prepared to negotiate with Fleuris Pty Ltd.

(12) Not applicable.

MINISTERS OF THE CROWN - PREMIER
Breakfasts, Lunches, Dinners

465. Hon CHERYL DAVENPORT to the Leader of the House representing the Premier:

(1) How many breakfasts, lunches and dinners has the Minister attended at Government expense since 6 February 1993?

(2) Who attended each breakfast, lunch or dinner?

(3) Of those who attended, whose meals were paid for through ministerial expense accounts or other Government source?

(4) What was the total cost to the Government of each occasion?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. However, if the member has a specific question about functions, she can direct them to me in writing and I will be pleased to respond.

JUVENILE DETENTION CENTRES - PSYCHOLOGISTS, REDUCTION; RATIO

545. Hon N.D. GRIFFITHS to the Minister for Health representing the Attorney General:

(1) Is it proposed to reduce the number of psychologists at juvenile detention centres?

(2) If so, who is making that proposal?

(3) Will there be an opportunity for the public to make submissions before any decision is made on the proposal?

(4) If not, why not?

(5) What is the current ratio at juvenile detention centres between psychologists and detainees?

Hon PETER FOSS replied:

(1) No.

(2)-(4) Not applicable.

(5) Approximately one psychologist to every 13 detainees.

PORT KENNEDY - SCIENTIFIC PARK ESTABLISHMENT
Rockingham Lakes Regional Park; South West Corridor Major Amendment

554. Hon REG DAVIES to the Minister for Health representing the Minister for Planning:

(1) Has the Government promised to establish a scientific park at Port Kennedy?

(2) Has this scientific park now been established?

(3) If no, why not?

(4) Who will manage the scientific park and where will the funds for management come from?

(5) When will the proposed Rockingham Lakes regional park be established?

(6) Which agency will manage the Rockingham Lakes regional park?

(7) When will the major amendment for the south western corridor be released for public comment?

Hon PETER FOSS replied:

(1) Yes.

(2) No.

(3) Detailed planning in the area is proceeding to enable the establishment of the park.

(4) This has not been established as yet. National parks are usually managed by the Department of Conservation and Land Management.

(5) Establishment of the Rockingham Lakes regional park will occur when appropriate amendments to the Conservation and Land Management Act are made. They are not part of the Government's current legislative program. Some of this area may become part of the proposed national park.

(6) The Department of Conservation and Land Management in conjunction with the City of Rockingham.

(7) It is expected that the major amendment for the south west corridor in the Rockingham area will be released for public comment in November 1993.

JOONDALUP COUNTRY CLUB - PRIVATE CONSORTIUM SALE
Golf Course a Private Facility; Port Kennedy Development Agreement, Change

555. Hon REG DAVIES to the Minister for Health representing the Minister for Planning:

(1) Has the Joondalup Country Club recently been sold to a private consortium?

(2) Is the golf course now a private facility?

(3) Are shares in the golf course now being sold to investors in Singapore?

(4) Were assurances given previously that the Joondalup Country Club would remain a public golf course?

(5) Is the Minister now considering a similar proposal for a residential golf course estate at Port Kennedy?

(6) What steps will be taken to ensure that the Port Kennedy development is not sold off to overseas interests as has happened with the Joondalup Country Club?

(7) If the new development proposal for Port Kennedy differs from that proposed last year by State Parliament, will the Minister bring these variations to Parliament as required by the Port Kennedy Development Agreement Act 1992?

(8) Has any approval been given by the Minister for Fleuris Pty Ltd to sell part or all of its interests in the Port Kennedy development?

Hon PETER FOSS replied:

(1) The Joondalup Country Club was the trading name of the Joondalup golf

course. The golf course and the rights to the trading name were sold to the private consortium in 1991.

(2) The golf course is now a privately owned public golf course.

(3) I understand that this is the case; however, the honourable member would need to obtain this information from the owners of the golf course.

(4) The contract for the sale of the golf course requires that it remains a public golf course.

(5) No.

(6) The Port Kennedy Development Agreement Act gives the Minister for Planning control of the assignment of shares in the company.

(7) The Port Kennedy development agreement requires that any variation to the agreement be tabled in Parliament and be subject to disallowance.

(8) No.

PORT KENNEDY - LARK HILL LAND LEASE

565. Hon REG DAVIES to the Minister for Health representing the Minister for Planning:

Further to question on notice 388 of 3 August 1993 -

(1) Will the Minister indicate how much land at Lark Hill has been leased to the Southern Districts Thoroughbred Association?

(2) What is the length of the lease on this land?

(3) Is there an option of renewal?

(4) If yes, for how long?

(5) What is the annual rental fee for this land?

(6) Is the Minister aware that a track has been constructed through the Port Kennedy reserve from Lark Hill to the ocean by horse owners wishing to access the beach?

(7) Did the Minister approve the construction of this track?

(8) If no, who gave approval?

(9) Is the Minister aware that considerable environmental damage was done to a heritage area by the people who constructed this bridletrail?

Hon PETER FOSS replied:

(1) Approximately 87 ha.

(2) Twenty five years.

(3) Yes.

(4) Twenty five years.

(5) Peppercorn.

(6)-(9) The Minister for Planning has advised that he has instructed the Department of Planning and Urban Development to investigate the claims that the honourable member has raised and supply him with a full response as soon as possible.

McCARREY REPORT - CORPORATISATION, MINISTERS AND GOVERNMENT TRADING ENTERPRISES RECOMMENDATION

608. Hon J.A. SCOTT to the Leader of the House representing the Premier:

Does the Government intend to adopt the recommendation of the McCarrey report volume 2 at page 9 which states that "critical to the

success of corporatisation is the requirement that there be an arms length relationship between government (i.e. ministers) and the Government Trading Enterprise. The ministers' role under corporatisation is to set objectives for GTEs and monitor their performance to ensure that it is in line with agreed targets. Ministers should avoid becoming involved in the day-today management of GTEs"?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

The recommendations of the McCarrey report are currently before the Cabinet subcommittee, and as such are currently before Cabinet itself. I am unable to comment on any issue that is before Cabinet or any of its subcommittees. However, as with any proposal before the Government, all social and economic benefits and costs will be fully assessed.

ELLENBROOK DEVELOPMENT - INFRASTRUCTURE, GOVERNMENT PAYMENT

618. Hon J.A. SCOTT to the Minister for Health representing the Minister for Planning:

Will the Government be paying for any infrastructure costs for the Ellenbrook development?

Hon PETER FOSS replied:

Yes, there is an element of Government funding in the provision of infrastructure for all residential developments.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - SHEA, SYD

Personal Considerations for CALM's Commercial Activities

619. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

(1) Has the Executive Director of CALM, Dr Syd Shea, received or is he to receive any consideration in any form from any company or person with which CALM and/or the State Government is engaged or proposing to engage in commercial activities?

(2) If yes -

(a) what was/is the consideration;

(b) what is the name of the company/s and/or individual/s; and

(c) what are the commercial activities?

(3) Is Dr Shea involved in or associated with any company engaged in commercial activities in which CALM and/or the State Government and/or any other Government agency is also engaged?

(4) If yes -

(a) what are the company/s;

(b) which are the Government agency/s; and

(c) what are the commercial activities?

(5) Is any officer or employee paid by CALM directly or indirectly associated with any company or business exploiting the potential of smoke bush or any other native flora for commercial gain?

(6) If yes, who are the officers or employees?

(7) Does the Department of Conservation and Land Management own or have the use of any house/s or other accommodation for holiday or recreational use for its officers and/or employees and their guests?

(8) If yes, would the Minister give the location of each of the above?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1) I am advised by the Executive Director of CALM, Dr Shea, that he does not receive any personal consideration for the commercial activities in which CALM is engaged, other than his remuneration as a public servant which is paid by the State. Further, Dr Shea has advised that neither he nor his wife have any shareholdings in any company, interest in any commercial enterprise or derive any such business income from any source whatsoever.

(2) Not applicable.

(3) The executive director does not have any such involvement or association other than in his official capacity.

(4) Not applicable.

(5) I am not aware of any officer or employee of CALM being associated with any such company or business other than in an official capacity.

(6) Not applicable.

(7) The Department of Conservation and Land Management controls or owns accommodation which is used intermittently for operational or research purposes and occasionally when not required for these activities may be made available for recreational purposes and non-CALM scientific use, in which case a fee is generally applied at or above a cost recovery rate. I understand this practice has been in place for at least several years.

(8) Research and or operational accommodation is located as follows -

Kimberley region	Lot 10 Lake Argyle Village
Pilbara region	Milyering, Cape Range National Park, Enderby Island, Dampier Archipelago Nature Reserve, Millstream-Chichester National Park, Karijini National Park
South coast	Two Peoples Bay Nature Reserve, Esperance Depot
Central forest region	Cape Naturaliste

POLICE - LEAVE, ANNUAL AND LONG SERVICE

622. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

(1) How many weeks of annual and long service leave is presently held by the -

(a) Commissioner of Police;

(b) Deputy Commissioner of Police, who is to retire 24 November 1993;

(c) five Assistant Commissioners;

(d) Executive Commander; and

(e) Commanders?

(2) What is the total cost of this untaken annual and long service leave, and how many times were these officers allowed to postpone their long service and annual leave?

(3) Is the accrued postponed long service leave paid at the rates applicable to

the level of seniority of each officer at the time of postponement or is it to be paid at the officers' current level?

(4) How much money in the WA Police budget is being carried forward each year to cover untaken leave by police officers?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

(1) (a) 59
(b) 46
(c) 224
(d) 51
(e) 230

Figures do not include leave accruing in the current year.

(2) (a) Current cost (value) - $921 752.
(b) All postponed leave is approved.

Members are required to take annual leave in the year following its accrual, unless work commitments dictate otherwise. When this occurs, approval is given. Since March 1988, the police award has provided for members within seven years of retirement to defer taking long service leave. Prior to that Government policy allowed members to accrue and retain two periods of long service leave. Upon a third period becoming due they were required to clear one period of leave if possible.

(3) Paid at current level.

(4) Nil. Consolidated revenue funds cannot be carried forward from one year to the next.

LAND - NANDA DRIVE SITE, KALBARRI, REZONING

623. Hon KIM CHANCE to the Minister for Health representing the Minister for Planning:

(1) Has the Shire of Northampton sought, or is in the process of preparing to seek, an application to rezone a 1.5 ha location in Nanda Drive, Kalbarri, from "Residential" to "Special Site" (Tourism Development and Private Recreation) under a amendment to the shire planning scheme?

(2) If so, is the proposed use of the land, once rezoned, to be a commercial amusement park?

(3) Have objections been made to the proposed rezoning?

(4) Can the Minister advise if the Shire of Northampton has consulted Kalbarri residents about the proposed rezoning and the anticipated use of the land?

(5) If so -

(a) when did this consultation take place; and

(b) what is the level of public acceptance of the proposal?

(6) What is the name of the company which proposes to develop the site following the rezoning?

(7) Who are the principals of the company?

Hon PETER FOSS replied:

(1) Yes.

(2) The amendment once finalised will enable the Shire of Northampton to approve the development of a recreation facility and entertainment park for use by the public on the site.

(3)-(4)
Yes.

(5) (a) The amendment to the Shire of Northampton was advertised for public inspection between 6 August 1993 and 17 September 1993.

(b) The level of public acceptance of the proposal is currently being determined by council.

(6) The Minister for Planning has advised that he is unaware that there is any company which is proposing to develop the site.

(7) Not applicable.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - PROUDFOOT, ALEXANDER, FEE

626. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Alexander Proudfoot Productivity Management Company?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)
The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - ANDERSON, JOHN, FEE

627. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to John Anderson?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that person as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)
The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its

independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - ARTHUR ANDERSEN AND CO, FEE

628. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Arthur Andersen and Co?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - BDO NELSON PARKHILL, FEE

629. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to BDO Nelson Parkhill?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - BIRD CAMERON, FEE

630. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Bird Cameron?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - CAMPBELL CAPITAL (WA) PTY LTD, FEE

631. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Campbell Capital (WA) Pty Ltd?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - COOPERS AND LYBRAND, FEE

632. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Coopers and Lybrand?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - COUNTRY NAT WEST CORPORATE FINANCE AUSTRALIA LTD, FEE

633. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Country Nat West Corporate Finance Australia Limited?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - DAY, CAROL, FEE

634. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Carol Day?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that person as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - DELOITTE ROSS TOHMATSU, FEE

635. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Deloitte Ross Tohmatsu?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - DUESBURYS, FEE

636. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Duesburys?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in

the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - ERNST AND YOUNG, FEE

637. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Ernst and Young?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - EYRES REED LTD, FEE

638. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Eyres Reed Ltd?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and

conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - HENDRY RAE AND COURT, FEE

639. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Hendry Rae and Court?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - KPMG PEAT MARWICK, FEE

640. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to KPMG Peat Marwick?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services.

In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - LAWRENCE, CRAIG, FEE

641. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Craig Lawrence?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that person as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - LINFOX GROUP, FEE

642. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be to paid to Linfox Group?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - MACQUARIE BANK LTD, FEE

643. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Macquarie Bank Limited?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - PATERSON ORD MINNETT LTD, FEE

644. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Paterson Ord Minnett Ltd?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - PLANFARM, FEE

645. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Planfarm?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - POYNTON CORPORATE LTD, FEE

646. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be to paid to Poynton Corporate Limited?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - PRICE WATERHOUSE, FEE

647. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be to paid to Price Waterhouse?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources

it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - ROGER GRAHAM, FEE

648. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Roger Graham and Associates Passenger Transport Consultants?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - SBC DOMINGUEZ BARRY CORPORATE FINANCE LTD, FEE

649. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to SBC Dominguez Barry Corporate Finance Limited?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and

conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - SELDON AND ASSOCIATES PTY LTD, FEE

650. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to Seldon and Associates Pty Ltd?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that organisation as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services. In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

INDEPENDENT COMMISSION TO REVIEW PUBLIC SECTOR FINANCES - THOMPSON, JOHN, FEE

651. Hon N.D. GRIFFITHS to the Leader of the House representing the Premier:

With respect to the contribution made to the Independent Commission to Review Public Sector Finances -

(1) What fee was paid or agreed to be paid to John Thompson?

(2) What recoup of direct expenses was paid?

(3) What criteria were used to engage that person as a consultant?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

(1)-(3)

The Government appointed an independent commission to undertake the most thorough review of public sector finances in the State's history. In order to address its terms of reference, the commission was allocated a modest budget to obtain the resources it considered necessary for this purpose, including the engagement of a range of professional services.

In keeping with its independent status, the need to engage particular consultants was a matter for the commission to decide. Similarly, the terms and conditions of such engagements were issues for agreement between the commission and the consultants concerned. The total cost of the commission will be finalised shortly and made public.

STATE BUDGET - MISCELLANEOUS SERVICES
Remote Commercial Television Services, Underexpenditure

749. Hon BOB THOMAS to the Minister for Health representing the Minister for Works:

The Department of Treasury has reported that the State Budget allocation for remote commercial television services shown under item 78 Miscellaneous Services was underspent by $1.2m in 1992-93. Where did these savings occur and what factors caused this budget to be underspent?

Hon PETER FOSS replied:

Three factors contributed to the savings in the 1992-93 remote commercial television subsidy. They were -

The improved commercial performance of the service provider, the Golden West Network.

The contribution of 50 per cent of the subsidy by the Federal Government.

Reduced satellite costs.

WORKERS' COMPENSATION AND REHABILITATION ACT - AMENDMENTS; COMMON LAW DAMAGES CLAIMS, CONFISCATION
Insurers to Profit

754. Hon TOM STEPHENS to the Minister for Health representing the Minister for Labour Relations:

How many insurers will profit from the Government measures to -

(a) confiscate portion of common law damages claims;

(b) amend the Workers' Compensation and Rehabilitation Act?

Hon PETER FOSS replied:

The proposed amendments to the Workers' Compensation and Rehabilitation Act are intended to provide improved benefits to workers, reduced premium to employers and a more effective non-adversarial dispute resolution system. The amendments do not confiscate any portion of common law damages claims and are definitely not intended to profit any insurer.

LAND TAX ASSESSMENT ACT - DISCRETIONARY TRUSTS, REVENUE CALCULATIONS TABLING

760. Hon A.J.G. MacTIERNAN to the Minister for Finance:

Will the Minister table the details of the calculations made in determining the estimation of revenue forgone by changes to the Land Tax Assessment Act to reinstate exemptions for certain residential properties held by discretionary trusts?

Hon MAX EVANS replied:

The estimate of $800 000 was supplied by the Commissioner of State Taxation who advises that it was based on the aggregate of land tax assessed in 1992-93 against 787 residential properties which were identified as being held by discretionary trusts. The commissioner has indicated that this 1992-93 aggregate was, in fact, $824 483 but that $800 000 was considered to be a reasonable estimate for 1993-94 having regard to the introduction of new valuations and a new scale of land tax rates for this year, and to the possibility that some properties which were held by discretionary trusts last year may have since been transferred back into their previous ownership.

POLICE - HALLS CREEK STATION, REPLACEMENT CELL BLOCK CONSTRUCTION

762. Hon TOM STEPHENS to the Leader of the House representing the Minister for Police:

When will work commence on the construction of a replacement cell block at the Halls Creek Police Station?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

Construction commenced on 8 June 1993.

WITTENOOM - BUDGET ALLOCATIONS

770. Hon MARK NEVILL to the Minister for Education representing the Minister for Commerce and Trade:

(1) What amounts have been set aside in the 1993-94 Budget to address issues associated with Wittenoom?

(2) For what purpose have these allocations been made?

(3) How much has been allocated for research into asbestos related diseases?

(4) Who are the recipients of those funds?

(5) In respect of part (4), who recommended the allocation of funding?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

(1) $195 000.

(2) Care and maintenance of the Hotel Fortescue; fee proposal for townsite clean-up; and future options for servicing tourism development for the Karijini national park.

(3)-(5)

I suggest that the member refer these questions to the Minister for Health.

MINES REGULATIONS ACT - COAL MINES REGULATION ACT, REVIEW

772. Hon MARK NEVILL to the Minister for Mines:

(1) What is the expected cost of the review of the Mines Regulations Act and Coal Mines Regulation Act being undertaken by the interim Mines, Occupational Health and Safety Advisory Board?

(2) When is the review team expected to complete its work?

(3) When is the new Bill expected to be introduced into Parliament?

Hon GEORGE CASH replied:

(1) The expected cost to the Department of Minerals and Energy of the review of the Mines Regulation Act and the Coal Mines Regulation Act is estimated to be approximately $400 000.

(2)-(3)

Work is expected to be completed with a view to having a Bill before Parliament in mid 1994.

RUDALL RIVER NATIONAL PARK - KINTYRE DEPOSIT EXCISION, CONSULTATION WITH ABORIGINES

773. Hon MARK NEVILL to the Minister for Mines:

(1) What consultation has occurred between the State Government and local Aboriginal people over the Kintyre excision?

(2) Have any environmental assessment been undertaken over the -

(a) Kintyre excision; and

(b) the addition

to the Rudall River national park?

Hon GEORGE CASH replied:

(1) The decision to rationalise the Rudall River national park boundaries by excising the Kintyre deposit and the compensatory addition of an area of equivalent size, was made by the previous Labor Government under its "resolution of conflict" policy for national parks. There was no consultation between the current Government and local Aboriginal people over the Kintyre excision as the Government does not regard the excision as having significant effect on Aboriginal heritage matters or the lifestyle of the several Aboriginal communities resident in the general region.

(2) Yes. CALM considered the ecological values of the relevant areas prior to the decision regarding excision and addition. The major issue was to ensure that the catchment of the Rudall River was retained in the national park and this has been achieved.

GEOGRAPHIC NAMES COMMITTEE - RESERVES NAMED AFTER LIVING PEOPLE DISALLOWANCE

840. Hon CHERYL DAVENPORT to the Minister for Lands:

Could the Minister please advise why the geographic names committee does not allow reserves to be named after people who are still living?

Hon GEORGE CASH replied:

The naming of geographic places is considered on individual merits by the geographic names committee. As a general principle, the naming of parks and reserves after living people is avoided in other than exceptional circumstances.

QUESTIONS WITHOUT NOTICE

RESERVES - CROWN RESERVE 27575, QUINNS ROAD, NEERABUP
Quarry Site, Bushland Clearance

500. Hon GRAHAM EDWARDS to the Minister for Lands:

(1) On what date was the bushland cleared on the western side of the limestone quarry on Crown reserve 27575 Quinns Road, Neerabup and which is now to be used for industrial purposes?

(2) Is there a management plan for this quarry site?

(3) Is there any requirement that the operator of this quarry give notice or seek any sort of clearance prior to clearing the natural vegetation from this A class reserve?

(4) What responsibility has the operator of this limestone quarry for the contouring, filling or revegetation of this quarry site at the end of the quarry's life?

(5) Are the answers to questions (2) to (4) in any way different if applied to the specific site which is to be used for a concrete batching plant as opposed to the quarry site?

Hon GEORGE CASH replied:

The Leader of the Opposition did give notice of the question, but in view of the limited time I have had to research the information which he is

seeking I am unable to provide the answer today. However, I ask the Leader of the Opposition to put the question on notice and I will endeavour to obtain an urgent response for him.

WORKPLACE AGREEMENTS BILL - PROTECTION OF EMPLOYEES

501. Hon JOHN HALDEN to the Minister for Health representing the Minister for Labour Relations:

What protection does the Workplace Agreements Bill offer to a prospective employee who wishes to work under award conditions but is told that it is a precondition to obtaining the job in question that he signs a workplace agreement and relinquishes award coverage?

Hon PETER FOSS replied:

Where an employer attempts, by threats or intimidation, to persuade a person to enter into a workplace agreement, or a workplace agreement in certain terms, the employer commits an offence. Therefore, an employer who threatens not to employ a prospective employee unless that employee enters into a workplace agreement is guilty of an offence.

WORKPLACE AGREEMENTS BILL - PROTECTION OF EMPLOYEES

502. Hon JOHN HALDEN to the Minister for Health representing the Minister for Labour Relations:

What protection does the Workplace Agreements Bill offer to employees who are threatened with dismissal if they do not enter into a new workplace agreement which offers less favourable terms and conditions than the agreement they are currently working under?

Hon PETER FOSS replied:

Clause 66 of the Workplace Agreements Bill provides that it is an offence for a person to persuade or attempt to persuade, by use of threats or intimidation, another person into entering or not entering a workplace agreement or a workplace agreement that contains or does not contain particular provisions.

WORKPLACE AGREEMENTS BILL - PROTECTION OF EMPLOYEES

503. Hon JOHN HALDEN to the Minister for Health representing the Minister for Labour Relations:

How does the Workplace Agreements Bill protect existing employees who are threatened with dismissal if they refuse to accept the terms and conditions of a workplace agreement proposed by the employer?

Hon PETER FOSS replied:

The Workplace Agreements Bill contains specific provisions in respect to a threat by an employer to dismiss an employee because the employee refused to sign a workplace agreement. Clause 68 of the Bill stipulates that an employer must not dismiss an employee from his or her employment due to the person refusing to sign an agreement. If an employer were to dismiss an employee for this reason, the employer could be prosecuted in the Industrial Magistrate's Court and ordered to reinstate and/or pay compensation to the employee for any loss or injury. In addition, the Bill provides that a person must not, by threats or intimidation, persuade or attempt to persuade another person entering into an agreement. A person who contravenes either of these provisions could be fined between $1 000 and $10 000 in addition to a daily penalty of $500. A prosecution can be made by a person authorised by the Minister for Labour Relations or a person affected by the action.

WORKPLACE AGREEMENTS BILL - PROTECTION OF EMPLOYEES

504. Hon JOHN HALDEN to the Minister for Health representing the Minister for Labour Relations:

What protection is offered to employees if an employer -

(a) dismisses all the work force by notice;

(b) advertises all their jobs; and

(c) will agree to re-employ such employees only if they agree to give up their award conditions by signing a workplace agreement?

Hon PETER FOSS replied:

If an employer were to dismiss all the work force by notice, the employees could take action for unfair dismissal under section 29(b)(i) of the Industrial Relations Act. In addition, see the answer to question 501.

ELEPHANT BIRD EGG - REWARD MONEYS

505. Hon REG DAVIES to the Minister for the Arts:

I refer to the State Government's acquisition of its second Madagascan elephant bird egg.

(1) In relation to the reward moneys, does the Government have a formal written agreement with those people who found the egg?

(2) Has any money been paid by way of a reward?

(3) Have details of the public subscription element been advertised and, if so, how extensively?

(4) Have public subscriptions realised the total agreed price with the owners and, if not, what amount is currently held by the R & I Bank?

(5) Will the Government top up the fund to the $160 000 if that amount is not donated by the public?

(6) Does the Government have any plans to return one of the two eggs to Madagascar?

Hon PETER FOSS replied:

I should make it quite clear that the Government has not acquired two eggs. It has not even acquired one egg. One of the eggs has been on perpetual loan to the Museum for some time, but it does not belong to the Museum. The other egg has always belonged to the Government in any event. All the Government has done is to agree to give a reward for that finding.

(1) As members will understand, the children are not in any position to enter into an agreement. An agreement was reached with the fathers of the children whereby the Government indicated that it would pay a reward of $25 000 and assist in a public appeal to try to raise $200 000 - the $25 000 paid by the Government would go towards that amount. It was agreed that the first $160 000 would go into a trust fund for the children. That agreement has been confirmed by me in writing. At this stage it has not been confirmed by the parents, although it has been confirmed by their lawyers.

(2) The money has been paid into a trust account at the R & I Bank.

(3) The details have been advertised through media events and I am discussing with other people the possibility of another promotion which I hope will draw more money.

(4) I do not know how much money is in the trust account. The only person who would know how much money is in the trust account would be the trustee. I understand the children's parents have not yet completed signing the trust deed and until they do the bank will not release the money to them or deal with them.

(5) It has been made quite clear that the Government will not make up any shortfall. It was made clear to the parents that the Government was giving a reward of $25 000 and it would assist in the appeal for the remainder of the money.

(6) The Government does not have any plans to return either egg to Madagascar.

MEDICARE AGREEMENT - ELIGIBILITY AT PUBLIC HOSPITALS

506. Hon SAM PIANTADOSI to the Minister for Health:

Under the new Medicare agreement with the States -

(1) Can the Minister confirm the eligibility factors for a person to receive hospital services?

(2) Can the Minister confirm that the above principle applies equally to waiting times for elective surgery?

(3) Can the Minister confirm what information the State Government must make available on the public hospital services that eligible persons can expect to receive as public patients?

Hon PETER FOSS replied:

(1) I cannot recall the precise wording of the agreement, but all persons are equally entitled to free treatment at a public hospital.

(2) That principle will apply to elective surgery. However, admission to hospital is based on medical need, not first presentation. In regard to waiting time for elective surgery in the public hospital system, it will make no difference whether a person is a private or a public patient. However, the decision about who will be admitted to hospital is a matter for medical practitioners and not for the hospital.

(3) People must be advised that they have the right to be admitted as public patients. People are not obliged to be admitted as private patients even when they have the capacity to be admitted as private patients. There is also some more general information, and if the member wants the precise terms, I will provide it for him.

BATAVIA WRECK - $25 000 PAYMENT TO FINDERS
Elephant Bird Egg Payment

507. Hon BOB THOMAS to the Minister for the Arts:

(1) Has the State Government paid $25 000 to each of the finders of the *Batavia* wreck?

(2) If so, why will the Minister not treat the finders of the elephant bird egg in the same way and make an immediate payment of $25 000 to the families?

Hon PETER FOSS replied:

(1)-(2)

Obviously the member was not listening when I said I had made the payment of $25 000. I made that payment on the same day that the egg was delivered to us, in accordance with the agreement.

Hon Bob Thomas: To whom did you make the payment?

Hon PETER FOSS: The R & I Bank.

Hon Graham Edwards: To a trustee?

Hon PETER FOSS: Yes, to a trust fund, as was agreed.

Hon Graham Edwards: Not to the families?

Hon PETER FOSS: Let us get this clear. It was always agreed that it would be paid -

Hon Reg Davies: I have spoken to one of the fathers and he said he does not know what the heck is going on.

Hon PETER FOSS: That may be so. I cannot answer for him. However, I know that it has been agreed that the money will be paid into a trust fund; and I think the families' lawyers would confirm that because they have actually drafted the trust deed to enable that to happen. I made that payment on that day to the R & I Bank into that trust fund. I understand that the only thing which is preventing that money from coming out of that trust account is that they have not signed the trust deed. It was always understood that the money would be paid into a trust for the children and not to the parents, but it could be paid to the parents in trust for the children pursuant to the trust deed. As part of the agreement, the State agreed to meet the cost of drawing up the trust deed, at the request of the solicitors for the parents.

WATER AUTHORITY OF WESTERN AUSTRALIA - CARNARVON DROUGHT, HORTICULTURAL INDUSTRY WATER SUPPLY

508. Hon P.H. LOCKYER to the Minister for Transport representing the Minister for Water Resources:

In view of the drought conditions prevailing in Carnarvon, will the Minister indicate what action is proposed to secure the horticultural industry's water supply?

Hon E.J. CHARLTON replied:

I thank the member for some notice of the question. The Minister for Water Resources was in Carnarvon last Friday and attended a meeting with grower representatives and the Gascoyne Development Commission. He undertook at that meeting to arrange immediately for the Water Authority to drill two new bores adjacent to two existing bores that have collapsed casings. In addition, and in cooperation with the growers, he has arranged for two previously drilled bores to be equipped and added into the supply system. These four bores will enable growers to receive a monthly allowance of 5 000 kilolitres until January 1994. This is the short term action plan. However, it is necessary to address solutions in the long term. The Minister has asked the horticultural industry to examine a number of long term options such as crop diversification and water efficiency measures to ensure that in future drought situations the effects on the industry can be mitigated.

QUESTION ON NOTICE 622 - UNANSWERED

509. Hon J.A. SCOTT to the Leader of the House representing the Minister for Police:

Can the Minister explain why question 622, put on notice on 7 September 1993, remained unanswered until now, when a significant part of the answer to that question has been published in "Inside Cover" in *The West Australian* of today, 28 September, particularly when the journalist involved had not sought an answer from the Minister for Police prior to 24 September? Does this mean that the Minister gives priority to media questions over those of members of Parliament?

Hon GEORGE CASH replied:

I thank the member for some notice of this question. The Minister for Police has provided the following reply -

While I would never presume to know the sources of information utilised by journalists, I imagine that the vast majority of the information contained in the article referred to came from my reply to the member's question 336 tabled in this House on 7 September 1993. The only information sought by the journalist, and provided by my office, was that which pertained to long service leave due to the Commissioner of Police. The member's question 622 did not ask specifically how much long service leave is due to the Commissioner of Police but asked how much leave in total is due. It does seem, contrary to the assertions made by the member, that the article in question is based almost entirely upon information provided by the member and not by the Minister - particularly as the member appears to know the precise date on which the journalist contacted the Minister's office. The reply to question 622 was in fact tabled today.

EDUCATION, MINISTRY OF - CORPORATE EXECUTIVE RESTRUCTURE

510. Hon KIM CHANCE to the Minister for Education:

I refer to the Minister's statement to the House that he had not made any decision about the restructure of the Ministry of Education's corporate executive.

(1) When did the Minister make a final decision about the restructure of the corporate executive?

(2) How does the Minister explain the fact that the new positions were advertised in the *Public Service Notices* on 22 September when he stated on 23 September that he had made no final decision about the changes to the corporate executive?

(3) How does the Minister explain that the positions were advertised in *The Weekend Australian* on Saturday when late last Thursday he said that no final decision had been made?

Hon N.F. MOORE replied:

(1)-(3)

The advertising and filling of vacancies within the Public Service is a very time consuming and lengthy process, as those members opposite who have been involved in that process will know. In order to fill the vacancies that were likely to be created by the proposed restructure of the Ministry of Education before the next school year, it was necessary to start the advertising process even though the final decision about the restructure had not been made. The final decision was made on Friday, 24 September, when I made an announcement about the top level of the Ministry of Education at the same time that I announced the restructuring in accordance with the Vickery inquiry's recommendations. It was at that time on Friday, 24 September, that I made the final decision about that process. Therefore, on Thursday, 23 September, when the member asked me the question, I had not made the final decision; it was in the process of being made.

Let me make the point clearly that this set of appointments is part of an ongoing reassessment of the Ministry of Education, and once the top six jobs are filled, the persons who occupy the particular executive director positions will bring to the ministry's corporate executive, and then to me, recommendations for the rearrangement of those areas which come under their responsibility. Therefore, the whole process is ongoing. Decisions are being made as we go through the process.

Again, the final decision about those six positions was made last Friday, 24 September. The advertisements were placed to enable them to be contained within the *Public Service Notices* of Wednesday, 22 September, in order to allow the vacancies to be filled in time for the next school year. The process that has been put in place will enable the final decision to be made on 5 December, which will give successful applicants, perhaps from outside the ministry, time to give notice from their existing jobs in order to take over their new positions in time for the new school year. It was necessary also to take into account the fact that persons from within the ministry might well apply for these positions and, if successful, their positions would become vacant and it would be necessary to fill those positions as quickly as possible before the next school year. I made the decision to approve the advertising of those jobs prior to the final decision being made about the initial part of the restructure.

EDUCATION, MINISTRY OF - CORPORATE EXECUTIVE RESTRUCTURE

511. Hon KIM CHANCE to the Minister for Education:

Further to the previous question, if the decision was not made until 24 September, and if the decision had been not to proceed with the appointment of those officers, how would the Minister have handled those people who had applied for the positions which were advertised on 22 September?

Hon N.F. MOORE replied:

Probably by letter to -

The DEPUTY PRESIDENT: Order! That is a hypothetical question and must be ruled out of order.

LEWIS, DAVID - FREMANTLE HOSPITAL, POSITION DETAILS

512. Hon REG DAVIES to the Minister for Health:

I refer to the ministerial statement about the inquiry into the Fremantle Hospital computer system which was established following a series of questions from Hon Cheryl Edwardes.

(1) How long after the commencement of the inquiry did the chief executive officer, Mr David Lewis, leave that position?

(2) What position does Mr Lewis now hold?

Hon PETER FOSS replied:

(1) It was very shortly afterwards. I cannot recall the exact date.

(2) He was returned to the senior executive service. I believe he currently has a position with the Authority for Intellectually Handicapped Persons. I do not know how he holds that position. It is outside my portfolio.

STATE HEALTH LABORATORIES - PRIVATISATION
Australian Medical Enterprises or Western Pathology Discussions

513. Hon BOB THOMAS to the Minister for Health :

Has the Minister or any of his officers had discussions with any staff of Australian Medical Enterprises or Western Pathology with a view to privatising any of the existing Health Department laboratories in the metropolitan or country areas?

Hon PETER FOSS replied:

I have not. I should explain what I am doing about that. One of the things that I struck when I came to the portfolio was a longstanding mess at the State Health Laboratories or what should be called the combined Health Laboratories at Sir Charles Gairdner Hospital campus. I have been

reviewing the situation with a view to making a decision about the future. During the course of that review I have spoken to each party involved, including all the major private pathology laboratories. We discussed what they thought were the problems with the current laboratory, the problems and possible solutions. That was the question I put to every person I consulted. That would have included Western Pathology plus all the others I saw at the same time.

WESTERN PATHOLOGY, ALBANY - STAFF TRANSFER

514. Hon BOB THOMAS to the Minister for Health:

Is the Minister aware that staff of Western Pathology in Albany have told a number of people in Albany that they will be moving from their newly built premises in Albany Highway to the now disused nurses' quarters on the grounds of the regional hospital site before Christmas?

Hon PETER FOSS replied:

I am not aware of that, and it is not something I have approved.

HOSPITALS - ALBANY REGIONAL
Nurses Quarters Assessment for Pathology Laboratory

515. Hon BOB THOMAS to the Minister for Health:

Is the Minister aware that an officer from the Albany Regional Hospital has already conducted an assessment or site survey of the nurses' quarters with a view to their being used and converted to a pathology laboratory?

Hon PETER FOSS replied:

No, I am not.

WESTERN AUSTRALIAN MUNICIPAL ASSOCIATION - FIRE SERVICES REVIEW

516. Hon N.D. GRIFFITHS to the Minister for Mines representing the Minister fc Emergency Services:

(1) Has the Western Australian Municipal Association sought establish a review of fire services in Western Australia?

(2) Is it the case that the proposed terms of reference of the rev include -

review funding of metropolitan and country permanent fire brigades to recommend options for reform of the existing fund mechanism;

review the funding of bush fire brigade services and make recommendations;

examine and report on coordination requirements between authorities providing the services;

make recommendations on the structure of fire services in Western Australia;

develop standards of fire cover of the different regions of the State, having regard to the risk factors, the capability of response and expectation of service including a recommended implementation plan for phasing in such standards of fire cover?

(3) Is it the case that the cost of $60 000 was attached to the review to be shared equally between the State Government, the insurance industry and local government, and that the cost was to cover all terms of reference?

(4) Does the Government support the review taking place and, if so, does the Government support its taking place with respect to each term of reference, and what funding will the Government provide?

Hon GEORGE CASH replied:

The Minister for Emergency Services has provided the following reply -

(1)-(2) Yes.

(3) I understand it was a proposal put to the previous Government. However, no agreement has been reached yet with the parties. I am further informed that the cost of $60 000 was to cover all the terms of reference. However, subsequent discussions indicated that $30 000 would be sufficient.

(4) The State Government is giving consideration to supporting such a review and the question of funding will be addressed as part of that consideration.

HOMESWEST - BUILDING PROGRAM, DECREASE

517. Hon T.G. BUTLER to the Minister for Finance representing the Minister for Housing:

(1) Has Homeswest's building program decreased since the coalition Government came to power?

(2) If yes, why?

(3) What tenders and contracts have been let in the months June, July and August 1993?

(4) What were the figures for the same period for 1992?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

(1)-(4) This information is not easily accessed. However, the Minister for Housing has indicated he will provide the member with a reply in writing as soon as practicable.

HOMESWEST - SALES TO TENANTS FOR 50 PER CENT OF MARKET VALUE

518. Hon T.G. BUTLER to the Minister for Finance representing the Minister for Housing:

(1) Is the State Government planning to sell Homeswest properties to current long term tenants for 50 per cent of the market value?

(2) If yes, and bearing in mind that the Commonwealth-State housing agreement does not allow property to be sold at less than market value, will the State Government make up the balance to Homeswest?

(3) What will be the cost to Homeswest?

Hon MAX EVANS replied:

The Minister for Housing will provide the member with a reply in writing.

UNIVERSITY COLLEGE OF THE NORTH WEST - PROPOSAL CANCELLATION

519. Hon TOM STEPHENS to the Minister for Education:

Why has the Minister cancelled proposals for the development of a university college of the north west and opted instead to duplicate existing Edith Cowan University campus facilities located in Bunbury by establishing a new university college of the south west in the same town?

Hon N.F. MOORE replied:

This question is similar to a press release issued by the member for Pilbara in which he made outrageous and ridiculous statements about what is happening in education. It simply demonstrates that both he and his colleague, Hon Tom Stephens, are uninformed. The situation is that the previous Government, through the Pilbara 21 study - which cost a lot of money and was designed to write the Labor Party policy for the Pilbara at the last election - recommended that the Hedland College and the Karratha College be made separate campuses of a university of the north west. It recommended the establishment of a new structure to administer two existing independent colleges. When I saw that proposition it crossed my mind that there was not a lot to be gained by having a new over-arching structure to manage two existing independent colleges operating very successfully. If Hon Tom Stephens thinks they are not, perhaps he might tell us. This proposition, which was not going to bring any more university education to the north, was duplication and excessive administration, but I have not ruled out the possibility of there being a university of the north west. The process suggested by Pilbara 21 is not the way to go at the present time, and I am quite satisfied with the way the independent colleges are performing in the north.

In respect of Bunbury, and again this demonstrates the ignorance of the member asking the question, there is already a campus of Edith Cowan University and also a technical and further education regional college in Bunbury. It has been suggested to me that we should investigate the possibility of those two campuses joining together to form a university college of Bunbury. Rather than the Bunbury campus of Edith Cowan being a branch of the existing university, that campus and the TAFE college would be combined to form the university college. I have asked Professor Stanley from the Office of Higher Education to investigate that potentiality. Contrary to the assertions made by the member for Pilbara, there is no money allocated in the Budget for that.

Following a request from the community of Kalgoorlie, I have also asked Professor Stanley to look at the amalgamation of the Western Australian School of Mines in Kalgoorlie, a branch of Curtin University of Technology, with Kalgoorlie College, an independent college under the Colleges Act, with the idea of creating a university college of the goldfields. I have asked him to look at the situations at both Bunbury and Kalgoorlie because they are very similar, and at the end of the day he will make recommendations to the Government, which will decide whether to go down the path he recommends. However, as for the Pilbara, the suggestion by Mr Graham in his press release is absolutely ludicrous.

CARNARVON FASCINE - CARNARVON ONE MILE JETTY
Funding Allocations

520. Hon TOM STEPHENS to the Minister for Transport:

(1) What funds have been allocated in the 1993-94 Budget for the dredging of the Carnarvon fascine?

(2) What funds have been allocated in the 1993-94 Budget for the preservation of the Carnarvon One Mile Jetty?

Hon E.J. CHARLTON replied:

(1)-(2) Obviously, starting tomorrow the member will get full information on the Budget, but funds have been allocated to carry out the planning stages of the Carnarvon fascine. Any further developments and costs associated with that will be determined at a later stage.