Legislative Council

Tuesday, 21 September 1993

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

PETITION - NORTHAMPTON DISTRICT HOSPITAL, ACUTE CARE BEDS FUNDING

A petition from 291 citizens of Western Australia seeking sufficient funds for the Northampton District Hospital board to maintain eight medical acute care beds at the Northampton District Hospital was lodged by Hon Kim Chance.

[See paper No 584.]

MOTION - URGENCY

Workers' Compensation and Common Law Damages Confusion

Debate resumed from 15 September.

HON BOB THOMAS (South West) [3.35 pm]: In the debate last week, I said that the Minister for Labour Relations was behaving in a disgraceful manner by regularly changing his mind and changing the rules relating to workers' compensation claims, sometimes almost daily. This has been confusing and distressing to the people who are unfortunate enough to have been injured at work. Initially, when the Government was first elected, it fed titbits of information to the Press to build up this issue so that it could be seen as the white knight rushing in to solve the problems that it believed existed with workers' compensation claims. The Minister for Labour Relations spoke about double dipping by injured workers and the avariciousness of some lawyers and claimed that small claims were gobbling up insurance funds. We were surprised when, on 30 June, the Minister unilaterally declared in another place that workers' common law rights would be removed from them by 4.00 pm on that day. He said that, since taking office, "the Government has become increasingly concerned at the rapid escalation in common law costs". He said that "the rapid escalation in common law costs" which make up about 20 per cent of all workers' claims was the reason for the Government's imposing this measure rather than all of the other things to which I have alluded. He was deceptive when he gave that as the Government's reason. He arbitrarily removed workers' common law rights to claim against employers who had been negligent and who had contributed to their accidents, except for those employees whose impairment was more than 30 per cent. Rightfully, enormous pressure was brought to bear on the Minister by decent, fair-minded people in the community and the Prince affair and the Minister was shamed into doing something to help those people who were injured but had not lodged a claim before the arbitrarily declared cut-off time of 4.00 pm on 30 June. Some workers' injuries had not stabilised to the point where they were able to ascertain the extent of their injuries to lodge a claim by that date and others who had been recently injured were not in a position to lodge a writ for common law damages against a negligent employer.

As a result of the pressure on the Minister, he decided to help the people who had been injured before 30 June and who would be disadvantaged by his decision. What followed was farcical because the Minister did not know how he was going to help those injured workers and there was much speculation about what he would do. Eventually, on 25 August, the Minister announced a package of measures for those people who had rung and registered on his hotline which he had established for workers who had been injured before 30 June and had not lodged a writ. Even his press statement on 25 August detailing how those 3 500 people who had registered on the hotline would be treated was inconsistent. In one part of the press statement he said -

> The primary objective when establishing the process (to deal with 3,500 workers whose compensation claims may have been effected by the June 30 cut off date) was ensure that no one with a legitimate claim would be disadvantaged.

However, in the same press release he said that the system would limit claims to those people who had suffered a loss of more than $25 000. On the one hand he said that no-one with a legitimate claim would be disadvantaged and, on the other hand, in the same press release he said that a person must have suffered a loss of more than $25 000. Obviously, the Minister thinks anybody who has a claim of less than $25 000 is not genuine. The same press release cynically continues -

> The process announced today has identified those who may have been effected by the cut off and will allow those with a significant injury their day in court.

Anybody who does not have a significant injury is not being dealt with fairly by this Government because people must have sustained a loss of more than $25 000 in order to get their day in court.

The Minister should also be condemned for the disgraceful deception concerning the calculation of an injured worker's pre-injury earnings. In his ministerial statement on 30 June he said that an injured worker would receive workers' compensation payments of his average weekly earnings for a maximum of 26 weeks. However, on 25 August when he made a statement about how the 3 500 would be treated, he said that the average weekly earnings would be capped at $632 a week and would be paid for four weeks only. I do not blame the general public for being cynical at the way this Government has treated injured workers. Nor do I blame the Chamber of Commerce and Industry for being annoyed at the way the Government has handled this matter, or any injured worker for having lost faith in the integrity of this Government as a result of the way it has handled this matter. I said at the beginning of my remarks on Thursday that this has come about because of the lack of integrity of the Minister for Labour Relations, the member for Riverton. Also, it has come about because of the meddling of a member of this House - the Minister for Finance, Hon Max Evans. I refer to the tape transcript of a conversation between Mr Brian Bradley and the member for Albany, Mr Prince, and quote from it as follows -

> KP Where this has come from is Max Evans who is the Minister for Finance and it's come out of Finance and Budgets.
>
> BB But the insurance companies have already collected their premiums for the existing claims - I mean, the employers have paid those for the existing claims.
>
> KP Well what the insurance companies apparently are saying - have a look at the Trenorden paper - is that they don't have enough money to pay. I mean that is exactly the situation that exists with the third party claims and the SGIC - there isn't enough money to pay the claims that are expected in this coming financial year that's why there's a $50 levy.

The member for Albany is saying that this increase comes directly from the Minister for Finance. I can understand why he says that. I now quote a couple of statements from another urgency debate, on a motion moved by Hon Mark Nevill, held in this Chamber last week involving the $50 levy. In his response, Hon Max Evans said -

> Claims made on premiums of $126 paid some years ago are increasing all the time and we are looking at a loss on those because claims have gone up considerably on what was actuarially assessed at the time.

He continued -

> If the levy had not been introduced, we would have run out of cash.

He further said -

> . . . but it will probably be the end of November or early December before the float is finished, all going well. In the meantime, we must pay claims.

The Minister is effectively saying that he is part of the State Government Insurance Office organisation and it is his role to make decisions on these matters. In my view the Minister is Cabinet's representative in that organisation and he should not be involved in

its day to day running or operational matters. It appears to me that he is meddling in this operation, and that is why this disgraceful change has been made to the workers' compensation system.

I noted when reading *Hansard* earlier today that the Minister for Health said he would respond to this urgency motion and would talk in particular about the effect of legal costs on the system. I hope he does so. I relate to the House a case in which he was directly involved, concerning a truck driver from Manjimup who was injured a few years ago when the back wheels fell off the truck he was driving. The employer denied liability and said the wheels had not fallen off. The employee insisted that they had and took the employer to court for common law damages. The lawyer representing the employee in the course of preparing the case found a part-time priest who had taken a photograph of the accident which clearly showed that the wheels had fallen off the truck, as a result of which the accident happened and the worker was injured. The court made an award in the region of $300 000 to that worker but Hon Peter Foss, as the lawyer representing the company - a self-insuring company - went to court and appealed against that decision. In that appeal he said the driver was driving negligently and that is why the wheels fell off, and he disputed the evidence of a number of people who had seen the employee driving the truck. More importantly, Hon Peter Foss spent two days presenting his opening arguments to the Full Bench of the Supreme Court. After a day and a half one of the justices told Mr Foss, "Well done, you have finally presented the only legal point that substantiated this argument." After two days the Chief Justice told Mr Foss that his arguments lacked probity and he should get on with the matter. I am told that Mr Foss' legal costs alone were in the region of $150 000 in a case which, fortunately, the Supreme Court threw out. It upheld the earlier decision to provide common law damages to the worker. In that situation Hon Peter Foss was trying to take away that person's rights but, more importantly, his legal costs in that case were excessive. I hope he will give further details about the role he played in that court. I understand why this Government has decided to try to take away people's common law rights to claim against an employer who has been negligent. It is characteristic of this Government, which is trying to remove from a small group of Aborigines their common law rights to title of some land - about 2 500 Aborigines in this State have that right.

HON KIM CHANCE (Agricultural) [3.49 pm]: I thank Hon Nick Griffiths for providing the opportunity for us to debate this matter of urgency. Even in the context of the industrial relations debate, no issue has caused as much confusion and distress in the public mind in recent times as the proposed changes to the workers' compensation system and to injured workers' common law entitlements. It is also very timely that we are debating this matter today because I understand that today the Minister for Labour Relations will introduce the Bill to facilitate the proposed changes to industrial relations that he has aired in the other place.

This issue has caused a great deal of confusion and distress in the public mind. My electorate office and the offices of my colleagues have received more letters and personal representations about workers' compensation than they have about the proposed changes to industrial relations. That is perhaps because this matter is more readily understood than is the more complex issue of industrial relations and people can see the direct threat that it represents to their way of life. Nonetheless, the public are extremely concerned about this issue. More than half of the people who have come into my office with some pretty heartbreaking stories - some of them are absolutely shocking - have volunteered to me the information that only a few months ago they voted Liberal, and they have been fulsome in their acknowledgment that they will never again make the same mistake.

Paragraph (1) of the motion refers to the arbitrary nature of the proposed changes. It is the arbitrary nature of the changes that points to the lack of thought that the Government has given to this matter. As usual, the Government has been driven by financial results and not by the effect which those results will have upon people. The prime example is the arbitrary threshold of 30 per cent bodily impairment, which the Minister for Labour Relations stated in his promotion of these changes has come from a United States scale of disability. I believe it is fair to say that while that scale may or may not work well in the

United States, it works under a system which is different from that in Australia. The effect of a 30 per cent bodily impairment is not constant across classes of employment. The point has been made often enough for people to be able to understand that in some classes of employment, a 30 per cent bodily impairment can be shrugged off. A 30 per cent bodily impairment would not greatly hinder the capacity of a member of Parliament to do his or her task; nor would the loss of one hand, or a serious back injury which still allowed some mobility, seriously affect the capacity of a lawyer or an accountant to do his or her task. In fact, one of our most able members, the Leader of the Opposition, has a disability which far exceeds 30 per cent bodily impairment, and that has never impeded his capacity to be one of the best contributors in this Chamber. However, a shearer with a 30 per cent bodily impairment -

Hon Bob Thomas: Even 10 per cent.

Hon KIM CHANCE: Exactly. A shearer with one hand, or with a back problem which meant that he or she could not bend, in a trade where that person has to bend for eight hours a day, would effectively have a guarantee that he or she could never again work in that trade. That situation would apply also in other physical-type occupations, some of them very highly paid, particularly in the mining industry, where a person with a 30 per cent bodily impairment would be on the scrap heap, at least in regard to the type of work which he or she was trained to do and had been doing for some years. Therefore, while a member of Parliament might be able to shrug off a 30 per cent bodily impairment, it would be a major tragedy for other people. There is no scope under the Minister's proposals for people who fall just below the 30 per cent threshold to use their common law entitlements, as they have been able to do in the past.

I turn now in detail to the proposed changes to the workers' compensation dispute resolution system. On 29 August this year, the Minister released a press statement in which he states that -

> A new workers' compensation dispute resolution system which will cut delays and reduce costs for injured workers has been announced by the State Government . . .
>
> "There is no question that the lengthy delays which were inherent in the old system were instrumental in keeping workers away from work and causing financial hardship for workers and their families."

While we may be prepared to make some allowances for what any member of Parliament states in a press statement, and while we perhaps do not regard a press statement as having the same need for credibility as a ministerial statement or a statement in the House, it seems to me not only that the Minister's statement is inaccurate in regard to delays, but also that the reverse is true. In Western Australia in 1991-92, there were 73 000 workers' compensation cases, and only 51 of those cases actually went to trial. Ninety per cent of all claims were settled at pre-trial conferences at the Workers' Compensation Board. At the moment, there are no delays in appearing before the Workers' Compensation Board. A trial date can be given for commencement within 75 days. My information is that in early September this year, trial dates were still available for the same month. A chambers' application before the registrar or a deputy registrar can be heard within 28 days, and even earlier if it is urgent. Victoria has a system similar to that proposed by the Minister. In Victoria, the delay simply to get to speak to a review officer is six months. Other States with systems similar to that proposed by the Minister have much greater delays than does Western Australia under the current system. However, in spite of that evidence, the Minister, who has the same access to the information that I will give to the House, states that the proposed changes will cut delays.

Let us look at the situation in some of the other States. I refer to the 1992-93 figures. I will give the figures for Western Australia first so that we are on an equal footing because the figures indicated earlier were for 1991-92. The number of claims to insurers was approximately 70 000 in 1992-93; the number that went to trial were 67 - remembering it was 51 in 1991-92 and the delay to conciliation at pre-trial conference then was approximately six weeks - and the delay to trial was two months and two weeks.

In South Australia, the number of matters referred for trial to the Workers' Compensation Tribunal were 198, roughly three times the number in Western Australia. The delay to trial hearing before the Administrative Tribunal was six months, not inclusive of the time taken to proceed from the original decision making - this could take five and a half months; that is, a total of eleven and a half months' delay. South Australia is probably the second best State in this regard. The number of trials before the New South Wales Compensation Court - remembering that in South Australia and Western Australia we are talking in tens - the figure is 19 307. The delay to trials for hearing before the court is nine and a half months. That is not inclusive of the time taken on conciliation, which is three months. In poor old Victoria the delay consideration is approximately six months.

The Minister had the same access to these figures as I have. They came from the Law Society. In his press statement, one of the reasons he identified as justifying the view that the system he is bringing in is better is that it will cut delays and reduce costs. In the Chapman inquiry, on which the Minister based much of his reasoning for the Bill, all but one submission called for the retention of the Workers' Compensation Board, yet the Minister tells us that it should be dismantled. The Minister has also said that his proposal would tend to reduce costs. The total turnover of the workers' compensation industry - if I may refer to it in that way - is about $300m per annum in Western Australia. The Workers' Compensation Board costs roughly $1.6m per annum to operate. I think most people would consider that to be a fairly moderate percentage. It must be just a fraction over 0.5 per cent. The Minister proposes a scheme modelled on Victoria's, and the Victorian system costs $24m a year to operate. It is true that Victoria has something like three times our population, but even allowing for that, and multiplying $1.6m for Workers' Compensation Board costs in Western Australia by three, the Victorian costs are five times higher than ours. We have the right to ask why the Minister is telling us his system will cut costs when the evidence is that costs will in fact be increased.

The third point the Minister made related to the deformalisation of proceedings. Possibly this is the most arguable of the three points. I have already said that in 1991-92, Western Australia had 73 000 workers' compensation cases, of which 51 went to trial and that in 1992-93, 67 went to trial. I said that in Western Australia conciliation at pre-trial conferences enjoys a remarkable success rate. However, the Minister tells us that the proposals that support his Bill will produce a minimisation of formality. Is the Minister saying that there is no informality now in the pre-trial conferences? Does he mean that the conciliation process, that he so clearly and so properly endorses, is not already occurring in chambers' applications? Surely that is not what the Minister is saying. He would be denying a fact, if that were the case. I think what the Minister does not like about the present system is that workers have the benefit of proper advice in chambers' applications. They have proper advice and they are entitled to it from their legal counsel. He wants to get rid of it because it is difficult to see the differences that exist between the current system and what he proposes, except to the extent that workers are entitled to legal representation in chambers' applications. There are a few things not clear about the Minister's proposal. Perhaps when we have a proper look at the Bill this will become clearer, but it is not clear at what level the legal representation will be available during the review process proposed by the Minister, nor what sort of qualification will be required for appointment as a review officer. It is not clear what review process, if any, will be available from the decisions of the medical panels.

The high sounding ideals of conciliation expressed by the Minister in his 29 August press statement are false. They are false not only because it is patently obvious that the present process already has an adequate and very successful conciliation process but also because workers will be so clearly disadvantaged by the Minister's concept of conciliation - conciliation without legal representation. How many workers have a detailed knowledge of the Workers' Compensation Act? How many workers know what their entitlements are in law? Yet, the Minister will commit injured workers without legal representation to negotiate with experienced insurance advocates who are paid according to success in minimising claims. This is the so-called conciliation process. It is a fraud!

The motion moved by Hon Nick Griffiths - and I congratulate him for the work he has

done in this matter and for the insight he has been able to give us - mentions the confusion and distress caused by the Government's mean-mindedness in this issue. Like the industrial relations legislation, the Government's proposals seek to shift the balance of power to the advantage of its own supporters. Like the industrial relations legislation it is driven not by a desire to improve the lot of the average Western Australian but by a need to pay off the Government's backers.

Last year I had to sit on the opposite side of this Chamber and listen to a lot of talk about corruption, but if the principle of using the power of Government and the processes of Parliament to selectively reward the Government's own supporters - as this Government is doing in its own bumbling way with this legislation and the industrial relations legislation - is not corruption, perhaps members opposite do not know the meaning of the word.

HON PETER FOSS (East Metropolitan - Minister for Health) [4.08 pm]: There is a famous episode in *Catch 22* when Yossarian starts to copy someone in the bed next to him who sees everything twice - that is, no matter how many fingers are held up he sees twice the number. I have a feeling that this debate has the capacity to see everything twice. We will shortly be debating workers' compensation legislation and it seems that a motion of this nature which seeks to go over the arguments which will arise during the course of debate on the legislation, and which will be far more effectively dealt with when the text is before the House, is a futile waste of time. It is another opportunity for the Opposition to posture over this matter and to increase the distress and concern in the public mind which the Opposition has caused by confusing people about what is meant by the legislation. I intend in due course, when the legislation comes before the House, to debate that legislation.

I believe the protestations by the Opposition in this case are quite unreasonable. When the Minister made his announcement he made certain that something which was time restrictive was announced immediately and, quite properly, indicated that for the remainder of the matters he wished to deal with he would do so in consultation with the community. A number of people have made unjustified assertions to confuse the public and cause alarm. That the Opposition should see a process of consultation as an opportunity to cause confusion should not necessarily be attributed to the legislation itself. If there is a state of confusion and distress in the community, the Opposition has a lot to answer for.

In its first particular this motion is really quite extraordinary. It talks about the injustice of an arbitrary foreign - I emphasise "foreign" - impairment system of assessment, as if some form of xenophobia is being expressed and that bodies from America are different from those in Australia. It would appear Americans are a different species, and anything applicable to them obviously cannot apply to Australians. One has to look at the fact that the AMA guides are already used in four Australian workers' compensation jurisdictions, as well as in New Zealand, Canada and the United States. Those jurisdictions appear to think bodies are the same all over the world. Merely to object to this matter on that xenophobic basis is quite unjustified. As members are aware, the Minister has stated that the legislation he will introduce will be related to major amounts to schedule 2 of workers' compensation; that is, our own homely, comfortable, Western Australian schedule 2. Therefore, the xenophobes will be much happier to know that schedule 2 will be the one to apply, and only when it does not deal with the matter will the AMA scales be used.

The proposed abandonment of the Workers' Compensation Board is mentioned. This is interesting coming from the Opposition, because of the rather extraordinary procedures it was proposing to set up last year. However, that debate is one probably best left to when we have the measures before us. Merely to complain about the substance of a Bill at this stage in an urgency motion is a total waste of time.

Reference is made to the Minister's changing and inconsistent position. If we took the former Minister for Productivity and Labour Relations as being a reasonable person, then in comparison with her perhaps the Minister for Labour Relations may be considered to

be changing and shifting. What one might do is to take the view that the former Minister was such an obstinate person and so incapable of moving once she had announced any idea, and so resolute as to say that not one jot or tittle should change, that if one saw her as a reasonable person the current Minister for Labour Relations was a changeable person. The member for Riverton shows a remarkably open attitude. He has made it quite clear from the beginning that he intended to listen to what the public submissions were, heed them, and give effect to them. He is to be commended. Because members opposite have been so used to a Minister for Productivity and Labour Relations absolutely incapable of being moved by a slightly reasonable suggestion, they seem to have lost all track of what is reasonable and what is relative. Even members opposite would agree that the former Minister was renowned for the incapacity ever to move from a position once taken up. If we accept that as a place on a spectrum, the place we will find the present Minister for Labour Relations is in the medium ground of complete reasonableness.

The fourth point refers to the Minister's misrepresentation on the operation of workers' compensation and common law damage for work related injuries and the disability system. The Minister has set out the correct position and corrected some substantial misrepresentation in the system. Moving slightly from my originally stated position and not intending to debate the merits of the legislation, one of the things that has happened over a period of time in Western Australia with regard to workers' benefits is this: From time to time, the workers' compensation benefits have been considerably better than the common law damages and, from time to time, they have not been. I recall a period when workers' compensation benefits were so generous that a person would not even contemplate bringing a common law damages action because he would never get as generous a result as with workers' compensation. I admit it was partly due to the urgings of employers that those were cut back. It was a mistake. It is important to have a generous no fault system for workers because they should not be forced into common law if it can be avoided. Sometimes by amendment, or failure to amend, the relative positions of common law and workers' compensation were changed. If one got a good kitty in common law, people would take their workers' compensation money and use it as their fighting fund for common law. That is not a desired situation. There were further problems, in that the monetary level at which they were being brought became lower and lower. One of the problems that became quite clear and - as the Hon Bob Thomas has kindly pointed out, I have acted for insurance companies on workers' injuries matters - had to be taken into account was that there was an amount of money a person would be up for in any event when sued and it was often worthwhile his paying that money just to get rid of the case. It would be worth that few thousand dollars to save the cost of the action. This has become a problem, because all of that adds to the cost of workers' compensation on an employer's indemnity insurance and that in turn adds to the cost of employing people. In the event that all those costs become a tax on employment we add to the cost of employing people. Therefore, the real beneficiaries of that system were not necessarily the workers. I must confess that lawyers became beneficiaries out of the system to some extent.

Hon T.G. Butler: Very much so.

Hon PETER FOSS: You are right. That is not necessarily because of voraciousness on their part.

Hon T.G. Butler: Oh, no!

Hon PETER FOSS: No. It can happen in any event. It might be that there are voracious lawyers as well, but it does not necessarily follow. Lawyers act in the best interests of their client, and if they can get another $10 000 or $15 000 for their client then why not? If they can make a few thousand dollars for themselves on the way through then why not? Whatever members opposite might think of that, a better system would be that the money went into the pockets of the worker or allowed a lower cost of a premium. We would all agree with that sentiment. The question is, what is the best way to achieve it? The Minister for Labour Relations believes his method is the best way. I understand that speakers opposite do not agree with him. That is obviously a debate we will have in due

course when the legislation comes before this House. But we all agree, and I hope that members opposite would recognise, that at least the attempt being made here is to ensure that we get the best possible benefit in the community from our workers' compensation employers' indemnity insurance and, ideally, it means that workers are compensated for injury and that workers' compensation and employers' indemnity insurance premiums are kept to the minimum. I hope we agree on that.

What we will disagree on is whether these measures achieve that. I accept that when the Bill comes before the House we will have a vigorous debate on that particular point, but I hope we can certainly take the point that that is what we are trying to achieve for the benefit of the community.

The last point concerns retrospectivity. The Minister for Labour Relations made it clear that the Government intended there be a process by which people have the option, not just to bring a common law action, but also to choose between having the old and new system of benefits. I would be very surprised if members opposite did not find a large number of workers who went through the system being proposed, instead of opting for the possibility of common law action, opt for the new benefits under the Workers' Compensation and Rehabilitation Act, because they are considerably better than the previous ones. The interesting thing about this is that members opposite suggest that this is an unreasonable action. We have the best of both worlds. If people can show they had an opportunity to bring a common law action, they will be able to opt to take either the new benefits or to bring a common law action.

Hon T.G. Butler: That is if they have more than 30 per cent body impairment or a claim for more than $100 000.

Hon PETER FOSS: Proposed new schedule 2 is a far better proposition. Rather than saying everything twice, this debate is best held when the legislation is in front of us.

Hon Bob Thomas: When did the Government introduce this legislation into the Assembly?

Hon PETER FOSS: Today, I think. I realise it had not been introduced when the urgency motion was moved, but nonetheless we should recognise that things have passed on. It was not worthwhile when moving an urgency motion originally, and it is certainly not worthwhile debating this now. Members opposite always knew they would have the legislation in front of them at some time. They will have the opportunity to discuss it when the legislation is before this House.

HON SAM PIANTADOSI (North Metropolitan) [4.24 pm]: I decided to speak to this motion after hearing the Minister for Health say that the Opposition was posturing and trying to get two bites of the cherry. His remarks did not surprise me, but the Opposition's reason for moving the motion is its concern for those who suffer work related injuries. From the Minister's opening remarks it is clear that he does not represent workers who have suffered injuries but those who would deny them just compensation. The Minister is not aware of what happens on the worksite, of the many people who are unable to provide evidence about the nature of their injuries and of some cases where medical records have changed. Many other concerns exist, and there is no simple answer. The only people who have abused the system - this was pointed out in this House during a debate on another Bill - are members of the legal profession through charging exorbitant sums of money to their clients - in some cases in the vicinity of $20 000. An example of a not so generous workplace agreement is where an articled clerk can receive a very fine salary package of $17 000 and a legal firm can recoup that salary from a single case. We are concerned that not only does the worker suffer the injury but also is exposed to all the other elements. I urge all members to take the matter seriously.

The fairest system would provide a safe workplace in which there would be no accidents, so we would have no need for the system or for solicitors like Hon Peter Foss and others who have made the headlines lately because of the exorbitant amounts they charge. Certain solicitors have had to justify their actions because it was found they were using articled clerks to provide the service but were charging the going rate for a solicitor.

Hon P.H. Lockyer: The fee depends on the quality of the solicitor, and in that case Hon Nick Griffiths would charge a considerable fee.

Hon SAM PIANTADOSI: Hon Phil Lockyer cannot resist putting his foot in it. He did the same with slave labour on share farms in his electorate. The member is saying that if someone has the ability to do so, he can charge whatever he likes! That is what this Government is about, and I do not need to add anything further. Whatever opportunity it gets, the Opposition will point out to the likes of Hon Phil Lockyer that the Government is on the wrong path. The Opposition will always protect the interests of the underdog.

HON N.D. GRIFFITHS (East Metropolitan) [4.26 pm]: The motion was brought before the House so that the matters set out in it could be considered. I was concerned to have the Government move quickly to introduce legislation so that the confusion and distress in the public mind could be disposed of. Members opposite may recall that I referred to one of their supporters who mentioned the confusion in people's minds. The proposed abandonment of the Workers' Compensation Board was not dealt with by the Minister for Health in his response. The question of a foreign system of assessment being introduced should involve a greater degree of consultation than that which has taken place so far. I trust that the debate on the Bill that the Minister foreshadowed will enable us to deal with that fully.

The Minister did not answer point (3) of the motion. He chose to defend the indefensible by attacking another person. With respect, I consider that to be indefensible. The Minister did not answer point (4), and certainly the House was treated to a very strange view of the issues of retrospectivity.

Motion, by leave, withdrawn.

MOTION - URGENCY

Industrial Relations Legislation

Debate resumed from 16 September.

HON KIM CHANCE (Agricultural) [4.28 pm]: This speech will be rather shorter than my earlier speech.

Hon Max Evans: And far better?

Hon KIM CHANCE: Yes, it will probably be better. In the one and a half years I have been in this place I have learnt a great deal about the principles of Parliament and of the execution of democracy. Some will say I have a great deal to learn and I tend to agree with that. I will not list the names of those people from whom I have learnt the most - either members who were here last year or members of this House now - but one of those people I have learnt from is the present Minister for Health, Hon Peter Foss. Some of the things I have learnt from him include the importance of legislation being open to debate in all its proper forms and the importance of precision in legislation. Last year during the Committee stage of a Bill I nearly tore out all my hair until Hon Peter Foss taught me about the importance of precision.

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

MOTION - OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT REGULATIONS

Disallowance

Debate resumed from 16 September.

HON PETER FOSS (East Metropolitan - Minister for Health) [4.31 pm]: This motion seeks to disallow a regulation to amend the occupational health, safety and welfare regulations. Although this regulation deals with two issues, the member who moved the motion dealt with only one of them. The member dealt with the change to the action level for noise aspect of the regulation, not the manual handling aspect. I assume that because he did not deal with the latter aspect, I should not deal with it either.

Hon Tom Helm: It has nothing to do with it. You do not have to deal with it.

Hon PETER FOSS: I will confine my remarks to the question of the action level for noise. A national standard deals with a maximum level for noise and members must understand the difference between the action and maximum levels. An action level requires an employer to take certain action with regard to a worker. It is not sufficient for an employer to provide hearing protection because, for the purposes of the regulation, the worker is deemed to be treated as being unprotected by any form of hearing protection. For example, an employer cannot provide his employees with ear muffs or ear plugs because that is not sufficient protection. He is obliged to remove the affected worker from the noise or take action to reduce the noise emitted from the equipment.

It is interesting to note that the basis upon which most of the standards have been set is by a tripartite council known as the Occupational Health, Safety and Welfare Commission. The procedure followed by the Government was to wait until it received a unanimous recommendation from the commission before it acted on it. In this case there was not just one dissenting voice, but two dissenting voices - one from the experts and one from the employers. Notwithstanding what one would normally expect to be the case after not having received the support, the former Minister for Productivity and Labour Relations introduced a regulation to bring into effect an action level of 85 dB. It does not sound very much, but because it is a logarithmic scale it is a substantial change in the noise level.

The Government's concern is that Western Australia will have a more stringent rule than that applying in other States. I understand that currently in the States of Tasmania, South Australia, Queensland and New South Wales the action level is 90 dB. In Victoria the level is 85 dB, but there is a moratorium on engineering reductions in existing workplaces until 1997. In the Northern Territory and the Australian Capital Territory the action level is 85 dB. However, the ACT's legislation is substantially different because the regulations allow the 85 dB level to be achieved by the use of hearing protectors. The end result is that there is only one State or Territory in Australia where the 85 dB action level would be the same as that applying in Western Australia if this regulation is disallowed; that is, the Northern Territory.

It is strange that I referred to the former Minister for Productivity and Labour Relations in the previous debate, but it was rather extraordinary that having set up a tripartite procedure - the then Minister would have waved its recommendation at members if it had come up with the recommendation she wanted - she wanted to change the recommendation it brought down because it did not achieve the result she wanted.

[Quorum formed.]

Hon R.G. Pike: The records show that there are two Labor Party members in the House. We have noticed it and we will not forget.

Hon PETER FOSS: It is interesting to note that the people against the regulation were the employers and experts and now the Government is against it. However, Hon Tom Helm seeks to impose his will over this issue. I forgot to mention that the Victorian regulations are slightly different because they include the term "as low as practicable" which makes a difference to the effect of the regulation.

Hon Tom Helm: We might copy that.

Hon PETER FOSS: No.

Hon Tom Helm: I know you will not because you want the level to be set at 90 dB.

Hon PETER FOSS: Victoria also has a moratorium.

Hon Tom Helm: Do you want a moratorium?

Hon PETER FOSS: The regulations in the majority of the other States and the tripartite commission's arrangements cannot be changed until an agreement for a change has been reached. It is typical of the former Minister for Productivity and Labour Relations that when it suited her and the tripartite commission's recommendation came out the way she

wanted it, she said that that was what would be done. However, when it did not suit her she went ahead, knowing full well that there would be a long parliamentary recess because of an election, and passed these regulations. Of the regulations that the former Minister passed, somewhat interestingly enough, one had already previously been disallowed. So Parliament had disallowed the regulations. As soon as Parliament was dissolved, bang! In came the former Minister for Industrial Relations and, ignoring the Parliament, passed them again.

Hon Tom Helm: What nonsense!

Hon PETER FOSS: As far as I am concerned, all of that is an abuse of the process of government. I think that the attempt here now to restore a despicable set of regulations, which were brought in in flagrant disregard of the tripartite agreement, is typical of how things were done under the former Government and, I am pleased to say, not typical of the way things are done under this one.

HON TOM HELM (Mining and Pastoral) [4.40 pm]: How can one address a statement like we have just listened to about the abuses of Parliament from someone who spent four years on the Opposition benches talking to us about democracy, a fair go and doing things properly? The Minister for Health has the audacity to talk about abuses. Abuse, I imagine, comes about if someone does not choose to advise his opponent, the mover of the motion, that the motion is about to be debated. I would have thought that would be the cordial thing to do.

Hon Peter Foss: It's on the Notice Paper.

HON TOM HELM: In response to the unruly interjection from this Minister that it has been on the Notice Paper, I agree that is right, but if he does not have anything to hide, a little bit of advice that it was due to come on to be debated would have been appreciated. That is not to say that the pathetic response given to this motion before us demonstrates any research he may have done or any understanding he has of what we are debating; he obviously has no such understanding. He tells us that we should not disallow this regulation, because Queensland, New South Wales, Tasmania and some other State have a 90 dB level rather than an 85 dB level and that is the reason why Western Australia should have a 90 dB limit rather than an 85 dB level. Yet then he tells us that the International Labour Organisation and the whole of the rest of the world think that 85 dB is a quite sensible level.

Hon Peter Foss: I mentioned that was the maximum level, not an actual level. There's a difference.

HON TOM HELM: I don't know what sort of language this Minister speaks, but whatever the levels are, the regulations have been imposed by this Government to make it 90 dB. It is curious, is it not, that he wants the level to be 90 dB, when the Mines Regulation Act sets it at 85 dB? Is that not odd?

Hon Peter Foss: We will have to change that.

HON TOM HELM: So that is going to be changed to 90 dB - we have that figured out - because there are a number of States in this country which think that 90 dB of exposure to workers is quite acceptable, even though some experts do not agree. I do not know whether the experts on the commission decided that 90 dB was an acceptable level, but it appears from what the Minister says that the experts did not share the view of the other members of the commission, along with the employers, that 90 dB was the way to go.

The Minister may try to convince the House that some sort of subterfuge brought about the 85 dB level, but there could be nothing more underhanded than to allow debate on this matter to take place without giving some warning that the matter was going to be before us. Nonetheless, as I said before, the Minister handling this matter argues that it is logical to follow those States that think that a level of 90 dB is a good one. As I said by interjection, the level in Victoria of "as low as practicable" would certainly be more acceptable than 90.

Mr Deputy President, if you recall during the debate - and I wish I had the *Hansard* in

front of me so I could quote from it - I advised the House that I had been exposed to excessive noise levels. In the first 12 months of my working at Hamersley Iron in about 1981, my hearing was measured and recorded at a certain level --

Hon Peter Foss interjected.

Hon Mark Nevill: What thought have you given to increasing the threshold? You're a disgrace, the damage this is going to do to people's hearing, an absolute disgrace.

The DEPUTY PRESIDENT (Hon Barry House): Order!

HON TOM HELM: On the records of Hamersley Iron's medical surveys, it can be seen that I had lost one-half of my hearing capability in two years of working for Hamersley Iron. That is to say, in the first 12 months, they recorded the level of my hearing capabilities. In the second 12 months they found that my hearing had been reduced by half. As Hon Peter Foss pointed out to us, a logarithm is used to calculate the loss of hearing; it is quite significant. It is one of those faculties a person has that he never gets back. Once one's hearing goes, it is gone forever. Although the Minister might suggest that the Government will change the Mines Regulation Act, I do not know what sort of argument the Minister or this Government will use to do so, as those who attempt it will find themselves in a different situation, because the mining employers have worked very hard to reduce their hearing exposures.

Hon Peter Foss: If that had happened, one of the major problems would not exist.

HON TOM HELM: If the standard is being set in our own backyard, in the State, what sort of argument would anyone use to say that one section of our industry has set a standard which is generally agreed to and which is by far and away the minimum standard that the rest of the world recognises - only a couple of States in our nation think differently - but another section of our industry, in another section of our backyard, has a different level? It appears that we have not only a different class of people under this administration in the short term, but also a different level of safety for workers to be exposed to. We have set the health and safety of those workers at a different level. I was a member of the Delegated Legislation Committee which examined these regulations. Certain employers were concerned about noise levels being reduced from 90 dB to 85 dB and I have to say most of them belong to the pastoral industry.

Hon Peter Foss: What industry?

HON TOM HELM: The pastoral industry. If the Minister cannot understand English, he should not be here. I will bring in Hon Sam Piantadosi and he can speak Italian to the Minister. Most of those people who were concerned were farmers and cattlemen. They had a problem in understanding that the level of 85 dB being suggested by the commission did not necessarily say that if anybody was exposed to a level over 85 or to 90 or whatever --

Hon Peter Foss: The commission didn't agree to that.

HON TOM HELM: I am not saying that the commission agreed to anything. I am saying that the former Administration of this State -

Hon Peter Foss: You just said "commission".

HON TOM HELM: - advised those people that they would not be punished, they would not have any sanctions imposed on them if they exceeded the levels that the commission thought were the appropriate levels to be achieved.

Hon Peter Foss: Which commission are you talking about?

HON TOM HELM: The Occupational Health, Safety and Welfare Commission. I will recap for the sake of this poor Minister, who really is a stooge in this place, because it looks as though he is going to handle all the difficult legislation that comes here from the other place and he does not have a clue what he is talking about. He tells us regulations have been moved and disallowed before - he does not have any evidence - and then tells us that there is an argument that 85 dB is impracticable, and we should set the level at 90 dB; he then tells us, "We will change the Mines Regulation Act" --

Hon Peter Foss: The commission did not --

Hon Mark Nevill: What is the empirical evidence?

Hon Peter Foss: The experts and the employers did not agree, therefore the commission did not make such a decision.

HON TOM HELM: I am saying that the commission or the Minister --

Hon Peter Foss: The Minister.

HON TOM HELM: We will just accept for one moment that the experts on the commission did not agree, and that the employers did not agree.

Hon Peter Foss: That's a good start, isn't it?

HON TOM HELM: I am not arguing with the Minister. So they did not agree, but a few of the people on the commission did. They did not agree; the Minister is right. New South Wales did not agree, Tasmania did not agree. We are not sure of Victoria and who else?

Hon Peter Foss: The Northern Territory is the only one that actually has an equivalent procedure.

Hon TOM HELM: It does not agree. Let us not nitpick about this; let us say it does not agree. The expert, the commission, the employers, Tasmania, Victoria -

Hon Peter Foss: Everybody except the Northern Territory.

Hon TOM HELM: - and the rest of the world thinks 85 dB is the level that should be attained.

Hon Peter Foss: Not as an action level.

Hon TOM HELM: All right.

Hon Peter Foss: You do not know what an action level is, do you?

Hon TOM HELM: An action level would be somewhere -

Hon Peter Foss: Would be! You don't know, do you?

Hon TOM HELM: Does the Minister know?

Hon Peter Foss: Yes. If you had listened to my speech -

Hon TOM HELM: I would have listened to the Minister's speech if he had made sense. The Minister did not speak very well actually. If the Minister is saying that he thinks the regulation should be amended to read "a practical level" -

Hon Peter Foss: No, I am not.

Hon TOM HELM: - or amended to read "an action level" -

The DEPUTY PRESIDENT (Hon Barry House): Order! The decibels from the conversation behind the Chair are too high. I ask members to lower them.

Hon TOM HELM: If the Minister is suggesting some other amendment should be made to the regulations -

Hon Peter Foss: No, I am not.

Hon TOM HELM: Then I suggest the Minister keep his mouth shut, because that is basically what we are talking about. We are talking about what the regulations say. I would be the first to accept some amendment -

Hon Peter Foss: You do not know what an action level is.

Hon TOM HELM: It does not matter. I am asking for the regulations to be disallowed. Does the Minister know what disallowance is? If he does, that is all he needs to know. He does not need to know whether he has read *Catch 22*, in Portuguese, Greek or Italian. He does not need to know anything like that; he just needs to know that I am asking this House to disallow this regulation because it is the right thing to do. I am trying to

demonstrate why it is the right thing to do. The first point is that if we do not, people will become deaf. That is the practical application of what I am saying.

Hon Mark Nevill: He is the Minister for Health and he is allowing this to happen.

Hon TOM HELM: He is an expert, but what is he an expert in? I think he is the Minister for stooges. If the decibel level stays as it is people will become deaf. If the level is kept at 90 dB we will be at odds with the rest of the world, and the Minister can include to a certain extent the way the Minister's comrades in Victoria view this legislation. All I am saying to the House is that if this so-called Minister for Health, who is looking after the wellbeing of the people of Western Australia, who keeps being picked to handle the rubbish legislation which comes from the other place and to handle the hard stuff that members down there cannot handle, this poor stooge, cannot even argue the case, we must ask ourselves where we are going. Which track are we going down? He did not do any research, nor was he provided with any information that he needed to answer the question. The question remains -

Hon Peter Foss interjected.

Hon TOM HELM: I did provide details of my personal experiences, evidence that the Act had not been changed and evidence from various sources to support the argument for the regulation to be disallowed. There was also evidence to support the argument that 85 dB was the level which not only the previous Government -

Hon Peter Foss: You have no idea. You should read the regulation.

Hon Mark Nevill: You have never worked in a noisy environment, that is your problem.

Hon P.H. Lockyer: What do you think this is?

The DEPUTY PRESIDENT: Order!

Hon TOM HELM: Talking about noisy environments, some people like Hon Phil Lockyer think this Chamber is sleepy hollow. I have to tell the crowd opposite that this is no longer sleepy hollow. We are going to show members opposite what Opposition is all about. They do not understand what Government is about; we can see that. Look at some of the legislation that is being put in front of us! By God, they will know what an Opposition is. If members opposite think we are making them sick now, I can tell them they will get a lot sicker because from now on they will have to put in the work.

Several members interjected.

Hon TOM HELM: As Hon Phil Lockyer pointed out in another unruly interjection - has he got any legs, by the way?

The DEPUTY PRESIDENT: Order! I think that is irrelevant to the motion before the House.

Hon TOM HELM: I say that because the only time we hear from Hon Phil Lockyer is when he is sitting on his behind. He said in another unruly interjection that one did not need to have an argument, one needed only the numbers. Some good arguments have been put forward by members on this side, but it has been quiet on the other side. The disgrace which this place must feel when the Minister for Health -

Hon Peter Foss: Why don't you read the regulations so you can talk about them?

Hon TOM HELM: Has the Minister read them? Never mind. Do not read the regulations, comrade. The Minister should read the disallowance motion; that is all he has to do. We have agreed that we will not go into the manual handling side of the regulations but will deal only with the question of decibel levels. It is quite clear; I have moved that the regulations be disallowed. The Minister will know - he might know; I do not know whether anyone has told him, so maybe he will not know - that if the regulations are disallowed the level will revert to what it was previously - 85 dB. I brought this matter to the Chamber and gave the reasons why it was a good idea to keep the level at 85 dB. I brought a lot of evidence into this place and spoke at some length.

Hon Peter Foss: You did not speak about the regulations.

Hon TOM HELM: I spoke about the regulations -

Hon Mark Nevill: Why did it take two weeks to answer him?

Hon Peter Foss: I was trying to get the other things through.

Hon TOM HELM: Although it was brought on some time ago, the only weak, pathetic answer we have had from this Minister, who is a spokesman for a Minister in another place, is that a couple of States, an employer and some expert do not agree that this should be the level. The Minister has not produced any empirical evidence; he never told us as Minister for Health why it should be done - someone to whom the health of people should be important. He has never brought any evidence to the Chamber to say why it is a good idea to raise the level from 85 to 90 dB. However, he did two things: He suggested that the Victorian approach was a good way to go, where practical.

Hon Peter Foss: All I said was that it was to be distinguished; I was not recommending it.

Hon TOM HELM: The Minister gave us two alternatives, which he is not prepared to pursue.

Hon Peter Foss: I was telling you what the situation was in other parts of Australia.

Hon TOM HELM: If the situation is somewhat different from here, it may be that we could listen to those alternatives rather than pursue the line the Minister wants to take which is to say that, because members opposite are in Government and they have the numbers on that side of the Chamber, they will do what they want.

Hon Peter Foss: That is how you brought it in in the first place.

Hon TOM HELM: No, we did not. It was brought in in the first place because the standard had already been set by agreement. It was also brought in because there was evidence, which had been used before the commission, and there was some doubt on the side of the employers as to how best it would be put into operation. There was concern - and I was involved in the debates when farmers and pastoralists expressed it - that a farm shed could be seen to be a workplace and therefore liable to come under the regulations. The commission attempted to educate the people that the regulation was designed not to punish or attack farmers or anyone else, but to encourage people to do what the majority of our industries already do; namely, to protect people's hearing.

[Continued next page.]

[Questions without notice taken.]

STATEMENT - BY THE PRESIDENT

Student Parliament, Question Time

THE PRESIDENT (Hon Clive Griffiths): The Student Parliament began yesterday and concluded today. For the benefit of members who were unable, for whatever reasons, to attend any of the sessions in that time, the standard of debate and of the performance by these young people from all over the State was very high and of great credit to their parents and to the schools from which they came. The preparation put into their work was of great credit to them.

I am saying this at this time because I was asked, in the week leading up to the Student Parliament and during the Student Parliament, whether students could attend this Parliament during question time. Some of them attended proceedings in another place and in this place and referred to the conduct of our operations. I had the opportunity of speaking this morning with a group of people about question time. I expressed some concerns about it. I do not want to sound patronising. However, today was a classic example of what question time should be about; that is, members sought information and received it and the number of questions that we got through in the 30 minutes is an indication of the fact that, if honourable members stick to the rules under which question time operates, not only will we get through a lot more questions but also members will

get more information in response to their questions. I am a little disappointed that the people from the Student Parliament who spoke to me were not in attendance this afternoon because they would have seen a good example of the way Parliament is supposed to work.

MOTION - OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT REGULATIONS

Disallowance

Debate resumed from an earlier stage of the sitting.

HON TOM HELM (Mining and Pastoral) [5.41 pm]: Before question time I was advising the Minister and the House that the request from the Minister and the Government not to disallow the regulation was based not on facts but on spurious information. Since then, I have carried out some research and discovered that I probably misled the House by suggesting that the ISO convention had been breached. In fact, something much more important is involved in that the Australian standards indicate that 85 dB should be the maximum level. I referred to the *Hansard* of Tuesday 10 August when I first moved this motion, and I will bring to the attention of the House some of the comments made in the debate at the time.

[Quorum formed.]

Hon TOM HELM: The lack of Government members in the Chamber is a reflection of its concern. The Australian Standards Association, and the engineering division of the Western Australian Department of Minerals and Energy recognise that the maximum level should be 85 dB, and yet Government members feel so strongly that 90 dB should be allowed that they leave the Chamber during debate on this matter. I am sure my voice has not risen to anywhere near that level, but my comments must be hurting their poor ears and their sensibilities. The Government spokesman has nothing to say on the matter. He wants only to impose the tyranny of numbers.

Hon Peter Foss: I am not meant to say anything.

Hon TOM HELM: Because the Minister cannot say anything. He is the Minister for Health. What does he care if someone loses his hearing?

Hon R.G. Pike: Let the record show that there are three Labor Party members in the Chamber. Every time the Opposition calls for a quorum, I will indicate the number of Labor Party members in the Chamber.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon TOM HELM: The Labor Party moved the regulations that members opposite changed. Members opposite are afraid to listen to this debate, because they do not have the courage of their convictions and will not agree that the regulations should be disallowed.

Hon Peter Foss interjected.

Hon TOM HELM: An unruly interjection from the Minister for Health, the poor muggins on the other side of the House, who finds it funny that the Australian standard for noise levels is not recognised.

Hon Peter Foss: You do not listen to what I say. Check what I said about that.

Hon TOM HELM: One cannot hear if one has an illness affecting one's hearing. The Minister said in the debate on 10 August -

> I am listening to the member to find out what is his argument; once I hear it I will check.

That was in response to an explanation on my part that the hearing level of people was badly affected by any exposure in excess of 85 dB. I gave some information about the Mines Regulation Act, and the audio measurements taken by D.W. Robinson, Research Professor, Human Effects and Audiology Group, at the University of Southampton. It is a British document. Before Hon Peter Foss interjected I explained that there was a heap

of evidence to suggest that the maximum should be 85 dB. I declared my personal circumstances, and told him that the Australian standard was 85 dB. To Hon Peter Foss' interjection I replied -

> When the Minister for Health responds he should tell the House why the Government did what it did. I have one opportunity to do the best I can and to let the Minister know that whoever has advised him - although I do not think he has been advised -

The Minister replied -

> I am not the responsible Minister.

The only response one can make to that statement is that the Minister must take some responsibility in this matter because he is the Minister for Health, and this is a health matter.

Hon Peter Foss: I am not the one who is advised.

Hon TOM HELM: I know the Minister is new to the job and he is young. I suppose also that he probably does not like the job because if he did, he would take more interest in what he needs to do. This is a health matter. Should the Minister be opposed to these regulations being disallowed and believe that they should be allowed, one would expect a man of his intelligence and standing to introduce more evidence to support his case.

Hon Peter Foss: You are not prepared to listen to what I have said. I have given very good reasons.

Hon TOM HELM: The Minister does not need to listen to this, he should just read the *Hansard* record of the debate that took place on Tuesday, 10 August. Should the Minister be able to provide any scientific evidence to refute the evidence I introduced during the debate, I would be prepared to listen to him. I clearly heard him say - perhaps I was not supposed to hear it - that there were some amendments in another place that he might find attractive, but he is not prepared to move in that way.

Hon Peter Foss: No, I did not say that at all. You have said that three times and each time I have denied it.

Hon TOM HELM: Perhaps the Minister did not say that! Therefore, there is no alternative, no amendment and no getting away from the fact that the Minister will support the regulations moved by a Minister in another place.

Hon Peter Foss: You might have got that point.

Hon TOM HELM: That is the point I have taken, even though, in response to a question from Hon Mark Nevill, the Minister for Mines advised the House that he had no representations to amend the Mines Regulation Act to reduce the noise levels.

Hon Peter Foss: So?

Hon TOM HELM: Therefore, the permissible decibel level for miners could and should be reduced, but not for workers through the Department of Occupational Health, Safety and Welfare.

Hon Peter Foss: In an office they might be at 20 dB.

Hon TOM HELM: That indicates how much the Minister knows about the subject. When the Labor Party was in Government the whole aim and thrust of its philosophy was to reduce noise levels to the barest minimum, in the same way that Hon Peter Foss said the Victorians are trying to. Standards must be set somewhere.

Hon Peter Foss: That is not what I said. You obviously did not listen.

Hon TOM HELM: That is what the Minister said. He referred to the lowest practical level.

The DEPUTY PRESIDENT: Order! I ask the member to address the Chair and the Minister, having already made his speech, not to try to make another speech from his seat.

Point of Order

Hon PETER FOSS: Hon Tom Helm is misrepresenting what I said. I can either interject and tell him that, or I can stand and correct him.

Hon TOM HELM: Why does he not do that, if that is the point of order?

Hon E.J. Charlton: He just told you where you are going wrong. He said you should get your facts right.

Hon TOM HELM: If I am misrepresenting the Minister, I apologise, but I would like to get to the truth of where I am misrepresenting him. Was that the point of order, Mr Deputy President?

The DEPUTY PRESIDENT: Order! No point of order was raised. It was just a clarification of the standing order which allows members to raise a point of order if they feel they have been misrepresented.

Debate Resumed

Hon TOM HELM: I am confused, Mr Deputy President. I thought that if I was misrepresenting the Minister, he would get on his feet, if he had a mouth to open and did not have a silly Minister for Transport mate, and tell us why. Perhaps the Minister can nod his head. Did he or did he not say the Victorian system was to get down to the lowest practical level?

Hon Peter Foss: No.

Hon TOM HELM: I am sorry if I misrepresented the Minister, but we really do not know what he said.

Hon TOM HELM: Let us go to what the Minister for Mines said in this place; namely, that the noise level in the mines will remain at 85 dB. We know that the Occupational Health, Safety and Welfare Commission regulations propose to increase the noise level to 90 dB. We have been told by the Minister in another place that the reason is that the employers and an expert in the commission could not reach a unanimous agreement that the noise level should remain at 85 dB.

Hon Peter Foss interjected.

Hon TOM HELM: The new Government agrees with that. If miners cannot be exposed to a noise level of more than 85 dB but other people in the State of Western Australia can be exposed to a noise level of 90 dB, would it be safe to say that if a group of farmers care about the noise that is being made by their shearers, that is another example of the National Party tail wagging the coalition dog?

Hon Peter Foss: What about the music industry?

Hon TOM HELM: Has the Government asked the music industry? I suggest the Minister has not asked anybody. All he has done is get information, nod his head, and trot back into the Chamber with a message from his coalition partners that this is what he has to do. If that sounds cruel, I am sorry, but it is true. I advise the Minister, as someone who has been involved in this debate for some time and has practical knowledge -

Hon Peter Foss: What about the music industry? Should similar rules apply to it?

Hon TOM HELM: We will go on to action levels shortly, so shut up while I am talking because -

The DEPUTY PRESIDENT: Order! The debate is rapidly going off the rails because of continuous interjections and the member not addressing the Chair. Please address the Chair.

Hon TOM HELM: I am trying to spell out that some employers - probably not all - believe that 90 dB is a perfectly safe level to which workers can be exposed, when all of the evidence, including that from the Department of Minerals and Energy, indicates that that is not a safe level. Farmers expressed some concern to members of the Joint

Standing Committee on Delegated Legislation in the last session that they would be shut down if the noise level was in excess of 85 dB.

Hon E.J. Charlton: You would put them all out of business. That is what you wanted to do before. You are not interested in getting anything done.

Hon TOM HELM: When I spoke about the National party dog, all one has to do is whistle and someone on the other side will yap! It is like a Punch and Judy show. The Minister for Health does not need assistance from the Minister for Transport.

Hon Peter Foss: You have read about action levels now, have you?

Hon TOM HELM: Of course! The Minister thought he was Mr Smart and Mr Clever in bringing on this matter without any warning. The Minister is right that this matter has been on the Notice Paper for quite some time, but you would be aware, Mr Deputy President, that if members were to carry around with them all of the information that they needed to address every item on the Notice Paper, they would need a briefcase nearly as large as this Chamber. I am sure that if the roles were reversed and I was the one to bring on this matter and the Minister was the one to respond, I would try to give him some warning. The Minister did not give me any warning, and raised the issue of action levels.

Hon Peter Foss: You should have read about action levels before you made your speech, as a responsible member.

Hon TOM HELM: I thought that the evidence I presented in the debate on 10 August was enough and that anyone with any integrity who wanted to argue against that evidence would bring up evidence to refute that. However, we did not get any argument from the Minister's spokesman in another place that undermined the view that I am putting.

Hon Peter Foss: It is disgraceful. You have not even read the regulations, yet you are trying to set them aside.

Hon TOM HELM: I probably read the regulations before Mr Foss was a member, let alone a Minister, because by law they have to be displayed at a mine site so that everyone can see them.

Hon Peter Foss: You still did not know what action levels were.

Hon P.R. Lightfoot: You did not know what a decibel was until yesterday.

Hon TOM HELM: I did try in that debate to address the regulations. It is not an ideological matter for members on this side of the House. There is nothing ideological about it at all. In fact, members opposite are caught in a cleft stick because, on the one hand, the Minister for Mines has not made representations to anyone to change the Mines Regulation Act to reflect those decibel levels, yet the Minister in another place is telling us that one part of the work force in this State can be exposed to a higher noise level. The Minister for Health, "Mr Smart of 1993", raised the issue of -

Hon Peter Foss: What about the music industry? You need the dinner suspension to look at that.

Hon TOM HELM: The Minister was on his feet first. If the music industry was an important part of his argument, he should have brought it up then. The Minister has had his chance. The Minister knows that as soon as I sit down, all the sheep opposite will say "Baa" and we will lose the case. We know that. We can count. The Minister does not need to bring up issues now that he did not choose to bring up when he responded to this motion. We have learnt a bit since the Minister spoke - nothing about music, but we did learn about action levels.

Hon Peter Foss: That is good. What about the music industry?

Hon TOM HELM: I refer to a document from the mining engineering division of the Department of Minerals and Energy entitled "Interim Guideline - Noise Control in Mines", which states in the introduction -

> A significant number of mining companies have recognised noise as a hazard requiring control and have had hearing conservation programmes in place for

> some time. However, in many cases where action has been taken by the industry to reduce noise exposure, it has focussed, primarily, on protection of persons rather than reduction of noise by engineering means.
>
> It is emphasised that noise-induced hearing loss entails substantial economic costs. In addition, to the heavy financial cost, there is the social handicap associated with hearing loss and the fact that the quality of life is greatly reduced for a person with severely impaired hearing. The mining industry has been targeted by Worksafe Australia as a "high risk" industry with respect to noise induced hearing loss. This ranking underlines the importance of having effective regulatory strategies for noise control in place.

Sitting suspended from 6.00 to 7.30 pm

Hon TOM HELM: Hon Peter Foss has not addressed the matters I raised on 10 August. He waffled on about irrelevant matters. He indicated the arrogance of the Government by continuing to debate irrelevant matters. I have gone to the trouble of finding out more about his contribution, and it was not a lot. His speech referred to action levels on noise. He caught me on the hop because, being the smart person that he is, he did not advise when the motion would be brought on. However, I did not understand what he was talking about. I have been assisted here by Hon Mark Nevill who was able to explain the situation. I have been handed a document issued by the mining engineering division of the Department of Minerals and Energy.

Hon Peter Foss: I thought you were about to refer to regulations.

Hon TOM HELM: Hon Peter Foss does himself no credit by his inane interjections. They only prolong the time I spend on my feet.

Hon Graham Edwards: The interjections keep you going.

Hon TOM HELM: The interjections by Hon Peter Foss give me more ammunition and more reason to try to convince Government members that they do not need to be sheep. They can support the disallowance of regulations because the argument against the motion does not amount to very much. We recognise also that our arguments in support of it are of no importance to the Government. Our democratic system is being abused yet again as it was with the use of Opposition numbers in the previous Parliament. Those members are now in Government.

I turn now to the action levels of noise referred to by Hon Peter Foss. The document states that regulation 9.16 of the Mines Regulation Act relates to noise measurements or the calculation of employees' noise exposure for the purpose of compliance with regulations. It reads -

> The attenuation provided by hearing protectors (e.g. ear plugs or muffs) varies widely depending on how well they fit and the length of time they are worn. For this reason all noise measurements and calculations made for these regulations are not to take into account any personal hearing protectors a person may be wearing.
>
> It is important to realise that the noise exposure measurements are taken to determine the need for noise control strategies, not to determine the true noise exposure to the worker's ear.

A number of tables follow. The document has been put out by the Department of Minerals and Energy, and we have been led to believe from the questions and answers given in this place, that the document has not been interfered with. The graph refers to decibel levels of noise and the equation for exposure durations a day can be up to 16 hours at 87 dB. It moves through from 100 dB at 48 minutes a day to which a worker can be exposed. At 113 dB the exposure can be for two minutes by regulation. At one end of the scale an employee can be exposed for 16 hours, and at the other end for two minutes at 113 dB. The document then refers to action levels which were referred to by the Minister. The Minister must have received instructions, but did not explain them. The tragedy of this is that it is inappropriate for the Minister for Health to have carriage of this matter, because he is the Minister for Health. Apart from anything else, he must

realise that damage occurs. He raised the subject. I was not aware of this document, and it was bought to my attention because the Minister in his usual and carefree smart way brought action levels to the attention of the House.

The action levels are addressed in a graph contained in the document. As an example, it refers to typical noise levels associated with surface mining equipment such as rotary drills, if unquietened. The decibel levels and the amount of time for exposure is demonstrated by a black line and the unquietened machine by a thatched line. It goes from rotary drills to coal augers, percussion drills and front end loaders etc. My point is that Ministers in this place, representing a Minister in another place, should receive all the relevant information available. Ministers here should not be left in the wilderness.

Hon Peter Foss: Did you check the situation in the music industry?

Hon TOM HELM: The Minister interjects again. I hope that members opposite are listening. The Minister has contributed more by interjection than by his reply to the motion.

Hon Graham Edwards: He is making your speech longer.

Hon TOM HELM: I have learnt from what he said. I do not know why he did not say those things when he was on his feet. It would take blind Freddy to know whether there is a good argument against these regulations being disallowed.

Hon P.R. Lightfoot: Or deaf Freddy.

Hon TOM HELM: If the Minister had had a good argument he would have addressed the matters brought up in the debate.

Hon Peter Foss: That is not an argument for it; it is showing how ridiculous your reply is.

The PRESIDENT: Order!

Hon TOM HELM: The other thing about this is the embarrassment the Minister feels.

Hon Peter Foss: I am not embarrassed.

Hon TOM HELM: He is a person who is legally trained and used to courtroom scenes and, like Hon Derrick Tomlinson, he can enunciate his views. For the first time in four years, in this debate I have seen the Hon Peter Foss mumble, mutter and stutter.

Hon Peter Foss: You didn't listen.

Hon TOM HELM: We do try to listen. I sat here carefully and I understand the Minister's embarrassment. The strikes against him are innumerable. This should be a matter close to his heart as it is a health matter where people are being made deaf by excessive noise levels. It would be in his interests to understand why he has to vote against this motion for disallowance, but because of his arrogance or stupidity the only contribution he can make is a muttered interjection while I am talking. Talking over me is the most unbelievable thing to do because I am used to addressing people in open spaces.

Several members interjected.

The PRESIDENT: Order! These interjections, that appear to me to be over 113 dB, must stop.

Hon TOM HELM: I am only glad they last for less than two minutes, Mr President.

The PRESIDENT: That is exactly right.

Hon TOM HELM: You can see the point, Mr President. I have tried to get the comments the Hon Peter Foss made. I certainly cannot quote from these pages because they are documents one is not allowed to quote from. At the same time it still gives me an indication of the sort of arguments put forward against the disallowance of these regulations. An awful lot of time could have been saved in this House if he had said, "I have the numbers and, therefore, I will do what I like. I do not really care about workers' health."

Division

Question put and a division taken with the following result -

Ayes (13)		
Hon T.G. Butler	Hon Graham Edwards	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Doug Wenn
Hon J.A. Cowdell	Hon Mark Nevill	Hon Tom Helm *(Teller)*
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon Reg Davies	Hon J.A. Scott	

Noes (15)		
Hon George Cash	Hon Peter Foss	Hon R.G. Pike
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon B.M. Scott
Hon M.J. Criddle	Hon P.H. Lockyer	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Max Evans	Hon M.D. Nixon	Hon Muriel Patterson *(Teller)*

Pairs

Hon N.D. Griffiths	Hon Barry House
Hon Bob Thomas	Hon N.F. Moore

Question thus negatived.

SUPERANNUATION LEGISLATION AMENDMENT BILL

Second Reading

Debate resumed from 7 September.

HON MARK NEVILL (Mining and Pastoral) [7.47 pm]: The Opposition supports this Bill. The Bill amends the Government Employees Superannuation Act and the Superannuation and Family Benefits Act, which cover the pension and lump sum schemes. The Bill ensures that the Act will comply with the occupational superannuation standards. It is not a contentious Bill, and although it is fairly long it is fairly simple. The Opposition believes that it is important for people to provide for their own retirement through superannuation, because it reduces the burden on future taxpayers, and the superannuation guarantee charge helps implement that.

The Bill has three main purposes. The first is to provide for the implementation of the Commonwealth Government superannuation guarantee charge for all State Government employees. The second is to remove from the pensions scheme a number of discriminatory provisions, some of which were actually approved by the previous Cabinet. The third purpose is to make changes to the Act which will improve the administration of the scheme, and it will certainly make the task of the staff of the Government Employees Superannuation Board a lot easier when administering that scheme. Under the superannuation guarantee charge the employer is required to pay a minimum level of employer sponsored superannuation for employees from 1 July 1992. The levy was originally three per cent and will rise to nine per cent by the year 2003. Under this Act the State Government is regarded as a single employer for all its agencies. Significant penalties apply for non-compliance with the superannuation guarantee charge. The general deadline for compliance was 14 August 1993, but the Commissioner of Taxation issued an extension to 28 September; so it is important that the Bill pass through the House. The Opposition has cooperated with the passage of this Bill through both Houses of this Parliament. The cost of the superannuation guarantee requirement over the next 10 years is some $700m, a not insignificant amount, and the impact on the consolidated fund is estimated to be $500m.

The second purpose of the Bill is to remove some of the discriminatory provisions from the pension scheme. Under the previous scheme, de facto spouses were not eligible for widow/widower benefits and this legislation proposes to provide that recognition. The definition used in the scheme of a de facto spouse is a man and a woman ordinarily living together as spouses on a bona fide domestic basis. The board will be given the discretion

to pay part pensions to all parties where a member has a de facto wife and children. The other discriminatory provision being removed is the abolition of age restrictions on the widows pension. Clause 73 refers to widows' benefits where marriage occurs after a time. At present, the sixth schedule of the Act prohibits the payment of a pension to a widow prior to the age of 55 if marriage occurred after retirement of the member. This Bill proposes to confer a pension generally on any widow who marries a former member before he attains the age of 65, and to confer upon the Government Employees Superannuation Board the discretion to deny a pension to a widow covered by the previous situation where the board is satisfied the marriage is not of a bona fide nature. The Bill also confers upon the board the discretion to grant a pension to a widow under the age of 55 where marriage occurred after the former member attained the age of 55, and where the board is satisfied that the circumstances of the case warrant such action. The Bill gives quite a bit of discretion and flexibility to the board. The cost of extension of the widows' pension scheme is fairly small, about $300 000 a year.

The third purpose of the Bill is the proposed administrative arrangements which will reduce the long term costs of the board, and allow it to reduce its staffing. I will not go over those administrative benefits because they were dealt with comprehensively in the Minister's second reading speech. There was some consternation about the 12 month eligibility rule, but I am satisfied that it is so narrow it does not affect many people. It applies only to new contributory scheme members. Under the existing scheme, it is very difficult, particularly for casual and temporary employees, to calculate their annual salaries to determine benefit entitlements, so it will make life a lot easier for those people who are trying to administer the scheme.

The Opposition does not require the Bill to go to Committee. It wants to assist in expediting this Bill through the Parliament as the previous Government was involved in the development of this Bill. The Opposition supports the Bill.

HON MAX EVANS (North Metropolitan - Minister for Finance) [7.56 pm]: The Government thanks the Opposition for its cooperation and support. I acknowledge the work done by the staff of the Government Employees Superannuation Board. They found that drawing up the legislation was not quite as simple as it appeared in the first place, because they wanted to clear up a number of anomalies and make two distinct schemes - a non- contributory and a contributory scheme. That is the reason for the delay in bringing the legislation to Parliament and for failing to meet the deadline set by the Australian Taxation Office of 14 August. I acknowledge the extension to 29 September which was granted by the Australian Taxation Office. The penalty involved would have been very high. As our own fund is unfunded we would have to pay the money owed plus a penalty due to the employees, which would have run into many millions of dollars.

The superannuation guarantee charge, as Hon Mark Nevill said, was considered by the previous Government. It has been around since the Commonwealth Government passed legislation in June last year which made it obligatory for all employees to come under the fund. This Government made a few changes so that all employees will receive a five per cent benefit, whereas the SGC legislation required that it was paid only for employees who receive more than $450 a month. Many employees have multiple employers within the agency system, and we were able to bring them together to make it a simpler calculation. This will improve the efficiency of the GESB. Government agencies can submit their payroll to the GESB, which can interpolate that with the superannuation record so records can be kept up to date with no problems. Hon Mark Nevill said that the amendment to the Act for widows and the age factor will cost $300 000. In the overall cost of superannuation of $190m it is an insignificant amount.

The Government thanks the Opposition for its support and looks forward to getting this Bill proclaimed within time, and to getting on to the whole business of setting up the fund so it can operate to the future benefit of employees of the Government and its agencies.

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 Max Evans (Minister for Finance), and passed.

MINIMUM CONDITIONS OF EMPLOYMENT BILL

Second Reading

Debate resumed from 16 September.

HON JOHN HALDEN (South Metropolitan) [8.01 pm]: In continuing my remarks on this Bill I will refer to a couple of issues on which Hon Ross Lightfoot and I disagreed last Thursday. He must have got caught up in the hype of the New Right when he said that New Zealand had the second fastest growing economy in the Organisation for Economic Co-operation and Development. I perused the facts issued by the OECD in its July 1993 document about the main economic indicators of the OECD's statistics directorate of Paris. A very quick examination of the statistics indicates that of the 24 countries in the OECD, New Zealand is ranked eighteenth and Australia is ranked equal sixth. If members base an argument on the economic growth of countries using this Bill as a justification, as has been the case both inside and outside this House, they should get their facts right.

Hon P.R. Lightfoot: I maintain they are the facts and that they are correct.

Hon JOHN HALDEN: I take this opportunity to table the document.

[See paper No 586.]

Hon JOHN HALDEN: I hope the document will be of some value to Hon Ross Lightfoot and that on future occasions he will consider the facts before he engages in debate in this House by way of interjection.

Hon P.R. Lightfoot: New Zealand is the second fastest growing economy in the OECD, which comprises 19 European countries and five non-European countries - Canada, the United States, Australia, New Zealand and Japan.

Hon JOHN HALDEN: The OECD does not agree with the member.

Hon P.R. Lightfoot: No, you don't.

Hon JOHN HALDEN: The OECD's figures do not agree with the member's comments and he can peruse the document at his leisure. I will not pursue this issue any further, but the member's comments are inaccurate and the document will testify to that.

I take this opportunity to reflect on the most draconian aspect of this Bill; that is, the provision of a minimum wage of $275.50 per week. It might be of some value to members to look at a comparison of what it costs the average Australian family - two adults and two children - to meet their weekly requirement for food, lodging, general health care and other living expenses. Unfortunately, the most recent statistics available from the Australian Bureau of Statistics are for 1988-89 and I refer to page 18 of the bureau's catalogue 65/350. Members should consider the implications of a minimum wage of $275.50. I stress that there is no duplication in any of the categories referred to by the ABS. In 1988-89 it cost $686.06 a week to meet the needs of the average Australian family. Obviously, the tax paid on a weekly income of $686.06 is more than the tax paid on an income of $275.50. If the amount of $686.06 was reduced by $126.09 - the tax paid on that amount - the net income needed to meet the needs of an average family four years ago was $559.97. I will not waste the time of the House by going through the various categories, but I am happy to provide the information to members and I have already advised members of the reference number of the document I am referring to. The figures indicate that the minimum wage provided for in this legislation is half the amount that was required in 1988-89 to meet the needs of an average Australian family. It illustrates the meanness of this provision in the Bill.

In my remarks last Thursday, I referred to a number of points made to justify this legislation. I advised members that if they are somehow constrained from speaking during the second reading debate on this Bill, they should speak to me privately and suggest why my reasons against the necessity for this legislation are wrong. I referred to growth, inflation and strike rates and to the groundswell of public opinion demanding this legislation, but not one member has contradicted the figures or my comments which clearly suggested that there are no economic, industrial and social reasons to justify the so-called importance of this legislation. Of course, it might cater to the Government's ideological masters and to what they believe the industrial relations legislation should be as we approach the end of this century and the beginning of the next century.

One of the motivators for the reason for this legislation is that there is a belief in the market that anything which inhibits the forces that operate in that market is wrong. I said in my earlier remarks that the vital factor in the operation of any marketplace is the free exchange of information which, under this legislation, workers will be denied. This legislation is an attempt by the Government to distort a free market and it will cost workers the ability to receive suitable information. Even if one was ideologically inclined to believe there is such a concept of a free market this Bill, except in the minds of analytical economists, will not allow the concept of a free market to work. The ideology that workers should be bought and sold in the same way as we buy and sell tomatoes and meat is probably closely related to the first point I made. I said in the debate on the Workplace Agreements Bill that the industrial relations legislation is a pay back to the Government's ideological masters. It is interesting that on 10 August the Minister for Labour Relations attempted to justify this legislation on the basis of four reasons. They were then the economic conditions that prevailed in Western Australia. In this debate I have already suggested that the economic conditions that prevail here are very reasonable, particularly when one considers them in a global context, or even in an Australian context. I have invited people in the Chamber or privately to criticise me and steer me in the right direction, to point out the error of my ways. No such criticism has been forthcoming.

The Minister, on 13 August at the Hyatt Regency, also argued the necessity for this legislation on the basis of the economic difficulties confronted by Western Australia. Particular statements have been made in an Access Economics report commissioned by this Government. They show that the Western Australian economy is particularly healthy. The Department of Commerce and Trade report that was commissioned by the Minister for Commerce and Trade said that the Western Australian economy generally outperformed the national economy throughout 1992-1993, recovered more speedily from the downturn and successfully coped with the sluggish world economy. The third of the reasons was that this legislation will help cope with unemployment difficulties. However, the very report that I referred to just a moment ago, the one by the Department of Commerce and Trade, on page 3 indicates steady employment growth. On page 4, it clearly shows growth in retail turnover for the period increasing by an average eight per cent. So one wonders whether there are any other Government or semi-government instrumentalities that will not supply the Government's position with regard to the statements by the Minister for Labour Relations. One has to turn no further than the Quarterly Review 1993 of the R & I Bank Ltd or whatever it might be called tomorrow or whenever. On page 2, it says -

> The WA economy is outperforming the national economy in several areas, including consumption expenditure, employment growth, residential building approvals and private capital expenditure.

As we go through the sorts of reports that make commentary on this State's future, we can say quite clearly that the argument that we need this sort of legislation for economic growth is not backed up or supported.

The fourth point that has been argued is that the Bill is needed on the basis of increased productivity. This Bill, like the Workplace Agreements Bill, contains no provisions whatsoever to address the issue of productivity, so quite clearly this Bill has little to do with productivity. I suggest that it has more to do with the sorts of things that I have

spoken about previously, such as industrial relations dogma and the need to please one's political masters, than with any of those points that have been put forward by the Minister in the other place. The comments that I make are not subjective; they reflect the analysis of a variety of sources suggesting what is in fact the situation with the Western Australian economy. The predictions about the Western Australian economy are all particularly reasonable. To suggest that this sort of legislation is needed for any one of the four reasons that I have gone through can quite unfortunately, from the Government's perspective, be dispensed with quite quickly.

Although I said that I was making my concluding remarks, it would be false of me not to look at a couple of problems with this Bill. I do not wish to make this a Committee stage debate; I just wish to highlight these particular issues and I await the Minister's comment upon them. It would be particularly remiss of me if I did not draw to the attention of the Minister some of the more obvious problems with the Bill, bearing in mind that we still do not know what the Government's amendments may be in regard to it. I know that Hon Nick Griffiths wishes to raise specific issues with respect to many more of the clauses in the Bill. I begin with clause 3 and the definitions. That goes to the issue of how a casual employee will be informed about the conditions of employment before he or she is engaged. It is appropriate that the Government consider that casual employees should be informed in writing as to their employment conditions, their hours of work, their rate of pay and whatever else may be appropriate. However, the Bill states -

> . . . and who is informed of those conditions of employment before he or she is engaged;

It would be very difficult if it were to be contested at some later date to test word of mouth statements. It would be appropriate for the Government to fix up that clause so as to clarify it and protect casual employees.

One of the most graphic problems, as I see it, in this Bill relates to the definition of employee. We are given definitions (a) and (b) and then the definition continues -

> . . . but does not include a person who belongs to a class of persons prescribed by the regulations as persons not to be treated as employees for the purposes of this Act;

Hon T.G. Butler: Gobbledegook!

Hon JOHN HALDEN: But very dangerous gobbledegook, Mr Butler. I am sure the Minister knows exactly what it means, but it should be spelt out for anyone who does not know and perhaps for me so that the Minister can criticise me, as is his wont, at some later point.

Hon Peter Foss: God forbid!

Hon JOHN HALDEN: Yes, God forbid. Under this provision of the Act, a person can be an employee one day and the next day the Minister, by regulation, can prescribe that he is not an employee. That means that this particular minuscule, mean provision of this Bill will not apply to that group of people. I do not know how many rights or covenants this clause might break, but changing the status of a person from employee one day to not an employee the next under the definition in the Bill erodes people's civil rights as to the standards of protection that they should expect from the law. One could put a much more sinister connotation on it; namely, that if a particular person or group of people is giving the Minister a difficult time for whatever reason - it would be fairly difficult under this legislation, but if it happened to be done - the next day they could find themselves no longer employees and no longer entitled to the very minimum conditions set out in this Bill. That is outrageous. We must have greater protection with respect to whom the Minister is referring.

This provision gives us no guidelines. What makes it worse is that clause 47 refers to regulations. The clause is so general in respect of where the Minister can regulate that it gives no guarantees whatsoever. If the Government is serious about continuing with the legislation - perhaps it does believe that there is some safety net provided by the minuscule provisions in the Bill - surely it cannot have a situation where we debate, as I

am sure we will for some considerable time, the Minimum Conditions of Employment Bill and then give the power to the Minister to disregard those conditions by way of regulation whenever he so chooses. Why would we spend all of that time debating the issues in the legislation, many of which will create great acrimony between us and the Government, when at the end of the day that will not matter? What we say in this place will not have the slightest impact. If the Minister decides that someone is not an employee, even with no basis for so doing, with no parameters set down, there can be no minimum conditions, whatever may be set down in the legislation.

This legislation, as the Minister himself has said by way of press release, has many unintended consequences. One could say that it is sinister or one could adopt an attitude that it is reasonable. This is too open ended and gives the Minister far too much power. If there is any suggestion that disallowance of regulations is a way of protecting workers I suggest the Government should think again. It should note the words of Hon Phil Lockyer, "If you have the numbers, you are right." We all know the numbers here, and I do not think those numbers will give workers in this State any cause for comfort if they think we will disallow regulations which the Minister may lay down as to who may be defined as employees.

Clause 3 contains a definition of de facto spouse which I think is particularly loose. I will not go into this at great length now, but I wonder whether it includes people of the same sex.

Hon Peter Foss: Are you saying it should?

Hon JOHN HALDEN: I proffer that it should. I do not know the Minister's position on this, but it is probably more reasonable than that of members sitting opposite or behind him. What does "living together" mean?

Hon Peter Foss: It says "co-habiting".

Hon JOHN HALDEN: I am sorry, I am using the lay terminology. Even cohabiting is different from a de facto relationship.

Hon Peter Foss: It says "as that person's spouse".

Hon JOHN HALDEN: Again, there is lots of scope in that definition. If we are serious about this legislation we should be specific. The Minister will agree we should have good legislation; he has always supported that in principle.

Hon Peter Foss: Generally I prefer broader wording to specific wording.

Hon JOHN HALDEN: I know, but this is so broad that many people could unintentionally be caught in the definition. I do not see it as central to the Bill, but I raise it as an issue to be looked at.

Clause 8 deals with the limited contracting out of annual leave. It is not specific about what benefit an employee might be given in lieu of annual leave, and I think it should be. I do not want to be flippant - I will use an example which goes too far - but the reality may be that an employer will want to pay an employee's annual leave in apples -

Hon Peter Foss: Or tubes of toothpaste.

Hon JOHN HALDEN: Exactly. I do not think that sort of breadth is appropriate. If we are talking about safety nets - I understand that this is what the legislation is about, although Hon Nick Griffiths is saying no to me - we cannot have loose interpretations like this if we are serious about minimum conditions.

Hon Peter Foss interjected.

Hon JOHN HALDEN: Yes. I have great difficulty with the idea that a worker can be involved in this issue of contracting out annual leave; for a whole range of occupational health and safety reasons. Annual leave was given for a particular purpose.

The PRESIDENT: Order! The honourable member indicated when he started that he did not propose to get into a Committee debate. I was tickled pink about that proposition, and I do not want to stop the honourable member from what he is doing because I

understand what he is doing. However, to have a discussion with the Minister on the detail of what is in the clause is duplicating what he will have to do later. That is not to say he cannot draw the Minister's attention to clause 8 and the deficiencies the honourable member sees in it, but he should do it in a broad sense as distinct from going into detail.

Hon JOHN HALDEN: I apologise for that, Mr President.

Hon Peter Foss: I think I should apologise because I led him into it.

The PRESIDENT: I apologise for saying anything!

Hon George Cash: And I apologise for keeping you up!

Hon JOHN HALDEN: Clause 23 goes to the same problems that we saw with the definition of employee. An employee of a class prescribed by the regulation will not be entitled to annual leave. We need to be careful with this provision. Saying one day that people are entitled to annual leave and then the next day saying by way of regulation that they are not entitled to it does not suggest to me there is much of a safety net. I am not convinced that disallowance of a regulation is a particularly safe mechanism for workers nor am I convinced that this is particularly sound drafting of legislation. Obviously, we will discuss this in more detail in Committee, but it highlights my general concern about this legislation.

Clauses 27 and 28 deal with bereavement leave, and the provision of two days' leave is mean. Even if one accepts that, how does one prove that a relative has died in reasonable circumstances - the word "reasonable" is used twice? We need to be careful. If an autopsy is held, no death certificate will be issued for some time after the death. It is not a spectacular problem, but the Government should make its intentions clear as to how one can substantiate a death. A death certificate, if required, may not be available until well after a person is buried. I am not sure whether that is reasonable, but that is a standard of proof often required for death and it can create considerable difficulties. This legislation puts up such a tortuous process for people to go through to get their entitlements that a person could well and truly be dead and buried and the issue have passed out of the mind of the person who was originally concerned with it.

Another definition which has caused me problems is "redundant" in clause 40. It is a tortuous definition which could be improved. The clause refers to a reason "that is not a usual reason for change in the employer's work-force". I am not sure what that means. Is a drought not a usual reason for change? If it is, the employee will not be entitled to the minimum conditions of redundancy. Again, this Bill sets in hazy wording minimum conditions for workers. If the minimum conditions are to be this mean - I know I keep using that word - it is incumbent on the Government to be clear about what those conditions are. I also have problems with clause 47, which relates to regulations. This clause is too general and must be much more specific regarding whether the Minister has the ability to create regulations relating to this legislation.

An OECD study indicates that the Australian Labor Party-Australian Council of Trade Unions accord has been a remedy for Australia's economic problems. The legislation before us is a great divergence from that process of negotiation. The Australian retail industry and its workers, who will be affected considerably by this legislation, are said by the OECD to be the most productive such industry in the world. Its figures indicate that it is more productive than counterparts in Japan, the United Kingdom or the United States of America. Also, independent economic indicators are saying that Australia's unit labour costs are increasingly competitive, even when compared with tiger economies. Since the Harvester judgment of 1907, Australia has come to accept that a safety net is required. In fact, much of the industrial relations, budgetary and social welfare legislation in this country has been brought about as a result of the Harvester judgment. This legislation does not in any way support or add to that history.

As I have said previously, these pieces of legislation are a backwards step which this Government is intent on pursuing. The Minister in another place has tried to draw the conclusion that the Federal Government's industrial relations policy regarding enterprise bargaining agreements is somehow or other mirrored in these Bills. Clearly, it is not. An

enormous gulf of difference exists between them. For example, under the Federal system the award remains, consultation remains open, agreements must be ratified by an independent umpire and power is much more equally shared.

In recent weeks I had the pleasure of attending a conference in Hobart arranged by the National Transport Federation. For a decade that federation and the Transport Workers Union of Australia have been at war in the High Court of Australia and the Victorian and New South Wales Supreme Courts, and this has carried over to industrial sites. This war has not only involved words, but also, in some cases, it has been physical and an intimidatory war. In open session at that conference the National Transport Federation and the TWU referred to their enterprise bargaining agreement which will soon be ratified. Obviously, that agreement involved give and take from both sides and, clearly, pain was felt by both sides in achieving an outcome. Nevertheless, this was done for the good of the industry, the nation and workers' long term job prospects. This essential process stands in stark contrast to the adversarial approach which applied for more than a decade - it was evident even in the 1970s - between those parties. Although they fought tooth and nail over such time, they could come together in a process which is a stark alternative to the one outlined in this legislation. The legislation before the House does not involve the retention of the award, open consultation, ratified agreements - under the legislation they must be sighted but by no means ratified - or a balance in power. Clearly, one is left to wonder how this Government could pursue this course in the light of the encouraging evidence for alternative proposals.

The Opposition will detail during this debate a number of further concerns - far more than I have done today - in various areas. We are still concerned about the integrity of these Bills and whether the Government will put forward a series of amendments to tighten them up and make them more reasonable and balanced. Currently we still face the problem I addressed last Thursday; that is, that we do not know the Government's intention regarding its amendments. We need to know this situation for the sake of the Bill and the Opposition's approach to it. Also, the amendments may result in the Opposition's changing its position regarding particular clauses and the time needed for their consideration. If the Government amendments are such that they do not require great opposition, they will not receive it. I hope I have been able to outline the scenario that the Opposition still has great concerns about these Bills. The Government must bring forth its amendments. We will deal with the amendments in Committee, but we need the opportunity of prior consideration of the amendments. Obviously, the Opposition will oppose this Bill at the second reading and later stages.

HON T.G. BUTLER (East Metropolitan) [8.37 pm]: It will come as no surprise that I oppose this Bill. It is simply not necessary as the world is not crying out for this Bill and its complementary legislation.

These Bills aim at weakening or removing the rights of unions to represent workers in this State. I do not know why the Government is hell-bent on this proposal because, over a number of years, the trade union movement has developed into a very responsible organisation. Trade unions have bent much more than employer organisations in ensuring that workers and employers enjoy an association which is beneficial to both parties. Those benefits have occurred through the establishment of enterprise bargaining agreements which are steadily progressing in this country; I understand that about 100 such agreements are registered in this State. The Minister is having himself on if he believes his claims that with this legislation in place everything will be sweetness and light. He is certainly confusing his colleagues on the other side of this Chamber.

I, too, do not want to get into a Committee style debate. We should know why we are being asked to accept a Minimum Conditions of Employment Bill when we have awards that supply minimum conditions to workers throughout the State and throughout Australia. I do not understand why we need this Bill. We have to accept, with a great deal of trepidation, the comments of the Minister for Labour Relations that under workplace agreements everybody will be better off. If that is the case, I fail to see why we need a minimum conditions agreement which has a dangerous application to it whereby it can provide not only the minimum but also the maximum conditions.

This sort of legislation is too late. The industrial relations system has been developed in this country over a good number of years, and it has worked effectively. From my experience this sort of legislation will not work in Western Australia. I was away when this legislation was introduced into the Chamber; however, I have taken the opportunity to read the Minister's second reading speech on each of the Bills. I must tell members that I do not know who wrote the Bills. I am rather concerned and get a strong feeling that they were written by somebody who was either not skilled in industrial relations or who did know something about it but could not get enthusiastic over it. In fact, I get a feeling from reading the second reading speech on each of the Bills that their author would be totally embarrassed to have written such drivel.

The Minister's speeches suggest that there is a role for unions and a place for awards in this legislation. The author of each of the second reading speeches was far from convincing on this point. That is why I tend to believe that the writer of each of the speeches was a person who had only a basic knowledge of the industrial relations system in operation in this State and in Australia. The legislation and the second reading speech of the Minister display great ignorance about how or when awards and unions have a place in this legislation. As I have said, the legislation is drafted to include union participation only to the extent that, although unions can be bargaining agents, they can only be bargaining agents with the -

Hon Peter Foss: Are you on the wrong Bill?

Hon T.G. BUTLER: No; I am not on the wrong Bill. Believe me, I know what I am talking about.

Hon Peter Foss: This is the Minimum Conditions of Employment Bill. Where do bargaining agents come in here.

Hon T.G. BUTLER: A bargaining agent -

Hon Peter Foss: It has nothing to do with bargaining.

Hon T.G. BUTLER: Let us not call them bargaining agents; let us call them union representatives. If this Bill has a relationship with the Workplace Agreements Bill - it does because it forms the basis for it - and if people are to be involved in negotiations for a workplace agreement, they will start from the basic position of the minimum employment conditions. Would the Minister agree with that?

Hon Peter Foss: No.

Hon T.G. BUTLER: The Minister does not?

Hon Tom Helm: He does not understand what you said.

Hon T.G. BUTLER: No. But I do. Union officials can be involved only in negotiations of agreements. Basically they have no input into the workplace agreement. They can be signatories to the agreement on only two provisos. Clause 34 allows for an appeal from the decision of a commissioner not to register a document. Under this clause of the Workplace Agreements Bill, no union representatives can be parties to a workplace agreement. This is the only recognised clause under which they are entitled to be joined to the appeal application. Under clause 37 of the Workplace Agreements Bill, if a union is a party to an agreement, that agreement must be open for inspection, but very stringent conditions apply. As far as I can determine from all my reading of the legislation that is either now before us, has been before us or is coming before us, unions do not have any other role.

It has been broadly established and accepted that no officer of the Department of Productivity and Labour Relations was involved in the drafting of these three Bills; rather it was contracted out to the private sector.

Hon Tom Helm: The Chamber of Commerce and Industry.

Hon T.G. BUTLER: It was sort of payback time - if I can be as blunt as that - to the Western Australian Chamber of Commerce and Industry and to the mining institute for all the money they spent during the last State election campaign urging electors to vote

for a Liberal Government. One of the major reasons for that support was that the Western Australian Chamber of Commerce and Industry and others badly wanted some workplace reforms which weakened the involvement of trade unions. This sort of legislation was the centrepiece of their campaign.

The history of the labour movement in Australia is firmly interwoven into the history of Australia. Over the years, the achievements of the labour movement have given us a very high standard of living. In fact, if we listened and took note of the information just provided to the Chamber by Hon John Halden, compared with other OECD countries, we clearly have a very high standard of living. That is not in spite of the trade union movement, it is because of it. The record will show where and how often the union movement has had to fight off conservative Government attacks. More importantly, the record will show where, in just about every situation, those attacks have failed. It is frightening to think that the same intransigent attitude expressed in this legislation and by this Tory Government is the same as that expressed by the wealthy squatters of 1891 who attempted in that year to crush the shearers at Barcaldine in Queensland. As a result of that - this legislation will have the same effect - a better organised and far more militant trade union movement was created. Despite the fact that, for as long as I have been associated with the labour movement, workers taking industrial action have faced a number of penalties under the Industrial Relations Act, particularly under section 6, the law is seldom applied because everybody knows that action which attacks the trade union movement makes the work force much more militant. This legislation will achieve exactly that again.

If this minimum wages and conditions legislation is implemented, it will make workers more militant because these Bills offer nothing to employees; rather they represent a very strong negative impact on workers' rights and conditions which have been very hard fought for over many years. I am here to tell you, Mr President, and other members of the Chamber, that these restrictions have not worked in the past and they will not work this time. Working people get very protective about their working and living conditions. If members in this Chamber had spent time as union members or as trade union officials, they would know that.

This legislation is drafted on the premise that it will bring about economic growth and more employment. In his closing remarks, Hon John Halden touched on this - I agree with his comments - when he said that nowhere in this legislation, and certainly nowhere in the introductory speeches by the Minister, are we told how this will be achieved. Commonsense tells us that it will achieve a reduction in wages and conditions and longer working hours. I doubt it will create more jobs or more productivity. Over a number of years now, when employers make profits, they tend not to employ people, but to plough those profits back into their business by investment in a new labour saving device; that is, in technology. The likelihood of more jobs as a result of this legislation remains a bit of a dream. Jobs are not created because people are paid less money and work longer hours.

Hon J.A. Scott interjected.

Hon T.G. BUTLER: Yes; they do not have large productivity.

More jobs and increased productivity are more likely to be created if employers take notice of, and confer more with, their workers and treat them as people who have a tremendous amount of knowledge about the business because they are the people -

Hon Peter Foss: That is very true.

Hon T.G. BUTLER: Of course; it is a pity they do not do it.

Hon Peter Foss: I agree. Hopefully workplace agreements will lead to that.

Hon T.G. BUTLER: Workplace agreements will not do that; Hon Peter Foss should not talk rubbish. In the past, the knowledge that workers possess was ignored by employers. Their skills should be recognised because they are the people working on the ground and they are the people more likely to come up with ideas for doing a job quicker and more profitably. However, this legislation will rest the power in the hands of one section of the work force, the employer. It will mean that all power will be handed over to the

employer. The other myth floating around is that this legislation will lead Australia out of the recession. That is kite flying. It may come as some surprise to members opposite, but the recession is not an Australian phenomenon by any stretch of the imagination. It is a worldwide phenomenon and is happening in countries that have labour laws the same as are being proposed in this legislation. Hon Jim Scott said that there are plenty of low wages and poor working conditions in Bangladesh and he is right. However, there is not a lot of productivity. This is a question of appreciating what one has and taking notice of it, not trying to reduce the living standards, wages and working conditions of workers in this State by chasing rainbows.

To please Hon Peter Foss, I will refer to the Minimum Conditions of Employment Bill. This Bill concerns me because it appears to have been written by someone who has either little or no experience in the industrial relations field or by someone who has had some experience in industrial relations but not a lot of enthusiasm for writing this legislation. While the Bill provides for unnecessary minimum wages and conditions - the employer will not be required to increase them - the Government has also done everything to ensure that the Bill is not open to scrutiny for too long. To avoid that scrutiny, it has crunched this legislation and many of the amendments through the other House without discussion by using the guillotine motion. A disturbing article appeared on page 8 of this morning's *The West Australian* under the heading "Work Bills guillotine still poised: Kierath". It states -

Hon Derrick Tomlinson: This is a pretty slow guillotine right now.

Hon T.G. BUTLER: I invite Mr Tomlinson, if he has an interest in this legislation, to get on his feet and make a speech about it. I would like to hear Mr Tomlinson make a speech because it would be the first one he has made other than the one when he made an absolute goat of himself by attacking the former Minister for Transport with some fantasy that was racing around madly in his mind at that time.

Hon Tom Helm: In what passes for a mind.

Hon T.G. BUTLER: Yes. The article says -

> Labour Relations Minister Graham Kierath has refused to rule out future use of the guillotine on debate to speed up the passage of the Government's industrial relations laws through State Parliament.

The article continues -

> Last month, the Government used the guillotine to ram its three industrial relations Bills through the Legislative Assembly in just three days after accusing the Opposition of wasting time during earlier debates on the legislation.

The article states further -

> The Leader of the Government in the Upper House, George Cash, also did not rule out use of the guillotine.

With Hon Tom Helm, I have been here now for eight years.

Hon Peter Foss: It seems like a lifetime.

Hon T.G. BUTLER: It certainly does in the last four years that Mr Foss has been here.

Hon Peter Foss: It is not going to get any better.

Hon T.G. BUTLER: I expect it will not, but I promise it will not get any better for Mr Foss either. In the eight years that I have been here, the former Government was harangued by constant references to this place being a House of Review. This Government is now threatening this House with the same action it took in the Legislative Assembly; that is, to enforce the guillotine motion. If Mick Gayfer, Sandy Lewis or Gordon Masters were still here, members opposite would be in a lot of trouble trying to impose that sort of motion on this place.

Hon P.R. Lightfoot: I do not think anyone from this side has threatened the guillotine.

Hon T.G. BUTLER: I do not know. I refer the member to the article on page 8 in this

morning's *The West Australian*. The Leader of the House may have been misrepresented and I certainly hope he was, but the article says -

> The Leader of the Government in the Upper House, George Cash, also did not rule out the guillotine.

Hon P.R. Lightfoot: He did not say he was going to apply it. We may use time management, but no-one is suggesting that -

Hon T.G. BUTLER: God, the member is good! The threat of that action causes a tremendous amount of concern, certainly to anybody who is interested in working conditions or in fair play. The Government's action in the other place was criticised by Mr Bevan Lawrence from People for Fair and Open Government. The guillotine motion was too much for him and he was forced into the open. Given his political alliances, that must have been pretty hard for him.

Where has Hon Bob Pike been in all of this? Members will recall that for the past four years we have been harangued by him about the role of the Executive in this place, the Parliament, the division of power and so on. This most despicable action of all, to guillotine legislation as important as this without allowing it to be fully debated, makes the prorogation about which Hon Bob Pike continually complains pale into insignificance. He says nothing these days; he sits as though struck dumb.

Hon M.D. Nixon: It might never happen.

Hon T.G. BUTLER: It might not but it did happen in the other place. This legislation has been rushed through the Parliament without any input from the unions. They have not had an opportunity to comment or make suggestions to the Government. They have been neither consulted on the legislation, nor provided with a full explanation of its implications. It is constantly before the Chamber of Commerce and Industry which, I venture to say, has had a significant input to this legislation. *The West Australian* this morning carried a headline "Too much power to firms: Gregor" to an article containing comments by Jack Gregor, a former State employers' industrial advocate, warning that Western Australian workers would be placed in an unequal bargaining position under this legislation. It was interesting to read the comments by Labour Relations Minister, Graham Kierath, who claimed that Mr Gregor had an interest in protecting the existing system. He said Mr Gregor's comments were a red herring. In this case Mr Kierath has adopted a typical Liberal Party tactic of attacking when he does not have an argument to combat with an argument or a point of view to combat with a point of view. I would like to be selling tickets to a debate on industrial relations between Graham Kierath and Jack Gregor, and running a book on who would clearly win the debate.

What worries me mostly about the Minimum Conditions of Employment Bill is that it provides for the commission in court session to review the minimum rates each year. One can assume that the review will permit, as happens now, submissions from interested bodies - being the Government, employees and unions. The disturbing factor is that the Minister responsible for the legislation will be the same Minister responsible for the Government's submission. He will not only provide the Government submission but also receive from the commission its recommendation. He will decide either to accept or reject the commission's recommendation. That is a fair dinkum worry because the Minister could submit a no increase case to the commission, and the commission, in turn, could submit to the Minister that an increase in the minimum wage was justified. What will the Minister do in that situation? Will he accept the commission's recommendation or stick with the Government's policy of no increase? Firstly, he will confer with his industrial relations advisers - the Chamber of Commerce and Industry and others - and he will, true to form, reject the commission's recommendations. That is not an assumption based on no experience; it is based on my experience of 21 years as a trade union official. During that period not once can I remember an employer organisation, representative or Liberal member of Parliament ever agreeing to an increase in wages by the Industrial Relations Commission. In fact, I can remember quite clearly the former employers' federation advocates almost dancing in the streets ecstatically because on one occasion the commission brought down no increase in the quarterly review of the basic wage.

It is proposed that the Minister will be in total control of this Bill and it is only tokenism to provide for the commission in court session to review the minimum wages and make a recommendation. If a recommendation were made to increase the basic wage, it would not be accepted. Too much power will be given to the Minister under the provisions of this legislation. The Minister has been acting rather strangely in this regard because he has been running around for some months claiming that the Government was being misrepresented, and demanding apologies from everybody. He claimed that unions and others were lying about his plans. He said that we should wait until the plans had been unveiled. We have waited and the plans have been unveiled, and certainly no-one needs to apologise to the Minister for anything. He has not proved anything contrary to that which was claimed and neither has he improved the situation. He will continue to perpetuate a con trick by spending some $500 000 to explain - no doubt in fairly loose terms - the Government's industrial relations policy. The Minister has put his credibility on the line this time, at some considerable cost to the taxpayer. He is unfortunate inasmuch as he has, like other people in this Government, been forced to take on a portfolio about which he knows little or nothing and in which he has little or no experience, apart from having taken a trip to the industrial relations court on one occasion. I understand that those actions were withdrawn.

This legislation represents a substantial reduction in the minimum conditions existing in all current awards. The Minister has given us a thumbnail description of those. The minimum weekly rate, which we believe will be $275.50, which is the present minimum rate, will be the only guarantee a worker will have. The employer will be legally obliged to pay no more than the minimum wage prescribed in this Bill. The Bill attempts to abolish award rates of pay and overtime payments for work outside normal hours of work, and provide a casual rate of an additional 15 per cent. The present casual rates in awards range from a minimum of 20 per cent upwards. Therefore, there is a danger that these minimum wage rates will not be improved upon.

One of the classic conditions in the current Act is that a worker who is required to work on a public holiday is paid at double time and a half. This Bill provides that a worker who does not work on a public holiday will be entitled to pay. However, a worker who does work on a public holiday must be paid as a minimum the single ordinary time rate. I cannot see that in any negotiations under the Workplace Agreements Bill, employers would want to improve upon that. Employers have been trying for a long time to get rid of the requirement to pay penalty rates for overtime.

[Leave denied for the member's time to be extended.]

HON N.D. GRIFFITHS (East Metropolitan) [9.23 pm]: The short title of this Bill significantly commences with the word "minimum". I suggest that in order to understand the Bill it is appropriate to refer to the Minister's second reading speech and to the wording of the Bill. The Minister states in his second reading speech -

> Critical to the success of any reform of an industrial relations system is the degree to which that reform provides for fair treatment of employers and employees.

I agree with that statement and I believe all members on this side of the House would agree with that statement. The Minister continues -

> Such considerations are even more fundamental when the changes contained in the Workplace Agreements Bill will enable employers and employees to negotiate directly with one another in the workplace outside the award framework.

That is so because what is proposed in the Workplace Agreements Bill will not realistically guarantee anything that is reasonable to employees. The Minister continues that -

> . . . it is also crucial that particular elements conform to community standards.

I agree with that observation in so far as it goes. However, I regret that this Bill, if passed, will lower community standards. This Bill is part of a series of Bills which, if enacted, will minimise the involvement of the trade union movement and emasculate the role of the Industrial Relations Commission. The Minister states also -

> Such public interest concerns, together with considerations of equity, are key principles by which the State Industrial Relations Commission operates.

Fair enough; so why emasculate the Industrial Relations Commission, and why seek to put into place matters which are better left under the operation of the Industrial Relations Commission?

The Minister goes on to make a profound comment - a comment with which I and I think every person on this side of the House would agree, and I trust also members opposite. He states -

> One of the most fundamental equity considerations is the provision of appropriate minimum standards and conditions. Any society which holds dear the democratic principles of fairness and justice must provide protection of the weak against the strong, and this applies as much in employment relations as elsewhere.

If that is the case, why remove these protections? Why bring these Bills before the House? I suggest that is in marked contrast with the views expressed by a former Premier, Hon Ray O'Connor, then Minister for Labour and Industry, who made a number of observations in his second reading speech on the Industrial Arbitration Bill on 16 October 1979. That Bill became the Industrial Arbitration Act and is substantially the Industrial Relations Act 1979 under which the industrial relations system in Western Australia currently operates. Hon Ray O'Connor, a former Leader of the Liberal Party, said among other things -

> Since the beginning of the century, Australian industrial relations have been regulated by the system of conciliation and arbitration which evolved out of the disastrous economic and social situation of the 1890s....
>
> New Zealand, at that time, had experienced a long period free from industrial disruption because of its system of industrial conciliation and arbitration, and this system was adopted within Australia. The system relied on the formal process of referring disputes to an impartial third party for resolution by conciliation or, as necessary, by arbitration.
>
> This system was devised to protect the community from disruption and to provide for equality of power between unions and employers.
>
> To achieve this, the parties involved were subject to various obligations in order to receive the benefits provided by the system.

At page 3617 of *Hansard* of that year, among other things, Hon Ray O'Connor said -

> To keep matters in their perspective, members should understand that most unions in Western Australia have had a long and honourable history of service to their members, and certainly of responsibility to their community ...
>
> It is relevant to point out that throughout the long period leading up to the completion of the Kelly report, there was never the slightest suggestion that the conciliation and arbitration system, in whatever form it was to be altered, should be abandoned.
>
> This surely is a strong indication that such a system is desired and supported by almost all Western Australians, and the union movement as a whole.

Hon P.R. Lightfoot: What year is that?

Hon N.D. GRIFFITHS: I hear Hon Ross Lightfoot trying to make use of Standing Order No 81. I invite him to make a speech later this evening. I will be very interested to hear his observations on the matter before the House. I hope that he will avail himself of the opportunity to speak.

Hon P.R. Lightfoot: Perhaps the member could tell me what year he is quoting from.

Hon N.D. GRIFFITHS: Had the member, like the other interjectors, paid me the courtesy of listening he would have heard the reference. I do not propose to repeat it for his benefit. I invite members to read *Hansard*.

Point of Order

Hon P.R. LIGHTFOOT: I wonder if the member can identify the document from which he is quoting.

The DEPUTY PRESIDENT (Hon Murray Montgomery): Can the member clear up the matter?

Hon N.D. GRIFFITHS: I did identify the document. I note that Hon Peter Foss points out that I have been asked to do it again. I will do so, but I do not want to take up time. I referred to *Hansard* debate on the Industrial Arbitration Bill on 16 October 1979 at page 3615 and subsequently at page 3617.

Debate Resumed

Hon N.D. GRIFFITHS: The Minister's second reading speech said a number of things about this Bill and, I regret to say, the speech was mistaken in many respects. He said -

> This Bill establishes a safety net of core minimum conditions which will extend to and bind all employees and employers and will be taken to be implied in any contract of employment including those governed by a workplace agreement, an award or industrial agreement.

I will repeat part of that again for the benefit of members opposite so I trust they may start to understand what the Bill is all about: This Bill establishes a safety net of core minimum conditions which will extend to and bind all employees and employers. That is not what the Bill provides on any reasonable reading of it. Members should bear in mind that the Minister offers the second reading speech to explain what is in this document.

Hon P.R. Lightfoot: What does the Bill say on an unreasonable reading of it?

Hon N.D. GRIFFITHS: Clause 3 provides a definition of employee. Of course, the definition of employee is restrictive, and gives two categories. It states -

> . . . but does not include a person who belongs to a class of persons prescribed by the regulations as persons not to be treated as employees for the purposes of this Act;

Clause 47 states -

> The Governor may make regulations prescribing all matters that are required or permitted by this Act to be prescribed, or are necessary or convenient to be prescribed for giving effect to the purposes of this Act.

Then we have the provisions of clause 8, bearing in mind that the Minister asserted that he was dealing with minimum conditions which would extend to and bind all employees and employers. Clause 8 deals with a provision whereby an employer and employee may agree that the employee may forgo his or her entitlements to annual leave. Clause 9 is more sinister. It provides -

> An employer and an employee may agree that the employer is entitled to some other weekly rate of pay instead of the minimum weekly rate of pay within the meaning of Part 3 that is applicable to the employee's age -

This is lovely stuff! This is where the Government looks after the weak in our society. The clause continues -

> (a) the employee is either permanently or temporarily mentally or physically disabled; and
>
> (b) the agreement is in writing.

I will return to clause 9 later in my observations.

Hon P.R. Lightfoot: As a former trade unionist, I do not find anything abhorrent about the Bill.

Hon Cheryl Davenport: Surprise, surprise!

Hon N.D. GRIFFITHS: The Minister said it was with some pride that he brought

forward the Bill - I would think very little pride, and, if the Minister really agrees with the contents of the Bill, not some little prejudice - and he said it was a pacesetter in Australia. If it is a pacesetter, it is setting the pace downwards. It smells like a Victorian import. The Minister said, and I repeat, these are minimum, not maximum, conditions of employment.

Hon P.R. Lightfoot interjected.

Hon N.D. GRIFFITHS: I wish the member would not make use of Standing Order No 81. It is not his turn to speak. I am sure he will get a chance.

Hon Doug Wenn: The only chance he has is to interject. They will not let him speak.

Hon N.D. GRIFFITHS: I hope they will let him talk because if there is a by-election we will not have the opportunity to hear from him again.

I refer to what is contained in clauses 8 and 9. The Minister then went on to say that apart from the Public and Bank Holidays Act and the Long Service Leave Act, the minima in this State are established by general orders and section 50 of the Industrial Relations Act. A general order can be made to applied and/or non-award employees. General orders, of course, are dealt with by the Industrial Relations Commission, and it is a matter that was brought into the system by the legislation introduced by Hon Ray O'Connor in 1979, on which he said -

> An important further extension of the commission's role is in its capacity to make general orders. Whereas these are presently limited to the extent that they apply only to those who are covered by awards and agreements of the commission, they will now be able to be applied to all employees whether under an award or not.

Interestingly enough, Hon Ray O'Connor went on to say that -

> It is intended that these general orders will create minimum standards in respect of wages, sick leave, annual leave and long service leave and ensure they will apply throughout the State to workers who are not otherwise entitled to such benefits.
>
> Such orders will have a function similar to the Long Service Leave Act, some provisions of the Factories and Shops Act in this State, and annual and sick leave legislation in other States.

There has been change in the attitudes of the Liberal Party and the National Party since Hon Ray O'Connor had charge of the portfolio that the member for Riverton has now. I return to the second reading speech of the Minister for Health, who represents the Minister for Labour Relations in this place. The Minister said that what this legislation will do is to provide a universal, comprehensive and standard set of minimum conditions for all employees. The words in clauses 8 and 9 cannot be reconciled with the words of the Minister. However, the Minister goes on, after making such a sweeping statement, to say that there will be no capacity to contract out of these conditions except where the Act allows unlimited and specially defined conditions - and that deals with clauses 8 and 9 - or where the Minister has agreed to exempt by regulation a person who belongs to a class of persons from the definition of employee for the purposes of that Act. That relates to clause 47, which I read out earlier. The process is interesting because, such as it is, it is not to be done through the Industrial Relations Commission. Clause 47 does not set down the criteria that must be used. It does not set out the machinery for people to be heard. It is a matter of great concern for all people who are concerned about fairness and equity and who have any appreciation whatsoever of the rules of natural justice, because already a matter has been foreshadowed as coming within what is to take place in clause 47.

I refer to a document called "Workplace Focus". This is issue No 3. I hope members opposite are listening so I will not have to refer them to the extract again.

Several members interjected.

Hon N.D. GRIFFITHS: Volume 3 of September/October. The "Workplace Focus" is

published by the Department of Productivity and Labour Relations, and I am sure members opposite will recognise the face on the cover.

A Government member: A man of vision.

Hon N.D. GRIFFITHS: A man of impaired vision. I do not want to shock Hon Kim Chance by showing him the cover of this document.

Hon E.J. Charlton: Mr Chance is a working man and the only employer on that side of the House.

Hon N.D. GRIFFITHS: It refers to the process whereby people get to be considered pursuant to clause 47, "minima not for promotion but only employees", and says -

> The State Government made some important last minute amendments -

This is fascinating language. This is the State Government, not the Parliament. He does not know the difference between the Government and the Parliament.

> - to the Minimum Conditions of Employment Bill just before debate commenced in State Parliament, to make it possible to exclude workers who are paid commission only, or per item produced.

I come to the process, because it is not in the Act but in the Government's propaganda, which we all pay for. The amendments follow strong representations to the Minister for Labour Relations. I hope Hon Kim Chance is not listening because he will be horrified to hear the name "Kierath". The article refers to representations made to Graham Kierath by the Real Estate Employers Federation of Western Australia. I can see no mention of an employee group or a trade union. The article continues -

> Mr Johnson claimed it was imperative that clarification be provided urgently, because the industry employed about 3500 salespeople through about 1200 agencies in Western Australia.
>
> Mr Kierath decided that not only real estate agents -

This man is very keen.

> - but all employees paid on a commission or at piece-work rates, could be excluded from the minima by regulation, just as they were excluded from existing minimum wage entitlements.

Hon Peter Foss: Quite right.

Hon N.D. GRIFFITHS: The Minister for Health agrees with that. The article continues -

> The Minister said he also wanted to ensure the Bill provided the means to overcome the difficulty of determining a rate of pay for such employees while they were on various forms of leave, such as sick leave.

This magnificent clause 47 seeks to provide for an employer organisation to make representations to the Minister for Labour Relations. No doubt the Minister will give them what they ask for and more. I am concerned about clause 8 because it is a dangerous thing for someone in a weak bargaining position to negotiate away - I do not like that word in the context of this awful legislation - or be seen to negotiate away, a condition which Australians have come to accept. It is a bad precedent, in one of the many bad clauses in a very bad Bill.

Clause 9 deals with an employee and an employer agreeing that the employee is entitled to some other weekly rate of pay instead of the weekly rate of pay within the meaning of part 3, which is applicable to the employee's age, if, firstly, the employee is either permanently or temporarily mentally or physically disabled and, secondly, the agreement is in writing. This is a dangerous clause which will require stringent supervision in its operation. This Bill deals with the most vulnerable people in our community and it does not realistically provide for their protection. The clause requires that the agreement must be in writing, yet it refers to someone who is permanently or temporarily mentally or physically disabled. Hon Cheryl Davenport will deal with that matter at some length, therefore, I will leave my comment on that clause at this stage.

Clause 14 deals with the commission's obligation to review the weekly rates of pay and make a recommendation to the Minister not later than 31 May each year. Clause 13 sets out the procedure whereby minimum conditions will apply for the period up to 31 May, 1993. After that initial period the Industrial Relations Commission will make a recommendation, but then it will be up to the Minister. Again, no criteria are set out on how the Minister should go about making his decision; nothing in this Bill says that the Minister must set a particular minimum rate. It is obnoxious to members on this side of the House that the Minister should be making these determinations. In most cases this decision would be outside the Minister's expertise. For the Minister to consider the sorts of matters envisaged in clause 47 would involve a great degree of analysis - that is, if it is done properly - and that is not something that one can reasonably expect a Minister to do. The Minister went on to say that the legislation contains a significant social reform in prescribing junior rates of pay for employees who have not reached 21 years of age. Those on the Government benches now, if they go along with what is proposed in this Bill, are deviating from the stances adopted by those who came here before them. I am sure that most Western Australians will agree that it was a Liberal-Country Party Government which reduced the age of majority in Western Australia from 21 to 18. The proposed rate for employees who are over the age of 21 is said to correspond with the minimum wage prescribed by the general order which is currently in force, namely $275.50.

Hon P.R. Lightfoot: That is not currently in force.

Hon N.D. GRIFFITHS: What will happen to those people who are 21 years of age or under?

Hon P.R. Lightfoot: It is misleading to say that it is currently in force - that is what I am trying to establish.

Hon N.D. GRIFFITHS: The member, by his interjection, is accusing the Minister of being misleading in his second reading speech. I invite Hon Ross Lightfoot to read the Minister's second reading speech and the Bill and then perhaps he might learn something. I would be delighted if the voters in the North Metropolitan Region were given the opportunity to read the content of Hon Ross Lightfoot's interjections so that they can pass judgment on him in due course. The Minister, in his second reading speech, said -

> Minimum rates will not include any penalty rate or loading of any kind. Such matters will be determined or specified in any relevant workplace agreement, industrial award or agreement.

Frankly, that is a joke. This Bill is part and parcel of three pieces of legislation which, taken together, are about reducing wages, salaries and conditions. This Bill does not restrict the number of hours a week people have to work.

Hon Cheryl Davenport: It increases from 38 to 40 hours.

Hon N.D. GRIFFITHS: Hon Cheryl Davenport refers to the legislation mentioning 40 hours a week and that is implied by reference to the use of the divisor.

Hon P.R. Lightfoot: There is nothing specific in the Bill about 40 hours, is there?

Hon Doug Wenn: You obviously have not read the Bill.

Hon P.R. Lightfoot: What clause of the Bill relates to 40 hours?

Hon Doug Wenn: I will tell you when I make my contribution to the debate.

Several members interjected.

The DEPUTY PRESIDENT (Hon Murray Montgomery): Order!

Hon N.D. GRIFFITHS: I am enjoying the interjections. Members on this side of the House and their guests in the Public Gallery understand that the only opportunity the Government backbenchers have to contribute to this debate is by way of interjection.

A Government member: You have only a few members in this Chamber.

Hon N.D. GRIFFITHS: Member of the Australian Labor Party who hold seats in this House are sitting in their rooms with their ears glued to the loud speakers while they are preparing their speeches, which I look forward to hearing in the comfort of my room in due course. In his second reading speech the Minister said -

> However, no requirement is imposed by this legislation to include in leave pay any payment for overtime, penalty rates or other allowances. These matters will be determined or specified in any relevant workplace agreement, industrial award or agreement.

The Minister's statement alludes to what this Bill is about; that is, getting rid of these conditions. Clause 18(4) of the Bill worries me. What sinister motives does the Minister for Labour Relations have in mind when he says that matters in relation to the payment for leave under part 5 may be prescribed by regulations? The debate on this part of the Bill was guillotined in the Legislative Assembly and regulations will be introduced to keep it out of the public eye even more.

The Bill purports to deal with sick leave. If Hon Ross Lightfoot reads clause 19 he will notice that it implies that a 40 hour week is considered to be the norm. I trust the Minister will give some consideration to clause 22, which states -

> An employee who claims to be entitled to paid leave under section 19(1) is to provide to the employer evidence that would satisfy a reasonable person of the entitlement.

That is fair enough, but I suggest to the Minister that may be an incitement to litigation. In considering Bills it is appropriate that Parliament make its wishes clear instead of inviting people to dash off to the courts to ascertain what is really intended by the Parliament. I suggest to the Minister that this clause be given further consideration and perhaps it will be fully debated in Committee.

I wish to deal with a number of clauses and for that reason I would like the opportunity to have my time extended.

Hon George Cash: Clauses are dealt with in the Committee stage.

Hon P.R. Lightfoot: You should not use up the time of the second reading debate of the Bill to deal with clauses.

Hon N.D. GRIFFITHS: If Hon Ross Lightfoot wishes to contribute to this debate he should get up and speak for 45 minutes.

[The member's time expired.]

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

[Continued below.]

SITTINGS OF THE HOUSE - EXTENDED AFTER 11.00 PM

Tuesday, 21 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.

MINIMUM CONDITIONS OF EMPLOYMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

Hon T.G. BUTLER: Mr Deputy President, I seek leave to have the time of Hon Nick Griffiths extended.

[Leave not granted.]

HON CHERYL DAVENPORT (South Metropolitan) [10.10 pm]: I too oppose the Minimum Conditions of Employment Bill.

Hon E.J. Charlton: That's a surprise. We thought you were a forward looking person and that you would see the value in it.

Hon CHERYL DAVENPORT: Hon Eric Charlton is wrong. Let me tell him why we oppose the Bill.

Point of Order

Hon SAM PIANTADOSI: It has been stated on a regular basis by the President and others in the Chair during the debate on this Bill that interjections are not allowed and that those members who wish to participate should not do so by way of interjection, but by way of making a speech.

The DEPUTY PRESIDENT (Hon Murray Montgomery): There is no point of order, but the speaker will have the protection of the Chair.

Debate Resumed

Hon CHERYL DAVENPORT: Thank you, Mr Deputy President. I thank Mr Piantadosi for his protection, but I think I can look after myself.

Hon Graham Edwards: Do them like you do every time you get up!

The DEPUTY PRESIDENT: Order!

Hon CHERYL DAVENPORT: Over the last 12 months we have often heard the phrase, "I'm not Jeff Kennett and this isn't Victoria". One thing about Mr Kennett, I have to say, is that he was honest. He was honest enough to abolish completely the Victorian award system, whereas in this State we have a mishmash of legislation through the trilogy of Bills that are before the House at the moment in terms of workplace contracts and minimum conditions of employment legislation. It is interesting to note that information from Victoria suggests that already 700 000 people have opted out of the State award system and gone straight into the Federal award system. I suspect that a considerable number more will follow suit.

I am also told that in Victoria there are only 100 contracts registered with that State's equivalent to the Registration of Employment Contracts Commission. As well, even those people who are under awards are basically not opting for workplace agreements and employers do not seem to be particularly unhappy about that either. It may be that it is too early yet to say that that will be the case forever, but to date that is what is happening.

Hon Peter Foss: It sounds as though the dire consequences that were predicted are not happening.

Hon CHERYL DAVENPORT: No; they have opted for Federal awards, Mr Foss, or have negotiated with their employer to keep existing conditions, so they do not need this silly nonsense of minimum conditions of employment. If the Government's Workplace Agreements Bill were to work, we would not have to have the corollary Minimum Conditions of Employment Bill.

Hon P.R. Lightfoot: It is to protect the worker; that's what it's for.

Hon Graham Edwards: Perhaps one of the Bills Hon Ross Lightfoot might speak on is the foot and mouth one.

The DEPUTY PRESIDENT: Order!

Hon CHERYL DAVENPORT: As was said previously, it would be nice to hear from somebody on the Government benches that might put a different point of view on this Bill.

I spoke last week on the employment contracts legislation in relation to New Zealand. To follow that theme, I have done some research on minimum conditions of employment. Rather than find publications that favour predominantly the trade union movement in New Zealand, I found a paper which was printed in the *Business Council Bulletin* for January-February 1993. It is called "The Employment Contracts Act and the Reform of Employment Relations in New Zealand". It is an employee relations study conducted by

the Business Council of Australia; it was commissioned to look at what has happened since the introduction of the workplace reforms within New Zealand since 1991.

It is interesting to note that in the executive summary the committee sees what I predicted when I spoke last week, namely, that union membership has indeed fallen by 30 per cent, which was one of the objectives of the legislation in New Zealand, as it is here. We see, secondly, that a significant adjustment to working time arrangements, with the exception of leave arrangements, is now under way by agreement. It states that for eight to 12 per cent of employees this has meant that their take home pay is less than it might have been under the old awards.

I suggest that there is a quite significant indication, even from employer representatives, that packages of legislation like we are debating here will destroy conditions that workers have enjoyed for a long time. That publication states in relation to employees' conditions that some employees have experienced actual reductions in base rates of pay and some new employees are being paid less than existing employees.

That has always been the fear of the Labor Party and the trade union movement for this State. In New Zealand the reductions are occurring more among employees of small employers than larger employers. Companies like BHP and other large business operations throughout this State will continue to negotiate with the trade union movement to make sure that their employees are perhaps paid decent wages and have decent conditions and so forth, but the problems will exist for employees in the small business sector. We should all worry quite considerably about that.

Also, under conditions of employment in relation to penalty and overtime provisions, which quite clearly this Minimum Conditions of Employment Bill seeks to do away with, there was evidence from the New Zealand Employment Federation survey that 32 per cent of respondents reported changes to hours of work and 45 per cent to penalty arrangements. As well, 50 per cent of contracts covering 27 per cent of employees do not have penalty rates for weekend work. We know that that is pretty much the objective of this particular Bill in Western Australia.

I turn now to the first page of the Minister's second reading speech, where in the fourth paragraph it states -

> One of the most fundamental equity considerations is the provision of appropriate minimum standards and conditions. Any society which holds dear the democratic principles of fairness and justice must provide protection of the weak against the strong, and this applies as much in employment relations as elsewhere.

I have spoken in this House before over the last four years about social justice. Social justice is an area about which I have worked very hard within my own party and within the community to progress in order that people who have less ability to negotiate on their own behalf receive fair treatment. The principles of social justice are access, equity, rights and participation. Quite clearly, this trilogy of legislation is about the destruction of people's rights, because it seeks to destroy the industrial rights which have existed within this country -

Hon P.R. Lightfoot: That's rubbish.

Hon CHERYL DAVENPORT: Mr Lightfoot can get up and make his own speech. I would love to hear him. I am going to take my 45 minutes and I will not be put off by him.

Hon P.R. Lightfoot: Have you worked other than under an award?

Hon CHERYL DAVENPORT: Yes, I have worked in non-award organisations.

Hon P.R. Lightfoot: This protects them.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order!

Hon CHERYL DAVENPORT: Thank you, Mr Deputy President. As I said earlier, the award system has worked well over the years by providing gradual improvement in workers' wages and conditions.

Hon P.R. Lightfoot: If they are in the trade union movement, yes.

Hon John Halden: What about managers? Their wages are through the roof and you know it.

The DEPUTY PRESIDENT: Order! Hon Cheryl Davenport has the floor.

Hon CHERYL DAVENPORT: Thank you, Mr Deputy President. I will not be sidetracked.

When I spoke in the House last week, I concentrated my arguments specifically, although I did not get too much of a response to my arguments from the Minister, on the position of women in the work force and what we may well see in the future in relation to their working conditions. I talked then about the situation that women face under the Federal system of enterprise bargaining and I think an argument still applies here that there are inequities to be faced federally and there will also be inequities to be fought in this State. I want to concentrate my argument tonight on women and, more particularly, women working in the non-government community services sector. Last year at a forum held in Sydney in May sponsored by the National Women's Consultative Council a paper titled "Women And Enterprise Bargaining: Who Benefits?" was presented by Barbara McCauley, the Executive Officer of the Industry Training Branch of the Commonwealth Department of Employment, Education and Training. It was a case study in the community services sector. In the paper she stated -

> Community services as definable industry has long been ignored. This can be traced back to many sources including:
>
> * a relative lack of industrial infrastructure;
>
> * fear of the implications that recognising the value of the industry and the skills of its workers might have on the budgets required for this overwhelmingly government-funded sector;
>
> * the widely diverse range of services which - often due to competitive and divisive funding programs - have not sought to recognise the similarity in their structures, roles and workforce;
>
> * the high level of "voluntary" employment;
>
> * an economic model which has not recognised the relevance of the industry to the economy but classified it as "women's work".
>
> The introduction of enterprise bargaining coincides with a move by community services to gain formal recognition as an industry. The impetus has arisen from within the industry to ensure that it does not remain disenfranchised from industrial/training developments which are changing the face of the Australian workplace.
>
> Community services and health employs around 9% of the total workforce and is the second highest employer of women. More than 75% of the workforce is female and more than 25% work part-time. Women in the industry are concentrated in a small range of occupations characterised by low pay and unstable conditions. There are significant differences between the community services and the health sectors. More than half community services workers have no post-secondary education. A low proportion of women have graduate or higher degrees, while a high share of men in health have higher degrees. Union coverage and membership is low in community services, high in health. The public sector (including hospitals) has a well-developed employment infrastructure, whereas community service organisations (largely dependent on government subsidies) operate with little or no infrastructure. Volunteerism is characteristic.

To develop that argument further, for the past five or six years I have chaired a subcommittee of a management committee that deals with the delivery of services in the Home and Community Care area for the frail aged and the younger disabled, helping

them to stay in their own homes, thus avoiding early institutionalisation. I have some grave doubts about the provider-purchaser package that the Minister for Health has put out in the community for discussion and how it will impact on workers in that field. Some of the preliminary discussions that my committee has had with one of the health regions in this State suggest community organisations may well be given a lump sum to do with what they will in terms of how they deliver that service.

Hon Peter Foss: Oh no!

Hon CHERYL DAVENPORT: If we move to workplace agreements with minimum conditions of employment -

Hon Peter Foss interjected.

Hon CHERYL DAVENPORT: I was quite worried when this argument was put to me because I am concerned about the State's responsibilities in the standard of services that will be delivered to people in the community.

Hon Peter Foss: That is exactly the point; they must comply to a standard.

Hon CHERYL DAVENPORT: That was not the message coming through to me.

Hon Peter Foss: I would like the detail of that so I could correct it.

Hon CHERYL DAVENPORT: The other thing I fear, if that were to be the case -

Hon Peter Foss: It is totally incorrect.

Hon CHERYL DAVENPORT: The Minister can clear that up when he speaks, but I ask him to let me finish my argument. The people who work in these jobs are low paid and they are exploited by the employer because they care about the people they look after. For example, the service that I chair in the East Victoria Park-Carlisle area has a great number of people in their 80s and 90s. Of the 450 clients we service, probably 230 are in that age group and 75 per cent of those have no carer - that is, somebody living with them. They are completely on their own and rely almost totally on a care aide or home help who calls on a daily basis, or in some cases, every couple of days. The problem with the non-government sector, if it goes in the direction suggested to my committee, is that there will be no way of making people accountable. I have grave fears -

Hon Peter Foss: We have provided for just that point. We believe it was not accountable before because people were given money. Now they will be required to be accountable.

Hon CHERYL DAVENPORT: That is not the message the Minister's regional managers are delivering. That is an area that concerns me, and it is ably demonstrated by the sorts of arguments that are waged in this paper I have quoted from dealing with an analysis of workers in the community services sector. People are hard working and working long hours and are not being paid properly because non-government sector programs are always strapped for funds. There is just not enough money to pay workers more to cover the work they do. If the Minister can satisfy me on that point, so be it, but I will be interested to hear his reply.

Clause 8 of the Bill deals with the limited contracting out of annual leave entitlements. I have grave concerns about people being able to negotiate to do away with their annual leave entitlements in return for an amount of money. In non-government sector projects we rely heavily on coordinators, and they are committed to the work they do. On occasions I have had to insist that the coordinator of a specific program I am involved in take annual leave. One reason these people do not take leave is that they are intimately involved with their clientele, and it is not always easy to get suitable people to relieve in that situation. I would be interested to know just how many times an employee can negotiate away his or her annual leave. Clause 9 deals with people who are permanently or temporarily mentally or physically disabled.

Hon Sam Piantadosi: Such as members opposite!

Hon CHERYL DAVENPORT: I would not be so uncharitable, but I do have some concerns in this area because the people referred to in this clause are already quite disadvantaged. I will be interested to hear what that part of the Bill means.

I wish to quote from another paper presented at the forum I mentioned earlier, which deals with people who are disabled. It is entitled "Forget the Attitudes" and was prepared by Margaret Cooper of the National Women's Network of Disabled Peoples.

> Women with disabilities do not get paid jobs easily now. As employees we protect our jobs zealously against prejudice; how much more vulnerable will we be under a system of free enterprise bargaining.

This legislation highlights that concern as it will not necessarily result in matters being taken to the Industrial Relations Commission. The paper continues -

> Disability is the sum of the functional limitations within the individual which impairs the performance of activities of daily living, thereby affecting the individual's relationship with the physical, economic and social environment; however, disability may be completely irrelevant to a particular individual's work situation.
>
> For the two and a bit decades I have been paid for fulltime work (and have also worked about 10 voluntary hours a week within the disability rights movement), young women with disabilities have been approaching me and others for ideas on how to get employment. I've drawn on our experiences and on ABS statistics to try to explain why these women have great difficulty in getting jobs. People with disabilities generally have an employment rate of 46% compared with 72% of the general population. There are significant differences between the employment rates of women and men with disabilities - 61% of men and 40% of women.
>
> One factor holding back employment of women with disabilities is that there is no affirmative action for women in federally-funded rehabilitation or disability-related employment schemes.
>
> A second factor is that the skills of women with disabilities are often built up through participation in unpaid community work, which is often discounted in job applications.

The same seems to apply in ordinary community work. It continues -

> Often the women with a disability takes a job at a lesser level than she is qualified for just to get employment experience. This occupational downgrading leads to a loss of self esteem and a reduced ability to negotiate industrial concerns.
>
> Thirdly, the perception of disability combined with gender often gets in the way of fair assessment. A young blind university graduate told me that she was asked by a female job interviewer whether she was safe using public transport and whether she might be more susceptible to rape. This is certainly a problem in the effect on the individual of having to deal with pluralistic political processes. Free enterprise bargaining would be another sticky thread to this spiderweb.
>
> Fourthly, compared with equivalent males, women with disabilities are more likely to rent rather than own property and earn substantially less. We are less able to afford the ancillary costs of employment, such as wheelchair-accessible taxis, an adequate wardrobe, the cost of daily personal assistance to get ready for work or the purchase of enabling equipment such as a print-reading computer.
>
> Women with disabilities need government, union and employer action to redress our disadvantage.

The provision in this Bill which exempts disabled workers will affect people right across the spectrum but more particularly women.

I now refer to the notion of minimum rates of pay and the Minister's ability to set these conditions. Although the Minister is prepared to ask the State Industrial Relations Commission to recommend a minimum rate annually, he also has the power to intervene and change that condition. This is a matter of great concern. The Minister may put a submission to the Industrial Relations Commission, and he is also to be the final court of appeal on changes. This provision contains many anomalies.

I now quote from *Hansard* from 1973. The debate involved the establishment of the Long Service Leave Act Amendment Bill introduced by the Tonkin Labor Government, about which the late Andrew Mensaros said -

> . . . this measure involves all workers irrespective of whether they are covered by an award or not.
>
> The Bill before us reflects, to our way of thinking, an unacceptable philosophy and an intention by the Government to impose on the industrial scene something which was not achieved by arbitration; it seeks to change something which we have had for more than 70 years.

This argument is similar to the one we have been mounting during the past six weeks on this trilogy of Bills. He later continues -

> . . . I was not opposing the fact that all workers should be given leave. I was opposing the fact that the Government has taken the matter into its own hands and decided on a matter which always was and should be provided for by means of arbitration. The intention always was that the arbitration system, or the Industrial Commission, or whatever we would like to call it, should determine the conditions of work, etc., be they related to long service leave or sick leave.

It later reads -

> It is the job of any union secretary who is worth his salt to apply through the arbitration system to get these conditions. But the Government now says it will grant these conditions. I know of no other country - other than strictly dictatorial countries - where such an arbitration system operates. While seemingly retaining a system this Government makes decisions concerning the conditions of the work force, and implies that there is no need for unions . . .

That is interesting coming from the Liberal Party, as it currently argues to do exactly the same in this legislation on minimum rates of pay. It appears to be okay now, but in 1973 the Liberal Party did not like this approach too much.

Clause 12 of the Bill involves the reduction of loading for casual employees from 20 per cent to 15 per cent. I have come across the situation in the community services sector in which people are employed in the home and community care areas to help frail aged and disabled people clean and tidy their homes perhaps once a week. Such people are paid as casual employees, and are not eligible for sick, holiday or long service leave and the like. They work 19 hours a week and their casual loading rate has the potential to be dropped under this legislation from 20 per cent to 15 per cent. These are the kind of people who are exploited mercilessly by Governments and the community because they care about people less fortunate than themselves. These people do not rush off immediately upon completing their 19 hours work.

[Quorum formed.]

Hon Sam Piantadosi: Two members are not in their seats, so a quorum is not present.

The DEPUTY PRESIDENT (Hon Barry House): The members are still in the Chamber, so a quorum has been formed.

Hon CHERYL DAVENPORT: I have great concerns about those people who work in the non-government sector who are mostly women. As I said, they put in far more effort than we are ever able to pay them for in terms of the work they do. This is a retrograde step. I would be very concerned that any new programs coming on stream might use these minimums. I note that the home and community care budget has an extra $5.5m and that might mean there will be an upgrading in funding or there might be some new services established to care for our ageing population. That is an area to which we need to pay particular attention.

Another area I want to cover this evening relates to the parental leave provisions, in particular, maternity leave. From my reading of this legislation it appears that two sections which come under the general order do not appear under division 6 entitled

"Parental Leave". Those two sections relate specifically to the ability to transfer to a safe job and also to take annual leave and long service leave entitlements together with maternity leave. In the first case the ability to transfer specifically to a safe job while pregnant is important.

One of the services that is offered by the senior citizens' centre that sponsors the home and community care program with which I am involved is a day care centre. Currently the assistant coordinator is pregnant and she has discovered, to her joy, that she is having twins. The lifting that people must do in caring for frail-aged people and younger people with disabilities is quite significant. Being able to transfer somebody to a safer job means that that person can continue working, if fit and well, until six weeks prior to her confinement. It gives her more flexibility in carrying out her work and in protecting the well being her unborn children.

Under this legislation I cannot see that provision. I have read the legislation quite carefully. In fact, I have obtained copies of a couple of maternity leave sections from two specific awards which relate to people who would be classed as workers at the lower end of the wages spectrum. The first is the Building Trades Award 1968 - a very progressive award for that time - section 33(3) of which contains a provision that enables women working in that industry to transfer to a safe job during their confinement. The Laundry Workers Award - an area of employment, where women are also situated at the lower end of the spectrum - also provides for women to transfer to a safer job. I would be interested to hear what the Minister has to say in respect of women being able to do that under the provisions of the Minimum Conditions of Employment Bill.

Another area that concerns me relates to the ability to take accumulated annual leave and long service leave and add that to the unpaid maternity leave provision. Both of the awards to which I have referred enable a person to do that. These awards mirror each other. Section 33(7) of the Building Trades Award entitled "Maternity Leave and Other Leave Entitlements" states -

> Provided the aggregate of leave including leave taken pursuant to subclauses (3) and (6) hereof does not exceed 52 weeks.
>
> (a) An employee may, in lieu of or in conjunction with maternity leave, take any annual leave or long service leave or any part thereof to which she is then entitled.
>
> (b) Paid sick leave or other paid authorised award absences (excluding annual leave or long service leave), shall not be available to an employee during her absence on maternity leave.

Those provisions are also contained in the general order under the Industrial Relations Commission of Western Australia. I wonder why it does not seem to be a part of this Minimum Conditions of Employment Bill. I will listen with interest to hear just why that provision seems to have been excluded.

I do not support this legislation. It is farcical. If these proposed workplace agreements are to work, I do not see the need to have a Minimum Conditions of Employment Bill. The Government is quite obviously not convinced that there are no unscrupulous employers out there. It seems that that is the main reason for the inclusion of this Bill in this legislative package. It is another case of where women, in particular - specifically those working in the community services area - will be discriminated against. I ask members to think very carefully when they cast their vote. I do not think we have anything to gain from this legislation, and we have a lot to lose.

HON A.J.G. MacTIERNAN (East Metropolitan) [10.47 pm]: Due to the harassment I received during my last address I will attempt not to refer to such voluminous notes. Members will not have the privilege of hearing one of my fabulously well structured addresses.

Hon E.J. Charlton: We will appreciate it more. You will see that we will.

Hon Doug Wenn: You won't listen, but you will appreciate.

Hon A.J.G. MacTIERNAN: I am glad. I trust that members will bear with me as I attempt a maiden free form speech.

In my address on the Workplace Agreements Bill I tended to draw a very broad picture. I spoke about the effect of the inevitable diminution of the union movement on the strength of democracy within our society. I put the view that organised labour was an important part of the democratic process and, indeed, that we need to give proper recognition to the democratic process in our society if it is to work in a practical way. It is also my view that organised labour needs to be given proper recognition to enable us to make substantial achievements in productivity and to generate the increased prosperity which is supposedly at the heart of this troika of legislation.

My address tonight will be somewhat more narrowly focused; it will be largely on the specific effects of this legislation. If this Minimum Conditions of Employment Bill had been introduced by itself and not as part of the industrial relations package, with some exceptions such as disputes about the hours and the method of determining the conditions, we may not have had a great deal of cause to contest it. It will certainly provide some marginally increased benefits for the workers who are not currently covered by award provisions. However, the Bill has not been introduced alone and must be taken in context. The overwhelming effect of the Bill will be to decrease wages and conditions for a great many people.

I have gathered from the mutterings and interjections of members opposite that they do not seem to appreciate how this Minimum Conditions of Employment Bill, together with the Workplace Agreements Bill, will have that impact. It is fairly simple: Currently 79 per cent of wage earners and salaried workers in this State are covered by awards. Once any of those 79 per cent sign an enterprise agreement, all award conditions will cease to apply to the signatories. From what we are told by the Minister who introduced this legislation, employers are breaking their necks to enter into such agreements.

Award conditions will not apply to all the workers who are party to the enterprise agreements. The new benchmark will not be the award provisions currently protecting the 79 per cent of workers but these minimum conditions of employment under this Bill. There will definitely be a pressure downwards. We know from the Victorian experience that at this stage there has not been a mass exodus from the protection of awards to sign workplace agreements. It is certainly the case that if the object of the legislation was to crush unions and organised labour, as a result of the availability to Federal awards for those workers, the legislation is not working. Under the New South Wales legislation, which has been in existence somewhat longer, it is evident that gradually a downward pressure has occurred for those workers with less industrial power on conditions, wages and penalty rates and a variety of other directly financial and non-financial remunerations. The Minister has frequently interjected in these debates that the Minimum Conditions of Employment Bill will provide minimum conditions and wages, not maximum conditions, and that many employers will choose to pay above the maximum. As the member for Gosnells pointed out in her address on this matter in the other place, the reality is that of the 104 000 award inquiries made to the Department of Productivity and Labour Relations last year, 85 per cent came from employers seeking information on the minimum legal rates. Obviously, this varies from sector to sector. The member for Geraldton gave a very illuminating and lengthy description of his dealings with mechanics. We must make a distinction between what happens from sector to sector.

As I have said, in some sectors labour has traditionally been well organised and there is a much stronger tradition of unionisation and consciousness of one's rights. In those areas there is a greater degree of skill and consequently much more bargaining power in the market place, it is probably true to say that the minimum conditions would not apply. I do not think we are suggesting that any mechanic with any skill, or any tradesperson, will have to consider a wage of $275 a week. However, those circumstances do not apply in many areas of our economy. I refer particularly to the retail and hospitality areas which are not trades areas or which have neither a large formal skill component nor a great deal of formal entry requirement. They tend to be characterised by younger people and by

people who have not had a great deal of experience and, traditionally, have not been heavily unionised. In a way this highlights those inherent contradictions in this legislative package. In the Workplace Agreements Bill, the focus is on freedom and choice. The purple prose which emanated from the Minister indicated that "all employees, from major corporations and Government agencies to small businesses, deserve greater freedom to negotiate employment conditions which best suit their needs, be it pay conditions or working hours". Freedom of choice predicates an equality of bargaining power between capital and labour, the lack of which has led to the development of collective bargaining and, in turn, to the development of unions. These things have not arisen in a vacuum; they have arisen from a real recognition by labour that they are not equal in bargaining power. Yet, as I say, in the Workplace Agreements Bill there is a rosy view of the world which suggests that we will all get along beautifully if we smile nicely and seek to work cooperatively.

However, in the second reading speech of the Minimum Conditions of Employment Bill we heard a little dose of realism filtering through from a statement by the Minister that those who hold the values of democracy dear will understand the need to protect the weak from the strong. Basically there is a very strong recognition in the second reading speech, and in fact in the very perceived need for this legislation, that many are unable to bargain, that the rosy gloss that has been put on the Workplace Agreements Bill is fundamentally flawed.

Putting to one side those areas in which we know it is more likely that for a wide variety of reasons the workers will be able to fend for themselves, in the hospitality sector there is not the same tradition of organisation. Businesses tend to have small numbers of employees. The emphasis in that industry is on employing younger people; it also has a large turnover. The Western Australian Hotels and Hospitality Association estimates that this industry employs 36 000 people in Western Australia. The basic unskilled kitchen hand, cleaner, housemaid attracts a weekly wage of some $327, a waiter $331 and a bar attendant $335. Under their awards, those last two categories are able to attract some overtime and penalty rates. Putting that to one side, even accepting those wages as basic award payments, there is no doubt that many of the people in that sector will, from the time this legislation is put into effect, be offered workplace agreements. At the point at which they enter those agreements they will lose their award protection. I have no doubt that we will see in that sector some fairly widespread dropping of wages to $275 a week.

Hon P.R. Lightfoot: A major chain already has workplace agreements. The Sheraton Perth Hotel has negotiated very attractive agreements.

Hon A.J.G. MacTIERNAN: That is right. That was done before this legislation was introduced.

Hon P.R. Lightfoot: Of course.

Hon A.J.G. MacTIERNAN: Our point is that we do not have any difficulty with workplace agreements. However, our argument is that workplace agreements should not move below award minimums. We believe there should be a basis of award minimums on top of which enterprise bargaining takes place and that flexibilities be allowed around it. We are saying that, by having an enterprise bargaining situation which strips away the award system, the safety net falls down to this Minimum Conditions of Employment Bill. The point raised by Hon Ross Lightfoot today is an interesting one. It is an indication of the pointlessness of this legislation. He has given us an example of a very successful workplace agreement that has been negotiated in the current environment.

Hon Peter Foss interjected.

Hon A.J.G. MacTIERNAN: It does not require this legislation. It does not offend current awards otherwise it would not have been put in place.

Hon Peter Foss: Sometimes those awards are a constraint benefiting nobody. That is the problem.

Hon A.J.G. MacTIERNAN: That is a very peculiar assertion. No-one is saying that there is not room for greater flexibility, that there is not merit in workplace agreements

and that maybe awards will, with the introduction of a sophisticated workplace agreements structure, become more simple and provide a barer bone than they do today in allowing and encouraging these sorts of agreements into which the Sheraton has entered. However, as I said, that clearly demonstrates that there is no need for legislation for there to be successful workplace agreements.

I will revert to the example that I was giving the House on the hospitality industry which, along with the retail sector, will be the most vulnerable under this legislation. Under this legislation, there is a potential for cuts of around $50 per week, which is a cut of approximately 15 per cent from what we have to admit, on our salaries, is a very low base. The wages are not the only concern; the conditions are also a concern. From my reading of the debate in the other place, one matter relating to the hospitality and retail industries that has not been emphasised as much as it should have been is the split shifts. There has been a propensity in this House and in the other place for members to talk about personal experiences. I will tell the House about my experience as an 18 year old waitress at the salubrious YMCA diner in Murray Street. My first shift started at 6.30 am and I worked until 9.00 am. I came back at 11.30 am and worked until 2.00 pm. I started again at 5.00 pm and worked until 8.00 pm. That was an eight hour shift but was spread out over 14 hours a day. It did not provide me with a realistic opportunity to do anything between those shifts. Perhaps it is the reason that I am so conscious of the split shifts issue. Fortunately, through the hospitality and catering union at that time, we were able to take that employer to the Industrial Relations Commission and those conditions were improved. Split shifts might suit some people. However, they are a burden to the vast majority of people in those industries. We are talking here about young people who do not have a great deal of work experience working in an environment and where, for major structural reasons, there are problems generating work for people in that group. They will be offered jobs with shifts being split such as those that I have mentioned.

To put the matter into context, under the relevant hospitality and catering awards, and I think also under retail awards, it is not possible for an employer to split the shift more than once. Therefore, it is possible to divide the work day into two shifts, but it is not acceptable to split it into three. This basic protection will be removed for people in that industry once they sign a workplace agreement. As I have said before, we all know the reality for people in that sector. Many of them will have to take on these conditions because they need a job. It is an unfair burden and is one that, at the very least, should attract some sort of additional wage.

Hon M.D. Nixon: That means they will be better off.

Hon A.J.G. MacTIERNAN: It is important to understand that this legislation will not create one extra job. All it will mean is that the employer will be able to maximise the return from one worker in a way - this is a value judgment - that is unfairly and unduly prejudicial to the conditions experienced by that person. The member said they will have a choice. This goes back to a very fundamental, philosophical question. To what extent do people really have choices where there is such inequality of bargaining power? To some extent, the member either digs it or he does not. I do not think this is the place that we can educate the member about that if that basic concept has passed him by. However, it is very clear that even the Government of the day, in this Minimum Conditions of Employment Bill, recognises that there is no equality of bargaining power and it seeks to establish some minimum provisions. We are saying that we do not believe that those minimum conditions provide adequate protection.

Hon P.R. Lightfoot: There is nothing adequate about being unemployed, either.

Hon A.J.G. MacTIERNAN: Absolutely not. However, the proposal that we strip back all conditions will not assist that. Perhaps I should give the House an example of what happens under existing arrangements. It was reported to me recently by a number of employees and a former employee of Australia's largest retailer, Myer, that some of the practices adopted by it are quite extraordinary to say the least and are really contemptuous of the interests of its workers. The use and abuse of casual workers by Myer is probably reaching epidemic proportions. For example, on the basis of anecdotal

evidence rather than any rigorous research, it would seem that Myer Stores Ltd now engages most of its retail assistants as casual employees. They are laid on and off during the day as suits the employer, very often without prior notice. On a typical Thursday, an employee may start work at nine o'clock and at 12.45 pm be told to finish at one o'clock and return at six o'clock that night. By doing that, the employer not only lays off the employees during the quiet time, but probably, more importantly for the employer, it prevents the employees claiming overtime penalties and meal allowance. It is important to understand that it is not done by a small struggling business, of the type referred to by the member for Geraldton, but is done by one of Australia's largest companies, and one recording handsome profits and rewards, especially for the likes of Lindsay Fox and for its board and executive staff.

Hon P.R. Lightfoot: Lindsay Fox has nothing to do with Myer, apart from the fact that he has a contract with them.

Hon A.J.G. MacTIERNAN: There is no doubt that the senior executives of the Coles-Myer group are doing very handsomely if one believes the evidence submitted by other shareholders in the Coles-Myer group. We are not talking about the classic case presented to us by the Government, or conservative forces generally, of the poor struggling small business. We are talking about quite contemptuous behaviour on the part of major employers who are operating very profitably with their businesses. In this case, the company is happy to force young employees to wander aimlessly around the city for hours to save itself a few dollars. We are talking about what we can expect from employers once awards are taken away and they are left to a free-for-all with the very meagre protections offered under this Minimum Conditions of Employment Bill. It is clear that these are the sorts of practices we should be eliminating, rather than paving the way with this legislative package for more of such excesses. Our contention also is that this sort of conduct does not and will not lead to the creation of one more job. In the great mass of instances it will simply mean unscrupulous employers will be able to generate higher profits.

A number of other provisions in this Bill are far too wide open. Some of those provisions have been discussed previously, but I think they are important and we should point to them again. These are provisions which are of particular concern in the absence of awards. Firstly, a minimum can be contracted out of where the employee is either permanently or temporarily physically or mentally disabled. Does that mean a person suffering from a hangover one day could find himself receiving less pay? Of course members opposite would not be familiar with that experience. Again, there is an inherent irony in this because this group of people arguably are the weakest and those most in need of protection. The Minister talks in the second reading speech about these people being dear to his heart. These people are weak not just because they are economically disadvantaged but also because they have physical or mental disabilities. These people will have absolutely no protection; they can contract out of even these meagre provisions in this legislation. Besides the inherent repugnance of the idea that these most vulnerable people should be stripped of any protection, I find it particularly objectionable that no attempt is made to link the disability with any reduced capacity to do the job. For example, a blind person could be operating a switchboard and have no requirement for sight. Such a person could function quite as capably as a sighted person in that task. There is a plethora of examples of persons with particular disabilities that do not impinge upon their capacity to do the job in question. Nevertheless, those people are still unable to rely on the minimum conditions in this Bill, in that they may be offered a workplace agreement which goes below the minimum conditions set down in the Bill which they will accept because of their desperation. We all know of the discrimination experienced by the disabled, in the assessment of their value as being less than it is, even in work they can adequately do, because of the reluctance on the part of employers to engage them.

Hon P.R. Lightfoot: The key conditions are established under the Industrial Relations Act. It is not in this Bill.

Hon A.J.G. MacTIERNAN: This Bill sets the minimum conditions to protect the workers.

Hon P.R. Lightfoot: The key conditions are established in the Industrial Relations Act.

Hon A.J.G. MacTIERNAN: I am at a loss to understand Hon Ross Lightfoot's comments. However, we seek enlightenment, and if that is the case I ask him to explain the matter. It certainly does not appear to be the structure of the troika of legislation as we understand it.

Hon P.R. Lightfoot: The industrial relations legislation will be superior to this Bill.

Hon A.J.G. MacTIERNAN: We shall look forward to Hon Ross Lightfoot explaining to us in detail how the amendments to the Industrial Relations Act will override the provisions of the Minimum Conditions of Employment Bill.

Hon P.R. Lightfoot: The Bill defers to the Act.

Hon A.J.G. MacTIERNAN: We are not aware of the provisions to which the member refers. Perhaps when I complete this address in a few minutes the member can take the opportunity to explain to us. If he is right, we will obviously revise our position. Certainly our legal advice has not made us aware of this provision. I am very surprised at what the member says but we will certainly listen to any learned debate from him.

Hon P.R. Lightfoot: Page 2 of the second reading speech contains -

Hon A.J.G. MacTIERNAN: I will proceed with my comments. I do not think it is appropriate for me at this time to refer to legislation that is not before the House.

Hon Tom Stephens: Hon Ross Lightfoot is talking about the second reading speech and not the Bill.

Hon P.R. Lightfoot: The second reading speech is a key part of the Bill.

The PRESIDENT: Order! One of the important things is to let the member on her feet speak.

Hon A.J.G. MacTIERNAN: I understand the honourable member is referring to this statement in the second reading speech -

> Apart from the Public and Bank Holidays Act and the Long Service Leave Act, the key minima in this State are established by general orders under section 50 of the Industrial Relations Act.

We would be happy for the member to show us otherwise, but I understand that the proposal under this legislative package is for the Minimum Conditions of Employment Bill to become the legislative vehicle for establishing the key minima. The statement is referring to the situation at the moment. In debating this legislation, as invariably happens when debating legislation, we are attempting to discuss and elucidate what the conditions will be once the legislation is passed. That is what we are talking about. We are saying that once this legislation is passed, we will have an iniquitous situation where people who are permanently or temporarily mentally or physically disabled will not have the protection of this Bill even where their disability has no relationship to the job that they are doing. I hope that at the Committee stage the Minister will entertain some way of perhaps cutting back the application of that contracting out provision, because it certainly is far too wide at the moment.

Another concern, and I am not sure that it has been discussed in either place yet, relates to the definition of employee. The second version of this Bill, which is now before the House, provides that employee "does not include a person who belongs to a class of persons prescribed by the regulations as persons not to be treated as employees for the purposes of this Act". Therefore, the Minister can by regulation virtually preclude any class of persons from the protection of this Bill. Unfortunately, because of the way this Bill was dealt with in the Legislative Assembly, we do not have the advantage of any enlightenment of what the Minister had in mind when he made that amendment, because that does not appear in the first version of the Bill. That Bill provides within part 3, which is purely about minimum rates of pay, that employee "does not include an employee who is paid by results on a commission or at a piecework rate instead of a weekly or hourly rate of pay". That, of course, was a particularly iniquitous provision

when we consider that a large number of jobs within the retailing and manufacturing sector lend themselves to payment on a commission or piecework basis, and that would have been a major conduit for employers to escape the need to provide the meagre protection that we find under this Bill. That definition has been taken out in the Bill now before us and we find a much broader category. We are not sure whether the Minister thought that that might have been a bit provocative so he took it out in that form and popped it into this Bill in such a way that at a later time by regulation he would be able to provide that sort of exclusion. Regardless of whether that is the sort of exclusion that he had in mind, in principle the potential for the Minister by regulation to exclude any class of persons from what must be seen as a very meagre minimum is an extraordinary provision. There are already so many exceptions in this legislation that to leave the Minister with such power is quite unacceptable. We will certainly move at the Committee stage that that provision be struck out.

This Bill must be seen in its broader context, and although for a small group of people it may provide some improvement on the existing conditions, for the vast majority of people it has potential to reduce substantially both their remuneration and working conditions. It certainly has the capacity to do that for the 79 per cent of people who are currently protected under awards. This is most likely to be a problem in areas which are not heavily unionised and where there will not be a capacity to seek the protection of the far more just Federal provisions and Federal awards that will remain in place. I hope we have outlined some of the conceptual failings of this legislation as well as some of its particular inequities.

HON SAM PIANTADOSI (North Metropolitan) [11.25 pm]: I oppose the Minimum Conditions of Employment Bill. The short title of the Bill indicates the standards which the Government, on behalf of big business, wants to set. It also proves to whom the Government is responsible and who is calling the tune in this regard. I believe that some of the people in the gallery at present may be representatives of the Chamber of Commerce and Industry and business. I recall that during a speech last week, one Government member referred to union heavies when we were talking about workplace agreements. The heavies on behalf of the union movement are not present in this Chamber but I can assure members that big business is doing very well and hopes to do very well out of this legislation because the only people who will be protected by and benefit from this legislation will be the employers, not the workers. Had this legislation been called the "Conditions of Employment Bill 1993" one could probably look at some of the suggestions that are made because they would be conditions of employment. The Minister makes it very clear in his second reading speech that the Government is looking at the minimum, but in many instances it cannot even guarantee the minimum. The Minister states -

> Most workers will have conditions in excess of these. However, none will have less.

Therefore, there is no guarantee about what this Bill will bring. The Minister continues -

> Critical to the success of any reform of an industrial relations system is the degree to which that reform provides for fair treatment of employees and employers.

I guess when we get to the Committee stage a lot of examples will be given about what will occur, but there has not been any mention of an improvement in conditions for most people. The Bill just sets out the minimum conditions. I refer to one example of a workplace agreement which has been in place in Western Australia for some years, and it is a pity that Hon Phil Lockyer is not present because I mentioned it the other day in regard to slave labour in this State. One would assume that this would occur in countries in Africa, central South America, and Asia but it happens here in Western Australia. We need look no further than the share farming situation on plantations at Carnarvon where the conditions for workers entering workplace agreements were supposed to be minimum conditions but many workers received less than the conditions guaranteed. It is recorded in *Hansard* that Hon Phil Lockyer said he did not agree with that system. However, during my 10 years in Parliament the issue has arisen on many occasions and I have not

heard of Hon Phil Lockyer trying to change the situation. Obviously, he could say that he was not in favour of it, but he took no action to change the situation. No other Government member took action either. One could conclude that perhaps this is how the Minister for Labour Relations got his ideas; perhaps he considered the system on the plantations at Carnarvon and thought it would be a good practice to follow.

Hon Ross Lightfoot referred to youth unemployment. He stated that changes to the minimum conditions would be beneficial for young people, that more people could be employed. That rhetoric has been advanced all week by the Government. The member for South Metropolitan, Hon Barbara Scott, stated that this legislation would create many jobs. Daily we have heard that 400 jobs will be phased out at the R & I Bank Ltd. Last week 1 000 jobs were lost in the Education Ministry. What will happen next week? We have heard that with many people being paid the minimum rate, more jobs will be provided in future.

The second reading speech states that the most fundamental equity consideration is the provision of an appropriate minimum standard. Government members are fundamentalists because they have made a savage attack to reduce standards. Last week, we attempted to consider the minimum rates of pay. It was stated that most people on the minimum rate will receive $275 a week. We have not been told whether that amount is a gross figure. If it is, we can assume that a $30 deduction will be made for taxation and, therefore, some families could be expected to live on $240 a week. Perhaps the Minister can clarify the situation at the Committee stage. Perhaps we should be talking about a rate of $240 a week. The Government should be honest enough to indicate the true weekly minimum rate. We could then consider how people could survive on that amount.

The second reading speech maintains that most people will benefit from minimum conditions and that for most workers the minimum conditions prescribed in an agreement or contract of employment will be in excess of the minimum rate. If a minimum standard rate is set it should apply to everyone. This aspect is not clear in the second reading speech. It is also stated that there will not be a capacity to opt out of the minimum conditions except in certain situations. Hon Alannah MacTiernan referred to disabled workers. Obviously, the possibility is that a disabled person may not be fit to work. Perhaps the Minister would like to eliminate this sort of person. Perhaps these people will be packed off as a result of these minimum conditions. Who then will employ such people? Many able people in the community find it difficult to obtain employment so how can disabled people face that situation? At the Committee stage we will canvass these matters.

The second reading speech refers to efficiencies, and we must take some action to overcome various problems. It has been said continuously in recent years that the problems occurring in Australia are linked to labour costs. However, in many instances, the problems can be linked to management in industry. Management should lift its game. Twenty years ago, the cost of labour in Australia was equated to that in Japan. Japanese workers were always used as a yardstick because Japan was breaking into many markets and was very successful. At that time, Japanese workers received around $20 a week, when most Western Australians were earning between $150 and $180 a week. At that time, one assumed there were large differences between the employment packages. The workplace agreements struck between Japanese employers and their employees included provisions which most Australians did not enjoy.

Hon Max Evans: Not now!

Hon SAM PIANTADOSI: Australians did not enjoy those conditions for many years. Japanese employers provided education for their employees' children, and housing. Hospitals and apartments were built on site by the employers. The Japanese were able to do this because the rates of pay they were paying at the time enabled them to break into many markets and become successful. Everybody benefited. At the end of the year also those workers would enjoy part of the profits. A worker had that security of a minimum deal, but the profit motive was there. His family were taken care of, his children were educated, he had security of employment and all medical expenses were paid.

Let us look at what Australian workers received during that time. If employers want to improve productivity they need to understand it is a two way process. Management has a lot to answer for with respect to the way it has managed its affairs; it has not done very well. The people targeted always are the workers. Why do Governments and management not look at the Japanese experience of workplace agreements and the experience of other nations? We do not have any employers conceding any benefits at all to balance some of the concessions workers are expected to make, yet the employers in their resolve are being completely supported by the Government's legislation.

Many people in our community will have great difficulty realising what is occurring. The Minister for Health might clarify for the House what I read in the paper, that the Minister was to spend half a million dollars to educate the community about the nature of these Bills. Is that going to happen after the event or does the community deserve to be educated before the event, so they may pass a judgment on or make some contribution to the debate on the Bill?

Casual workers may get 15 per cent but there is no assurance that will be the case. If one looks at protective mechanisms, once a worker or employee is locked into a contract most of the conditions that are laid out are biased in the employer's favour. Only a couple of conditions provide workers with at least some parity with employers. At the moment some disabled workers are entitled to save their sick leave. Some have had four or five years where they have not taken their sick leave but then have had a serious accident which had sidelined them for a time and, fortunately, they have this reserved leave which they can utilise until they recover. It can take many weeks or months before a worker has his accident claim processed. Much depends on whether the employer supports that workers' compensation claim, and how quickly the insurers are prepared to approve or fight the case. If the insurer employs the services of a solicitor with the experience of Mr Foss, a worker would be waiting a long time before he was able to secure his workers' compensation claim. The worker is left at the mercy of the employer, but at least if he had that time where he was able to save up his sick leave, he would be in a position to utilise it. There are many instances in the workplace where one would find that sick leave has been the only benefit available that the worker could rely on for income. The Government is proposing to remove this security blanket. We know what other changes are being proposed to the Workers' Compensation Act.

One cannot help but get the feeling there is an all out attack on the working class of this State. It is not just a question of minimum conditions but the rights people have at the moment to sick leave and workers' compensation. We are fortunate that the Hon Nick Griffiths has already sized up through a gut feeling what the Government may be proposing, and this is something which will be canvassed in greater detail later on. One cannot help but be suspicious of what is intended. The tragedy is that Mr Foss and other members opposite have not been in the workplace recently to find out how some people may be affected by these changes.

Hon Peter Foss: I have been there more recently than you.

Hon SAM PIANTADOSI: When does the Minister say this was - today?

Hon Peter Foss: Are you talking about visiting as opposed to being a worker?

Hon SAM PIANTADOSI: Has the Minister been on the work site, seeing how people live and suffer when they lose their house because they have not got any income as their case is still being argued, or their car gets repossessed - it one of the first things to go? There have been many instances where we had to front up to the insurers and demand money on behalf of workers. One worker ran out of sick leave. The insurance company would not pay and he had no money with which to feed his five children, the eldest of whom was 13 years of age. When we fronted up to that insurance office with Channel 7 reporters we promptly got the cheque, but on four occasions the person concerned had tried to get his money and did not. With the assistance of the media we were able to secure his money. He utilised all his sick leave and was able to survive for a period. The Government proposes that there will be no entitlement to sick leave upon termination and a worker will not be able accumulate sick leave after 12 months. What happens if a

person through either an illness or an accident is rendered unable to carry out his duties for two or three months? He will not be able to get the dole if his wife is working part time, but they still have commitments - a mortgage, a car, school fees. They have commitments, but that safety net is being removed. Leave entitlements will be eroded. People will be required to work at the normal rate of pay on public holidays. Will members of the Government and the employers they represent be working on a public holiday? Mr Stretch will be holidaying on his farm.

Hon W.N. Stretch: I will be working on a public holiday.

Hon SAM PIANTADOSI: I am sure a lot of his colleagues will be with him - at the same time as they are dictating the fate of the poor worker. I am sure he will not be enjoying himself on the farm. I am sure the boss will be enjoying himself on the river. Members opposite can laugh if they wish.

Hon Peter Foss: You can ask me any question you like, but I cannot ask you any.

Hon SAM PIANTADOSI: If the Minister wants to speak he should get up and have his say, as the President has informed members opposite on many occasions. Members opposite have received their orders from above. They cannot have their say; they are not allowed to. Members opposite can interject if they want; that is not a problem. They will not distract me from what I am saying, not one little bit.

Hon Peter Foss: Okay, I will speak next.

Hon SAM PIANTADOSI: If the Minister has the courage to have a say, I hope he does not mumble as does Hon Eric Charlton. I can confidently predict that the only Government member who will have a say on this matter will be the Minister for Health. He is the only one who has been instructed to speak.

Hon Tom Helm: And he knows the least about it.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: What a change from when members opposite were in Opposition. *Hansard* shows they were jumping over each other to have a say.

Hon Peter Foss: You have a better Government now.

The PRESIDENT: Order! I hope when they have a say they will have something to say about this Bill.

Hon Max Evans: Let us get back to the Bill.

Hon SAM PIANTADOSI: Mr President, you also said we needed to try to educate members of the Government.

The PRESIDENT: Order! I will do that; you can concentrate on talking.

Hon SAM PIANTADOSI: I remind members opposite that when they were in Opposition and the House was discussing industrial relations, not one member opposite did not get onto his feet and participate in the debate. I am not surprised that people with ambitions have been struck silent.

Hon Peter Foss: We used to hear a lot from you.

Hon SAM PIANTADOSI: Yes, on industrial relations. Unfortunately, Hon Peter Foss has not been in this Chamber for a while. I have had a lot to say on other matters too, matters that are close to most members on the Minister's side of the House. We will talk about those matters when we get to deregulation and minimum employment conditions.

The PRESIDENT: Order! You have only 15 minutes left and the Bill has 40 clauses; you will be racing to talk about it.

Hon SAM PIANTADOSI: When we get to the Committee stage we will cover those areas. If this Government is dinkum about deregulating the employment conditions of workers, why not deregulate the Potato Marketing Authority, the Egg Marketing Board, and all those areas which are dear to the Minister for Transport? No way, there is no fair play there! The Government wants to control, to make the profit, and to enjoy those special conditions.

Hon E.J. Charlton: What were you doing for 10 years?

The PRESIDENT: Order!

Hon SAM PIANTADOSI: Will the Minister for Transport support those changes too? The only changes members opposite want relate to workers' conditions. What about consumers who have to pay more? What about people who want to grow potatoes and to farm eggs, and who cannot do so? Why not give them the opportunity?

Hon Peter Foss: Why not deregulate the medical profession?

Hon SAM PIANTADOSI: The Minister for Health should keep quiet, especially when one looks at the workplace agreements of legal graduates who receive from people like Mr Foss and others $17 000 a year. That is the minimum an articled clerk is paid.

Hon Peter Foss: We pay people enormous amounts of money with no awards.

Hon SAM PIANTADOSI: The Minister is embarrassed because he is one of those employers who is paying those minimum conditions. Some of his colleagues made the news in the last couple of weeks for overcharging. Their clients had been serviced by articled clerks, yet they were charged the full rate. Again, that was the condition they were imposing on their workers. It was exploitation of the worst kind.

Hon Peter Foss: Most people I employ get paid enormous amounts without an award.

Hon SAM PIANTADOSI: The Opposition is concerned about what is occurring. The track record of the Minister for Labour Relations, Mr Quick-fix-it, is that of a man who can clean a classroom in two or three minutes and who pays only $2 an hour. His counterpart in this House who maintains and supports these changes has been exploiting university graduates.

Hon Peter Foss: Come off it! Have you any idea what those people get paid?

Hon SAM PIANTADOSI: No wonder the Opposition is concerned. Now that Hon Phil Lockyer has returned to the House -

The PRESIDENT: Order! You know that referring to members not being in the Chamber is out of order.

Hon SAM PIANTADOSI: I welcome his return to the Chamber.

Hon P.H. Lockyer: I have been out on parliamentary business.

Hon SAM PIANTADOSI: I accept that the member has been out on parliamentary business. My concern to which I referred earlier is about the slave labour in Carnarvon. Why did the member not look after the interests of the people who were exploited in Carnarvon? The member should answer that question because we want to hear his view of what occurred in Carnarvon and how it relates to this Bill.

Debate adjourned, on motion by Hon Muriel Patterson.

ACTS AMENDMENT (ANNUAL VALUATIONS AND LAND TAX) BILL

Returned

Bill returned from the Assembly with amendments.

FOOT AND MOUTH DISEASE ERADICATION FUND REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon E.J. Charlton (Minister for Transport), read a first time.

Second Reading

HON E.J. CHARLTON (Agricultural - Minister for Transport) [12.02 am]: I move -

That the Bill be now read a second time.

This Bill repeals two Acts and puts into place consequential amendments to a further Act.

It updates the procedures associated with the provision of funds to control exotic animal diseases like foot and mouth should this State ever have to deal with an outbreak. In 1959, the Parliament enacted an initial Foot and Mouth Disease Eradication Fund Act. This provided for the establishment of a fund to be used principally to assist the eradication of this disease and for the compensation of owners of animals and property which may be destroyed in order to eradicate or prevent its spread. This Act has not been proclaimed as it was decided there would be no point in establishing a fund for the specific purpose of foot and mouth disease eradication until that disease was detected in the State.

The 1959 Act was amended in 1966. In that Statute, the definition of foot and mouth disease was extended to include vesicular exanthema and vesicular stomatitis. These two diseases are also exotic to Australia and, like foot and mouth disease, are members of a group of vesicular diseases that are difficult to distinguish in the field. Although not as serious as foot and mouth disease, if exanthema and stomatitis were allowed free entry into the State and to become established it would make the quick identification of foot and mouth disease much more difficult. The 1966 Act was written to come into effect on the day on which the 1959 Act comes into operation. As I mentioned previously, neither Act has been put into effect, nor is it intended that they be.

With the passage of time it became clear that exotic diseases, in addition to foot and mouth disease, presented problems to the State's animal industries should they ever be introduced and become established. For this reason, in 1969 the thrust of the legislation was widened with the enactment of the Exotic Stock Diseases (Eradication Fund) Act. The purpose of this Statute was principally to establish a fund for the payment of compensation to owners of animals and property destroyed and of animals dying in the course of steps taken to eradicate or prevent the spread of exotic diseases in livestock. The fund is intended to receive moneys payable to the State by the Commonwealth as a result of agreements that are now in place, as well as moneys appropriated by this Parliament for the control of exotic diseases in general. The Act establishes the mechanisms that must apply to the expenditure of moneys from the fund. Thus, the 1969 Act extends the range of exotic diseases to include all vesicular diseases and others such as rinderpest, blue tongue and swine fever. Diseases can be added by proclamation from time to time. Therefore, as the three Acts stand an anomaly exists because the 1969 Act also has not been proclaimed. Like its predecessor, this awaits detection of an exotic disease in the Commonwealth or in a State. However, both the 1959 and the 1966 Acts provide for the establishment of an eradication fund, with this action to be repealed on proclamation of the 1969 Act. The Bill now before the House seeks to remove this anomaly. It is a simple piece of legislation and it has three effective purposes -

(1) it repeals the Foot and Mouth Disease Eradication Fund Act - No 4 of 1959;

(2) it repeals the Foot and Mouth Disease Eradication Fund Amendment Act - No 3 of 1966; and

(3) it repeals section 3 and the schedule to the Exotic Stock Diseases (Eradication Fund) Act - No 13 of 1969, which otherwise would have no meaning, referring to the repeal of the earlier Acts.

The net effect of the Bill is to remove two redundant pieces of legislation from the Statute books and to clearly bring financial support for the eradication of all exotic animal diseases under a single Act. It is worthy of the full support of all members of the House. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON GEORGE CASH (North Metropolitan - Leader of the House) [12.07 am]: I move -

That the House do now adjourn.

Adjournment Debate - Rock Lobster Fisheries, Amateur Control Measure

HON GRAHAM EDWARDS (North Metropolitan - Leader of the Opposition) [12.07 am]: Before the House adjourns, I draw the attention of members to a question that I put to the Minister for Fisheries last week and an answer that I received. It relates to controls that may be applied to amateur crayfishermen as they go about the generally very difficult business of trying to get a feed of crayfish off the coast. I asked the Minister for Fisheries -

(1) Is the Minister presently proposing to restrict amateur rock lobster fishermen to taking rock lobster only on -

(a) weekends, and

(b) public holidays other than weekends?

(2) If yes to (1), what is said to be the justification for such a restrictive measure?

(3) If no to (1), will the Minister immediately rule such a measure out of consideration?

(4) If no to (3), why not?

I do not know whether this proposal is being considered. However, I have been told that it is being considered which is why I asked the question. Unfortunately, the Minister did not rule out the fact that he was considering this proposal or rule out that it could be implemented because he said -

> I have established the recreational rock lobster review committee to review the current rules applying to that recreational fishery. I would consider advice from that committee on matters such as this.

I have brought up this matter tonight because the Minister has sidestepped the question. So ludicrous is this situation -

Hon John Halden: He should read what Eric said.

Hon GRAHAM EDWARDS: He may have taken advice from Hon Eric Charlton. He should have ruled out this proposal straight away, if it is being considered, because anyone who has fished for crayfish from a small boat would know that this proposal will not work. For instance, if an amateur rock lobster fisherman were restricted to being able to fish only on weekends and public holidays, when would he be allowed to put in his pots? For instance, would he be allowed to drop in his pots on Friday night and pull them out on Saturday morning? On a normal weekend he will have to remove his pots by Sunday night and take them home. For safety reasons many amateur rock lobster fishermen work in pairs and each licence holder is legally entitled to two pots. Therefore, if they are working in pairs they can pull only two pots at a time, take them ashore and then repeat the procedure. The sea breezes often come in early in the day and it is not only uncomfortable but also dangerous for the amateur fishermen to pick up or drop off their pots. It is often quite safe for them to go out in the morning because there is generally an easterly breeze.

I know that it is sometimes difficult for Ministers to answer questions. However, when they are asked a question similar to the question I referred to, they should not try to look for a hidden agenda. The question I referred to was straightforward and it demanded a straightforward reply. The Minister could have said that he was not considering a measure such as the one that has been suggested.

Provided amateur rock lobster fishermen comply with the rules and regulations, they are entitled to a feed of crayfish in the same way as the Japanese and Americans who are able to afford to buy crayfish, the product of this State's lucrative export market, are entitled to a feed of crayfish. The amateur rock lobster fishermen are entitled to a better reply than the one the Minister gave. I do not know whether the Minister is considering this proposal, which I understand was put forward by a professional group which has some concerns about amateur rock lobster fishermen taking crayfish. I know that some

professionals want the amateur rock lobster fishermen out of the water, but there are many professional rock lobster fishermen who do not mind sharing the crayfish with them. I hope the message is conveyed to the Minister that it is a ludicrous proposal and he should not even consider it.

Adjournment Debate - Minimum Conditions of Employment Bill, Remarks Denial

HON T.G. BUTLER (East Metropolitan) [12.13 am]: I take this opportunity to refer to the second reading debate on the Minimum Conditions of Employment Bill and to the fact that I was not permitted to complete my remarks. The House should not adjourn until I have had the opportunity to complete my remarks and to point out my fears about this legislation.

The PRESIDENT: Order! The member cannot carry on with the debate on that Bill in the adjournment debate.

Hon T.G. BUTLER: Why not?

The PRESIDENT: The standing orders are very clear on what members can do. We are not dealing with individual Bills now; we are dealing with the adjournment debate and the rules relating to any reference to a subject before the House apply. I will tell the member the number of the standing order.

Hon T.G. BUTLER: I was looking for it.

The PRESIDENT: I know the member would be interested in the number; it is Standing Order No 91.

Hon T.G. BUTLER: I rose to speak on the adjournment debate to make some points relating to the Minimum Conditions of Employment Bill.

The PRESIDENT: You cannot do that.

Hon T.G. BUTLER: If I cannot do it, I will not do it. Mr President, I accept your guidance, but I believe that the opportunity denied to members on this side of the House to complete their remarks is a shade disgusting.

Adjournment Debate - Minimum Conditions of Employment Bill, Adjournment Denial

The PRESIDENT: Order! Before I put the question that the House do now adjourn, I take the opportunity to apologise to Hon Tom Helm for denying him the call to adjourn the debate on the Minimum Conditions of Employment Bill. The only reason I do this is that the standing orders give the first call to the member who moves the adjournment of the debate. While it may or may not matter in this case, I actually finished up giving the call to Hon Muriel Patterson. The situation is that if Hon Muriel Patterson does not wish to speak on this Bill tomorrow and Hon Tom Helm does then he will have the call. I mention this only as a matter of procedure for tomorrow. Hon Tom Helm has been speaking so much I thought he had already spoken in this debate.

Question put and passed.

House adjourned at 12.17 am (Wednesday)

QUESTIONS ON NOTICE

FAMILIES - ONE PARENT CENTRES

147. Hon N.D. GRIFFITHS to the Minister for Transport representing the Minister for Community Development:

(1) Will the Government be redeveloping a modified model of the one parent centres specifically to cater for crisis situations and providing support in the short term to help bridge the crisis and facilitate the return to independence in the event of families in crisis through the loss of a breadwinner?

(2) If so, when?

(3) If so, what is the envisaged cost?

(4) If not, why not?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following response -

(1)-(4) Currently the Department for Community Development is undertaking a study of the needs of social services within WA. Also, the Taskforce on Families in WA is currently collating factual data, which will assist in developing options to strengthen families in WA. The one parent centres will be assessed once the task force and study are completed, so that the most effective option can be pursued to strengthen and support family structures within our State.

WESTERN AUSTRALIAN TOURISM COMMISSION - REGIONAL TOURISM, DOLLAR FIGURE ATTRIBUTION

519. Hon GRAHAM EDWARDS to the Minister for Education representing the Minister for Tourism:

What dollar figure does the Tourism Commission research attribute to regional tourism in WA -

(a) as a total; and

(b) region by region?

Hon N.F. MOORE replied:

The Minister for Tourism has provided the following answer -

(a) The Western Australian tourism monitor 1990-91 attributes $1 172.09m to regional tourism in Western Australia.

(b)

Region by region -	$m
Kimberley	60.57
Pilbara	46.50
Gascoyne	57.63
Midwest	65.46
Midlands	26.85
Goldfields	40.45
Perth	670.94
Upper South West	56.49
Lower South West	83.99
Central South	5.02
Great Southern	34.01
South East	24.18
	1 172.09

INCINERATORS - STEPHENSON AND WARD, WELSHPOOL
Environmental Protection Authority Draft Guidelines Compliance

522. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

(1) Is it the case that no incinerators in Western Australia conform to the standards set in the draft guidelines for incinerators compiled by the Environmental Protection Authority?

(2) If this is not the case, will the Minister please list those incinerators which do comply?

(3) In respect of the Stephenson and Ward incinerator on Felspar Street in Welshpool, what specifications of the EPA's draft guidelines for incinerators does this incinerator meet?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1) The draft guidelines are not standards, and do not regulate the State's existing incinerators. They are intended to assist the design, location and operation of new facilities.

(2) There is no legal requirement to comply with the draft guidelines; the acceptability of the operation of individual incinerators will be reviewed when a requirement to do so arises, as is currently the case with the Stephenson and Ward incinerator in Welshpool to which the member refers.

(3) (a) The temperature of the primary - 650 to 930°C - and secondary chamber - greater than 1 100°C - and the retention time of the secondary chamber - greater than one second.

(b) The continuous recording of temperatures in the incinerator's primary and secondary chamber.

(c) A stack - chimney - of sufficient height to disperse emissions adequately such that ground level concentrations comply with accepted ground level air quality guidelines.

PORTS (FUNCTIONS) BILL - PILOTAGE SERVICES, CONTRACTING OUT
Merchant Services Guild Consultations

552. Hon JOHN HALDEN to the Minister for Transport:

Before drafting the Acts Amendment (Port Authorities) Bill which will provide for the contracting out of pilotage services at regional ports did the Minister consult with the Merchant Services Guild?

Hon E.J. CHARLTON replied:

The provisions of the Bill, which is now termed the Ports (Functions) Bill, have been the subject of consultations between port authorities and port users. I have discussed the principle of contracting out pilotage service with the Maritime Officers Union.

COMMUNITY DEVELOPMENT, DEPARTMENT FOR - TRAINING PACKAGE FOR ABORIGINAL PEOPLE

556. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

Further to answer to question on notice 392 of 3 August, which departments have implemented the training package "Working with Aboriginal people"?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following response -

To the knowledge of the Department for Community Development, the training package "Ways of Working", available through the Centre for Aboriginal Studies, Curtin University, has been implemented in the following departments in addition to the Department for Community Development -

Homeswest
Department of Corrective Services (Ministry of Justice)
Department of State Development (Department of Commerce and Trade; Department of Resources Development)
Water Authority of Western Australia
Curtin University is currently negotiating training with the Health Department
Judiciary of WA are also receiving training (Royal Commission into Aboriginal Deaths in Custody recommendations)
The Ministry of Education uses the training package as a resource for conducting Aboriginal culture training sessions.

EDUCATION, MINISTRY OF - SCHOOL CLEANERS, CONTRACT AND DAY LABOUR

566. Hon DERRICK TOMLINSON to the Minister for Education:

(1) Does the Ministry of Education contract private cleaners for any of its schools?

(2) If yes, which schools are cleaned by private contractors?

(3) Has a relative cost assessment of school cleaning by contractors and staff cleaners been undertaken?

(4) If yes, when was the assessment made, was a report prepared, is that report available to the public, and can the Minister present a summary of the findings?

Hon N.F. MOORE replied:

(1) Yes.

(2) 20 schools as follows -

Belridge HS	John Curtin SHS	Mandurah SHS
Como SHS	Kalamunda SHS	Ocean Reef SHS
Coodanup SHS	Laverton DHS	Safety Bay SHS
Duncraig SHS	Leinster DHS	Swan View SHS
Gosnells SHS	Leonora DHS	Wanneroo SHS
Greenwood SHS	Lesmurdie SHS	Warwick SHS
Hedland SHS	Maddington SHS	

(3) Yes.

(4) The assessment was made during the months of April, May and June 1993. An internal report was prepared for Ministry corporate executive for use in its deliberative processes. As the report is internal only, it is not available to the public. Options including continuing with a mix of contract and day labour or with moving solely to contract cleaning, were considered.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

570. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) For the financial year ending 30 June 1994 what items are proposed to be manufactured at the Midland Workshops?

(2) What is the estimated cost of the manufacture of those items in each case to Westrail?

(3) What volume of each item is to be manufactured?

Hon E.J. CHARLTON replied:

(1)-(3)

Providing responses to questions on notice 570-580, 582-583, 604 and 607 would be an extremely time consuming and costly exercise and I am not prepared to commit resources to this task. However, if the member wishes to pursue the questions, I would be pleased to arrange a meeting for him with the Commissioner for Railways.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

571. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) In the financial year ending 30 June 1993 what items were manufactured at the Midland Workshops?

(2) What was the cost to Westrail of the manufacture of those items?

(3) What volume of each item was manufactured?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

572. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) In the financial year ended 30 June 1992 what items were manufactured at the Midland Workshops?

(2) What was the cost to Westrail of the manufacture of those items?

(3) What volume of each item was manufactured?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

573. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) In the financial year ended 30 June 1991 what items were manufactured at the Midland Workshops?

(2) What was the cost to Westrail of the manufacture of those items?

(3) What volume of each item was manufactured?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

574. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) In the financial year ended 30 June 1990 what items were manufactured at the Midland Workshops?

(2) What was the cost to Westrail of the manufacture of those items?

(2) What volume of each item was manufactured?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - ITEMS MANUFACTURED

575. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) In the financial year ended 30 June 1989 what items were manufactured at the Midland Workshops?

(2) What was the cost to Westrail of the manufacture of those items?

(3) What volume of each item was manufactured?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

576. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What was the cost of maintaining Westrail rolling stock in the financial year ended 30 June 1989?

(2) At what venues was the maintenance carried out?

(3) What specific maintenance work was carried out at each venue?

(4) What was the cost of the maintenance work carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

577. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What was the cost of maintaining Westrail rolling stock in the financial year ended 30 June 1990?

(2) At what venues was the maintenance carried out?

(3) What specific maintenance work was carried out at each venue?

(4) What was the cost of the maintenance work carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

578. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What was the cost of maintaining Westrail rolling stock in the financial year ended 30 June 1991?

(2) At what venues was the maintenance carried out?

(3) What specific maintenance work was carried out at each venue?

(4) What was the cost of the maintenance work carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

579. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What was the cost of maintaining Westrail rolling stock in the financial year ended 30 June 1992?

(2) At what venues was the maintenance carried out?

(3) What specific maintenance work was carried out at each venue?

(4) What was the cost of the maintenance work carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

580. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What is the estimated cost of maintaining Westrail rolling stock in the financial year ending 30 June 1994?

(2) What are the envisaged venues where the maintenance will be carried out?

(3) What specific maintenance work will be carried out at each venue?

(4) What is the envisaged cost of the maintenance work to be carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - PRIVATE SECTOR WORK, INDEPENDENT MARKET SURVEY

582. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) Has the Minister advised the Shire of Swan with respect to the Midland Workshops, that the possibility of getting extra work from the private sector was explored but an independent market survey showed the scope for this was very limited?

(2) If so, what explorations other than an independent market survey was carried out?

(3) Who carried out the independent market survey?

(4) When was the independent market survey carried out?

(5) What was the cost of the independent market survey?

(6) What were the instructions to those carrying out the independent market survey?

(7) When did the Minister receive the results of the independent market survey?

(8) Who authorised the independent market survey?

(9) Will the Minister table the independent market survey?

(10) If not, why not?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - MONEY LOSS, OTHER OPTIONS

583. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) With respect to the Midland Workshops has the Minister for Transport advised the Shire of Swan that "under all of the options looked at, workshops would still continue to lose a lot of money"?

(2) What options were looked at?

(3) Who looked at the options?

(4) When were the options looked at?

(5) When was the Minister advised of the options looked at in each case?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

MIDLAND WORKSHOPS - REORGANISATION; EQUIPPING; WORK POTENTIAL FOR OUTSIDE CUSTOMERS

604. Hon N.D. GRIFFITHS to the Minister for Transport:

On 13 October 1992, the Commissioner for Railways, Dr Gill, said to the Legislative Council Standing Committee on Estimates and Financial Operations "The Midland Workshops have been scaled down in recent years, and in fact the number of full time equivalent employees in 1991-92 was 1 060 and this year is expected to be 890, so there has been and in fact will be a further reduction in the number of people there, but at the same time the Midland Workshops are being reorganised and equipped for a strong future in the railway industry, serving both Westrail and the NRC, and they have the potential for work for outside customers". *Hansard*, 13 October 1993, page 83.

(1) What reorganisation took place?

(2) What equipping for a strong future in the railway industry took place?

(3) What was the cost of the equipping?

(4) What was the potential for work for outside customers?

(5) What is the potential for work for outside customers?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

WESTRAIL - ROLLING STOCK MAINTENANCE

607. Hon N.D. GRIFFITHS to the Minister for Transport:

(1) What was the cost of maintaining Westrail rolling stock in the financial year ending 30 June 1993?

(2) At what venues was the maintenance carried out?

(3) What specific maintenance work was carried out at each venue?

(4) What was the cost of the maintenance work carried out at each venue?

Hon E.J. CHARLTON replied:

I refer the member to the answer given to question 570.

ESPERANCE IRON ORE PORT FACILITY - KWINANA PORT

609. Hon J.A. SCOTT to the Minister for Transport:

In relation to the proposed development of the Port of Esperance for the shipping of iron ore, is the Minister aware that -

(a) the Port of Kwinana is closer by 75 km to Koolyanobbing than the Port of Esperance;

(b) there is a 2.5 km buffer zone between the Kwinana Port area and the residential zone, compared with the 100 metre buffer zone;

(c) two wharf facilities are available for use, one being BHP Steel Works jetty No 2 and the other being Fremantle Port Authority bulk cargo jetty No 2; and

(d) the Kwinana rail line is in much better condition than even the proposed upgraded Esperance line being capable of handling 24 tonne axle loads as opposed to 20.5 tonne axle loads on the Esperance line?

Hon E.J. CHARLTON replied:

I am aware that there are some factors which appear to favour the

shipment of Koolyanobbing iron ore through Fremantle, rather than Esperance, but that Portman Mining, after a detailed evaluation of all the relevant factors, has made a commercial decision to ship through Esperance.

EDUCATION, MINISTRY OF - INTELLECTUALLY HANDICAPPED, SCHOOLS WITH RESIDENTIAL FACILITIES
Iris Litis School, Kellerberrin

612. Hon KIM CHANCE to the Minister for Education:

(1) Does the Ministry of Education provide school facilities for the intellectually handicapped which are attached to, or adjacent to residential facilities, whether operated by the Ministry or not, other than at Iris Litis School in Kellerberrin?

(2) If so, can the minister provide -

(a) the names of these schools;

(b) each school's capacity;

(c) each school's current enrolment; and

(d) each school's location?

(3) Do any of these schools have a waiting list of students whose parents require residential facilities but cannot obtain them?

(4) Are parents of intellectually handicapped children who make enquiry to the Ministry of Education and its district offices about the availability of schools which offer integrated or adjacent residential facilities, advised of the existence of Iris Litis School?

(5) If so,

(a) is this advice given only to those parents who live near Kellerberrin; or

(b) is this advice given to all parents who inquire, regardless of the locality?

(6) If parents are not advised about the existence of Iris Litis School, why are they not advised?

(7) Is the Minister aware of any parents of intellectually handicapped children who are seeking either long or short term residential school facilities and have not been able to obtain such facilities?

(8) If so, what attempt has been made by the Ministry of Education to inform these parents of the Iris Litis School and the Iris Litis Hostel?

Hon N.F. MOORE replied:

(1) Yes.

(2) (a) Sir David Brand School. Wongan Hills Education Support Centre.

(b) 60 students; 16 students.

(c) 57 students; 11 students.

(d) Glick Street, Coolbinia; Wongan Hills District High site.

Other students with intellectual disabilities who live in hostels are bused to education support facilities.

(3) This area is the responsibility of the Authority for Intellectually Handicapped Persons and, hence, the Minister for Disability Services.

(4) Yes.

(5) (a) No.

(b) Yes, but it should be noted that it is the responsibility of the Authority for Intellectually Handicapped Persons to advise parents of students with intellectual disabilities about residential facilities.

(6) Not applicable.

(7) This area is the responsibility of the Minister for Disability Services.

(8) Refer to answers to (4)-(7).

MAIN ROADS DEPARTMENT - FARRINGTON ROAD, NORTHLAKE, TRAFFIC CALMING REJECTION

Farrington Road, Maintenance Responsibility, Cost

614. Hon J.A. SCOTT to the Minister for Transport:

(1) Is the Minister aware that the Main Roads Department has rejected proposals by the City of Melville and the City of Cockburn for traffic calming on Farrington Road in Northlake?

(2) Why has the MRD rejected traffic calming on Farrington Road?

(3) Which agency is responsible for the maintenance of Farrington Road?

(4) What was the total cost of road maintenance on Farrington Road over the last five financial years?

Hon E.J. CHARLTON replied:

(1)-(4) This road is under the control of the Melville and Cockburn City Councils. I understand the Main Roads Department has not been approached by either of these councils for traffic calming measures for Farrington Road. Maintenance costs for this road are the responsibility of the local governments concerned and it should be possible to obtain that information from them.

TWO PEOPLES BAY NATURE RESERVE - NATIONAL PARK PROPOSAL

621. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Two Peoples Bay nature reserve is classified by the Royal Australasian Ornithologists Union as the most internationally significant site for endangered bird species in Australia. The proposal to change the classification of the reserve to a national park would increase commercial and recreational activity in the reserve and would seriously threaten the survival of one of Australia's rarest birds and many other bird species.

(1) Is the Minister aware that the proposed change of status of the Two People's Bay nature reserve could jeopardise the Federal funding for the noisy scrub bird (Atrichornis clamosus) recovery plan by changing the emphasis of the reserve from conservation to recreational and commercial uses?

(2) The Minister has stated in a recent press release that he is aware that the greatest threat to the survival of the noisy scrub bird is fire. As the birds prefer sites which have not been burnt for 30 to 40 years how would the Minister ensure that with increased human usage of the reserve the birds would be protected from the increased risk of fire?

(3) Is the Minister aware that the proposal to treble the size of the buffer zone infringes on the prime habitat for the western bristle bird and will have adverse impacts on this endangered species?

(4) Will the Minister ensure that the protective buffer zone is not managed by fire and jeopardise the survival of many species irrespective of the status of the reserve?

(5) Is the Minister aware that increased visitor use of the reserve will increase the spread of dieback, which is already a problem in the reserve?

(6) Is the Minister aware that the reclassifying of the reserve to a national park would mean the diversion of management criteria from conservation of the noisy scrub bird to meeting the pressures of increased visitor load?

(7) What resources have been put into the noisy scrub bird recovery program by the State Government and the Federal Government?

(8) Why is the Minister prepared to jeopardise the future of this bird and risk the many years of work and resources spent on this project by reclassifying the nature reserve to national park status?

(9) Why after many years of work and application of resources has this time been chosen to change the status of the reserve?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

The proposal that the Two Peoples Bay nature reserve become a national park has the status of a recommendation in a draft management plan released for public comment. The recommendation will be given careful consideration when the management plan is finalised in the light of public comment and scientific information. The period available for public comment for the Two Peoples Bay draft management plan was extended to 30 September 1993, and I encourage anyone interested in the management of the area to forward his comments to CALM as soon as possible. All comments will be carefully considered and the plan amended as necessary. The member assumes that a change in status of Two Peoples Bay nature reserve to national park would increase commercial and recreational activity and would reduce emphasis on conservation of rare species. Such an assumption is not warranted. A change from nature reserve to national park would also require parliamentary approval.

(1) I am not aware of any suggestion that a change in the reserve's status to national park would in any way jeopardise Federal funding for part of the noisy scrub-bird recovery plan.

(2) A small part of the Two Peoples Bay nature reserve has been used for recreation ever since it was declared in 1967. The recommendation to change the reserve's purpose to national park, if implemented, would not necessarily significantly increase human usage above present levels. Many visitors come to the reserve to see and hear the rare birds and follow other natural history pursuits; others come to picnic, fish, use the beach and launch small boats. The draft plan proposes that visitor usage be redirected towards low peak times of the year. The draft management plan also proposes that the reserve continues to be closed to visitors when the fire danger is extreme and that visitor numbers be restricted when existing facilities are full. There have been no wildfires resulting from human activity in areas occupied by noisy scrub-birds since 1970.

(3) The proposal to increase the size of the low fuel buffer across the Mt Gardner peninsula was made because the vegetation in the existing buffer is degrading and becoming unsuitable for western bristlebirds. This degradation is due to heavy grazing of recently burned areas by western grey kangaroos. The aim is to maintain the low fuel buffer, and so prevent a single fire affecting the two

populations of the noisy scrub-bird at the reserve, and at the same time maintain extensive areas of western bristlebird habitat.

(4) The use of prescribed fire to manage vegetation and habitat, and decrease the risk of extensive wildfire is an option for this reserve, as it is for many others. Fire is a natural part of most Western Australian ecosystems. Fire will not be used as a management tool if there is a significant risk of it jeopardising the survival of any species.

(5) Increased visitor use of Two Peoples Bay reserve will not necessarily increase the spread of dieback. Dieback was widespread in the area long before it was reserved. Fortunately, dieback does not have an adverse effect on the reserve's threatened bird species. The draft plan states, "The impact of walkers on paths introducing and spreading dieback disease, which is widespread in the reserve, has been assessed. No areas that can be protected from spread of dieback disease are placed at risk by these alignments. Access will be restricted or other management actions taken, if necessary, to minimise spread of the disease."

(6) I do not understand what the member means by diversion of management criteria. I do not accept that a change in purpose of the reserve will mean that a higher proportion of management resources will be used for the visitor control. There are numerous examples in Australia and worldwide where threatened species are successfully conserved in national parks.

(7) In 1992-93 the Federal Government provided $47 200 towards the implementation of the noisy scrub-bird recovery plan. Estimated expenditure by the State Government via CALM was $294 700.

(8) I do not accept that a change to national park would jeopardise the conservation status of the noisy scrub-bird or any other species on the reserve. The primary goal will still be conservation of the biota of the reserve, including the noisy scrub-bird and the western bristlebird. Conservation effort directed at threatened species in Western Australia is not determined by land tenure.

(9) The draft management plan was prepared because the current plan is out of date.

WESTRAIL - *COUNTRYMAN* SUPPLEMENT, NO ADVERTISING

652. Hon JOHN HALDEN to the Minister for Transport:

Why did Westrail not advertise at all in the special Dowerin field day *Countryman* supplement?

Hon E.J. CHARLTON replied:

Westrail saw no commercial advantage in advertising in the *Countryman* supplement.

WESTRAIL - LOCOMOTIVES 3'6" N1879, N1878, N1881, NA1871, WRITTEN OFF

N-NA classes Maintenance and Repairs Cost, Replacement Units

653. Hon JOHN HALDEN to the Minister for Transport:

(1) Have the current 3'6" locos N1879, N1878, N1881 and NA1871 been written off?

(2) If so, for what specific reason/s?

(3) Is it correct that these locos, ordered by a previous Liberal Government in the late 1970s have had a very short working life and incurred extremely high rates of failures per 10 000 kilometres?

(4) Is it also correct that these alco locos were not favoured by railwaymen when first on trials and many alterations had to be made, over 19 months, before they were accepted by the unions?

(5) Can the Minister give costs of maintenance and repairs of N/NA class per 10 000 kilometres compared to the much older A and AA classes?

(6) Is it correct that these locos could only be operated between the metropolitan area and Manjimup because of a poor cooling system?

(7) Is it correct that trial running on the great southern rail line proved too hot and N class units failed before reaching Narrogin?

(8) Is it correct that the reason Westrail lost the chance of selling the N/NA classes to Emu Bay Railway of Tasmania was the poor distance of running before failure?

(9) What units will Westrail use to replace the N/NA classes in the south west?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) The locomotives were not cost efficient and were surplus to Westrail's business requirements.

(3) No, the N and NA class locomotives have been worked hard over a 15-year working life which is considered reasonable. However, the failure rate was higher than other narrow gauge locomotives.

(4) No. However, the locomotives did experience some early problems such as exhaust fumes filtering into the cab, an occasional burst diesel fuel line and overheating of the expressor. These problems were overcome.

(5) Listed below are the repair - off schedule - and scheduled maintenance costs per 10 000 km. It should be noted that the N and NA class locomotives were costlier to maintain than the A and AA class locomotives because they were employed on a heavier load task.

	N & NA			A			AA		
	Repairs	Maintenance	Total	Repairs	Maintenance	Total	Repairs	Maintenance	Total
	$	$	$	$	$	$	$	$	$
1989-90	6 610	1 457	8 076	724	538	1 262	2 403	863	3 266
1990-91	6 324	2 490	8 814	918	504	1 422	2 399	1 181	3 580
1991-92	5 459	1 127	6 586	1 035	474	1 509	2 558	1 416	3 974

(6) No. Initially the N and NA class locomotives had a problem with overheating expressors. This was solved by providing multiwinged fans on N class locomotives and the installation of compressors on NA class locomotives.

(7) No. Westrail has no record of these locomotives being trialled on the great southern railway.

(8) No. Refer to the answer to question 484.

(9) The tasks previously performed by the N and NA class locomotives will now be provided by locomotives from Westrail's existing fleet of narrow gauge locomotives.

ERN HALLIDAY CAMP - NO PRIVATISATION OR SALE
Aboriginal Sports Foundation, Funding

656. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

(1) Can the Minister confirm that the Ern Halliday Camp, managed by the Ministry for Sport and Recreation, will not be privatised or sold for redevelopment?

(2) Can the Minister also confirm that funding for the Aboriginal Sports Foundation will be fully maintained?

Hon N.F. MOORE replied:

(1) As the member would be aware a marketing plan is being finalised for all the camps for which the recreation camps and reserves board is responsible. That plan will contain recommendations for all camps. Until I receive and consider that plan I cannot provide any further information.

(2) Funding will be provided for the foundation this year, and I am awaiting a budget submission from them.

TAFE - BROOME AND KUNUNURRA REGIONAL TAFE CENTRES, SATELLITES OF HEDLAND COLLEGE, COMMITTEE ESTABLISHMENT

708. Hon TOM STEPHENS to the Minister for Education:

(1) Has the Minister established a committee to consider, among other things, a proposal that Broome and Kununurra Regional TAFE Centres become "satellites" of Hedland College?

(2) If so, what are the full terms of reference of this committee?

(3) What are the names and relevant background of the members of this committee?

(4) Will the committee be visiting Broome?

(5) If so, will the committee meet and consult with people from the Broome Regional TAFE Centre?

(6) If so, who will the committee be meeting and consulting?

(7) Will the committee be visiting Kununurra?

(8) If so, will the committee meet and consult with any people from the Kununurra Regional TAFE Centre?

(9) If so, who will the committee be meeting and consulting?

Hon N.F. MOORE replied:

(1)-(2) I have arranged for all interested providers to meet to explore means of better coordinating, and collaborating in, the provision of vocational education and training programs in the Kimberley region. There is no proposal, however, for the Broome and Kununurra TAFE centres to become "satellites" of Hedland College.

(3) Representatives of the vocational education and training providers in attendance were -

Malcolm Goff, Assistant Executive Director (Client Services), Department of Employment, Vocational Education and Training
Sister Pat Rattigan, University of Notre Dame, Broome
Greg Robson, A/Executive Director, Human Resources, Ministry of Education
Ron Dullard, Catholic Education Office
Anne Matheson, Executive Officer, Agricultural and Pastoral IETC
Eric Hayward, WA Aboriginal Education Consultative Group

Eric Formby, Hedland College
Jeff Gooding, A/Executive Director, Kimberley Development Commission
Tom Goode, DEVET (Executive Officer).

Jim Thom, from my office, convened the group.

(4) The group met in Broome on Tuesday, 14 September.

(5) No formal consultative mechanism for the process was seen to be necessary, as each provider representative would consult with his own constituencies.

(6) Not applicable.

(7) No formal visit to Kununurra is planned.

(8)-(9) Not applicable.

STEPHENSON AND WARD INCINERATOR - WASTE, MANUFACTURED INDUSTRIAL PRODUCTS; WASTE CLASSIFICATION

751. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

(1) Does the Stephenson and Ward incinerator incinerate waste from industrial manufacture of products other then pharmaceutical products?

(2) If yes,

(a) which is/are the product/s; and

(b) what waste does its/their manufacture produce?

(3) On what basis and why does Western Australia class wastes from the industrial manufacture of pharmaceutical products as chemical waste when the New South Wales EPA classes such waste as hazardous waste?

(4) What wastes are included in the Western Australian EPA category -

(a) chemical waste; and

(b) hazardous waste?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

(1) No.

(2) Not applicable.

(3) There is no formal waste classification system in Western Australia. Wastes are typically classified on an industry by industry base.

(4) No formal waste classification system exists in Western Australia. Both the Environmental Protection Authority and the Health Department of Western Australia, which is responsible for waste in Western Australia, rely on the 1986 Australian Environmental Council's classification as a guideline.

QUESTIONS WITHOUT NOTICE

STATE BUDGET - ROAD SPENDING INCREASE $34.7m

424. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister unequivocally support the contents of the Premier's press release dated 16 September 1993, titled "Road spending increased by $34.7m" outlined in Budget statement No 9?

Hon E.J. CHARLTON replied:

Yes.

BIKEWEST - BUDGET

425. Hon JOHN HALDEN to the Minister for Transport:

Regarding the Premier's comment in the same press release that Bikewest's budget for 1993-94 of $1.54m represented a doubling of its previous year's budget in line with the coalition's pre-election promise, will the Minister confirm that the Bikewest budget has been doubled?

Hon E.J. CHARLTON replied:

Yes.

BIKEWEST - BUDGET

426. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister confirm that the Bikewest budget is $1.54m and that $143 000 came from the Bikewest trust account, meaning that Bikewest has $1.683m available for 1993-94?

Hon E.J. CHARLTON replied:

The figures the member is quoting relate to the previous situation, part of which was within the time of the previous Government, in which all the funding made available was not spent. However, this Government has honoured its commitment to double the amount previously budgeted for Bikewest. That is what we are doing.

BIKEWEST - BUDGET

427. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister confirm that of the $1.5m provided by way of Social Advantage grants last year, Bikewest has completed and paid for work valued at approximately only $150 000 in 1992-93, and that approximately $400 000 of work completed and not invoiced prior to 30 June 1993 will be taken from the financial year 1993-94?

Hon E.J. CHARLTON replied:

That is correct. Just as the member has mentioned to me on more than one occasion regarding road funding and occasions on which contracts are not completed -

Hon John Halden: You have not answered that question yet either!

Hon E.J. CHARLTON: The member likes to kick with the wind whichever way it blows; he likes to suit himself. I will not speculate on the exact figures quoted -

Hon John Halden: I said approximately.

Hon E.J. CHARLTON: - but the principle of what the member says is correct.

BIKEWEST - BUDGET

428. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister confirm that over 50 per cent of Bikewest's 1993-94 allocation is unspent Social Advantage grants allocated in 1992-93?

Hon E.J. CHARLTON replied:

No. This year the allocation from Treasury for Bikewest is an allocation in this year's Budget. Although we can argue about what is left in Treasury unspent from last year remaining to be credited or taken across into this year's Budget, the fact is that the year has gone and the money was not spent. We made a commitment that we would ensure -

Hon John Halden: Disgraceful deception!

Hon E.J. CHARLTON: It is not! The fact is that the money was not spent last year. If one keeps doubling up, it is like long service, holiday or sick leave in that one can add to them ad infinitum with the authority to do so. In this case the Government does not apologise and is not trying to hide anything: This Government has doubled the allocation of the previous year, and a commitment was given that that would be done.

BIKEWEST - BUDGET

429. Hon JOHN HALDEN to the Minister for Transport:

After taking out the Social Advantage grants from this year's allocation to Bikewest, is it not correct that last year the allocation was $770 000 and this year the figure will be only $733 000?

Hon E.J. CHARLTON replied:

Mr President, the member can -

Hon John Halden: Gotcha again!

Hon E.J. CHARLTON: No. The member can talk all he likes about the Social Advantage package.

Hon John Halden: This is a trick with mirrors.

Hon E.J. CHARLTON: The previous Government told the world about the Social Advantage program and that it would do wonderful things for the community. This was done to win the election. The previous Government told people that the money was available, but it was never put out. This Government, without fanfare, has simply responded to a policy and election commitment to double the allocation to Bikewest. Upon coming to Government we found, in spite of the public relations grandstanding of the previous Government, that all the money had not been made available. Why did the previous Government and the member not put the money into the system?

Hon John Halden: It was taken over three years.

Hon E.J. CHARLTON: The member should not put up his fingers like that - it is not very nice! We said that we would ensure that the basic amount intended to be allocated last year would be doubled this year.

PORTMAN MINING LTD - ESPERANCE PORT AUTHORITY
Stockpiling and Loading Facilities Funding

430. Hon J.A. SCOTT to the Minister for Transport:

The Budget papers outline that $4.95m for the stockpiling and loading facilities at Esperance for the shipping of iron ore for Portman Mining Limited is to be paid for by borrowings of the Esperance Port Authority.

(1) Given this outlay, what surety does the Government have that the loan will be recouped, given that its entrepreneurial partner, Portman Mining, has been under investigation by the Australian Securities Commission, and that its managing director, Brian Johnson, previously the Chairman of Pennant Holdings Limited, went into receivership?

(2) Can the Minister explain why Charles Copeman, a champion of the cause of independence from Government intervention and deregulation, and Chairman of Portman Mining, is to receive this public money to establish his private venture?

(3) Does this outlay of public money for a private project suggest that the Government is moving back into the entrepreneurial field, in a

manner similar to that of Western Australian Development Corporation under the previous Government?

Hon E.J. CHARLTON replied:

I thank the honourable member for some notice of his question.

(1)-(2)

The $4.95m for stockpiling and loading facilities is not going to Portman Mining Limited to establish this private venture. The funds are being borrowed by the Esperance Port Authority to finance the construction of facilities which in turn will become an asset for the authority's future use.

I am not prepared to comment on the Managing Director of Portman Mining as that is a matter for the Australian Securities Commission and the courts. However, I remind members that Portman Mining remains committed to spending $6m to $7m on the port to complement the port authority's expenditure. This is an important project for Esperance, the surrounding region and the State overall. Jobs and income will be generated by its implementation, and the benefits will be widespread. That is why the Government is supportive of the port authority in its development of the project.

(3) No.

ESPERANCE PORT - STOCKPILING AND LOADING FACILITIES USE

431. Hon J.A. SCOTT to the Minister for Transport:

Supplementary to my previous question, who else will use the storage and loading facilities at the Esperance port?

Hon E.J. CHARLTON replied:

As this will be an asset of the port authority, it will stand for future use by any arrangement of the Western Australian port authority for the export of minerals or other commodities from the Esperance port. As the member will probably know if he has delved into this matter, many options are available for the port in exporting commodities. Therefore, I am extremely supportive of this development. I want to see it happen and I do not take kindly to people attempting to stop it.

STATE BUDGET - TAXES, FEES, FINES REDUCTION, A PERCENTAGE OF GROSS STATE PRODUCT

432. Hon MARK NEVILL to the Minister for Finance:

Has the Government succeeded in its 1993-94 Budget in reducing general Government taxes, fees and fines as a percentage of gross State product?

Hon MAX EVANS replied:

I would ask the member to put that question on notice for fear of my not being able to be specific.

LAND TAX - PARLIAMENTARY INQUIRY

433. Hon MARK NEVILL to the Minister for Finance:

I refer to the pre-election promise to freeze land tax pending the outcome of a parliamentary inquiry into land tax and water rates and the fact that this promise has been broken in the State Budget, with big increases in land tax for many businesses. Does the Minister intend to conduct such a parliamentary inquiry or is this yet another broken promise?

Hon MAX EVANS replied:

An inquiry relating to a land tax review was set up by the previous Government which, to a large extent, recommended an increase in land tax on private residences and a 100 per cent land tax on schools, churches, etc. We decided not to accept those recommendations. Something had to be done in respect of overcoming the position. We could have put up land tax. We all agreed that legislation should go through to enable new valuations to have a common date, which came into effect on 30 April this year. We have dropped the scale from 10 stages to eight. The rate of two per cent applies to properties valued at $1m, not $150 000. This method has addressed the problem much more quickly than would any of the inquiry's recommendations. It will raise $6m less in land tax than was raised last year. Some people will pay more land tax because they were underpaying previously because of the fixed valuations; however, others will pay less.

Hon Mark Nevill: Will there be any parliamentary inquiry?

Hon Max EVANS: We are looking into how this decision has been accepted. I think members will find that it has been very well received.

ABALONE FISHERIES - ILLEGAL TRADE ESTIMATE; ADDITIONAL OFFICERS

434. Hon GRAHAM EDWARDS to the Minister representing the Minister for Fisheries:

Given concerns raised publicly by Fisheries Department officer, Mr Little, on the Australian Broadcasting Corporation over poaching of abalone stocks, can the Minister advise -

(a) Have additional Fisheries Department officers been allocated to protect fishing areas?

(b) If not, why not?

(c) What is the department's estimate of illegal abalone trade in Western Australia, and is it increasing?

Hon E.J. CHARLTON replied:

(a)-(b)

The special investigations section will focus on monitoring abalone fishing activities. A two man team is currently in the Esperance area gathering information for future operational planning. It is proposed to base two mobile abalone patrol units at Esperance and Augusta, respectively. The cost of operating these units will be wholly funded by the licensed commercial abalone divers.

(c) The department's estimate is that the current trade of illegally taken abalone in Western Australia is low, but the rapid increase in the price of this product will create the potential for increased unlawful activities.

FISHERIES DEPARTMENT - MANAGEMENT PAPER 54, DISCUSSIONS

435. Hon GRAHAM EDWARDS to the Minister representing the Minister for Fisheries:

(1) Can the Minister confirm that he has held discussions with Mr Keith Pearce, Chairman of the Zone C Professional Fishermen's Association, over that association's response to fisheries paper management No 54?

(2) What was the outcome of those discussions?

(3) Will the Minister provide the same opportunity for individual discussions with other chairmen of professional fishermen's associations regarding fisheries paper management No 54?

Hon E.J. CHARLTON replied:

(1) I have held no individual discussions with Mr Keith Pearce about fisheries paper management No 54?

(2) Not applicable.

(3) While this is not applicable, I did meet with all Rock Lobster Association presidents on 2 September 1993 so that association views could be put to me.

SCHOOLS - COMO SENIOR HIGH
Gymnasium-Performing Arts Centre Funding

436. Hon CHERYL DAVENPORT to the Minister for Education:

Does the Budget capital works program contain funding for a gymnasium-performing arts centre at Como High School? This was a proposed joint venture between the Ministry of Education and the City of South Perth for which the city has paid $2.5m.

Hon N.F. MOORE replied:

No.

NATIONAL MEDICAL ENTERPRISES - SHAREHOLDING IN AUSTRALIAN MEDICAL ENTERPRISES

437. Hon SAM PIANTADOSI to the Minister for Health:

Further to my question of 24 July 1993, can the Minister confirm -

(1) That National Medical Enterprises of the United States of America has a 38.66 per cent shareholding in Australian Medical Enterprises?

(2) That R.M. Griffin and R.D. Walker are involved with, have served on or are serving in any senior role associated with National Medical Enterprises?

(3) If yes to (2), what action does the Minister, together with the Commissioner for Health, intend to take to rectify the breach of the Health Act 1927?

Hon PETER FOSS replied:

(1) My advice is that National Medical Enterprises in the United States of America holds a 38.66 per cent share in Australian Medical Enterprises Ltd.

(2) My advice is also that R.M. Griffin and R.D. Walker have not held any position associated with National Medical Enterprises.

(3) This part does not arise.

NATIONAL MEDICAL ENTERPRISES - SHAREHOLDING IN AUSTRALIAN MEDICAL ENTERPRISES

438. Hon SAM PIANTADOSI to the Minister for Health:

Is the Minister aware that National Medical Enterprises held that 51 per cent stake in Australian Medical Enterprises, not 38.66 per cent as the Minister reported in answer to my question of 24 June?

Hon PETER FOSS replied:

No, I am not aware of that.

KAEMPF, MAXINE - HEALTH DEPARTMENT EMPLOYEE, MEETING AT GRACE VAUGHAN HOUSE

439. Hon KIM CHANCE to the Minister for Health:

(1) Is the Minister aware of a meeting held in Grace Vaughan House at

4.00 pm on Friday, 17 September 1993, to which an employee of the Health Department was summoned to meet with the principal industrial officer of the Health Department of Western Australia, Maxine Kaempf?

(2) If so, did Ms Kaempf threaten to take legal action against the employee as an individual if he or she continued to criticise Health Department management?

(3) Is it correct that two of the three letters written by the employee and produced as evidence of criticism of management, in fact, related to occupational health and safety matters and were written by the employee in his or her capacity as a health and safety representative?

(4) Is it correct that an employee who is a health and safety representative has legal immunity in respect of issues raised with the employer relating to health and safety issues?

(5) Was Ms Kaempf exercising powers granted to her by Health Department policy in this matter?

(6) If not, what action will the Minister take to ensure Health Department employees are not so threatened in future?

Hon PETER FOSS replied:

I had absolutely no knowledge of the events prior to the question being asked. I now have some information which I will relate to the House, but I must confess that I have not had an opportunity to investigate the matter. My information is -

(1) Following receipt of a number of complaints by staff at Lemnos Hospital, a meeting was arranged by north metropolitan health region with Mr Nigel Beckett and his two union representatives from the Australian Nursing Federation, Mr Wayne O'Brien and Ms Judith Quinlivan. Ms Maxine Kaempf was invited by the north metropolitan health region to attend this meeting. This meeting took place on 17 September 1993.

(2) Miss Kaempf did not threaten to take legal action against Mr Beckett; however, procedures were outlined by which the conflict issues between Mr Beckett and management could be resolved.

(3) The correspondence discussed during the meeting concerned issues of conflict between management and Mr Beckett. None of these issues causing conflict was an occupational health and safety issue. The parties at the meeting gave a commitment to adopt procedures towards the resolution of conflict.

(4) The primary purpose of the meeting was to find resolutions between the parties in a consultative manner relating to all industrial issues raised. The parties did not address matters relating to occupational health and safety.

(5) Yes.

(6) I will continue to support a consultative and conciliatory approach to matters of conflict at the workplace. I stress that I have not had the opportunity to investigate the matter personally. If the member does wish me to do so, I will be happy to.

KAEMPF, MAXINE - WORKPLACE DEUNIONISATION STATEMENT

440. Hon KIM CHANCE to the Minister for Health:

(1) Is the Minister aware that at a meeting in Grace Vaughan House on 17 September 1993 the Principal Industrial Officer of the Health Department of Western Australia, Ms Maxine Kaempf, told an employee and representatives of the Australian Nurses Federation that it was the goal of management to deunionise the workplace and cited the Government's industrial relations legislation as the basis for her actions?

(2) If so, can the Minister advise whether Health Department of Western Australia's industrial officers have been given any indication by the Government that the deunionisation of the workplace is to be management policy?

(3) If not, what action will the Minister take to ensure that Health Department senior staff are correctly advised?

Hon PETER FOSS replied:

It must be obvious from my previous answer that, of course, I was not aware of any such statement. I suppose, to that extent, the second question does not require an answer. Nonetheless, it is not Government policy to de-unionise the workplace. I am not sure from where that impression was gained. As I indicated to the member, I am happy to look into the matter. If someone has misinterpreted the Government's policy I will make sure that is corrected.

HOMESWEST - INDEPENDENT APPEALS TRIBUNAL, CARRAVICK REPORT

441. Hon T.G. BUTLER to the Minister representing the Minister for Housing:

(1) Is the Minister aware that the Carravick report, commissioned by Homeswest to investigate the Homeswest Independent Appeals Tribunal, recommended the retention of the appeals tribunal, with some structural changes to its operations?

(2) If yes, what were Mr Carravick's reasons for recommending retention of the tribunal?

(3) What were Mr Carravick's reasons for recommending the establishment of a permanent board of members?

(4) What recommendation did Mr Carravick make regarding premises for the tribunal?

(5) Is he aware that Mr Carravick recommended modification of the tribunal mainly to reflect its independence from Homeswest?

(6) On the strength of these recommendations, is the Minister, who is new to the Housing portfolio, prepared to review the previous Minister's endorsement of the recommendations to close the tribunal?

(7) If yes, what is the timetable?

(8) If not why not?

Hon MAX EVANS replied:

I thank the member for some notice of his question. The Minister for Housing has provided the following reply -

(1) Yes.

(2) Mr Carravick's terms of reference did not require him to make a recommendation on this issue. His recommendation gives emphasis to the need for a mechanism; whether the mechanism is delivered by a tribunal or some other entity by different name will need close consideration. Further, the entity administering the process may well engage in additional activities.

(3) Mr Carravick recommended the establishment of a board of directors whose role would be to ensure comprehensive strategic planning, shaping of the appeals mechanism, quality control, the maximisation of service to the appellants, policy formulation and overall effectiveness management.

(4) Mr Carravick recommended that new premises be designed and constructed for the specific needs of tribunal operations and having

particular regard to the elements of location, customer friendly environment and maximum productivity and that the expenditure saved in relation to the existing remuneration of chairpersons - from an hourly rate to an annual salary - be redirected, in part, to meet the design and construction costs of the new premises.

(5) Yes

(6) No.

(7) Not applicable.

(8) In addition to the deficiencies identified by Mr Carravick in his report, Homeswest identified a number of other difficulties which resulted in the closure of Homeswest's Independent Appeals Tribunal. These include the cost of appeals at approximately $2 000 an appeal and the inability of the tribunal to hear appeals within a reasonable time. More than 500 appeals are currently outstanding, and some of those have been waiting more than 12 months. There were difficulties on some occasions when the tribunal's decisions conflicted with Homeswest's policies and Homeswest raised serious evidentiary concerns about the credibility accorded to officers' statements by the tribunal.

SCHOOLS - GREENFIELDS-COODANUP AREA, NEW PRIMARY SCHOOL FUNDING

442. Hon J.A. COWDELL to the Minister for Education:

Can the Minister give an assurance to the House that the urgent educational needs of the Greenfields-Coodanup area will be met by the allocation of funds from this Budget for a new primary school?

Hon N.F. MOORE replied:

I ask the member to put that question on notice.

OLYMPIC BID - WESTERN AUSTRALIA, HOST CONSIDERATION

443. Hon GRAHAM EDWARDS to the Minister for Sport and Recreation:

(1) In advance of the year 2000 Olympic bid, has the Government taken steps to identify any sporting events which Western Australia could host as a lead up to those Olympics, should the Sydney Olympic bid succeed?

(2) If yes, what event is the Government considering pursuing?

Hon N.F. MOORE replied:

(1)-(2)

If Sydney were successful in gaining the Olympic bid for the year 2000, it is possible that Western Australia will be considered for the world swimming championships in, I think, 1999. That will be considered once the decision is known on where the Olympics will be hosted.

SCHOOLS - COODANUP SENIOR HIGH
School Based Police Officer Appointment

444. Hon J.A. COWDELL to the Minister for Education:

When does the Government intend to honour its election promise to appoint a school based police officer to Coodanup Senior High School?

Hon N.F. MOORE replied:

I ask that that question be put on notice; I do not know the details.

CONSUMER AFFAIRS, MINISTRY OF - RURAL INVESTIGATORS SECTION, CHANGES

445. Hon KIM CHANCE to the Minister for Consumer Affairs:

(1) Is it proposed to close, downgrade, transfer or otherwise change or limit the rural investigators section of the Ministry of Consumer Affairs?

(2) Is the Minister aware of the exceptional role this section has performed and the high regard that is held for its head, Mr Rob Harrington, by country people?

(3) If yes to (1), what alternative arrangements will be put in place to allow rural people access to a consumer affairs unit which is able to understand issues of a nature specific to rural people?

(4) If yes to (1), what arrangements will be made to ensure country people will still have access to Mr Rob Harrington?

(5) Were undertakings given by the Deputy Premier that the rural investigations section would not only remain open but also be more adequately resourced?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) It is not proposed to close, downgrade or otherwise limit the services provided to rural consumers by the Ministry of Consumer Affairs. Contrary to the assumption in the question, there is no rural investigators section in the present structure. Although the ministry employed one officer with the job titled Conciliation Officer (Rural), ministry services to rural consumers are provided by a range of officers based at head office and at regional offices in Albany, Bunbury, Geraldton, Kalgoorlie and Karratha.

(2) Mr Harrington is not the head of a section, but is one of 13 conciliation officers employed in one branch of the ministry under the direction of the conciliation manager. I believe the community generally holds the ministry's staff in high regard because of the quality of service provided to all Western Australians. It would not be appropriate for me to comment on the performance of any particular officers.

(3) Under its new structural arrangements, the ministry will be organised around a number of industry-specific specialist teams which will provide a full range of services to clients. The nature of the problem - for example, whether it a machinery, a credit or a sale of goods issue - rather than the location of the consumer, will determine who handles a particular request.

(4) The ministry's conciliation services are provided by a number of officers of different classifications with substantial experience in conciliating disputes. The allocation of cases to individual officers has always been, and will continue to be, made by the relevant team managers rather than by the person seeking assistance.

(5) I am not aware of any commitment made by the Deputy Premier on this matter. However, I reiterate the point made earlier that there is no intention to diminish the services available to rural consumers.

MINES REGULATIONS ACT - MINIMUM NOISE LEVEL, 90 dB

446. Hon MARK NEVILL to the Minister for Mines:

(1) Has the Minister received representation from the mining industry to

increase the maximum noise level, under the Mines Regulations Act, to 90 dB?

(2) If so, from whom has he received representations?

Hon GEORGE CASH replied:

(1) No.

(2) Not applicable.

HOSPITALS - NORTHAMPTON DISTRICT
Downgrading, Public Meeting

447. Hon KIM CHANCE to the Minister for Health:

I express my appreciation for the Minister's reply to my previous question.

(1) Has the Minister received the letter from the Northampton District Hospital action group requesting that he, the Premier and the member for Greenough attend a public meeting to discuss the downgrading of the hospital?

(2) Can the Minister confirm that he, the Premier and the member for Greenough will attend a public meeting in Northampton?

(3) What is the date of that meeting?

(4) If a suitable date has not yet been confirmed, when will a date be confirmed?

(5) Given the Minister's repeated commitments to visit Northampton to discuss the downgrading of the hospital with local groups, will he again apologise to the town for the poor handling of the matter?

Hon PETER FOSS replied:

(1)-(5)

I should make it clear that there will be no downgrading of the Northampton District Hospital; rather there will be an upgrading of its services to something more pertinent to the situation in the town. If everyone assumes that everything I say now is prefaced by those words, I will proceed to answer the rest of the question. I arranged to go to Northampton during this month but was requested by the persons in charge of the matter - namely, the hospital board and the consultative committee - to defer my attendance until they completed their requirements. I recently wrote to a member of the action group indicating that I would take that advice. I have made it clear that I am prepared to go whenever necessary. However, I will take the advice of the local council, the board and the consultative committee as to when it would be appropriate for me to attend. The letter relating to the attendance of the member for Greenough and the Premier may have arrived in my office, but I am not aware of its contents and therefore cannot give details of it. However, I will be acting on the advice of the three organisations to which I referred previously because they are the appropriate ones to give me that advice.

SENIORS' WEEK - GRANTS

448. Hon KIM CHANCE to the Minister for Transport representing the Minister for Seniors:

Will the Minister provide the following details of grants made by the Office of Seniors' Interests and/or the "Life. Be In It" office for Seniors' Week?

(1) Which organisations or individuals have received grants?

(2) What is the value of each grant?

(3) Did any organisation in Geraldton receive a grant?

(4) Did any organisation which received a grant last year not receive a grant this year?

(5) If so, what were those organisations?

(6) Were the organisations in (5) informed of the changes made by the Government in the administration of Seniors' Week?

(7) Who will be providing the coordination for Seniors' Week in Geraldton this year?

Hon E.J. CHARLTON replied:

The Minister for Seniors has provided the following reply -

(1)-(2)

Shire of Busselton	$1 000
Pilbara Development Commission	$1 000
City of Nedlands	$200
Home and Community Care, Kojonup	$250
City of Wanneroo	$300
City of Fremantle - Stan Reilly Centre	$325
Warren Blackwood Home and Community Care	$250
Fremantle Community Day Centre	$50
City of Melville	$500
Toodyay Share and Care	$500
Mandurah City Senior Citizens' Centre	$600

(3) No. No applications were received from Geraldton for Seniors' Week grants in 1993.

(4) Yes. Receiving a grant in any one year does not imply that the same organisation will receive a grant the next year. As funds are limited, grants are made on the basis of the merit of each application and judged against standard criteria.

(5) In 1992, 16 small grants were allocated averaging $300. The organisations which received a grant in 1992 but which did not receive a grant in 1993 were Derby Senior Citizens, Eastern Goldfields Senior Citizens Inc, Geraldton Seniors' Week Committee, Gosnells District Home Help and Support Service Inc, Mirambeena Day Care, Mosman Park Nursing Home, Town of Narrogin, Parkinsons Association of WA Inc, Sampaguita Centre Inc, St Augustines Anglican Church, Town of Claremont, Westcare Family Support Scheme, and Woodridge Senior Citizens' Committee.

(6) As part of the strategy to inform the community of Western Australia about Seniors' Week, three newsletters were sent to a wide range of organisations on the Seniors' Week mailing list. The first newsletter sent in June-July 1993 contained information on the changes in administration of Seniors' Week 1993.

(7) The Office of Seniors' Interests and "Life. Be In It" as the contracted project managers for Seniors' Week 1993 encourage as many community groups as possible to organise Seniors' Week events. Regional coordination of these events is not the responsibility of the Office of Seniors' Interests or "Life. Be In It", but the local community. Local communities are invited to register their events with "Life. Be In It" for inclusion in the Seniors' Week information telephone Linkline, so that interested

members of the public can obtain details of Seniors' Week activities in their areas.

THIRD PARTY INSURANCE - $50 LEVY
Motor Vehicle Licence Plates, Pro rata Rebates

449. Hon MAX EVANS (Minister for Finance):

In answers to questions without notice 361 and 366, both asked by Hon Reg Davies last Tuesday, 14 September, I indicated that where a vehicle owner surrendered his licence plates before the expiry of the licence, pro rata rebates would be payable on the unexpended portions of both the compulsory third party insurance premium and the $50 premium levy. In fact, rebates are not payable on the premium levy, which was raised in accordance with section 3T(1) of the Motor Vehicle (Third Party Insurance) Act to fund the accumulated deficit. The premium income generated by the premium levy is not related to underwriting the risk insured by policies issued after 1 August 1993, being the date the premium levy was imposed. Now the facts have been brought to my notice, the pro rata rebate on the premium levy will be reviewed.

MINISTERIAL TRAVEL - MINISTER FOR POLICE, CHARTER AIRCRAFT TRIPS

450. Hon GEORGE CASH (Leader of the House):

I table an additional answer to question on notice 415, answered on Wednesday, 15 September. With respect to the answer provided in paragraph 4(c) to question on notice 415 I am advised by the Minister for Police that, at the last minute, Hon Kevin Minson, MLA was unable to attend the opening of the police station at Carnamah and his place on the charter was taken by Hon M.D. Nixon, MLC. I seek leave of the House to table the correct version of that answer.

Leave granted. [See paper No 585.]