WESTERN AUSTRALIA

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Wednesday, 9 April 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 11.00 am, and read prayers.

STATEMENTS - SPEAKER

Budget Speech Delivery

THE SPEAKER (Mr Strickland): I advise members that as I have acceded to the Treasurer's request that he read the budget speech at 2.00 pm on Thursday, 10 April, I will take questions on notice from 12.30 pm on that day for a period of approximately 30 minutes. Accordingly, private members' statements will commence at 12.20 pm.

Also, under the guidelines for the parliamentary televising system, I have authorised live broadcasting of the budget speech for all television stations. Permission has also been given for photographers from the print media to take photographs tomorrow during the budget speech, but photographers have been directed not to intrude into the Chamber in any way.

GENDER REASSIGNMENT BILL

Council's Message

Message from the Council received and read notifying that it had agreed to the Bill and seeking the Assembly's concurrence.

Speaker's Ruling - Bill Out of Order

THE SPEAKER (Mr Strickland): I have had an opportunity to consider the provisions of the Gender Reassignment Bill, and in my view it appropriates revenue and, in accordance with section 46 of the Constitution Acts Amendment Act 1899, the Bill can only be introduced in the Legislative Assembly, not the Council. For the benefit of all members, I will make a few preliminary comments before I turn to the specifics of this Bill.

Section 46 is the provision of our Constitution which allocates power to each House in respect of legislation. It is the vital section which represents the differences between the Houses and is therefore central to our constitutional system under which the Assembly is the House which determines which group of people forms Government. The section displays a recognition that with government goes financial control and it therefore deals with power in relation to what are often referred to as "money" Bills.

The section has a number of aspects, but its main principles are that: Appropriation or taxing Bills must originate in the Assembly; the Council may reject but may not amend taxing Bills, loan Bills or Bills appropriating revenue for the ordinary annual services of government, although it can request the Assembly to make amendments; the Assembly may not tack other matters onto taxing Bills or Bills appropriating revenue for the ordinary annual services of government and thereby preclude the Council from amending those other provisions; and an appropriating Bill may not be passed unless the Assembly in that session of Parliament has received a message from the Governor recommending the appropriation.

Therefore, Bills appropriating revenue must originate in the Legislative Assembly and must also be supported by a message from the Governor. As the Governor acts on the advice of the Premier and Government when providing a message, this leaves financial control in the hands of the Government, in turn supporting the Assembly as the House which determines who will be in government.

The section does not exist in a political vacuum. It is not forgotten that the Council has the capacity to send the Assembly to an election by denying Supply without facing the people itself until the end of its four-year term. The Council has the power to request amendments to a money Bill or reject it outright. These capacities are a powerful check on such legislation - more powerful than those in most comparable Legislatures. Awareness of these capacities, particularly the election situation, may in part explain why the Assembly has always taken a strong stance in relation to the differences between the Houses in financial capacity.

Subsection (9) of section 46 is also important in that it protects the validity of any Act after enactment, notwithstanding any apparent transgression of section 46 during its passage through the Houses. In other words, it is up to the Houses themselves to ensure that their respective rights and powers are maintained, as the courts cannot interfere in the process.

I turn now to the specific matter before the House. The first part of section 46(1) provides the following -

> Bills appropriating revenue or moneys, or imposing taxation, shall not originate in the Legislative Council;

This House has a longstanding practice of determining whether a Bill appropriates revenue. If a Bill has the effect of creating new costs against the consolidated fund, or creates a potential or contingent liability for those costs, it is considered to be a Bill appropriating revenue. The House does not require there to be specific words in the Bill appropriating revenue before classifying a Bill as one which appropriates revenue.

Various attempt have been made by drafters over the years to circumvent the provisions of section 46, but the House continues to look at the effect of the Bill to determine whether it appropriates revenue.

The Gender Reassignment Bill would, if enacted, establish a gender reassignment board. Provision is made for the Minister to determine remuneration and allowances for the board members, and the Bill requires that the services of an executive officer and such other officers as are necessary for the proper functioning of the board be provided. Those officers may either carry out their duties in conjunction with the functions of any other office in the Public Service or be solely dedicated to the board.

I quote from a ruling of Speaker Barnett on 23 November 1988 when he ruled out of order the Children's Court of Western Australia Bill as an appropriating Bill originating in the Legislative Council -

> It has been a long established practice of the House to guard jealously its initiative in respect of financial matters. Without wearying the House with the recital of the numerous precedents on this matter, I would simply say that over the years Bills which have attempted to establish tribunals, trusts, boards of control, commissions and bodies of a similar nature have regularly been treated as coming directly under the provisions of subsection (8) of section 46 of the Constitution Acts Amendment Act.

Subsection (8) requires a message from the Governor for Bills appropriating revenue, and the same test is used in determining whether a Bill should originate in the Assembly.

The board and its support arrangements proposed in the Gender Reassignment Bill at the very least create a contingent liability for new costs against the consolidated fund and the Bill therefore appropriates revenue. Accordingly, as the Bill originated in the Legislative Council in contravention of section 46(1) of the Constitution Acts Amendment Act, I rule it out of order.

Standing Orders Suspension

MR BARNETT (Cottesloe - Leader of the House) [11.12 am]: Mr Speaker, the Government obviously accepts your ruling and the reasons you give for it, both in terms of constitutional requirements and the practice that has evolved in relation to the conduct of business between the two Houses of Parliament. This legislation is important to the Government. I understand it has bipartisan support and that members opposite support its re-establishment and debate in this House and then obviously its reintroduction and debate in the upper House.

In accepting your order, but also to ensure that this Bill does not lapse or is not unnecessarily delayed, I move -

> That so much of standing orders be suspended as is necessary to allow the Gender Reassignment Bill (No 2) to be introduced without notice and to proceed up to and including the motion for the second reading at this sitting.

Question put and passed with an absolute majority.

GENDER REASSIGNMENT BILL (No 2)

Leave to Introduce

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

> That leave be given to introduce a Bill for "An Act to allow reassignment of gender and establish a Gender Reassignment Board with power to issue recognition certificates; to make consequential amendments to the Constitution Acts Amendment Act 1899 and the Registration of Births, Deaths and Marriages Act 1961; to amend the Equal Opportunity Act 1984 to promote equality of opportunity, and provide remedies in respect of discrimination, on gender history grounds in certain cases; and for connected purposes.".

First Reading

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

> That the Bill be now read a first time.

Second Reading

MR PRINCE (Albany - Minister for Health) [11.16 am]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to enable persons who have undergone reassignment procedures to obtain a recognition certificate indicating that they have undergone a reassignment procedure and are of the gender stated in the certificate. People suffering from gender dysphoria and who have completed medical procedures to alleviate their condition will gain legal recognition of their reassigned gender under this proposed legislation. It is estimated that at least 250 people in Western Australia suffer from gender dysphoria, of whom about 80 have undergone gender reassignment procedures.

Presently in Western Australia the law which determines the gender of a person is the biological - that is, chromosomal - identity of a person. Gender reassignment does not alter the chromosomal identity of a person. Therefore, such a person, who has undergone reassignment surgery, retains - for the purposes of WA law - their gender of birth.

The Bill has three main purposes. Firstly, to establish a gender reassignment board which will be able to issue recognition certificates to persons who have undergone, whether in Western Australia or elsewhere, gender reassignment procedures. Secondly, to enable the Registrar General to register the reassignment of gender as indicated on the recognition certificate and to issue a new birth certificate showing the person's gender in accordance with the altered register. Thirdly, to provide protection from discrimination on the ground of gender history where a person has undergone reassignment procedures.

Gender reassignment legislation was enacted in South Australia in 1988, and recently in the Australian Capital Territory, New South Wales and the Northern Territory. Similar legislation also exists in other countries, including Germany, Greece, Italy and Holland, and at least 25 jurisdictions in the United States allow for the issue of new birth certificates, as do a number of Canadian provinces.

The Commonwealth has also, in some instances, recognised the reassigned gender of a person - for example, the Department of Foreign Affairs and Trade has provided Australian passports showing the person's gender as the gender of their reassignment. However, such passports are not to be interpreted as indicating the Commonwealth Government's view of that person's general legal status. However, for the purposes of the Social Security Act a gender reassigned person is recognised as a person of their reassigned gender.

The proposed legislation does not deal with questions relating to marriage. The legal status of persons for the purpose of marriage is governed by the Marriage Act of the Commonwealth Parliament. This Bill does not intend to alter or overturn the provisions of the Marriage Act and, for example, in that regard the Bill provides that a recognition certificate cannot be issued to a person who is married.

The Bill will establish a Gender Reassignment Board which, before issuing a recognition certificate, must be satisfied that the person believes his or her true gender is the gender to which the person has been reassigned; has adopted a lifestyle and has the gender characteristics of a person of the gender to which that person has been reassigned; and has received proper counselling in relation to his or her gender identity.

If the applicants had the reassignment procedure carried out in Western Australia or their birth is registered in Western Australia or they are and have been resident in Western Australia for not fewer than 12 months and the board is satisfied in relation to those criteria, a recognition certificate may be issued.

The recognition certificate will be conclusive evidence that the person to whom it refers has undergone a reassignment procedure and is of the gender stated in the certificate. The Bill also proposes that an equivalent certificate issued under a corresponding law will have the same effect as a Western Australian recognition certificate.

Where a recognition certificate is produced to the Western Australian Registrar General, that reassignment of gender must be entered on the register and the Registrar General must, unless otherwise requested by the person, issue a birth certificate showing the person’s gender in accordance with the register as altered.

The Bill also proposes that appeals against the decision of the board lie to the Supreme Court. The Bill also proposes to amend the Equal Opportunity Act. The Bill will protect persons who have obtained a recognition certificate and who are discriminated against in, for example, work, education, accommodation and sport on the ground of their gender history.

The provisions in the Bill deal with this discrimination in the same areas as covered by other grounds of discrimination in the Equal Opportunity Act. This gender reassignment legislation will assist persons who have undergone reassignment procedures by clarifying their legal status and rights. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

STATEMENT - MINISTER FOR HOUSING

Government Employees Housing Authority - Airconditioning Policy

DR HAMES (Yokine - Minister for Housing) [11.20 am]: I have pleasure in informing the House that Cabinet has agreed to change the government employees' airconditioning policy to include the wheatbelt and the eastern goldfields. This means that more than 790 homes and units occupied by Western Australian government employees, including teachers and police officers, will now be airconditioned. Under the old policy only areas which averaged 50 days above the qualified point on the relative strain index were eligible to have GEHA housing airconditioned. Cabinet has agreed to extend the policy south to cover areas which average 22 days above the index, which means that public servants working in 56 towns in an area from Northam to Kalgoorlie can now be provided with airconditioned accommodation. Until now, only public service employees posted to the State's north from Eneabba and inland to Menzies were allocated airconditioned premises. The project will cost $3.03m to install ducted evaporative airconditioning by the start of next summer and tenders will be called over the next few months for private contractors to carry out the work over the winter period.

GEHA housing included in the old boundaries has refrigerated airconditioning which is expensive to run and is offset by a power subsidy. Housing included in the new zone will not be eligible for the subsidy; however, evaporative airconditioning, which uses less energy, will be installed.

Kalgoorlie is by far the biggest winner from the policy change. A total of 276 GEHA properties there will now be airconditioned. Others which also gain significantly include Merredin, 73 properties; Moora, 47 properties; Kambalda, 34 properties; and Norseman, 32 properties. These areas can get extremely hot in summer and providing airconditioning will significantly improve the standard of accommodation offered to government employees. It will not only make life easier for those already living in these regions, but also help to make country postings more attractive.

People living in GEHA accommodation have often left their own homes to transfer to regional areas and it is important that living conditions be as good as possible. I believe an improvement such as this will be particularly welcomed by hundreds of employees in the eastern goldfields, especially those who have been seeking relief from the harsh climatic conditions for many years.

BILLS (6) - INTRODUCTION AND FIRST READING

1. Appropriation (Consolidated Fund) Bill (No 1).

2. Appropriation (Consolidated Fund) Bill (No 2).

3. Treasurer's Advance Authorization Bill.

4. Limitation Amendment Bill.

   Bills introduced, on motions by Mr Court (Treasurer), and read a first time.

5. Statutes (Repeals and Minor Amendments) Bill.

   Bill introduced, on motion by Mr Court (Premier), and read a first time.

6. Water Legislation Amendment Bill.

   Bill introduced, on motion by Dr Hames (Minister for Water Resources), and read a first time.

CURRICULUM COUNCIL BILL

Second Reading

MR BARNETT (Cottesloe - Minister for Education) [11.30 am]: I move -

That the Bill be now read a second time.

The introduction of this Bill represents a significant step towards curriculum reform for schools in Western Australia. It provides for the establishment of the Curriculum Council and the repeal of the Secondary Education Authority Act 1984. The need for the Bill stems from the work of the review of school curriculum development procedures and processes in Western Australia, which was set up in 1994 by my predecessor, Hon Norman Moore, and which was chaired by Mrs Therese Temby, the Director of Catholic Education. I am delighted that Mrs Temby is present in your gallery, Mr Speaker. The review, which reported to Government in September 1995, identified a number of shortcomings. In particular, that there was no common curriculum framework for schools in Western Australia; there was an uneven spread of curriculum documentation and support materials; there was a lack of involvement of non-

government schools and the community in curriculum development processes; there was insufficient coherence within the curriculum between the different levels of schooling; and there was inconsistency in the planning and provision of professional development to support curriculum change. The key recommendation stemming from the review was that the Government proceed to establish a curriculum council for the purpose of developing and implementing a curriculum framework for all schools, government and non-government, from kindergarten to year 12. The review also recommended that the existing functions of the Secondary Education Authority should be incorporated into the functions of the Curriculum Council. The review was released in September for a three month consultation period. The 38 submissions which were received all supported the review's findings.

In December 1995, the then Minister for Education released a ministerial statement announcing the Government's acceptance of the recommendations of the review within the context of the submissions on the review. The Minister also announced the formation of an interim Curriculum Council to commence work on the curriculum framework. In July 1996, the Government established a department specifically to resource the interim Curriculum Council, the various learning area committees and community reference groups formed to provide advice and direction on curriculum development and to prepare the way for the establishment of the Curriculum Council. Since then, a significant amount of progress has been made. In addition to undertaking consultation on the provisions of this Bill with the various education sectors, the interim Curriculum Council will shortly finalise the draft curriculum framework for public consultation.

The objects of the Bill are to establish the Curriculum Council; provide for the development and implementation of a curriculum framework for schooling which, taking account of the needs of students, sets out the knowledge, understanding, skills, values and attitudes that students are expected to acquire; provide for the development and accreditation of courses of study for post-compulsory schooling; and provide for the assessment and certification of student achievement in post-compulsory schooling. The Bill will make a substantial difference to schooling in Western Australia. For the first time there will be a comprehensive coverage and continuum of learning opportunities for students from kindergarten to year 12 that will be common to both government and non-government schools. The disjointed nature of curriculum between primary and secondary and year 10 into year 11 will be addressed to assist with a smoother transition for students between these stages of schooling within and between schools in all systems. Government and non-government schools will have a forum where they can cooperatively develop courses and curriculum support materials; collaboratively offer professional development for teachers which is directed at the highest priorities and supports curriculum change; and debate curriculum and student learning issues. In the past, most schools in all systems used syllabuses developed by the Education Department, with individual schools modifying or adding to the syllabuses as they saw fit. The result was a lack of consistency, cohesion and collaboration between schools with regard to curriculum development and usage. There will be an assurance that the goals of the curriculum will be made clear to students, teachers, parents and the community. Schools will report back to parents the extent to which students have reached these clearly defined goals. Parents will know and understand the curriculum basis against which schools will report. For the first time, the Bill will establish a structure in which the community will have a comprehensive and ongoing opportunity to be involved in curriculum development and policy across all levels of schooling. In the past community consultation with regard to curriculum development has been nominal and somewhat ineffective.

The Bill provides for a council comprising a chairperson and 11 members appointed by the Minister, and the chief executive officer as a non-voting, ex officio member. It is important that the major stakeholders are involved in the council, as one of the principal aims of this council is to encourage and facilitate cooperation and collaboration between the various sectors involved in education. It is equally important that this representation is balanced with classroom teacher, parent, industry and general community expertise, reflecting the emphasis on broad community involvement in curriculum development. Likewise, the council has a very significant role spread across the entire school spectrum, from early childhood through to the young adult years of upper secondary school. Although it is not always possible to ensure that every interest is represented, the composition of the council has been structured to achieve a sense of balance while ensuring that the size of the council is manageable. Of the 11 members appointed by the Minister, three are to have experience and expertise in industry, education or community affairs; two are to be nominated by the Director General of Education; one is to be nominated by the Catholic Education Commission; one is to be nominated by the Association of Independent Schools of Western Australia; one is to be nominated by the Chief Executive Officer of the Department of Training; one is to be appointed from nominations submitted by the five universities; and one is to be representative of the interests of teachers. This appointment is a matter for the Minister and the Minister may consult any body on this appointment. Nevertheless, the Act requires that there be consultation with the State School Teachers Union of WA and the Independent Schools Salaried Officers' Association. One member is to be representative of the interests of parents. Again, this appointment is a matter for the Minister and the Minister may consult any body on this appointment. However, the Act requires that there be consultation with the WA Council of State School Organisations and the Parents and Friends Federation of Western Australia. Following discussion with my colleague Hon Barbara Scott, it has been agreed that in order that the

interests of the early childhood education sector are represented on the council, Hon Barbara Scott will move an amendment during the Committee stage in the Legislative Council to add a twelfth member with expertise and experience in early childhood education to be appointed by the Minister. The Government will support that amendment.

The curriculum framework will cover kindergarten through to year 12 and will be mandatory for all schools, whether government or non-government, and for home schooling. The framework will not be limiting on a school or a system. It will set out exactly what students should know, value and be able to do as a result of programs built around the curriculum framework. The curriculum framework will utilise an outcomes based approach. This represents a major shift away from a focus simply on educational inputs and timetables towards one which emphasises the desired results or outcomes of schooling. By making known at the outset the intended outcomes or expected results, the appropriate components and the time required can be identified and included in the curriculum rather than simply loading the curriculum with unnecessary material and classroom sessions. The real power of an outcomes based approach to curriculum development is that the driving force behind the curriculum will always be to make it possible for students to actually achieve the outcomes. For example, outcomes will include students understanding the meaning, use and connection between addition, multiplication, subtraction and division, and students writing for a range of purposes and forms using conventions appropriate to audience and context.

In order for curriculum outcomes to work, they must be able to be demonstrated by students in a routine school environment. They must be sufficiently clear for the teacher to make a judgment about whether a student has achieved them or, if not, the extent to which they have been achieved. Utilising an outcomes based approach, the curriculum framework will provide a common basis for school curriculum development. It will make explicit the learning outcomes which all Western Australian students should have the opportunity to achieve; it will enable schools to develop teaching and learning strategies which are responsive to individual needs and rates of progress; it will provide direction in structuring teaching programs; it will help schools to monitor student progress and report to parents and others. In effect, the curriculum framework will provide the base foundation for the curriculum by specifying the expected outcomes of schooling. The framework will not prescribe the curriculum. That will be a matter for the school to develop according to its circumstance and special ethos and the background of its students. Put another way, the curriculum framework will require common outcomes for all students regardless of who they are, which school they go to or where they are from. However, the framework approach will allow for variation in curriculum to achieve those outcomes. A critical part of the legislation is the obligation on the council to develop the necessary curriculum support materials and professional development plans required to support implementation of the framework.

One of the most significant features of the Bill is the emphasis on collaboration with education and training bodies and with the community. The interim Curriculum Council, which has been working on the development of the framework, has established an extensive committee structure involving a very wide range of people from schools, education and the community to assist in this important task. This structure includes committees covering each of the major learning areas which are the arts, English, health and physical education, languages other than English, mathematics, science, society and environment, and technology and enterprise. Membership of these learning area committees includes people with curriculum and classroom teacher expertise from the major systems, schools, TAFE, universities and professional associations. The objective has been to provide for expertise as well as a balance of experience across the entire school spectrum, from early childhood through primary to secondary, while keeping the size of the committees manageable.

The interim Curriculum Council has also established community reference groups to work with each of the eight learning areas. These groups have wide ranging membership, including parents, practitioners and people with broad community interests. These groups are significant in that they provide community input at the beginning of the curriculum process. In April, the draft framework will go to the main education and training bodies for refinement before being released as a public consultation draft for consideration by teachers and the community in July this year.

In my view, the interim Curriculum Council has correctly structured its expert learning area committees by ensuring that the total school spectrum is reflected on these committees. It is very easy, for example, for those with secondary or university experience to forget the needs of primary schools and, in particular, to lose sight of the early childhood education requirements. For this reason, I will direct the council to continue the practice of including within learning area committees people with expertise and experience in early childhood education. Likewise, the interim Curriculum Council's approach to ensuring that its committee structure includes practising classroom teachers is an approach which the council will be requested to continue. The committee structure will also include expertise and experience in Aboriginal education, students with special needs, and rural and remote education.

As noted previously, one of the most significant aspects of the Bill is the involvement of the community in curriculum. Through the commitment to consultation embedded in clause 16, this Bill now offers the opportunity

for sustained community involvement in curriculum. This involvement has already begun with the community reference groups working alongside the learning area committees. As I have indicated, their work will shortly be subjected to community wide consultation. I expect this approach of real community involvement in curriculum development to be continued and enhanced by the council.

Values: While not defined in the legislation, the concept "values" has been included as constituting an integral part of the curriculum framework. The embedding of ethics and civics within the curriculum framework will be a difficult task but is essential if we are to convey positive messages to students and contribute to students building a sense of pride in themselves, their school and their country.

The challenge will be to identify the common core of ethical values and standards of citizenship which all students should develop and which a school or teacher could reasonably be expected to be accountable for students developing. In trying to sharpen the focus on specifying the schools' accountability, it is most important that the value is not reduced to the extent that students see no connection between what is tried to be achieved in the curriculum and the broader value itself.

Members should note that the interim Curriculum Council has already developed a position paper on values which has been distributed in a newsletter to schools and other interested parties. It includes values associated with social and civic responsibility such as participation in the democratic process and the promotion of social justice. It also includes basic values such as respect for life and property and respect for legitimate authority.

When the curriculum framework is released for public comment in July, teachers and the public will have the opportunity to comment on the extent to which these values have been built into the framework, whether they work, and whether other values should also be included.

Inclusivity: It will be very important for the Curriculum Council to recognise that the children and young adults in this State are very diverse. Some live in the city and others in remote locations. Some speak English as their first or only language while others do not. Some have gifts and talents. Others have difficulty in learning. The curriculum framework must provide a basis for programs which challenge all students. For these reasons, the Bill requires that the curriculum framework be an inclusive framework for all students in Western Australia. This means that the curriculum framework will provide access to the widest possible and most empowering range of knowledge and skills for all groups; be structured and delivered so that groups of students achieve appropriate outcomes; and recognise the different knowledge and experience of different groups of students.

Special Ethos: A significant feature of the Bill is its requirement under clause 16 that in the performance of its functions, the council must have regard to the capacity, financial and otherwise, of schools to respond to the decisions of the council and to the impact of the decisions on schools. The principal purpose of this clause is to help ensure that the council does not make decisions which have ill-considered or unintended consequences on the finances, religious convictions or special ethos of particular schools.

Reporting Arrangements: This Bill is underpinned by a clear expectation that systems, schools and home schoolers will either implement the curriculum or obtain exemption. The council will need to negotiate with systems and schools on how they will report the progress made in implementing the framework and on how they will give feedback on ways of improving the framework.

During the Temby review and subsequently during the consultation process on the Temby report, strong opposition was expressed to the council's having any involvement in assessing student performance from kindergarten to year 10 and reporting student progress on a school by school basis. Therefore, while it will be up to the council to negotiate with schools and systems the reporting requirements on implementation of the curriculum framework, the council will not have a role in reporting student progress. Notwithstanding this, some significant changes are taking place with regard to national benchmarking of student achievement, particularly in literacy and numeracy.

It is most important that the reporting requirements of the council do not result in an unnecessarily added or duplicated system of reporting to what school systems do already or may be required to do as a part of national initiatives. Accordingly, under clause 10 of the Bill, the council has the power to negotiate in consultation with schools and systems the reporting requirements with regard to implementation of the curriculum framework. As a check on the unnecessary exercise of this power, the council is required to obtain the Minister's approval for this reporting.

Exemptions: The Bill provides for exemptions to be obtained from the curriculum framework. In the first instance, the council will need to seek a blanket approval for every school to be exempt as the new approach is phased in during 1998. Schools will begin using the curriculum framework in 1999. With regard to government schools and home schooling, the application for exemption will be a matter for the Education Department. While approval for

exemptions has been left with the Minister, the Bill requires the Minister to seek the advice of the council on exemptions being sought. The purpose of this is to ensure that this power is exercised judiciously.

SEA Functions: The existing functions of the Secondary Education Authority and the Tertiary Entrance Subject Committee have been incorporated into the Bill. However, there are two significant changes -

> The narrow term "syllabus of subject" has been replaced with the broader term "courses of study". The aim of this change is to recognise the importance of vocational education and training as a major destination for students.
>
> In 1996, around 5 000, or 29 per cent, of the 17 300 year 12 school leavers entered full time TAFE courses in Western Australia compared with 6 270, or 36 per cent, entering universities.

In 1996, around 90 schools participated in the vocational education and training schools program. The Bill formally recognises the increasing importance of this aspect of post compulsory schooling.

The term "student performance" has been changed to "student achievement", reflecting the move towards an outcomes based education approach.

Staffing: Part 4 of the Bill sets out the enabling clauses for staffing the council. It should be noted that the staffing provisions of the Bill have been kept purposely broad to allow the council to be serviced by a government department or to be an employer in its own right. While a number of the clauses relate to the public sector, the employment options are flexible and provision exists under clause 21 for the council to second persons from non-government schools and systems. In this regard, while staff appointments must be made on the basis of merit, it is equally important that there be a balance of government and non-government school expertise among the staff.

The council must have credibility with schools, government and non-government, and therefore the total staff must be seen to have relevance to both sectors. The council will need to develop arrangements which facilitate the secondment of staff from non-government schools to its secretariat with the same ease that would apply to a secondee from a government school. It is also equally important that arrangements be devised so that staff coming from non-government schools are not overly disadvantaged by difficulties in the transferability of employment benefits, including rights of return at the end of the contract period, in comparison with secondments from the government school system. Typically, where extensions of contract have been offered in the past, staff on secondment from non-government schools have had difficulty in persuading their school to extend the secondment period, whereas this has not been the case with staff seconded from the government school system. This will need to be addressed.

Transition Arrangements: The Bill provides in schedule 1 the transitional and savings provisions that will apply on repeal of the Secondary Education Authority Act. In brief, the staff, other assets and resources of the Secondary Education Authority will be transferred to the Curriculum Council. Permanent staff will retain tenure, while the terms and conditions of existing contract staff will be honoured. The Curriculum Council will clearly have to work through the staffing and other structures that will be necessary for it to fulfill its functions. Thus the roles and responsibilities of staff currently employed within the Secondary Education Authority will change and some positions may change substantially or be abolished. Nevertheless there will be an increase rather than a reduction in job opportunities arising from this Bill.

Fees: The Bill provides the council with the opportunity to make charges and fees for goods and services. This power is the same as currently applies in the Secondary Education Authority Act. The intention is for the council documentation to be available to anyone on the Internet. As is the case with the Secondary Education Authority, a small fee will be levied for hard copies of publications. The first student record of results will also be free but, as is the case with the Secondary Education Authority, a fee will be levied for replacement copies.

The Bill provides that all schools will be entitled to copies of the latest curriculum framework. It should be noted that clause 16 concerning the need to take account of the financial impact of decisions on schools also provides a check on unreasonable imposition of fees and charges.

Open decision making: While clause 14 places some limits on the availability of information about individual students, I expect the council to be a body that encourages and practises open decision making and accountability. Currently, the Secondary Education Authority provides its agenda papers and minutes to a range of interested parties. I expect this practice to continue.

The establishment of the Curriculum Council is one of the major educational decisions made by the Government. We live in a world characterised by an information explosion and rapid development of new technologies. The great majority of students now spend 14 years of their lives in schooling, from kindergarten programs through to year 12. In a rapidly changing society, it is important for all young people to be provided with the tools to deal effectively with

the opportunities, challenges and changes which they encounter in life. Schools, in consultation with their communities, play a vital role in ensuring this occurs.

This Bill, which charges the Curriculum Council with responsibility for developing and implementing a curriculum framework, provides a structure for establishing certainty about what Western Australian students need to learn in order to lead successful and rewarding lives in the twenty-first century; and the necessary curriculum flexibility, backed up with support documentation and professional development plans that schools and teachers need in order to best help their students to learn. With its kindergarten through to year 12 focus, the curriculum framework will introduce a sense of connection and coherence between the various levels of schooling.

This Bill is an initiative which has the support of the major education sectors, government and non-government, the vocational education and training and university sectors and parent groups. In this regard I take this opportunity to thank the chair and members of the original review of school curriculum development; the chair and members of the interim Curriculum Council; and the staff of the Department of the Curriculum Council for the work that they have done in developing the Bill to the stage that it could be introduced to the House. I must also acknowledge the many individuals, agencies and institutions who have provided valuable input to the review and to the development of the Bill.

Finally, I place on record the Government's appreciation of the time and effort that has been put in by the wide range of people involved in the learning area committees and community reference groups towards the development of the draft curriculum framework. It is with a sense of pride that I introduce and commend this Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL

Second Reading

MR TUBBY (Roleystone - Parliamentary Secretary) [11.53 am]: On behalf of the Minister for Local Government, I move -

That the Bill be now read a second time.

The purpose of this Bill is to provide for greater flexibility in the appointment of members to the Board of the Metropolitan (Perth) Passenger Transport Trust, which is now more commonly known by the commercial name of MetroBus. The amendment continues the implementation of the Government's transport policy to improve MetroBus' efficiency by removing unnecessary restrictions on the appointment of trust members and to ensure MetroBus can meet all necessary demands in a competitive transport operation.

The composition of the trust, as determined under the current Act, served a time when the sole provider of public transport was a bureaucratic organisation in a relatively unchanging environment. Perth now has a number of providers of public transport operating in a competitive and ever changing environment. Given these circumstances, the provisions of section 7(4) of the Act are unnecessarily restrictive, and, in the case of section 7(4)(b), irrelevant. It is also important that trust members be sufficiently independent in their judgment, have objectivity, skills and experience and the desire to improve the trust's effectiveness and not be constrained or limited due to other conflicting interests. This policy has been consistently applied to all boards across the Transport portfolio.

The amendments contained in the Bill are necessary to provide the flexibility for the trust to comprise members who have the necessary skills, knowledge and ability to support MetroBus' continuing efforts to operate in the competitive, commercial environment. I commend the Bill to the House.

Debate adjourned, on motion by Mr McGowan.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 8 April.

MS WARNOCK (Perth) [11.55 am]: Mr Speaker, it may seem late in the day but this is the first opportunity I have had to formally congratulate you on your ascension to that extremely high and honourable job. I have absolute confidence that you will make judgments which are both high and honourable.

I oppose the Bill. However, first, I declare an interest. I am a unionist and I have been one for 30 years. I still have my union ticket, even though there was some argument last year about whether that was appropriate for members of Parliament.

Mr Pendal: And a fine union it is.

Ms WARNOCK: Thank you very much, member for South Perth. We agree about that. I do not know whether the member is still a member of the union, but I am and I intend to keep that ticket while the law enables me to do so. However, it is appropriate that I declare that interest. I say that to emphasise the fact that I believe in the principle of collective action. I understand very well how hard it is for people to go on strike or to take any industrial action. The suggestion by members opposite is that to strike is something one does at the drop of a hat, and that the dreadful unionists are just waiting for the opportunity to go out onto the grass. Having done that, I know how painful it is. Everyone dreads any sort of disruption to work which might cause a problem with the boss. People need money, and that is why they work. I reject any suggestion that they might strike in a trivial manner. I know how difficult strike action is, because I have worked for both good and bad bosses. I know how vulnerable people are without the assistance of organisations such as unions.

Most of us cannot afford a private lawyer, particularly in these times of cuts to legal aid. If problems occur on the job, most people cannot afford a private lawyer to help them sort it out. They need assistance, advice and the advocacy of a union. Traditionally, unions exist to provide that assistance. That is why this blatant attempt to stifle the unions in their work must be fought by all who care about those principles.

This morning, as I was about to go to a very early meeting relating to one of my portfolio responsibilities, I received a letter through my fax machine. Because it is pertinent to the matter at hand I would like to read that letter, excluding the person's name because I was not able to get permission to read the letter. The letter reads -

> Dear Ms Warnock
>
> Just a quickie. I hope you're arguing and campaigning strongly against the Government's proposed industrial legislation . . . we depend on those with some influence and power to try and stop this flagrant attack on our rights and liberties. It happened in Britain 10 years ago and people are still suffering. As a teacher I don't want to see my pupils condemned to a future of low pay and no security.
>
> Keep up the good work!

The letter contains comments similar to views that a number of people who have spoken to me thought appropriate to the moment; therefore I decided to pass on that view.

The Opposition opposes the Bill because we believe it offends against civil rights, and against international civil rights conventions. That is a matter which I want to address briefly today. We also firmly believe that the Bill is the most aggressive assault on working people's rights in this State's history. It is a thoroughly mystifying attempt to attack workers' rights. It is hard to believe that anybody feels this kind of legislation is necessary. Last night one of my colleagues drew attention to the fact that workplaces in Australia have been relatively free of industrial action in recent times. It makes one wonder why this sort of punitive legislation is necessary.

This legislation offends against international civil rights conventions. Let us look at the question of freedom of association, which is a basic human right under international law. Australia is a party to a number of international instruments that recognise this right. It is appropriate that a democratic country like Australia - in my belief, the most democratic in the world - should be a party to these international conventions. Australia has ratified a number of these international covenants over the years. The covenant on civil and political rights was ratified in August 1980. This covenant refers to everybody having the right to freedom of association. That means freedom of association with other people, including the right to form and join trade unions for the protection of workers' interests. An article of this covenant allows certain restrictions to be placed on this important right only if they are necessary in the interests of national security, public safety, public order, the protection of public health or public morals or the protection of rights and freedoms of others.

The International Covenant on Economic, Social and Cultural Rights was ratified by Australia on 10 December 1975. Article 8(1) provides for -

> . . . the right of everyone to form trade unions . . .
>
> . . . the right of trade unions to function freely subject to no limitations other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others;
>
> . . . the right to strike, provided it is exercised in conformity with the laws of the particular country.

That is an important comment. The International Labour Organisation Committee on Freedom of Association has expressed the view that -

> . . . the right to strike is one of the essential means through which workers and their organisations may promote and defend their economic and social interests.

That is very important for us to note. Someone in this State with an interest in human and civil rights might be asking whether this new Bill, which we have been discussing for the past couple of days, and which has been described as a full frontal assault on workers' rights, is consistent with these international conventions and covenants on freedom of association. How does it shape up? The answer must be "pretty badly". That is because the strike ballot provisions in the Bill are so complex and substantial that they could be described as excessive.

Apart from being offended by the Bill one can be mystified by it, because it is hard to understand why it is necessary. We all understand the value of the secret ballot. I have no hesitation in supporting that idea, although as my colleagues explained last night there are many instances in society where important decisions are made and we do not have a secret ballot. We have an open ballot for a number of important decisions that we make. One should not be offended by that idea, and I am not offended by the idea of a secret ballot. However, to make the process so incredibly cumbersome and long drawn out seems to be deliberately designed to foil any attempt to take industrial action. This is internationally agreed to be inconsistent with the right to freedom of association.

The mere effect of making the matter so cumbersome and so difficult to carry out is in itself an offence against the right to freedom of association. The time limitation on the strike action also seems to be completely arbitrary and restrictive. Therefore, we have at least two reasons in just one small section of this legislation that offend against the idea of the right to freedom of association, which I would have thought in a democratic country such as Australia would go without saying.

One might say that limits are needed for the sake of public order, because that is mentioned in those international covenants that I quoted. However, human rights commentaries on this Bill suggest that while the aim of maintaining public order is a legitimate aim, the restrictions contained in this Bill are not a proportionate response to that aim. That old expression about using an elephant's foot to crush a walnut is extraordinarily apt. In an attempt to make people accountable for deciding to take industrial action, perhaps one might seek to impose some rules and controls. However, we cannot imagine why the Minister has chosen these rules. I imagine that most people in most democratic countries would find it just as mystifying as members on this side of the House. The cumbersome mechanism for the secret ballot, while apparently setting out to make unions more accountable to their members - certainly they should be - is so far beyond what is necessary that it simply limits freedom of association.

If strike ballot provisions are contrary to the principle of freedom of association, penalties for breaching those provisions must be called into question. Some of my colleagues reminded the House of those penalties. Let us not forget that they are hefty fines of $1 000 for individual workers, and a daily penalty of $200. I do not know too many people who, while seeking to make an important point about their wages and conditions and other matters that affect them at work, could afford to pay a fine like that. The penalty also involves deregistration of the union. All this is for carrying out any kind of industrial action without a long, drawn out secret ballot. I do not oppose a secret ballot; however, there are far simpler and less cumbersome ways of doing that. Perhaps if the Government had chosen those methods, members on this side of the House would not be suggesting that the Minister was attempting to restrict the rights of unions. There is no doubt that is the case.

This legislation is strangely punitive and grossly ideological in its origin. It is designed to reduce the bargaining power of workers in any potential confrontation with the boss. I have had good bosses and bad bosses. I have been out on strike. That is never done easily. Although I have been an employer as well as an employee, as an employee one feels that the bargaining power is all in the other camp, and of course it is. An employee has only skills and labour to sell. This legislation will put a further spoke in the wheel of people who are simply trying to defend their right to work and that seems to be an extraordinary thing to want to do. It must be motivated by something other than just a desire to impose public order on a community. The Bill is squarely aimed at strongly unionised sites and industries, and at reducing the power of unions to act on behalf of their members.

I do not think anybody reading this Bill with an unjaundiced eye could come to any other conclusion. Let us not forget that that is exactly what unions are for. As I said at the outset, people can rarely afford to hire a lawyer if they get into some sort of trouble at work and feel they have been unfairly treated. They need an advocate. If in this community the power of unions is reduced to the extent that they barely exist and can no longer afford to represent people who come to them for help, people in the work force, irrespective of whether they have belonged to a union or have much sympathy for the union's point of view, will be much worse off and their employment future could well be in peril. If the right of unions to check wage records is limited and officials are told that they cannot enter a workplace unless an employee tells the boss that he or she is a member of the union, once again power is taken away from that working person and he or she is possibly being exposed to exploitation and victimisation. Let us not have any doubt about that.

People are rarely dismissed for something like belonging to a union. There are all sorts of reasons people can be dismissed from a job. At a time of high unemployment, when people are over a certain age or if they are young and have just got their first job and feel concerned about losing their job, clearly something like having to explain to their employer that they are members of the union before a union official can come in might put them in peril. In some sites it would not, but in some places it certainly would. That is one reason we feel it is an unfair provision.

I am among the people in this House who can remember the section 54B provisions. My colleague the member for Bassendean reminded us about that extraordinary legislation from the 1970s which, to quote him, placed onerous provisions on people who wanted to meet and to demonstrate a point of view. In fact, I can remember having to walk three abreast down the Hay Street Mall in some demonstration about unemployment at that time. Section 54B seemed to me to place onerous provisions in the path of anybody who was seeking to make a point about a matter to do with his or her unemployment. As my colleague pointed out, the freedom to associate with others for a cause or to make a point is part of our democracy and when that is weakened, our democracy is weakened.

It is the same with this mystifying legislation. I compare it with section 54B. Just as I found that mallet being used to crush a walnut to be extraordinary and undemocratic, so I find this legislation to be absolutely extraordinary and undemocratic. I cannot see any reason that this legislation needs to be introduced. If we had a workplace that was absolutely stuffed with industrial division and strikes, with people massing in the streets outside buildings every day and building sites at a standstill regularly, I could see a reason for it - perhaps - or a very modified version of it. However, I simply cannot see any reason for it, except to stifle and make more difficult that freedom of association.

Surely a free enterprise Government, committed to the principles of liberty, so it tells us, would not want to do that. I have been a union member for 30 years, and I intend to remain one because I believe in the provision of collective action. Like my colleagues on this side of the House I sound a warning to the community that this legislation is dangerous for our democratic society and, therefore, by association so must this Government be for this community.

MR CUNNINGHAM (Girrawheen) [12.13 pm]: I, too, oppose this draconian legislation.

Mr Shave: Come on, be honest. Tell us the truth. You want to support it.

Mr Tubby: We thought you would support it.

Mr CUNNINGHAM: This is disgraceful. I have not even started my speech.

The DEPUTY SPEAKER: Order! Members on my right will come to order.

Mr CUNNINGHAM: It has always been my belief that it should be the principal goal of any Government to promote the equality of all individuals in society and to facilitate widely accepted democratic rights and values for the common good. Consequently when a Bill is introduced it is with the intention of creating a new law that will impact on all people in this State. We should keep in mind the key elements of a democratic system, in particular, the notion of a fair go all round for everyone, not just for a small section in our community. I agree with my colleagues on this side of the House that it is our duty to expose this Bill for what it really is - a thinly veiled and shameful attempt to empower a small section of our community to the detriment of the majority.

In case those on the other side of the House have forgotten, the majority of our community consists of nothing more and nothing less than the average good people in this State. These average mums and dads and families seek nothing more from this or any Government than the right to go about their daily business, free from intimidation, threats and coercion, secure in the knowledge that it is their right to take a reasonable stand at the appropriate time. For any Government or person to attempt to restrict the right of these individuals to stand together for a common belief -

Mr Shave: Are you reading this?

Mr CUNNINGHAM: Mr Deputy Speaker, I ask that I be allowed to continue my speech in peace. Some years ago I mentioned that the member for Alfred Cove had a good head for picking things up; he should have been a chook. I do not want to mention that again.

Given the beliefs we share with others in society, this legislation is an affront to the principles of democracy and to the equality of members of our community. The Minister for Labour Relations has constantly stated to this House and to the good people of the State that it is the belief that some people, more than others, are not equal and that democracy does not in any way extend to the workplace. In short, this Minister has a reform agenda. It may be characterised in the terms of the golden rule - whoever has the gold makes the rules. There can be no doubt that the trade unions should be accountable, in the same way as any other elected or representative body in a democratic society. No-one doubts trade unions should be accountable. That is why currently the trade unions have rules and constitutions, why union officials are elected by their membership and why union members and employers have

avenues to ensure unions act in accordance with the rules and are accountable to society. To suggest unions are not democratic or accountable for their membership is simply totally incorrect.

The Minister for Labour Relations would have this House and the wider community believe the trade union movement is nothing short of being an uncontrolled, irresponsible rabble that thinks only about economic chaos.

Mr Shave: Everyone knows that.

Mr CUNNINGHAM: No; that is not true.

In his second reading speech on this shameful Bill, the Minister for Labour Relations said about the trade union movement -

> They have no or little concern for the economic damage they inflict on employers, workers and union members. They ignore the threat industrial action poses to current and future jobs.

This sweeping statement begs the obvious question: How much damage does the trade union movement and strike action cause? Not surprisingly, the facts do not match the Minister's misleading and political rhetoric. Unlike the Minister, Professors Deery and Ploughman know what they are talking about. In the third edition of the Australian industrial relations magazine they said that although strike action can cause inconvenience to some sections of the community, its economic effects can be exaggerated. They also said that the common cold accounts for more time lost in any year than strikes.

After listening to the Minister's second reading speech I and people on this side could not be blamed for believing the average worker spent more time on strike than at work. Trusting the Minister for Labour Relations as I do, I was not surprised to learn that Australia has a reputation for having short, sharp strikes. In other countries, such as the United States, it is not uncommon for strikes to last between six months and 18 months at a time. Even in the United Kingdom strikes have lasted between six months and 18 months.

Mr Shave interjected.

Mr CUNNINGHAM: Strikes in Australia usually last for three days. If we are to accept the evidence of the experts rather than the ramblings of the Minister for Labour Relations, the obvious questions are: Why? What is the purpose of this shameful legislation? Some people believe the Minister is simply a village idiot. I do not believe he is a village idiot. However, I believe he is a dangerous, bigoted, misguided, deviant zealot.

I draw to members' attention the editorial in *The West Australian* of Monday, 7 April headed "Kierath's Bill smacks of ideology". It reads -

> . . . there is no apparent demand for it? Business - big and small - is not crying out for it, the general public is at best lukewarm and the union movement is vehemently opposed.
>
> The conclusion that is hard to escape is that . . . the so-called third wave - has more to do with ideology -

I would say bigotry.

> - than community benefit.

The West Australian could not be more correct. It has answered the question of why. The issue is clearly linked to the Minister's fanatical application to the "golden rule". It is evident that the purpose of the Minister's reform agenda is not to enhance the rights of union members, but to reduce the capacity of unions to represent their membership in the workplace. In short, the reform agenda is about altering permanently and artificially the balance of negotiation and the power of the trade union movement in Western Australia. We should have no doubt about that. Almost 200 years of labour history has taught us that workers have acted collectively as part of the trade union movement in an effort to withstand the natural position of strength of the employer. However, at the same time they have acted responsibly. The basis for union strength is the capacity for workers collectively to take industrial action.

Mr Shave interjected.

Mr CUNNINGHAM: If the Government takes away the unions' capacity to take collective industrial action, it will break the unions and the trade union movement.

Several members interjected.

The DEPUTY SPEAKER: Order! Most people in this position are quite happy to allow the odd interjection, especially when it comes from the opposite side of the House. I do not think members on the left are doing their

colleague a service by interrupting too much and responding to interjections on my right. It is better to let the member for Girrawheen have his say.

Mr CUNNINGHAM: This reminds me again of what the "golden rule" stands for; that is, "Whoever has the gold makes the rule." I have never had a problem with the concept of a prestrike ballot. However, I take issue with the fact that the Minister for Labour Relations has been telling this House and the good people of this State that he is looking after their interests while he has been systematically and deliberately undermining their right to protect themselves and their future prosperity. The fact is that injunctive relief and common law remedies are available to employers who believe unions, union officials and union members are taking unlawful industrial action.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr CUNNINGHAM: There are remedies for the employer if he believes a union has overstepped the mark. It appears that these measures do not go far enough for the Minister and his "Brownshirt" colleagues in the"bunker" at Dumas House.

Several members interjected.

The DEPUTY SPEAKER: Order! I know Hansard is having difficulty hearing the member deliver his speech. I am also having difficulty with so many interruptions from both sides of the House. I ask that the two Ministers responsible for the last lot of interjections curb their interjections and stop repeating them.

Mr Riebeling interjected.

The DEPUTY SPEAKER: Order! That goes for the member for Burrup as well. The member for Girrawheen has the floor.

Mr CUNNINGHAM: There is a belief that the "Brownshirts" of Dumas House have gone out of their way to crush the trade union movement. I will admit that in introducing this shocking legislation the Minister has guaranteed that no worker will be kicked while he or she is down - unless the Minister has the first kick. Like the Minister for Labour Relations, this legislation is both devious and simple. He does not come out of the closet and openly and honestly say that if unions take industrial action, he will get them. He does not say that he will threaten and intimidate union officials to such an extent that they will be too afraid to represent the workers.

Several members interjected.

Points of Order

Mrs ROBERTS: Mr Deputy Speaker, despite previously calling to order the Minister for Lands and the Minister for Labour Relations, you are continuing to allow them to inanely interject on matters that do not even relate to the content of the member for Girrawheen's speech. I am somewhat disappointed that you have not taken stronger action against them.

Mr SHAVE : The member for Girrawheen, who is reading from his notes, is being provocative. He has suggested that people on this side of the House are simple. If we are provoked, obviously there will be a response.

The DEPUTY SPEAKER : Order! The leader of opposition business is right in what she says. I uphold the point of order. As I have said several times while the member for Girrawheen has been on his feet, there have been too many interjections. I know it is tempting at times for members on different sides of the House to interject. However, I agree that the two Ministers in particular have been interjecting too much. I notice that I sat down for only about 60 seconds before one of them started interjecting again. I know many people have a strong feeling on this Bill. I do not mind interjections as long as they are reasonable and as long as they are not repetitive and do not occur within a few seconds of my sitting down. I ask all members to desist from interjecting as often as they are doing. If they do interject, they should make the interjections brief and direct them to the member on his feet and not to other members in the Chamber. I ask members on my left also to not respond to the bait and answer interjections on my right. If constraint is exercised on both sides of the House, we will get through this Bill a lot quicker.

Debate Resumed

Mr CUNNINGHAM: I do not mind interjections - I just ignore them. The Minister does not state openly and honestly in this Bill that his objective is to financially crush the trade union movement. No-one, including *The West Australian*, has any doubt that this is his ambition. It has always been the sign of a truly great thief that he can convince his unsuspecting and trusting victims that he is putting money into their pockets while at the same time taking it out. The Minister for Labour Relations would have his unsuspecting victims believe that he has not taken

away their right to take collective action. In practical terms nothing could be further from the truth. The Minister wants to introduce a lengthy, legalistic and proscriptive process under which any union will not be able to serve its membership - and avoid prosecution.

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

Mr CUNNINGHAM: It is expected that a prestrike ballot will take a minimum of seven weeks to complete. Australian strikes are regarded as short, snappy strikes. Therefore, why would it be in the Minister's mind to have a seven week delay? The reason is to deny the trade union movement the capacity to take industrial action. The Minister will require that a prestrike ballot occur before any form of industrial action is taken. Workers might not even be able to engage in work to rule action without a seven week delay. It should be noted also that trade unions will not have an automatic right to hold a prestrike ballot. Approval of the Industrial Relations Commission will be required before workers have a right to hold a ballot.

People can call me old fashioned, but I have always believed that such a simple thing as the right to vote is a basic democratic principle and not a privilege. Once again, it appears that the Minister for Labour Relations requires that democracy be left in the boot of the car when workers leave for work in the morning. I find it something of an anomaly that the Minister has spent so much time espousing in this House and in the wider community the need to limit in labour relations the interference of unwanted third parties, but has gone out of his way to introduce further third party interference in the democratic processes of the trade union movement.

It should be noted that the Minister for Labour Relations' practical application of the golden rule does not end with his attack on the trade union movement: The Minister is determined also to attack workers on an individual level. The proposed changes to the State's unfair dismissal legislation will mean that an employee will be eligible for compensation only when the employer chooses not to reinstate the worker. I cannot imagine any tribunal in this land in which a person found guilty of acting unlawfully has the right to tell the arbitrator what he or she will or will not do. Can members imagine a person found guilty of murder standing before the Supreme Court and saying, "I'm sorry Your Honour, I won't be going go to gaol today because I cleaned the knife before I buried it."? That is what the Minister is doing.

The Minister refers to his reform agenda as More Jobs and More Choices. However, he forgot to address the question: Jobs and choices for whom? There is no doubt in anyone's mind that this Minister has lost the plot. The Government cannot make laws that impact negatively on a broad section of the community and expect that nobody will notice. It is one thing for the Minister to introduce shameful, biased, elitist and unjustified legislation and to force it through Parliament with the aid of his co-conspirators; however, it is another thing altogether to get away with it when the grim reality begins to impact on the ordinary people.

Although the Minister for Labour Relations likes to refer to union officials and union members as out of control rabble who are hellbent on causing industrial chaos, they are average people with families, children and mortgages, and lives that extend well beyond the workplace. Consequently, I implore the good people of this State to view the Bill as the farce it is. Western Australia does not have a significant problem with strikes and industrial action. The Minister and other members of the Government have boasted about how low the level of industrial disputation has been since they took office; yet they see the need to make this ideological point. In the past other countries have used a variety of means, including violence and oppressive laws, to break the bargaining strength of average people and their unions.

Without exception these countries have failed dismally and so will the Minister for Labour Relations. I fear that this legislation will be repealed only after it has successfully divided the community, undermined this State's reputation as a democratic society and, most importantly, caused unnecessary hardship to people of this once great State.

It is extremely sad to recall that both Adolf Hitler and the Minister for Labour Relations are infamous for burning books to disprove people's recollection of events. Adolf Hitler had a design for Europe if he had won the Second World War. The Minister for Labour Relations has a similar design for the Western Australian trade union movement.

MR MARLBOROUGH (Peel) [12.41 pm]: I oppose the Bill. On reflection of the transition of this Bill, listening to the Minister's statements in the last 48 hours and trying to work out how he thinks, operates and continues to rewrite history as this Bill proceeds through the Parliament, I am amazed at the mental state of this Minister. On the radio this morning the Minister said, when confronted by an interviewer, that the Bill has been before the Parliament on two occasions and plenty of notification of it had been given. He said he had put the Bill on the Table of the House some 12 months ago where it had sat for a couple of months before it went to the upper House. He said the Opposition had total knowledge of this Bill.

Mr Kierath: Did I say "total knowledge"? I said the "majority" of this Bill.

Mr MARLBOROUGH: All right - knowledge of the "majority" of this Bill. Before I outline the reality of the situation I ask members to consider the Minister's track record. He was given responsibility for the Health portfolio, which required skills in recognising the needs of the different users of the health system, which included doctors, nurses, caregivers and patients, and he failed dismally. Within 10 months of his assuming that responsibility the Australian Medical Association was running to the Premier saying, "Get this Minister away from the Health portfolio. He is an absolute failure." The reason he was a failure is he never had the skills to be able to negotiate at that level because he is driven by ideology. It is the only conclusion one can reach when one considers his ongoing role in this legislation.

Western Australians must ask why workers in this State are being singled out to be treated differently from any other Australians.

Mr Kierath: We are better than the rest of the country.

Mr MARLBOROUGH: We are better than the rest of the country, yet we have a Minister who wants to put workers in Western Australia under industrial conditions that the military junta in Burma would be proud of! They would be delighted to have this Minister running Burma today.

He intends, as he has done since he has been Minister for Labour Relations, to take from Western Australian workers the wages and conditions they have fought hard for. He has done that successfully with his workplace agreements legislation, although, thankfully, industry has not rushed to pick it up. It is another failed part of his legislation. Less than 10 per cent of Western Australian workers are covered by his workplace agreements legislation. It can be compared with the 10 per cent unemployment figure in Australia: The real figure we should talk about is the 90 per cent employed. When the Minister talks about his workplace agreement legislation and how it has done its job in this State, members on this side of the House and the Minister's colleagues, some of whom are new to the Parliament and may be rushing to his side, should remember that three or four years after bringing that legislation to the Parliament 90 per cent of workers are still employed under an award.

Having failed that test, this Bill is his third attempt to circumvent the processes. How low can he go? The truth is that when he brought this Bill into the Parliament last year, one week before the federal election, his colleagues in the upper House took it out of the parliamentary process. It was locked away in a committee process. The coalition had on that committee a majority of three members and they could see the time bombs built into the legislation which would affect the election of a Howard Government. The truth is that they, not the Australian Labor Party, took it off the agenda. The majority of three on that committee went into their party and Cabinet rooms and said to the then Premier, "Pull this madman away because he will cause the Liberal Party maximum damage at the federal election, which the party should win. He can be as effective in losing us the election this time around as Joh Bjelke-Petersen was in 1986. That is how bad he is. Let's get this legislation out of the parliamentary process and put it away."

Mr Kierath: Are you likening me to Joh? I am trying to take the power off you and give it to the people.

Mr MARLBOROUGH: What an ogre I must be. He wants to take the power off me. In this legislation he wants to take the power off not only me, but a number of members of Parliament. He wants to single out state members of Parliament. This week he has concentrated in the public arena on his version of secret ballots. He is the only one supporting it.

Mr Shave: No, we are supporting it.

Mr MARLBOROUGH: The member for Alfred Cove may support it, but the man the Minister for Labour Relations appointed to consider his industrial relations proposals, Commissioner Fielding, did not support it.

Several members interjected.

Mr MARLBOROUGH: We will have the ability during the Committee stage to state, word for word, what Fielding said about the Minister's secret ballots. He advised the Minister that his secret ballot model would not work. The Deputy Leader of the Liberal Party has for a number of years been trying to pursue his ambitions and increase his portfolio responsibility, albeit hindered by the Minister for Labour Relations.

Dr Turnbull interjected.

Mr MARLBOROUGH: What did the member for Collie say about an alcoholic?

Dr Turnbull: I suggested you have delusions of grandeur, like an alcoholic, designing all these activities.

Mr Shave: We are not saying you are an alcoholic.

Mr MARLBOROUGH: I can be as mad as this without drinking. I can be motivated by members opposite.

I will tell members about the damage the Minister has caused to the Government. For the last three or four years the Deputy Leader of the Liberal Party has been trying to get the Henderson industrial estate off the ground. It requires complex negotiations and, at the end of that process, some $180m of taxpayers' infrastructure to make it work. The Deputy Leader of the Liberal Party set in place a system whereby he could bring together the major players - industry, the Chamber of Commerce and Industry of Western Australia and the trade union movement - as well as the Leader of the National Party, to negotiate an industrial agreement which would have allayed the concerns of potential investors about how industrial matters would be handled in Henderson. They had it locked away. They negotiated for two and a half years and reached an agreement, but what happened? The Minister for Resources Development could confirm to members what I am about to say: Within days of ratifying that agreement, this Minister for Labour Relations intervened. He said to the Minister for Resources Development, "All the principles of the agreement you have entered into, albeit in the State's best interests in trying to get a billion dollar industry off the ground, cut across my version of how industrial law should work in this State." This places the project in jeopardy. We still wait to see the first blade of grass at the Henderson project under the model of the Minister for Resources Development which should be absolutely supported by members and the people of Western Australia.

Mr Barnett: You're confused. I have had no involvement in industrial relations at Henderson; it was the Deputy Premier.

Mr MARLBOROUGH: So, the Deputy Premier was involved. However, the Minister, through his portfolio, has been closely involved in all of the negotiations and he is aware of that situation.

The same Minister who blew that agreement out of the water, and who involved himself so much in trying to impose his version of industrial laws in this State, now wants to put through his third wave of changes which will have the same effect.

We will be asked next week to commit about $1.3b of taxpayers' money to the Kingstream iron ore project. That must be upfront money for infrastructure and the ongoing cost of running that infrastructure. We will be paying off something like $20m or $30m per annum before the wharf can pay for itself, unless in the interim it can pass 10 million tonnes or more of produce over that wharf. What will the multi-national companies think when deciding whether to invest in this climate in Western Australia? The resources are available and the Government is committed to provide infrastructure, and for the first time we will be able to produce steel in this State. How will these companies feel when they are confronted with this legislation?

If they have anyone advising them on industrial law or on the way democracy works in Australia, they will be advising them that this legislation is about to cause a great deal of havoc which will undermine their proposed investment. That is how damaging this Bill will be for the State.

When one looks at the man's mentality, one must ask the question: Why are we going down this path when we are undoubtedly - all evidence supports this - on the doorstep of a resources boom? World demand exists. Why are we in this great democracy singling out Western Australian workers to be treated as though they work under a military junta? No explanation whatsoever can be given, except for the single-mindedness of this Minister who has been burnt. We are all victims and products of our backgrounds, and the Minister for Labour Relations has been burnt by the trade union movement. It is worth telling the story again to the new ears on the government benches.

Let us consider the rights of entry provisions. Why does the Minister not want union officials to enter a factory to look at the time and wages records? When he was a subcontract cleaner, the Miscellaneous Workers Union attempted to take him before the Magistrate's Court, but he refused the union right of entry on numerous occasions. He refused to give access to his time and wages records, and on the very day he was to appear before the Magistrate's Court, his office caught fire and all his records were burnt!

Mr Kierath: That is not true.

Mr MARLBOROUGH: That is the history; it is absolutely true. We cannot trust the Minister with a box of matches! After the fire in his office when his records were burnt, he tried to lay the blame at the feet of the union official. Is that not true? The Minister will have the opportunity to tell us how untrue it is when he replies to the debate.

It is the individual ideology of this Minister which drives this legislation. I will demonstrate in one part of the Bill what we are up against as members of Parliament. I refer here to the clause which relates to political expenditure, which the Minister has changed from the reference to "political donations". He had a view if one strangled union money flowing to political parties, he would go some way to keeping the Labor Party, or whoever he regards as his enemy, in political oblivion.

Mr Minson: They will not give you any money anyway.

Mr MARLBOROUGH: I agree with the member, and I do not know why it is such a big issue.

Mr Shave: Then why do you worry about it?

Mr MARLBOROUGH: I will tell the Minister why I worry.

Mr Kierath: Because what the member for Greenough said is not true - that's why you worry about it.

Mr MARLBOROUGH: No. This part of the Bill itself cuts across all the democratic principles that we have fought for in this country and which are enshrined in the Australian Constitution.

Mr Shave: This is the twentieth century.

Mr MARLBOROUGH: I am about to bring the Minister up to date with the twentieth century. The Constitution, as agreed by the High Court, blows this part of the Bill out of the water. Let me go through a couple of points regarding political expenditure. For example, the Bill will allow the Government to charge not only the union corporate body with breaking the law when it is deemed to have given money to a political organisation without the authority of an individual member, but also the union official and other people. It goes on to refer to charging members of Parliament. Clause 15 reads -

> (5) An organization shall not make any payment by way of political expenditure except from moneys already standing to the credit of a political fund.
>
> (6) If -
>
> (a) an organization receives an amount from any of its members to be applied for political expenditure; and
>
> (b) that amount is received subject to a direction from the member as to the political party or parties, or election candidate or election candidates, to or in respect of which or whom the organization may pay or apply the amount,

Page 29 of the Minister's Bill refers to proposed section 97T which deals with disqualification for unauthorised political expenditure.

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

Sitting suspended from 12.59 to 2.00 pm

[Questions without notice taken.]

Mr MARLBOROUGH: Before the luncheon suspension I indicated to the Minister that the most insidious part of the legislation was that which cut across the decision of the High Court of Australia in 1995 handed down by Chief Justice Mason relating to the Australian Constitution. I highlighted to members opposite that, as members of Parliament, under this legislation, they can face serious charges. For those members who may not be aware of it, proposed section 97U(2) states -

> If an organization is convicted of an offence against section 97S(1) and an unauthorized payment is proved to have been made, the industrial magistrate's court may order the unauthorized payment to be forfeited to the Crown by the political party, candidate or candidates which or who received the payment or incurred the expenses in respect of which the payment was made . . .

I will try to put that into some sense of what would occur in the political arena. This legislation does not just seek to change the definition. The Minister initially headed this part of the legislation "Political Donations". That has now been changed, quite specifically, to read "Political Expenditure". That has been done for a particular reason: The Minister wants to penalise unions not only for giving donations to political parties, but also for daring to spend money on political literature. I will come back to that aspect in terms of the Australian Constitution and the Mason High Court decision in a few moments.

This legislation will penalise candidates whether they are elected or not. Let me paint a picture of how this part of the legislation could work. First, it could entrap an innocent person. The candidate or proposed candidate could have no knowledge of the way the funding came to the campaign. We need look no further than the ex-Attorney General, the member for Kingsley, who said throughout the Wanneroo Inc debacle that she initially had no knowledge of the funding; that under the Liberal Party rules candidates distance themselves from the money coming into the campaign. It is run by a campaign manager and the candidate has no knowledge of that.

[Quorum formed.]

Mr MARLBOROUGH: I paint the following picture: The Government of the day is re-elected and in the Legislative Assembly it has a majority of one, but it is reliant on a Democrat or Independent. After the election the Democrat and/or Independent is seen to have received money from a union organisation and under this legislation that money is deemed to have been paid in an unauthorised manner. The union is dragged to the Magistrate's Court; then the union official is dragged to the Magistrate's Court; then the political party is dragged to the Magistrate's Court - and lo and behold, so is the candidate. Are the backbenchers and Ministers on that side of the House telling this Parliament that they will allow this Minister to proceed with legislation that could see a legitimately elected Government, admittedly relying on one vote for the balance of power in this House, jeopardise that position? That is in effect what this Bill can do. However, it is more insidious than that. The only group of politicians it can do it to are those who stand for state elections. Does the Minister see that clause applying to candidates who stand for federal seats?

Mr Kierath: I will take that up with you later on.

Mr MARLBOROUGH: I look forward to that because my reading is that it cannot be applied to people who stand for federal seats. A trade union movement can pay an amount of money to a candidate, who may be an Independent or a Democrat. The Minister for Labour Relations works on the theory that all union donations are paid to the Australian Labor Party. I assure the Minister that that is far from the truth. A report on election funding and financial disclosure in elections in the federal arena states that in 1993 the Australian Council of Trade Unions donated $10 000 to the Australian Democrats - not the ALP. No mention is made of the ALP.

This Minister wants to put in place this legislation to close down that avenue of financial backing to a political organisation. However, I point out to members opposite that it will trap many of their candidates. They may run Independent candidates in a tight election in seats in which they want a flow on of preferences. Who knows from where donations will come when someone stands as an Independent? The coalition may rely on the Democrats and the Independents for it to win government, as it will do in the upper House shortly. The union organisation is the only group in Western Australia singled out for this sort of penalty. No reference is made to the manufacturing industry, the business sector, the Master Builders Association, the Western Australian Chamber of Commerce and Industry, or any other association.

I turn to the other part of the Minister's legislation in part 4 on political expenditure that cuts across the Australian Constitution and the recent decision of Chief Justice Mason in the High Court. The Bill covers not only donations to political parties but the freedom of speech by stating -

> A reference in this Part to political expenditure is a reference to expenditure incurred for or in connection with directly promoting or opposing a political party or the election of a candidate or candidates in a parliamentary election.

That goes to the heart of politics. The Minister wants to stop organisations issuing pamphlets or the sort of literature he held up during question time. If that literature is approved by the unionists by handing over their dollar, under this legislation the union will be dragged to the Magistrate's Court and will be told to explain why it spent its money in this way. If it cannot show that the money has been appropriated as required under this legislation, it will be charged with an offence and fined.

We do not have to go overseas to find references in cases to this issue. In reference to electronic advertising in Australian Capital Television Pty Ltd v The Commonwealth, Justice Mason states -

> . . . the Constitution owes its legal force to its character as a statute of the Imperial Parliament enacted in the exercise of its legal sovereignty; the Constitution was not a supreme law proceeding from the people's inherent authority to constitute a government . . . Despite its initial character as a statute of the Imperial Parliament, the Constitution brought into existence a system of representative government for Australia in which the elected representatives exercise sovereign power on behalf of the Australian people. Hence, the prescribed procedure for amendment of the Constitution hinges upon a referendum at which the proposed amendment is approved . . . The point is that the representatives who are members of Parliament and Ministers of State are not only chosen by the people but exercise their legislative and executive powers as representatives of the people. And in the exercise of those powers the representatives of necessity are accountable to the people for what they do and have a responsibility to take account of the views of the people on whose behalf they act.

In the context of the Australian Constitution he states -

> *Freedom of communication as an indispensable element in representative government.*

> Indispensable to that accountability and that responsibility is freedom of communication, at least in relation to public affairs and political discussion. Only by exercising that freedom can the citizen communicate his or her views on the wide range of matters that may call for, or are relevant to, political action or decision. Only by exercising that freedom can the citizen criticize government decisions and actions, seek to bring about change, call for action where none has been taken and in this way influence the elected representatives. By these means the elected representatives are equipped to discharge their role so that they may take account of and respond to the will of the people.

Clearly, Chief Justice Mason, in Australian Capital Television Pty Ltd v The Commonwealth said that built into the Constitution is the right of freedom of speech. Implicit in its role is to give people the right to express themselves on any matter. He continued -

> Freedom of communication in relation to public affairs and political discussion cannot be confined to communications between elected representatives and candidates for election on the one hand and the electorate on the other. The efficacy of representative government depends also upon free communication on such matters between all persons, groups and other bodies in the community. That is because individual judgment, whether that of the elector, the representative or the candidate, on so many issues turns upon free public discussion in the media of the views of all interested persons, groups and bodies and on public participation in, and access to, that discussion . . .

There is no doubt the Minister's Bill takes no notice of the Australian Constitution, but completely cuts across it. Several provisions of this Bill will be open to challenge in that way. They are unconstitutional and unlawful and it is another example of how far this Minister is willing to take the Westminster process to get his own way by bludgeoning unions and workers into submission.

MR GRILL (Eyre) [2.52 pm]: In his second reading speech the Minister for Labour Relations said that most of the provisions of this Bill had been before this House previously. In that sense he was probably correct. However, he also said that since that time - that is last year - it has been endorsed by the people. In saying that the Minister is endeavouring to give to the legislation the full democratic imprimatur he would like it to have. The truth is a long way from that. The truth is that, firstly, certainly many of the provisions of this legislation were previously introduced and, secondly, there has been an election since then and people have indicated certain views about the Government and the Opposition. It is not true to say that the people have made a judgment in respect of this legislation by way of giving it their imprimatur.

This Minister and this Government - I emphasise "this Government"- are rushing this legislation in an endeavour to thwart the democratic process. This fact has been mentioned by most speakers in this debate, nonetheless it bears repeating. In other words, they are endeavouring to get this legislation through Parliament before the new Parliament, which was elected in December, sits. They want the legislation passed before the upper House is reconstituted, with its new members representing minority groups.

It is clear from the results of the last election that the electors were not happy with the Government, because its vote went down. Also, they were not happy with the Opposition, because its vote went down by 1 per cent.

Mr Kierath: I will show you our vote did not go down.

Mr GRILL: I will show the Minister that it went down.

Mr Shave. Are you talking about us as a Government?

Mr GRILL: It went down.

Mr Kierath: As an overall percentage.

Mr GRILL: Yes, and there is absolutely no doubt about it.

Mr Kierath: Two party preferred?

Mr GRILL: The Government's first preference vote went down as did the Opposition's.

Mr Kierath: Who lost the seats in the upper House?

Mr GRILL: The Labor Party did and it lost seats in the lower House as well. In a situation where this Government's first preference vote goes down nobody can say it is a ringing endorsement for the Government. The democratic process is not being fully followed through because this legislation was not only put on the backburner and sidelined during the election campaign, but the Government conveyed the impression that it had gone forever. Some people made heroes of themselves, including the Premier, who played a major part in the process. They gave the impression

to the public that the bulk of matters we are discussing today were no longer on the agenda and were no longer a threat. That was done for a range of reasons.

Mr Shave: You are not suggesting we were politicking?

Mr GRILL: I am suggesting the Government was politicking and I am glad the member for Alfred Cove admitted it.

Mr Shave: No, I did not.

Mr GRILL: By implication the member did and it is truthful of him.

Mr Shave: Don't put words into my mouth.

Mr GRILL: He is one of the few truthful members on the other side of the House, in that context.

The SPEAKER: Order!

Mr Shave: You would like me to agree, but I will not.

Mr GRILL: The member should not be overwhelmed by my flattery of him. Some of it is true.

Mr Kierath interjected.

The SPEAKER: Order!

Mr Kierath interjected.

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

Mr GRILL: It is interesting that the remarks I am making were reflected by the editorial in *The West Australian* some weeks ago when it asked from where the community demand for this legislation arose. It was not able to discern that. Another very good question it asked was from where the business demand for the legislation arose. It was unable to discern from where that demand came. I would like to add to the list by asking the Government why it needs to introduce this legislation when, on the Minister's own admission - he has been rather gleeful about it in this Chamber on a number of occasions - the level of industrial disputation in this State and across Australia is at a historically low level; when privatisation legislation, both at a state and federal level, has gone on apace, something close to the hearts of many members on the opposite side including the Minister handling the Bill; and when the Hilmer report has been implemented by the State at a very formal level. Tariffs have been coming down and that has been placing ordinary workers under immense pressure.

This country and this State now have chronic high levels of hidden unemployment. The commentators would say we have not only a chronic level of around 8.5 per cent moving to 9 per cent nationally and in this State, but the true level is around 12 per cent. If one considers how employment is defined in this country, one can understand why. One hour's work a week enables a person to be taken off the unemployment list and placed among the ranks of the employed. That is a strange definition of "employment" and one I would like changed. Unfortunately it is a definition which has been embraced by more than one Federal Government and, to save their hides, has not been criticised by State Governments. Why is this legislation coming forward now, given all those events running concurrently?

Last week I had lunch with a number of people who have a very high profile in the resource industries of this State. After this lunch one of them posed to me the question whether a Government could legislate for love and passion. I thought it was strange question coming from a hard bitten resource developer. He said that in his view no Government can legislate for either love or passion. We were talking about this piece of industrial legislation and the clear implication is that this Government is endeavouring to legislate for something which is very much akin to love and passion. In other words, he reflected the view of *The West Australian* that we are talking about a piece of ideology that fits into a pattern, and we have seen that pattern unfold for some time.

By any stretch of the imagination, this legislation is draconian. My colleagues have analysed it and indicated to the House where it is draconian and why it should not be implemented. I will not go through it again because my colleagues have dealt with it particularly well.

Members on this side of the House believe this legislation is designed to crush the union movement. That will result in the removal of one of the elements underpinning our society, one of the safety nets and one of the countervailing forces protecting the individuals, the weak and those who are not part of the big industrial empire. In the circumstances that I have outlined, when we have historically low levels of industrial disputation and high levels of unemployment, why are we trying to crush one of the few organisations that protects the small people - the

individuals - within our society? This authoritarian stance is part of a wider picture we have seen develop over time, not just in this State or this country but throughout the world.

The media image that this legislation is being driven by one Minister alone - one mad dog Minister off on his own jag - is not correct.

Withdrawal of Remark

The SPEAKER : The member has breached the standing orders and I ask him to withdraw.

Mr GRILL : I withdraw.

Debate Resumed

Mr GRILL: Nonetheless, the assumption being made by commentators generally that this legislation is the brainchild of one Minister is incorrect. Certainly, this Minister introduced the legislation to Parliament, but there is a process by which that is done: It is discussed in the party room; it goes to Cabinet; it is commented upon and no doubt the original proposals are amended. This legislation has been dealt with by Cabinet and the Government as a whole.

Some Ministers like to see themselves as slightly apart from that process. The member for Cottesloe, the Deputy Leader of the Liberal Party, is one such Minister. He went on television and said that this legislation would be subject to amendment and he endeavoured to give the impression that the more draconian elements would be watered down during the democratic process of Parliament. He also implied that he does not approve of it. On the other hand, the Premier made something of a hero of himself prior to the election by seemingly instructing the Minister for Labour Relations to withdraw the legislation after the Premier had taken over negotiations with the unions. Some Ministers have set themselves apart from the legislation, notwithstanding the fact that it has been embraced by the Government; others have tried to make heroes of themselves by having it withdrawn prior to the election and then, at the more senior federal level, John Howard - who no doubt had more than a finger -

Mr Pendal interjected.

Mr GRILL: In terms of the hierarchy of the Liberal Party, Mr Howard has the senior position.

Mr Pendal: Certainly not.

Mr GRILL: Notwithstanding the semantics of that issue, there appears to be no doubt that the Prime Minister played a part in the withdrawal of similar legislation some time prior to the last election. So much for the democratic process! The truth is that the people of Australia, and Western Australia in particular, were hoodwinked by that proposal because it was withdrawn to enhance the prospects of the then federal Opposition in winning government.

This legislation fits into a pattern in that the federal Minister for Industrial Relations, Mr Reith, has indicated on more than one occasion he would like to embrace. Why has there been such wholesale acceptance of this legislation with the coalition parties? It is a concerted plan to weaken and crush the unions and their close ally, the Australian Labor Party. We are heading down the same road as that followed by the United States of America, where union membership is at a lamentably low 11 per cent. Do we want a society like America? It is a have and have-not society, where the rich continue to get richer and the poor continue to get poorer; where those in the middle are squeezed and where average wages are declining. The rich live in compounds with electronic fences and security guards -

Mr Bloffwitch interjected.

Mr GRILL: Exactly, that is the point I will make. There is a plan in all of this, part of which is the crushing of the unions and the countervailing forces against big business. The home of big business - the United States of America - has the greatest divergence of wealth and poverty; people live in compounds and are not safe when they walk down the street because they have simply opted out of the system in favour of something they understand, and to see themselves as relevant.

We are going down that road and it commenced with Thatcherism, Reaganomics and a theory that sounds very ineffectual on the face of it - the so-called rational economic theory.

Mr Omodei: There is also "Rogernomics".

Mr GRILL: I was talking about Reaganomics in America, but I would not exempt dear old Roger either; I would be as critical of him in that respect. Many of the world leaders - and I would not call members opposite world leaders -

Mr Shave interjected.

Mr GRILL: I am not sure to what the Minister is referring and I will not respond, but I suspect he is going down the wrong track. Reaganomics, Rogernomics - as the Minister for Local Government asserted - or Thatcherism all amount to the same thing.

Recently I read a treatise by Mr Graham Strachan of the Australian Institute of Business Philosophy Pty Ltd. He states that the agenda of economic rationalism includes reducing the size of the public sector at all levels - federal, state and local council; reducing government spending in all areas, including welfare and education; selling off all government-run enterprises, including public utilities, to multinationals; deregulating the currency and using interest rate manipulation to maintain its value - we have seen a bit of that -

Mr Omodei: We have seen most of it under a so-called socialist Government. I have not seen a true socialist yet, but that is what you all claim to be.

Mr GRILL: We all have different definitions. I do not think I live up to the Minister's definition; I do not think I would want to, either.

It also includes deregulating the banking system to permit the entry of international banks; removing all restrictions on the movement of money in and out of the country; and deregulating the labour market, reducing the power of unions, and dismantling the central wage fixing system.

He then posed the question: What commitments has Australia made to the new world order that has been fashionably forged by Reaganomics, Rogernomics and Thatcherism? In his view, and I think there is a fair bit of truth in it, Australia's commitments to the new world order under the General Agreement on Tariffs and Trade and other trade agreements include handing over the country's economic sovereignty to the Asia Pacific Economic Community; removing all controls over imports and eliminating all other barriers to free trade; giving preferential treatment to imports from other countries, even to the point of sacrificing home industries; and reducing the wages and conditions of Australian workers to the level of the country's Asian trading partners - the so-called level playing field.

I am not being other than partial in my comments about rational economics as I have never been a great advocate of it and I have made a number of speeches in this House about what I believe are its shortcomings. Mr Strachan sets out in his well put together paper some of its results in Australia, and I do not think anyone would disagree with his list. He states that in the 13 or 14 years that it has been in place in Australia, it has further enriched the 10 per cent of the community at the top while reducing the real wage of the bottom 10 per cent of wage earners by 5 per cent; created more than one million people permanently unemployed; created a situation where 25 per cent of young people cannot even get into the work force; and created a net foreign debt of $186b, costing more than $11b in interest payments annually. That figure is a bit outdated. We all know that under the Howard Government, which said that its greatest priority was to reduce it, net foreign debt has increased to in excess of $200b.

Mr Strachan states also that it has enabled foreign multinationals to buy 90 per cent of Australia's corporate sector and now many of its public utilities.

Mr Shave: Honest John has been there for only a little while. Give him a go.

Mr GRILL: The Minister would agree that he has not had much success to date.

Mr Shave: He has only just gone into the job.

Mr GRILL: I like the Minister's new found honesty; it becomes him.

The SPEAKER: Order! I got the feeling the member for Eyre was developing a point. It is taking him a long time to get to it.

Mr GRILL: I was getting some wonderful admissions from the other side in the process. I do stop for those admissions, Mr Speaker.

The last point is that it has raised the percentage of the population in receipt of social security or social service payments to 23 per cent, up from 12.5 per cent in 1973. I have quoted other figures in this place previously. My figures were up to 25 per cent from 11 per cent.

I turn now to the way in which our country has been sold off. These are indisputable figures; they come from the Australian Bureau of Statistics. The food preserving industry is 95 per cent overseas owned by multinational companies. With regard to the motor vehicle industry, I can remember the days, and so can you, Mr Speaker, when General Motors bought out General Motors-Holden's, and we were all very unhappy about that, but it happened under circumstances -

Mr Bloffwitch: It was always owned by an American company.

Mr GRILL: No, it was not. It was largely owned by Australians, and it was very lamentable and distasteful when the Australian shareholders had their arms twisted with regard to their shareholdings. That industry is now 100 per cent overseas owned. The chemical industry is 98 per cent overseas owned. The pharmaceutical industry is 100 per cent overseas owned. The electrical industry is 98 per cent owned by overseas multinationals. Thirty or 40 years ago, Australia was largely self-sufficient in manufacturing all sorts of items, but the manufacturing industry is now only 57 per cent Australian owned, and that percentage is falling fast. The oil and gas industries are 92 per cent overseas owned, and the major hotels and resorts are 75 per cent overseas owned. The process of overseas ownership has worked its way into most industries.

Mr Shave: You had better work out a royalty system!

Mr GRILL: Once again, a fragment of the mining industry is Western Australian owned. That fragment is the goldmining industry. However, this Government is doing its best to tax the life out of that industry. The goldmining industry is a unique industry and it has made wonderful contributions to this State: It is largely Western Australian owned, and it set up the Western Australian financial market and its manufacturing industry. That is one of the reasons that it should not be taxed any further.

Under the process of economic rationalism, in Australia and overseas corporations now report record profits, almost ad nauseam, yet in Western Europe alone, up to 20 million people are unemployed and have no prospect of finding jobs in the future. In Australia, at least 25 per cent, and the figure is probably higher now, of skilled blue collar workers have lost their jobs and have no prospect of regaining them in the future. The United States of America, the home of much of this philosophy, has the problem of the twin deficits. The Union of Soviet Socialist Republics is now absolutely devastated, and a certain form of capitalism has been introduced, but the good populace of the USSR have been so enamoured of that process that they have tried to vote back communism! Some of the few places in the world that have not embraced this wonderful system are the Japanese and the Asian tigers. During that period, they have tried to push up wages. However, during the past 14 years in this country, real wages have declined, as they have done in the United States, Europe and most other places, and they are continuing to decline.

Mr Kierath: Under the Accord they fell. Under us they have gone up.

Mr Shave: There are other factors, such as budget deficits and surpluses.

Mr GRILL: I am seeking to awaken members opposite to a certain pattern that emerges. Part of the pattern involves the destruction of the union, and the destruction of the countervailing forces against those forces which have created the system on which I have just commented.

Some people may have heard about the economist John Galbraith. He is a Keynesian philosopher but he still retains a pretty good reputation. He makes some wonderful television documentaries. Galbraith has always held the view that it is important that the countervailing forces against big business in any community must be fostered. If we do not cultivate those countervailing forces our society will plunge into a situation where the strong - that is, big business - grow bigger, and the weak - small business, the unions and individuals - grow weaker. We can all cite examples of where big business, even at a mundane, local level, has overrun small business, and it continues to do so. Part of the philosophy which has been adopted by members opposite and, to some extent, by members on this side, although we are beginning to see the light, is that all businesses must compete on the same terms - that is, big business, the multinationals, must compete on the same terms as small business; and unions must compete on the same basis as the multinationals. That is unfair.

This legislation is an endeavour by the Minister for Labour Relations to create a situation where the weak and the powerless in our community have no defence. They will be thrown back on their own resources, and will no longer be able to rely on their union to protect them. Many of those people come to my office. They have been sacked, and have been the victims of workplace agreements; therefore, with their own resources, they must use the current system but they cannot because they are not educated to do that. However, the Minister believes that we must emulate the system where the strong get stronger and the weak get weaker. It is not one that I seek to emulate; it is not one that this Parliament should emulate, and for those reasons this legislation should be thrown out.

MRS ROBERTS (Midland) [3.22 pm]: This will be a sad week for this Parliament and for the Legislative Assembly because this House is being used to push through legislation which is not popularly supported, solely for the purpose of expediency of the undemocratic upper House. The upper House was elected well over four years ago, and had we updated an antiquated system members in that House would not be sitting there today.

This legislation is an insult to democracy in this State. A state election was pushed on us in December last year rather than in February, which has been the traditional month for elections over the past four or so elections that I can recall. The public was deceived, because had the Government waited until February, people would have found out about the Government's agenda and its financial situation. Had the election been held in February people would have

discovered the true situation in the service delivery area. Many of those problems have been highlighted since this Parliament reconvened.

The Government's agenda is not new. The Minister has been pursuing that agenda for a number of years. If he had been able to push this legislation through earlier he certainly would have done so. This agenda was dropped by the Government pre-election, only to be taken up again this year.

Mr Shave interjected.

Mrs ROBERTS: The interjections by the member for Alfred Cove are interesting, but a proper examination of the election result would be even more interesting. Members on this side of the House have no problem in accepting the election result. The majority of people determined that they did not want a Labor Government in this State for this four year term. Deliberately and knowingly, people chose a conservative Government. However, at the same time, there was much debate about the likely outcomes in the upper House. Strong campaigns were run by the Independents, Democrats and Greens. The majority indicated by their vote that they were happy to support a coalition Government in the lower House, and people have an appreciation of which House determines government and which House is the House of Review. The choice of the people in December last year was clear. They wanted a conservative Government but they did not want an unchecked conservative Government. They did not want the extremes proposed by the Minister for Labour Relations and some other Ministers. Ministers are aware of what is politically unpopular, and what measures are not wanted by the community. This legislation is one of them.

Some of the changes that the Government tried to impose on schools were rejected by the people. This Government has undertaken more opinion polling than any other Government. When an opinion poll was undertaken during the by-election in Glendalough in 1994, it was discovered that the school closures which were on the Government's agenda were not popular. The people did not support the closures of schools unless some agreement was reached with parents. At that time we witnessed a backflip by the Government on that issue.

The Government will lose all honour and integrity if it continues to go to elections on one agenda and immediately after its re-election adopts another. As I have already said, the people strongly rejected an unchecked coalition Government and supported a larger number of Independent and minor party candidates in the upper House than ever previously. After 22 May the conservatives will not hold the balance of power in the upper House, because five new members representing minor parties will take their place in that House. If this legislation is so reasonable and necessary, we wonder why it must be pushed through Parliament and why agreement cannot be sought from Independent or minor party members if the Government has no faith in Labor Party members to consider reasonably legislation which affects the union movement as drastically as this legislation does.

The aim of the Minister for Labour Relations has been to denigrate the union movement, and to concentrate on isolated examples of union involvement in criminal activities. Some unions in this country and others have been involved in acts of bribery and extortion, because there have been bad apples in the union movement. I do not condone those actions for one minute. I am prepared to reasonably consider proposals for workplace reform and working conditions and the role of the union movement. If there are ways and means of dealing with those unions or individuals within unions who give the whole union movement a bad name they must be dealt with in the harshest terms. The Minister would have my support on that. There is no way I support criminal behaviour by anyone.

However, at the same time the unions are not alone in having people or groups within their movement who do the wrong thing and become involved in activities such as bribery and extortion. Building companies, mining companies, and so forth, in Australia and worldwide, have been involved in crime similar to that of which the Minister accuses the union movement. By and large our existing criminal law is adequate for dealing with that kind of criminal behaviour. A few isolated examples of people or unions that have done the wrong thing do not in any way give the Minister an excuse to come down so heavily on all unions thereby negatively affecting the people the unions represent. Most unions do the right thing by their membership, just as most companies do for their shareholders.

It seems that this legislation takes a very broad brush approach and throws out the baby with the bath water; that is, as a result of a few individuals and unions having done the wrong thing, all unions must be punished. I do not agree with that.

A few questions must be asked about the motive for this legislation. Firstly, is this legislation wanted? I have no doubt it is wanted by some people. However, they are not a majority and they do not reflect the majority community opinion. At best they reflect the majority of people who voted for the conservative parties. Even that is doubtful. Even if that were the case it would be only a small percentage of the total population of this State. The vast majority of people do not want this legislation. More than that, they do not want it passed through this Parliament in the manner proposed by this Government.

We could reach some general agreement for industrial legislation per se, perhaps even for some of the provisions in the legislation. However, to gain community confidence rather than threaten working people, to improve industrial relations and business in this State we must involve people in the process of legislation which proposes radical industrial relations reforms.

The second question that we must ask up-front is whether this legislation should be a priority. My clear answer to that is no, because so much other legislation is of much higher priority. This legislation was not listed as a priority in the coalition's election campaign last year. It was certainly not deemed to be a priority to ram it through before the election last year. However, all of a sudden it has become a priority and we must ask why. The only conclusion I can draw is that it has become a priority because of the change of membership of the upper House after 22 May.

If the legislation is not wanted and it is not a priority at this time other than because of the numbers in the upper House, the third relevant question to ask is whether the legislation is necessary? I do not think this legislation is needed. All we have seen so far is that it is the kind of legislation which promotes conflict.

Most, if not all of us of us on this side, think that the Minister is being over zealous with this legislation. He calls it the third wave following his earlier waves of legislation. One of the biggest impacts of the earlier waves of industrial relations legislation has been on job security. People continually raise that issue with me as a member of Parliament. People are feeling much more insecure about their employment, whether they be in the public or private sector. That job insecurity in the public sector is largely brought about as a result of widespread contracting out and retrenchment of government employees.

Other changes to industrial legislation such as the introduction of workplace agreements have resulted in people being less confident about their abilities to maintain their jobs or their current salary levels. When that happens the economy is greatly affected. It may be interesting to the Government that many of the people who have complained to me about the resultant job insecurity are small business people. Real estate agents are complaining that the reason the real estate market is inactive is that people hesitate to make financial commitments because they are afraid they or their partners will lose their jobs or their salaries will diminish as a result of previous or proposed industrial changes. That kind of job insecurity winds down the whole community.

It does not affect decisions to make only large purchases such as homes, caravans or investment properties, but also purchases at small business level where people are not feeling confident enough to spend what previously they would have regarded as disposable income. More and more people realise that their jobs may not remain at the levels they are now and they may not be able to service their mortgages or their various loans in future. As a result the whole economy could wind down. That is an economic and monetary consequence.

Other complaints have been about the impact this kind of uncertainty has on family life when dad or mum loses his or her job or must downgrade to part-time work or take a cut in salary. The impact of that on family relationships is also something this Government clearly does not appreciate when it foists this kind of legislation on workers. It is all very well to use the generic name, "workers". However, they are people's mums, dads, brothers and sisters. We are not talking about only building workers but also a whole cross-section of the community, whether they be bus drivers, nurses or anybody from a number of other occupations. Irrespective of the work they chose, people are feeling less secure in their employment. It has an effect on the economy and small business, and on their personal lives. I have noticed during the course of this debate that the Minister for Labour Relations appears to be the master of contradiction. On the one hand he says that this legislation is needed to prevent strikes and industrial turmoil, and to get the system in order because people go on strike too readily or can be intimidated to strike because there is no secret ballot. However, on the other hand, over the past four years he has regularly said in this place, generally manipulating statistics to prove his point by quoting sometimes from the financial year and sometimes from the calendar year, that the number of industrial disputes has diminished during those four years. It seems contradictory on the one hand to say that industrial disputation has decreased and, on the other hand, to say there is too much industrial disputation and, therefore, this much stronger legislation is needed. I do not think the point is demonstrated.

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

Mrs ROBERTS: The Minister for Labour Relations has also regularly come into this House in recent years and said how useless unions are at looking after the people they represent. However, bearing in mind the priority and urgency he has placed on this legislation, one can only come to the conclusion that this Bill is complete testimony to the unions' effectiveness in looking after the rights and preserving the working conditions of their members. Were they not doing that, the Minister would not need this legislation.

On the question of priority of legislation, I have considered the other Bills that should be introduced in this place well ahead of this industrial relations legislation which in no shape or form should have any priority. Four Bills dealing

with law and order have been on the agenda for a number of years but the Government is procrastinating on their introduction. I refer to legislation dealing with surveillance, listening devices and other legislative tools the police need to conduct their investigations effectively and to apprehend and prosecute offenders. Those legislative changes cannot even make it onto the program for the autumn and spring sessions of this Parliament; yet the industrial relations legislation is given priority. It is a strange order of priorities. People have spoken to me about heritage and other legislation in which the Government could do something worthwhile and fulfill some of its election promises. I was advised only last Friday that the Iron and Steel (Mid West) Agreement Bill would be debated this week, but I understand it has now been dropped in favour of guillotining the industrial relations legislation through the House tomorrow. According to the Minister for Resources Development, the iron and steel agreement Bill will result in thousands of jobs in the construction, maintenance and operation of the iron and steel plant. Yet, that Bill is put on the backburner and the industrial relations legislation is brought forward.

Much has been made of the secret ballot provisions. Proposed section 97D in the Bill states that -

> If a strike is contemplated, or believed to be contemplated, by members of an organization of employees, or by any section or class of its members, application may be made to the Commission for a pre-strike ballot to find out whether a majority of those members endorse, or do not endorse, participation in a strike.

That amendment indicates that the provision is verbose, bureaucratic, general and all-encompassing. It is as general as providing that if someone thinks someone else might be thinking about it, the bureaucratic process can be initiated. It is a nonsense.

The legislation contains many other unfair provisions which differentiate between the ways in which union members and non-union members can be dealt with. The Bill contains anomalies, such as the declaration of all political donations. The threshold for political donations by everyone else - individual or organisation - is $1 500. However, union donations will not be subject to any threshold and unions will be required to declare every donation, no matter how small. Apart from anything else, it will involve significant paperwork and red tape for the unions. Any failure to comply with these provisions will result in hefty and unreasonable fines. The Bill provides for increased penalties for union officials for stoppages, bans and limitations which proceed without secret ballots.

I wonder what the benefits will be for the employers. If some of the results include a winding back of the economy, industrial turmoil and disunity, I do not think that will help anyone's working environment. The Bill provides that a worker cannot be compensated for unfair dismissal. That moves the balance in the wrong direction. A person who has been unfairly dismissed clearly should have a right to compensation.

The Government's attitude to this debate is unreasonable. Too often people in this place see things in black and white; that is, unions are always right or always wrong and employers are always right or always wrong. Things are never that clear, and provision must be made whereby employees who are not doing the work they are paid to do can be dealt with and fairly dismissed. However, the Bill goes so much further than that. The passage of the Bill involves many abhorrent aspects, including the way in which it will be guillotined through this House, but one of the worst aspects is the lack of consultation.

Before the election the Government said this legislation would not be pushed through the House without tripartite consultation, but we now find that full and proper consultation has not taken place. In direct conflict with the indications from the Government prior to the election, this legislation will go through this House tomorrow night at 9.30, regardless of what anyone in this place has to say. That authoritarian action renders members' comments and contributions useless and, therefore, renders useless the comments and contributions of many people throughout the community - certainly those in the electorates members represent.

If members opposite had had the guts or fortitude to go ahead with this legislation prior to the election, if they really believed in it, a number of members opposite would not be in this Chamber. We would certainly not have a couple of new Ministers in the members for Ballajura and Yokine. The new member for Ningaloo would not be here. Such legislation would have well and truly tipped out those sitting members.

I wonder whether members of the coalition are genuine when they feign a reasonable attitude claiming that they have concerns about the Bill and that they will listen to opposition amendments. Why not wait until the Committee stage and see how reasonable the amendments are and whether more time is needed to consider them? Why put the guillotine on upfront? The only reason for the coalition not acting in that way, and for the feigned reasonable attitude, and not proceeding with the Minister's legislation last year, was members opposite acting out of self-interest and the interest of some of their colleagues. It was known that members would not be returned to this place if the legislation had proceeded.

This is a cynical exercise by the coalition Government. I wish to move what I am told is a "reasoned amendment" on the question before the Chair; namely, that the Bill be now read a second time.

Amendment to Motion

Mrs ROBERTS : I move -

That the motion be amended by deleting the word "now" with a view to adding the following words -

after the House receives a report from the Premier which -

(1) confirms that peak union and employer groups have met together with the Premier and agreed on the provisions or changes required in the Bill or that having met and agreed on some provisions or changes, there remains no further prospect of agreement being reached on the other matters contained in the Bill, and

(2) details the proposed amendments to the Bill which reflect agreed changes.

MR KOBELKE (Nollamara) [3.52 pm]: I support the amendment. If passed, it will change the motion before the House that the Bill be now read a second time. The Bill would then be second read following the Premier's meeting with peak union organisations and employer groups to look through the legislation and report back to the Parliament on the extent to which compromise can be reached.

The Opposition is attempting to provide the Government with an out. It has been caught in this situation through the deception of the Minister for Labour Relations who has led the Government up the garden path. He has locked it into legislation which it does not understand. I suspect that apart from the Minister for Labour Relations, no-one opposite has thoroughly read the legislation in order to understand its implications.

This amendment provides the Government with an outlet and if the Government agrees to the amendment moved by the member for Midland, the Premier could meet with these groups; the House could sit in a week not scheduled for sitting, and the Bill could be sent up to the other place without delaying the Government's program.

I will outline to the House why it is crucial that the Government take the opportunity presented by this amendment. The Government has tried to allay fears about what could be a major industrial confrontation in this State. If members read the legislation - I suspect most members opposite have not read it carefully - they will understand why it will lead to a huge amount of industrial confrontation. The legislation is totally unacceptable.

Members opposite like to think that *The West Australian* gives them a hard time, but it is a conservative newspaper. It tries to be rational in its approach to this issue. Unlike Government members, its journalists have read the Bill, and they understand that this serious legislation will cause many people in the community to take a very strong stand in opposition to it. Members opposite need to take that point on board.

The Premier became involved in 1995 when a range of industrial actions were taken because of the industrial legislation then before the Parliament. This Bill has some similar elements to last year's legislation. However, it is not simply picking up the legislation of last year, some of which was enacted and some of its worst aspects were put aside in the other place.

The Minister will have us believe that those worst aspects are in this Bill in an acceptable form. However, those worst aspects of the previous measure appear in this Bill in a more draconian form. The Minister has not sought to accommodate reasonable concerns about the legislation highlighted by the industrial disputation of 1995.

The Premier said the State economy lost in the order of $50m through that confrontation. If that drove the Premier to take action that year, he should see that it is more important now to protect the State's interests, rather than pursue some narrow political interest or involve himself in an ideological political matter in the Parliament. That reaction last year led the Premier to put the Minister in the sin-bin: He sidelined him and locked him out. In fact, the Minister was seen in the media jumping fences trying to get out; I did not know he was a hurdler until that point!

The Premier sat down with the leaders of the union movement and came to an accommodation. The unions were not happy with part of the legislation, and the Premier was not happy as he did not get everything he wanted. However, negotiations were conducted with two sides trying to look to the interests of the people they represent and those of the State. From that stage, we had a compromise.

It is now incumbent on the Premier to step in again, for which this amendment presents an opportunity. Once more, the Premier needs to override his Minister who has repeatedly contradicted the Premier. The Premier has not pulled the Minister into line, and it is time he did so.

The Premier should bring together the leaders of industry and the unions to try to resolve the matter as we do not want to wait until we have major blackouts of power supply and major industrial action with intrastate and interstate transport. The time for action is now. This amendment gives the Premier a clear way to take that action.

The wording of the amendment is not hard, as it does not signify that somehow the Government must give in totally. If the Government negotiates with employers and unions and gets the employers on side and isolates the union movement, it could return with the same Bill. The Premier could then say that the employers are totally on side and the unions are against us, as they do not understand what the Bill is about. The Government could then proceed with the measure.
However, the Premier will find that a range of serious concerns about the Bill are held across the community, including leaders of industry who see no reason for this legislation.

Mr Bloffwitch: To which ones in particular do you refer?

Mr KOBELKE: Many of those people do not want to go on the record as they are the mates of members opposite - they do not want to undermine them. If the Premier confronts the issue fairly, these leaders will speak the truth and he will understand that the legislation currently before the House is not required. I will return to that point briefly.

The Premier must make a stand. He did it last year in the interests of the State, as we assume it was not just some cynical action taken because an election was looming and based on political bias. We presume when the Premier intervened and locked the Minister out of the process, he was genuinely concerned about the State's interests. If this Premier is genuinely concerned about State interests he must take similar action. He must step in and sort out this matter. The Premier does not understand the Bill. Remarks made by Ministers and members opposite clearly indicate that they do not understand what this legislation is about.

This legislation is extremist and it will cause industrial disputation. It will render unions incapable of protecting the interests of employees. What else can employees and their unions do when the Government introduces such heavy-handed legislation which seeks to abrogate their rights in the workplace? In the detail of this legislation there is a range of small provisions which will tie unions up in such a knot that it will be impossible for them to represent their employees. It does that in a number of different places. However, members on the government side do not understand that. We will seek to bring that out during Committee.

This legislation is oppressive and tyrannical in the way in which the Minister wants to dictate in fine detail what goes on in unions and in the workplace. Mr Fielding, in the first page of his report, made it clear that this sort of legislation is not the approach Governments should adopt. Governments should not legislate to allow Ministers to intervene in the workplace in the way the Minister seeks to do by this legislation. The Australian spirit engenders a fierce characteristic of support for one's mates. That is a strength in our national psyche. Australians are able to look after themselves and their mates. They will stand up to adversity and fight for their rights and protect their mates. That is a crucial part of the Australian makeup. That must be considered in the light of this legislation because while some people might cower before it, the Australian spirit will not be cowed. Australian workers will not be subservient to this legislation. The industrial disputation that erupts over this legislation will not be easily fixed. It will cause major havoc in this State. All citizens of this State will suffer from this draconian legislation if we do not compromise and find some middle ground.

Any industrial relations system must be workable; there must be give and take. This legislation will make the industrial relations system unworkable. The Minister has deliberately introduced unworkable legislation to drive people into individual contracts and common law contracts. He will destroy nearly a hundred years of industrial relations in this State, a system to which most other nations look as a model because it offers many good aspects which reduce disputation and uphold the rights of working people. This Minister will destroy that.

I return briefly to the comments I made about the Australian spirit of independence. I remember my father telling me stories of what happened at the front during the war. I have heard the same stories from many other returned servicemen. Many officers who did not have the support of their troops because they were bombastic and tyrannical and dictated to them went missing and their bodies were never found. It is a tradition in the Australian armed forces that officers earn the respect and authority that they exercise. That is not what this Minister is about. This Minister uses numbers and crude legislation to dictate to the Australian people and they will not accept it. They will rebel against legislation as extremist as this and we will suffer. The Government should know that. This legislation is intrusive in the extreme and it is dictatorial.

We as members of Parliament have a primary responsibility to uphold the laws of this State and this nation. The Minister for Labour Relations has expressed his view on many occasions about the law requiring people to wear bicycle helmets; however, I hope that he has always abided by that law. When people judge a law to be unjust or even immoral they will take action outside the law. We must accept that. However, while we uphold the law and seek to encourage everyone else to uphold the law, if we put in place legislation that is so draconian that it affects directly the right of people to achieve justice, we will drive people outside the law. A democracy requires that an overwhelming majority of people respect the law and be willing to obey the law. A democracy can never work if only 51 per cent of the people abide by the law. That would cause anarchy. One cannot guess at that percentage.

However, a high percentage of the total population must uphold the law by obeying it. If the overwhelming majority of Australians do not do that, anarchy will result.

This legislation will put in place such a bad and unjust law that the people of this State will not accept it. A very large number, albeit a minority, will not be able to accept the injustice that will be visited upon them by the passage of this legislation. If that drives people to move outside the law, it will be the responsibility of this Government. I will oppose that totally. As a maker of the law, I have to uphold the law. However, we must be advocates of good law. Bad laws call into disrespect every law and one need look no further for a bad law than the Bill before the House today. This Bill is a travesty. It cannot be justified. That is why the Government is using the guillotine. Not one government member other than the Minister has been willing to debate the legislation. That may be because they have not read it and are not interested in it. They cannot give us a rational argument to justify it.

This amendment is an opportunity for the Government to find a way out. If its only concern is delays, this motion will cause a delay of only one or two weeks. We are willing to come back during the next recess. The Premier should take over the carriage of this legislation for a short period. He should sit down with the unions and the employer groups and thrash out with them what will be the impact of this legislation. If that were done, I am convinced the Premier would have a very different view of this legislation from that which he has been given by the Minister for Labour Relations.

The Minister for Labour Relations has been quite deceptive in the way he has presented the legislation. He has not clearly, openly and honestly explained the results of the provisions of the legislation. Consultation has been minimal. Although the Minister might talk about consultation, it simply has not happened. This amendment means that the Premier could enter into a meaningful consultation with the peak groups of those who will be most adversely affected. If the Premier did that, the legislation might have some veracity and basis for support, which it certainly does not at present.

We are making a genuine attempt to give the Government an out in the hope that we can forestall the industrial disputation which this legislation is likely to create for this State, so that we may look to the State's interests, instead of some narrow, ideological political interest.

MR BRADSHAW (Murray-Wellington - Parliamentary Secretary) [4.11 pm]: I am astounded at the speeches that have been made. I was not totally unaware of the attitude that the Opposition would adopt in this case. Members opposite must live in a totally different world from mine. Over the last four or five years when secret ballots have been talked about, I have not heard one person who does not agree with them.

Mr Kobelke: This Bill does not provide a workable mechanism for secret ballots.

Mr BRADSHAW: Certainly the way I read the Bill it does. Therefore, I will be supporting the legislation. People believe in secret ballots.

Mr Kobelke: I have no problem with that.

Mr BRADSHAW: If they do not believe that is the case, all members opposite have to do is put up some reasonable amendments and we will look at them. In England, Margaret Thatcher introduced secret ballots years ago. Will Tony Blair repeal them? No, not at all; he has already committed himself not to repeal secret ballots. Obviously they have found that they work.

If we go back to 1993, when we brought in the workplace agreements and industrial relations reforms - the first wave - one thought that the world was about to stop and the sky fall in. All those people in the Public Gallery carried on. What happened? Those reforms have gone through; the world has kept going; Western Australia has kept going; and wages have continued to rise.

Mr Brown: Have you seen how many people are employed on minimum wages who would have been employed on higher wages?

Mr BRADSHAW: I must admit I have not.

Mr Brown: You had better have a look at it, member, because in my electorate I represent a lot of low income earners who are on the minimum wage. Their incomes have gone down.

Mr BRADSHAW: Under the arrangement incomes cannot go down.

Several members interjected.

The DEPUTY SPEAKER: Order!

Mr Brown: I will explain it to you.

Mr BRADSHAW: The member might need to. As I said, the workplace agreement was a mechanism by which the minimum was the award rate. People worked from there up.

Mr Brown: If that is your level of understanding, we have no chance here of explaining it to you. The minimum under the Workplace Agreements Act is not the award rate. In many instances it is hundreds of dollars lower.

Mr BRADSHAW: It is not hundreds of dollars lower.

Mr Brown: If that is what you are telling the Parliament as an experienced member of the Government, my God!

Mr BRADSHAW: If what the member said were the case, there would be anarchy in the streets because people would not tolerate it. They would be out in droves, saying, "It is not good enough; we cannot live." They would be below the poverty level.

Mr Kierath: Ask him about workplace agreements in Tom Price. Nearly 660 left the ALP for the Liberal Party because of the ALP's opposition to working reforms. That is a blue collar working town where people change parties.

Mr Brown: It was a buy-out of conditions; that is all. They did the same as United States companies. You do not have to be a smart person to know that.

The SPEAKER: Order!

Mr BRADSHAW: The facts are that this legislation and the ideas surrounding it have been around for a long time. To delay the legislation any further is not on. We should be proceeding with it.

MR BROWN (Bassendean) [4.16 pm]: I support the comments made by the member for Nollamara. I will make some observations on secret ballots. It is true that the public opinion surveys undertaken by the Government with taxpayers' money have shown that about 75 per cent of people support secret ballots. There is no doubt that if we were to ask people in the community if they supported secret ballots, whether for electing members of Parliament, local councillors, union officials, football representatives or whatever, they would say they did. They think they are a good idea.

Mr Shave: Union officials have them.

Mr BROWN: All union officials today are elected by secret postal ballot.

The question is not whether we have a secret ballot, but rather the process that is used. Let us look at the way in which companies use secret ballots. A shareholder of a company will receive notice to attend a meeting of shareholders to elect directors. Whether a shareholder holds one or 10 million shares, the shareholder is entitled to attend the meeting. Shareholders may, if they wish, give someone else the vote by proxy. If a vote is necessary it will be conducted by secret ballot by shareholders using the number of shares they have. That process is followed by companies. No-one has been clamouring to say that process is wrong, difficult and must not be followed. If that process is reasonable, why is that sort of process not provided for in this legislation? If a group of people are to consider industrial action, why is it that the union is required to put out a notice to all of its members advising that a meeting will be held in seven or 14 days' time to consider X, Y and Z? Why is it that when a meeting takes place an independent returning officer is not appointed so that if a resolution comes from the floor a secret ballot can take place?

I could understand it if this legislation provided something like that, although I might not necessarily agree with it. The Government would be saying, "We want to ensure for trade unions and their members in this State a democratic system of voting which is similar to that followed by companies and others." That is not provided for in this Bill. This Bill provides a highly prescriptive, complex set of procedures relating to secret ballots. Quite frankly, if one were to try to push this set of prescriptions on the corporate sector for the election of directors, it would not be accepted. It is complex and unworkable. It would leave open the prospect of challenge in court by way of injunctive relief so that no company could be sure of electing directors at its annual meeting.

That is the system in this Bill. The problem is not that it is a secret ballot. It is a highly complex, almost impossible procedure to follow. It gives the Government the opportunity to say that it supports secret ballots. However, by setting out a procedure that is highly complex and legalistic and that provides an opportunity for virtually everyone with an interest to interfere in the process it ensures either that the ballot does not take place or, if it does take place, that the results of the ballot are held up.

The point about this process is that no other legislation in the world provides a code for a group or individuals to go through a set of procedures, and then if they comply with every minute point and everything is perfect and aboveboard according to the legislation, and it is run by some person who is beyond repute, and at the end of the process the vote is yes for industrial action, it is still an unlawful act. I know of no other piece of legislation in the

world that sets out a procedure whereby if one complies with every single requirement in the legislation and the intent of the spirit of the legislation, one is committing an unlawful act.

Mr Kierath: You do not even know that your colleague the member for Fremantle when he was adviser to the then Minister, Des Dans, said it was not illegal to take strike action under WA's Industrial Relations Act.

Mr BROWN: It is unlawful. The Minister had better make up his mind. He is on record in *Hansard* as drawing a distinction between illegal and unlawful. The Minister's view is recorded in *Hansard*; that is, that strike action is unlawful and that is why someone can be sued for damages over it. That is why workers can be sacked for taking strike action, and that is why under the Minister's legislation, even if there is a secret ballot and every requirement of this Bill is complied with - if 600 workers are eligible to vote and 600 vote to go out on strike for a day - striking workers can be sued for damages and sacked notwithstanding the Industrial Relations Act 1979. I do not know of other legislation like that.

The next thing the Minister will introduce in this Parliament is legislation requiring people who wish to travel at 80 kilometres an hour in a 60 km zone to apply for a permit to travel at 80 km. Then when they do that they will be fined because they are travelling 20 km above the speed limit. However, that would be acceptable to the Minister because they have a permit, so they will not get fined twice! That is how ludicrous is the concept.

Let us look at the concept of democracy. The Government goes to the people and it is elected. It then says that it has a mandate so it does not have to go back to the people again and ask them for their opinion. The Government says it has four years in which it can do what it likes. What happens in companies? When directors are elected they do not go back to their shareholders to ask them what they can do. They make decisions. If I am a shareholder of a company, its directors make decisions on my behalf. They do not come back and ask me whether it is a good idea if they give $200 000 to the Liberal Party. They are elected and they make those decisions. Office bearers in unions are elected too. The secretary, president and all those people are elected. However, this legislation says that even though they are elected, they must refer issues back to the membership. The Government says elected union officials are different from elected directors, elected members of Parliament and other elected officials in organisations and they must constantly go back and ask their membership for its views and be governed by all of that.

I would not have a problem with that if the Government were honest, and it introduced citizen initiated referenda. That would say to the Parliament that there should be a check on the Executive, the people who are elected, and that individuals should have the opportunity to initiate legislation because this Government does not believe in representative democracy, but in direct representation by people who cast a vote on each and every issue. At least, if the Government were introducing those Bills side by side, one would say there was a consistency of thought. That is, the Government does not believe in representative democracy for government, unions, or companies; that it believes the only way democracy can be determined is by direct vote of the people all of the time on all issues. However, the Government is not consistent. The Government says there should be direct democracy only for certain groups, and not for other groups where it suits the Minister. The Government accepts representative democracy for itself, because it has the power and it goes back to the people, just once every four years, not on individual issues.

This legislation should be further considered by employers and unions in this State. Western Australia and Australia have a problem with employment generation. We still have a major unemployment problem. Many of our young people are still looking for jobs, are underemployed.

Mr Kierath: We are doing better than the national average.

Mr BROWN: The Minister for Labour Relations says he is doing a great job. Many people would not agree with him. I know many highly talented people who are looking for jobs and cannot find employment.

Mr Kierath: It was 11 per cent under your Government.

Mr BROWN: I suggest the Minister check the facts. It was not 11 per cent. However, if the Minister wants a history lesson, I will remind him that when the previous coalition Government lost power in 1983 inflation was in double digits. The coalition's credentials rest on the now Prime Minister, John Howard, the Treasurer guru, Honest John, the bloke who has achieved great economic success for Australia, Mr 10 per cent - 10 per cent unemployment, 10 per cent inflation. I would not be proud of that. That is in the history books if members opposite drag them out.

Mr Kierath: We are talking about our history.

The DEPUTY SPEAKER: Order! I have been lenient so far. The member is not speaking to the amendment. He is speaking to many other aspects, which I am sure are vitally important to him. However, if the member does not have a copy of the amendment in front of him, he should get one because that is what we are discussing. I have not heard him discuss the amendment at all. I would appreciate it if he went back to it

Mr BROWN: Before I was rudely interrupted by the interjection I was endeavouring to point out the degree of importance of this legislation and the need for it to be further considered by meetings of the Government, employers and unions in this State. It is a complex piece of legislation, a highly controversial piece of legislation. If the Government is so keen on secret ballots, there are many ways to implement that arrangement. The secret ballots still might not be appropriate for the trade union movement or in terms of what we on this side of the House have to say. However, these are highly complex proposals and we should ask the Government to give them further consideration with the parties that are most concerned.

[Leave granted for speech to be continued at a later stage of the sitting.]

Debate thus adjourned.

[Continued on page 1423.]

GRIEVANCE - DUAL USE BICYCLE PATHS

MR PENDAL (South Perth) [4.31 pm]: My grievance touches on the Transport portfolio and the Police Department. Appropriately it is handled in this House by the Minister for Local Government. There are two parts to my grievance: First I will raise a matter in the broad about the growing use of dual use paths across the metropolitan area. I put it to the Minister that the time has come when we must adopt a new approach to the ever increasing conflict that is occurring between pedestrians who use dual use paths on the one hand, and cyclists who are permitted to use them, on the other. The second part relates to one case, in particular, which affects one of my constituents from Como, which had rather serious consequences when it occurred in January and which, if left unattended, may have far more serious consequences into the future.

On Saturday morning, 27 January of this year, my constituent, whom I will not name but who comes from Amery Street in Como, was making use of the dual use path along the Kwinana Freeway in Como. She was run down by a cyclist who was apparently part of a cycling club, whose participants that morning numbered about 30. As a result this lady has been put through a very high level of stress and trauma from that incident. She was taken to Royal Perth Hospital and treated for extensive facial lacerations and abrasions and later was diagnosed by her doctor as suffering from concussion and shock.

Eventually a statement was taken from this lady on 12 February, 16 days after the accident occurred. Part of my grievance is that the statement was taken by the police only after the most persistent activities by her husband and herself. We came to the conclusion, looking at the circumstances, that were it not for their persistence, the police would not have investigated the matter and it may well have become one of those incidents from which we learn nothing. Both the lady and her husband are quite appalled at the way in which they had to press the issue with the local and divisional police, rather than the police coming to a conclusion of their own volition.

I have been given quite a detailed synopsis of the many calls these people made to the Police Department and I am aware of the considerable delays to which they were subjected. I have conveyed this to the district police superintendent. I will not go through the detail of those delays, other than to say what has been said to the superintendent; that is, these details can be made available to an appropriate investigating officer if that is required. The upshot from all of that is that no charges were laid against the cyclist who was identified and whose name was given by the police to my constituent, but only after the persistence to which I have already referred.

Subsequently a question of mine was answered in this House on 13 March. I was told by the Minister for Transport that no action would take place because of conflicting evidence between the parties. I want to know the nature of that conflicting evidence. That is why I have written to the police, given the assertion of my constituent that at all times she was on the extreme left hand side of the pathway, where a pedestrian should be, and the cyclist came out across the centre of the pathway from behind the rest of the group of 30 cyclists, and collided with her which led to the quite serious consequences to which I have made some reference.

We understand a witness was interviewed. It is my intention to pursue the issue to determine who the witness is and why that person's evidence is not sufficient to launch a prosecution. I end my grievance on this basis: We need a law covering this situation that will be enforced. I understand five police cyclists patrol the metropolitan system. That seems an absurdly low number to me, given the task at hand. We need a law, for example, in respect of the use of bells, which is policed. We need a law in respect to the speeds, which is also enforced. Finally, in this lady's case we need answers about why a prosecution was not launched, given the seriousness of the occasion and given the fact that witnesses saw what occurred and apparently came to the conclusion that a most serious situation needs to be addressed.

MR OMODEI (Warren-Blackwood - Minister for Local Government) [4.38 pm]: I thank the member for raising this grievance. I am aware of that area because I live in Como and use the dual use pathway quite regularly. I will

deal with the first issue; that is, the accident that occurred. Then I will deal with the general issue of the safety of dual use pathways. I am informed that a senior constable from the police bicycle section of the traffic operation support branch researched the incident, interviewed the witness and took statements. I am also informed the statements by the witness contained contradictions about where the blame lay. The police have decided not to lay charges. I understand that the person concerned still has the option to take civil action, and that may yet occur. I will be interested to hear what response the member for South Perth receives from the police.

Mr Pendal: Do you have any advice why the police took so long?

Mr OMODEI: No. No answer was provided by the Minister for Transport on that matter. As the member will know, dual use pathways involve not just pedestrians and bicyclists, but now also rollerbladers. That issue must be addressed. This is an important matter. The Government has created the Road Safety Council in the Office of Road Safety. The council is scheduled to meet for the second time on 18 April and this issue will be on the agenda. I will ensure that this case is raised because I am also a member of the Ministerial Council on Road Safety.

BikeWest has coordinated an examination of the issues by the police, Main Roads WA, local government, the Office of Road Safety, RoadWise, and other interested groups. The varied issues of dual use pathways are being looked at closely. I find it astounding that police statistics show that only two collisions resulting in hospitalisation have occurred in the past 12 months, because I have seen a number of accidents.

Mr Pendal: I do, too. You certainly would not want to rely on that too much, given that these people had to pursue the complaint themselves.

Mr OMODEI: Obviously. The member for South Perth as the local member is right in taking up the matter on their behalf. The statistics do not reveal the true extent of the conflict that exists between cyclists and pedestrians because most events are not reported. The lack of reporting is a symptom of the greater problem, which is that neither pedestrians nor cyclists seem to be sufficiently aware that regulations govern their behaviour on pathways. Those regulations are contained in the Road Traffic Code 1975. Section 701A provides that a cyclist on a dual use path shall give way to a pedestrian on or crossing the path, and section 702(1) requires a pedestrian to keep to the left side when on a footway, marked crosswalk or pedestrian crossing. Because bicycles are wheeled vehicles, all accidents involving injury or damage to property should be reported to the police. This is obviously not happening and more must be done to ensure that occurs.

I am told that in other parts of the world where cycling and dual use paths are more common, people have developed considerable skill in the discipline necessary to avoid conflict. Because of the planned extension of the cycle network, to which this Government has committed substantial funds, it is a necessity for cyclists and pedestrians to become more familiar with the regulations and the behaviour that should flow from those regulations. When the Road Safety Council addresses this issue on 18 April it is expected to produce a course of action that will result in cyclists and pedestrians adopting a more mature attitude to their responsibilities.

I know this does not help the member for South Perth completely, but I would be pleased to hear about the response he gets from the police about the time taken in the investigation of that case and to find out the background to that. The structures in place - the Road Safety Council and the Ministerial Council on Road Safety - will address these issues. The advent of people on rollerblades must be considered in tandem with the issues involving cyclists and pedestrians. There is no doubt that the importance of this issue is mounting. The number of head injuries among cyclists is on the increase. Only this morning I spent about three hours visiting young people at the Homes of Peace. There is no doubt that brain injury as a result of accidents is on the increase. This is a matter the State must address, from not only the road safety angle, but also the disability services angle to more adequately fund the results of accidents.

More importantly, the Government can highlight the injuries that result from accidents as a means of getting across a message to the public that strict laws must be in place and those laws must be adhered to so as to minimise the number of accidents that occur. With the increasing number of people using dual use pathways, a better public awareness about the rules and regulations and an accompanying education program is required so that people are aware of those issues. I would appreciate the member for South Perth getting back to me on the reporting period for the police, which I will relay to the Minister for Transport for his attention.

GRIEVANCE - FLOODS

Shire of Ashburton

MR GRAHAM (Pilbara) [4.45 pm]: My grievance is to the Premier. In November-December last year and at the beginning of this year the regions of the Kimberley, Murchison and Gascoyne received record rainfalls. Those areas are not unique in that regard because most of outback Australia has been flooded with record rainfalls. The Northern

Territory, South Australia, outback Queensland and New South Wales have suffered extensive damage as a result of the rains. The north west of the State has experienced additional problems associated with cyclones. When the rains occurred in Broome the then new Minister for Emergency Services quickly and properly jumped on an aircraft to Broome to inspect the damage. He committed himself and the Government to whatever action was necessary to repair the damage caused in Broome.

After the bushfires in the hills of Perth late in the summer the Premier, again quite rightly, visited the area, as he should as Premier of the State, and committed dollars to those areas for the clean-up as a result of the natural disaster. My criticism of the Premier and his Government is that I am unable to find any other occasion on which senior Ministers or the Premier have visited the north west of the State or taken any interest in the natural disasters there. I will go through some of them.

The Shire of Ashburton suffered extensive damage from the floods. The highest levels ever have been recorded in the Ashburton River. Members who know the Nanutarra Roadhouse will know that the bridge there was completely under water, as was the whole area. That was unprecedented in the north west. Not one member of Parliament went near that region at the time it occurred or in the weeks afterwards.

Mr Sweetman: Do you want to stand corrected on that?

Mr GRAHAM: I will give the member the newspaper clippings.

Mr Sweetman: I was there the week after.

Mr GRAHAM: Marble Bar was cut off for six weeks by road, and to date nobody from the Government has been there. Nobody has even bothered to get on the telephone to see how Marble Bar is getting on. If it had not been for mining companies and some intervention by Main Roads WA officials at the request of people in the north west and the local council, Marble Bar would have received no foodstuffs at all.

Mr House: Have you been there?

Mr GRAHAM: Yes. I knew somebody would ask that, but I did not think it would be the Minister for Primary Industry.

Mr House: I just wondered whether you asked any Ministers to go there with you.

Mr GRAHAM: If the Minister for Primary Industry wants me to run the Government, all he has to do is make the arrangements and I will be happy to run the show.

The Northern Territory had the floods that the Pilbara and the Kimberley had. The Chief Minister of the Northern Territory was out and about the flooded areas the day after the floods and he publicly committed himself and his Government to between $3m to $5m for bridge works to ensure that communities in the north of the Territory were not cut off by the floods.

In Queensland the Premier of the State and, I understand, the Deputy Prime Minister were out and about the day after the recent cyclone and committed the Queensland and Federal Governments to funding on a ratio of 3:1 - three from the Commonwealth and one from the State - to repair the damage in north Queensland which was caused by the cyclone-induced floods.

The floods worked their way down the river systems from the north and central areas of Western Australia to South Australia. The day after the flooding in South Australia the Premier and a federal Minister visited the affected areas by helicopter and committed tens of millions of dollars to the road and rail network.

A cyclone went through my home town of Port Hedland, and because of its nature, it left an abnormal amount of rubbish and debris. Not one person from the Government bothered to phone Port Hedland to find out what damage that town sustained during the cyclone. Members can compare the difference in the treatment rendered to the north west of this State and that to other parts of Australia. The Port Hedland Shire Council subsequently wrote to the Government and asked for a certain amount of money to assist with the clean up and the request was rejected by the Premier and Treasurer for no reason other than he was unable to accede to the request. The people of the north west of Western Australia are entitled to the same degree of support as the people who live in the hills and, as citizens of this country, are entitled to receive the same degree of support as people of the Northern Territory and Queensland.

It is too late for the visits and those sorts of things. What action will the Government take to ensure that the roads and the damage caused to the outback areas of the north west of the State are repaired forthwith?

MR COURT (Nedlands - Premier) [4.53 pm]: I thank the member for the grievance, but it is a pity he did not get the facts straight. He is correct in saying there has been extensive flooding in the north of the State. However, to

paint the picture that the Government has not shown an interest in what has occurred or done anything about it is totally wrong. I will run through two issues: Firstly, the effect the flooding has had on the pastoral industry and, secondly, the problem in relation to roads.

The member is right - there has been extensive damage to the roads, but he painted a picture that nothing has been done about it. The member for Ningaloo was asked to spend last week travelling through the area to provide the Government with an assessment of the damage. The member may ask why he was requested to undertake that task last week. The reason is it was the first occasion on which many of those areas were accessible. It took the member 10 hours to travel 50 kilometres because some of the areas are still not passable.

Mr Graham: The Ashburton Shire Council could not get one senior Minister to return its phone calls until I rang the Ministers' offices.

Mr COURT: I am surprised at that because I have been asked to do a number of things and I have been kept informed of the situation on a regular basis.

I will quickly run through the road situation in the Kimberley, Ashburton and Pilbara regions. In the Kimberley there was major damage, particularly in the Broome townsite, and local roads were damaged. The repairs to the state road network have commenced with the work in Broome nearing completion and all state managed roads are open to traffic. Due to difficulty with access not all the local roads have yet been inspected to determine the extent of the damage. Main Roads Western Australia regional staff are working with local government to assess the extent of the damage so that flood damage claims can be submitted and approved. All the roads are being opened as soon as practicable with reinstatement being undertaken after assessment. Work on state roads has commenced, but the majority of the work in the Broome area has been completed.

The damage to the state managed roads has been estimated at $1.7m and damage to Broome Shire Council roads and Derby-West Kimberley Shire roads has been estimated at $1.326m. The damage to the total road system is yet to be assessed and I understand that a claim for damage to roads in the Camballin area has not been received. The regional manager is working with local government to finalise the claims.

In the Pilbara region the damage to a number of state managed roads has been estimated at $0.7m and action has been commenced to repair them. All these roads are now open to traffic. The extent of damage to local roads is still being assessed due to access difficulties.

In the Gascoyne area there was damage to the North West Coastal Highway and the Onslow access, but those roads are now passable. A full reinstatement will occur as soon as an investigation of the North West Coastal Highway to determine how the damage can be fully repaired is completed. The work will take two to three months to complete and will cost approximately $1.1m. Again, the extent of the damage to the local roads is still being assessed due to access difficulties.

The Government has moved as quickly as is practicable in the circumstances to carry out the repairs and it is working closely with the local authorities to assist them. The reports the Government has received on a regular basis are that it is still difficult to get through to some areas, as the member for Ningaloo found out. The Minister for Primary Industry asked that member to travel through those areas last week and only yesterday he gave the Minister a very detailed report, including photographs, which assessed not only the road damage but also the losses incurred by the pastoral industry. The member is putting to the Minister for Primary Industry specific proposals, particularly in relation to the Ashburton floods and the losses incurred by pastoralists.

A package will come to Cabinet. Only recently, since the flood waters receded, have the pastoralists been in a position to make an assessment of and report on the damage to their properties, including damage to fences and stock losses. The rural adjustment scheme provides funding for business planning and implementation grants and some of these measures may be applicable. The applications which have been received are being given urgent consideration.

The Minister is looking at assistance available for protection of remnant vegetation on the Ashburton River system and there may be some special loan provisions for the long term impact on pastoralists of the flooding of the Ashburton River. There has been extensive flooding. We have not had flooding to this extent in these areas.

Mr Graham: Ten years ago we did.

Mr COURT: Four years ago when we came to government there was extensive flooding in the Fitzroy area but a lot of the rains did not go through to the Pilbara and Ashburton areas. I appreciate the points the member made and I will be following them through with him privately. The areas which have not been granted immediate assistance cause me concern. The Government has not inspected some areas because, in most cases, they are inaccessible.

GRIEVANCE

Elle Campaign and Global Dance Foundation

MR BROWN (Bassendean) [5.00 pm]: My grievance is to the Premier. I wish to raise a number of matters concerning the Tourism Commission's Elle Macpherson advertising campaign and the Global Dance Foundation.

The Elle advertising campaign started yesterday or today and the Opposition hopes it will be a success, that it brings millions of dollars to our economy and places Western Australia on the map. In fact, it must be a success given the nature of its conception and birth. However, the Premier and Ministers have failed to disclose details indicating the degree to which, if at all, proper funding and management procedures were followed in the development of this proposal. I serve notice that the Opposition will be rigorously scrutinising the details of these arrangements when they are released. They have not been released as yet but, when they are, members on this side of the House will examine them in great depth.

In the past few weeks we have seen the details about the Global Dance Foundation fiasco. The Premier originally said that he referred the matter to the Tourism Commission for advice. However, the Opposition now knows from documents provided to it that he was intimately involved in the decision making process. Indeed, the Premier endeavoured to keep the Global Dance deal quiet but, piece by piece, details of his involvement have emerged. Members of the Opposition believe we have only scratched the surface.

Over the past month the Opposition has used Parliament and freedom of information applications to extract some of the information it requires about the Elle advertising and Global Dance Foundation deals. It has been like chiselling stone; it has been extraordinarily difficult to get that information. We have been stonewalled in the Parliament, especially by the Minister for Tourism, and our freedom of information applications have been blocked. However, we intend to persist and we are preparing appeals against those FOI decisions in order to access the information. Indeed, we are entitled to that information if members opposite wish to claim that theirs is an open Government and that they subscribe to the views expressed by the Royal Commission into Commercial Activities of Government and Other Matters.

A number of concerns have come to light in relation to the Elle arrangements. First, correspondence and explanatory notes from the Western Australian Tourism Commission to the Leader of the Opposition dealing with the Elle arrangement show that no formal submission or funding application was made by Elle Racing or Mr John Harvey. This was a "four on the floor" entrepreneurial deal. No tenders were called nor were others involved; it was a deal involving certain individuals.

What does that mean? How is the system operating these days if the appropriate processes are not followed when government funds are made available? It is said that that process was not followed because this was a unique commercial opportunity. Is Government now in the business of taking commercial opportunities - of putting up risk funding? That sounds familiar. The proper procedures were not followed and as justification the Government is saying, "This was a unique commercial opportunity." What does that mean? We do not yet have any information about who came up with the idea, whether Mr John Harvey approached EventsCorp or whether it approached him; about how the funding was organised and who decided the extent of the government contribution or whether the funding proposal went to Cabinet. All of that information is still to be revealed.

We also have no information about whether checks were carried out into the background of Mr Harvey or Elle Racing. A simple company search would have revealed that Mr Harvey was a former director of a company that is chasing him for $170 000. In the commercial world one would have checked those details, but we do not know whether that information was pursued.

A simple investigation might also have shed some light on the capital assets of Elle Racing Pty Ltd. It is a $10 company with two directors. One of the directors, Mr Buckland, who was a co-director with Mr Harvey, has since resigned. Mr Harvey - now the only director - is well known in Liberal Party circles. He was close to and an adviser to Andrew Peacock, Nick Greiner and Jeff Kennett. Were these his credentials to get the money? How was this done?

The contracts remain a mystery. We are told that there are 28 documents, but we have not had access to them; they are still being kept secret. I invite the Premier - if he believes in open government as he states in this Parliament - to table the contracts and other information. Let us see what they reveal. We would like to know where the taxpayers' money is being spent.

I took up this issue with the Premier last week and this week, but the Government persistently and consistently refuses to table commercial contracts it has entered into. It will not disclose to the Parliament or the people of Western

Australia where taxpayers' funds are being spent, and that is wrong. I challenge the Premier to table the contracts and come clean on this issue.

MR COURT (Nedlands - Premier) [5.06 pm]: I thank the member for raising this grievance. I understand that he has all the available information about the Global Dance issue.

Mr Brown: Not all of it.

Mr COURT: What has not been provided?

Mr Brown: A whole pile of documents has been provided. I have not gone through all of them in the time available, but I am told that some documents are missing. I will check on that, if the Premier says I have them all, and provide him with a list of the missing documents.

Mr COURT: It was a pile of documents a couple of inches high.

Mr Brown: There are many documents.

Mr COURT: Every time someone moved, a note was made and kept.

The member can criticise the way the Elle Macpherson contract was entered into, but the aim was to lift the State's profile both nationally and internationally. Extensive research was carried out in Australia, Asia and Europe to find out not what we thought of Western Australia but what outsiders thought of our State. That research came up with a few home truths that in some cases we did not like, but it also clearly identified the State's strengths. The person who typified those strengths was very like Elle Macpherson.

The Opposition has criticised the Government for not using other people, such as Ernie Dingo. In fact, Ernie Dingo would be very appropriate and he has been assisting the State with some of its tourism promotions. However, to my knowledge virtually no criticism has been forthcoming from the tourism industry; in fact, there has been incredible support for the publicity this campaign has generated. People involved in putting these deals together say that we have negotiated a very good financial arrangement with Elle Macpherson to use her as the face of Western Australia in our promotions. We previewed the advertisements and the strategies today, and I believe the media and the industry were given a fairly detailed rundown of the research and of why we are targeting in this way. I hope it works, and I believe it will be a good marketing exercise.

We spend millions of dollars each year on advertising. That is not a lot when we are trying to get into an Asian or European market, or whatever. We believe we will get much more value for our dollar by focusing on a particular personality who will be recognised in a number of these markets, and although our goal has been to promote international tourism, we should not underestimate the Australian market.

Members opposite can criticise the way the contract was entered into, and there were problems, which had a high profile, with the yachting component of that contract, but Elle Macpherson has met her side of the arrangement. She has been incredibly cooperative and professional in the way in which she has worked with the State, and I believe the majority of Western Australians are very pleased that such a high profile person is promoting this State. Members opposite can be as negative as they like, and I do not mind their wanting information about contractual arrangements, but they should not have on a blindfold with regard to what we are trying to achieve. We are trying to promote Western Australia, because many of these markets have an incredibly low awareness of what Western Australia has to offer.

With regard to Global Dance, as I said at the outset -

Mr Brown: What about the contract with Elle?

Mr COURT: I am not aware of what the member has been trying to do there. I do not have direct responsibility for that area. I did at the time have responsibility for Global Dance Foundation. As I said, I always accept full responsibility for decisions that are made where I am or have been the Minister. I, like the member for Bassendean, am very unhappy about that situation. I think the member for Perth said about Global Dance Foundation "Good concept, wrong person". I will not comment on that, except to say that it is very difficult for Governments, wherever they are, to attract cultural events. They are quite different from sporting events.

Although we have not had a lot of success to date in the cultural area, we will not walk away from it, because many good things are being done in that area. I appreciate the point that the member is making. We hope to continue to do a lot to help the dance community in Western Australia. We are looking forward to the opening of the new facilities in King Street. That is going ahead on schedule. We hope the Elle campaign will be very successful.

GRIEVANCE - SMALL BUSINESS

Predatory Pricing by Multinational Companies

MR BLOFFWITCH (Geraldton) [5.13 pm]: My grievance is to the Minister for Fair Trading and is on behalf of small businesses. Small businesses suffer in many ways, one of which is their limited buying power when they are competing with a multinational in the products they are selling, because it is understandable that a particular multinational, whether it be a supermarket, a hardware chain, or whatever, will be able to buy at a better price. In order to combat that disadvantage, many small businesses form buying groups in an effort to equal the buying power of the large multinational companies, or even the large Australian companies, that are competing in the marketplace.

My complaint to the Minister for Fair Trading is about the selective pricing that companies offer to buyers. It does not matter what market I look at in Australia, I can give classic examples. Let us consider the petrol industry. A service station that buys huge quantities - 40 000 litres at a time - and pays cash on delivery for its product probably pays 5¢ a litre more than does a private customer who orders a drum of fuel from the same company and has it dropped off on his lawn. Nothing in our fair trading and trade practices laws prohibits that type of conduct. Of course, most service stations operate in a tied market.

I will give an example that is found in the general retailing world. If 4 000 retail outlets combined in a buying group throughout Australia and said to Coca-Cola Amatil, "If we purchased three quarters of a million dollars worth of Coca-Cola from you a month and we paid cash, what sort of deal could we get?", Coca-Cola would say, "You will buy at the normal wholesale price; that is the deal that you will get", and when asked why, Coca-Cola would say, "We are probably delivering to most of those customers now anyway, so why should we bother?"

Coca-Cola has a strong brand name and great influence in the marketplace. Even though a shop owner might also be selling Pepsi-Cola, customers come in and say, "I want a Coke", so he is in a cleft stick where he must also sell that product. However, that shop owner might then walk into the local supermarket, whether it be a Coles or a Woolworths, and see that a can of Coke is selling for 26¢ less than the price at which he can buy it, so he asks himself, "Is this predatory pricing?"

We have complained to the Trade Practices Commission about this situation, but it has said that it does not fall within its scope. An American Act called the Robinson Packman Act overcomes the difficulties that I am talking about, so that a business can say, "I would like to buy three quarters of a million dollars worth of Coca-Cola a month" - which is the sort of quantity that Kmart Australia Ltd is buying - "I am prepared to pay on terms that are acceptable to you, and I want a discount that is similar to the discount that Kmart is getting." That does not seem unreasonable to me. That Act in America ensures that like purchasers are charged the same price.

That principle does not apply under the Trade Practices Act or the Fair Trading Act. That is the reason that in this country, Coles-Myer, Woolworths Pty Ltd and the other multinationals have about 45 per cent of the retail market. In America, where that Act is in force, the company which has largest market share has only 8 per cent of the market. That is because if smaller companies do form a buying group, federal and state laws give them a reasonable chance of surviving in the marketplace. I ask the Minister to look at our fair trading laws, not to put any business in a preferential position, but to at least give a small business, whether it be a liquor store or whatever, the same buying power as is given to its competitors, because it certainly does not have that power today. That is why small business is getting smaller and big business is getting bigger. It is a refusal by companies to supply. If they do supply, it is at the normal wholesale price, and at that rate we would be put out of business.

MR SHAVE (Alfred Cove - Minister for Fair Trading) [5.20 pm]: If this were question time this issue could be regarded as a Dorothy Dix question, but it is not. The member for Geraldton raised the matter with me about an hour ago. This is an issue which is close to my heart. When I was in the hotel industry I was on the board of a buying group called Westel which represented hotels throughout Western Australia. The group wanted to buy liquor from the Swan Brewery which effectively had the monopoly. I recall that at the time the supermarket chains told the brewery that they were prepared to enter the brewery and do their own cartage. They offered fancy incentives to the Swan Brewery to try to undermine the pricing regime of small businesses, particularly the small hotels in country areas. To the credit of the directors of the brewery, they had enough foresight to say that there would be only one price; they decided there would be no discount because they realised that all sectors of the market must be treated in a fair manner.

When people talk about competition and fairness in the marketplace, it raises an interesting issue. Selective pricing by large supermarket chains can be related to favoured positions in a shopping centre. It is not wrong for a shopping centre owner to lease a large area at a favourable rate if he can get a large tenant to take up 30 or 40 per cent of the centre. However, other considerations in a shopping centre are overheads, cleaning charges, and electricity expenses, and the Government should consider those aspects because unfairness can occur.

I am not privy to the details of the American Bill to which the member for Geraldton referred. However, I would welcome the opportunity for the Ministry of Fair Trading to set up a committee to consider this issue, because the majority of the public would argue that if, say, Coca-Cola had the capacity to sell its product at a certain price, all buyers should be treated in a similar manner. If members of the public were subjected to the same sorts of practices to which, say, small business appears to be subjected, there would be a public outcry and the Government would be asked to act.

I do not believe in price controls or dictating to sellers how or at what price they should market their products. However, large suppliers have a responsibility to create a fair and reasonable climate in which small business can exist. The small business sector would argue that in small shops they employ more people per square metre than do supermarkets. They will argue that their rates are generally higher and, in many cases, the supermarket chains use junior staff on their tills and on the floor and that when that staff reach 18 years of age, in some instances, they are replaced. I do not say that does not happen in small business but generally the complaints I receive come from people suggesting that it happens more frequently in the larger chains and the multinationals.

I will ask my department to look into the matter. However, one of the problems when considering such an issue at a state level is that businesses, particularly big corporations, have the capacity to buy interstate. In this State we have the Ministry of Fair Trading, and in other States it is Consumer Affairs. Those bodies handle the same issues. I will consider coordinating a meeting between the member for Geraldton and the chief executive of the Ministry of Fair Trading, Mr Bodycoat, to consider what should be done - other than making it clear that I do not believe in price control or dictating to consumers or the marketplace.

I will be pleased to arrange that meeting, and, subject to the recommendations produced, we may need to coordinate on a national basis. We are not talking about developing socialistic policies whereby we compel people to do things against their will. The small business sector in Western Australia provides most of the jobs in this State and in this country, and it is incumbent on the large multinational chains and the major retail chains in Australia to ensure that fact is recognised. I will take action to implement that proposal. In conjunction, I may suggest to the Ministry of Fair Trading that officers speak to the Retail Traders' Association and the Western Australian Retailers Association which may like to have input to the proposal. I thank the member for raising his grievance. It will receive the necessary attention.

The ACTING SPEAKER (Mr Ainsworth): Grievances noted.

MOTION - ELECTION PROMISES

Broken

DR GALLOP (Victoria Park - Leader of the Opposition) [5.26 pm]: I move -

> That this House condemns the Premier for breaking important election promises on industrial relations, the gold royalty, electoral reform, the uniform tariff policy and law and order. And further, this House calls upon the Premier to honour his election commitment to provide Western Australians with a "social dividend" when delivering the state Budget.

It is important to reflect upon what it is that we are doing when we have an election. It is very easy to look at the basic framework involved in an election: The different parties compete for power and seek the support of the electorate; the electorate votes, and then we find out who will be in government. That is the formality of the election. That is the bare process that occurs, but underneath that we hope that something more substantial is going on. That is, an opportunity is being provided to the parties and the candidates that participate in the election, to present their ideas about the future of the State. Elections are very much about the future. The people who participate in politics take the risk that their version of the future will be supported by the electorate. The risk they take in a democratic system is that they might lose.

Democracy collapses when the people who are participating in politics are not willing to take the risk that they might be beaten. On a recent trip to the United Kingdom I visited Northern Ireland and met with the contending parties in that dispute. I was struck by the fact that neither party was willing to embrace the peace process with the enthusiasm they might, because the peace process is establishing a framework within which they can compete for the support of the people about their ideas, but one side might be beaten in the contest. Therefore, the unionists are concerned that the people of Northern Ireland might vote for unification with Ireland in future, and the extremists on the national side are concerned that the people might vote to stay part of Britain. They are not willing to risk their position in a democracy.

We take that risk in a democracy because it is the best way we can deal with our differences. What takes place in a democracy? We are given opportunities to present our ideas on the future. That process has two parts, both of

which I will talk about tonight. The first thing we do in an election campaign is provide our assumptions about what is happening within our community and how they come to bear on our promises. That is no more obvious than when we make assumptions about the future of the State's economy and the impact it will have, particularly on revenues that will come to the State. That will impact on the level of promises that can be made in an election campaign.

The first thing the candidates and the parties must do is make clear their assumptions about the future. Responsibility for making assumptions about the future direction of the economy is usually taken on board by the major parties. One of the legitimate complaints both major parties can make about the minor parties and Independents is that they do not usually take on board the onerous task of making clear what they believe will be future projections and how they will impact on any promises they make. It is the major parties that do the aggregating and compromising and the overall presentation so that the electors have a clear view of what is available to them by choice.

The second thing the major parties must do is outline their policies and priorities for the next four years. That is where the electorate can say that the Labor Party has certain policies and priorities and the coalition has other policies and priorities. The electorate can make a choice in the election about which of the two it wants in government. In outlining the assumptions the Government of the day has a particular responsibility because it is privy to Treasury advice on the assumptions about the future of the economy and of revenue coming into the State. Oppositions can get advice independent of government, but no matter how hard other institutions in our society try, at the end of the day, Treasury is best placed of all to make projections about the future.

The last election was important because Treasury estimates were put on the table as part of the election. This was an important innovation that the Opposition fully supported and on which we congratulate the Government. That provided a clear statement from the Treasury about our future. What did that mean? If no changes are to be made to taxes and charges, what revenues will come into the coffers in the next four years? If there is no change in policy as laid down by the Parliament and the Government for the future, what will be the expenditure commitments based on the way those policy frameworks are set?

The financial estimates indicate what the future will hold if no changes are made in today's assumptions about taxes and charges on the one side and policies and commitments on the other.

When the financial estimates were laid out on 14 November 1996, we knew on that day the way our Government would look in the future if there were no changes in the assumptions. Any changes in policy commitments would have to be funded and any changes in growth forecasts may impact on the revenue. As I said, that was an important innovation of which we approve and we hope it will become an established part of the political process in Western Australia.

I move on to the realities of the election, what was said in the election and what we now know about the commitments of the Government. This is budget week, probably the most important week in our parliamentary timetable. Over the next few days and weeks we will be able to examine the Budget as a social and economic document. We will be able to assess what impact the Budget will have on our State's economy, particularly in relation to what impact the John Howard Budget will have on the State's economy. We will be able to consider who will bear the burdens and who will get the benefits from the allocation of revenues.

What will the Budget mean for our society in the next four years? It will tell us much about the Government's priorities. However, I believe that another aspect to the Budget is important to put on the agenda today; that is, given that the Budget comes so soon after an election, we should treat it not just as a social and economic concept but also as a political concept. We should treat the Budget in terms of its credibility and what it tells us about the Government in our State.

A major issue before us this week is the credibility of the State Government. What do we want from the Government? Do we want a Government that is all imagery or one that deals with the facts and reality? Do we want a Government that is led by spin doctors, whose main concern is to put a particular impression into the community rather than provide the facts and issues as they emerge within society and the economy?

It has become very obvious that the Government in Western Australia is driven by spin doctors and is more concerned about public relations than about reality. The year 1996 will be noted as the year of the almighty con. Despite the con of the Government's presentation of its position in 1996 - the spin that was put on the events of Western Australian society - which was a pre-election year, the reality has started to emerge.

Mr Court: What point are you making?

Dr GALLOP: The Premier should listen.

Mr Shave: The public thinks you are irrelevant.

Dr GALLOP: The Opposition has its responsibilities, which we will conduct quite well.

Mr Shave: You must pick up your game.

Dr GALLOP: Our game is well and truly on the right track. The more the member for Alfred Cover shows his arrogance with those comments, the happier we are on this side of the House; he should keep it up.

The reality concerning State finances and the impact of John Howard's Liberal Government and this Government's intentions, as opposed to the rhetoric it used during the election campaign is not just dripping out, it is flooding out. It will flood out tomorrow when we get the Budget. Promises are being broken and the social dividend will not be delivered. They are the two fundamental realities in Western Australian politics today.

It is interesting to consider what has been going on in the past few months. The Premier's office has been working overtime preparing the ground for these reversals in government policy. In the last few weeks there have been leaks to certain media and the Government has been softening up the community for what will come and changing its position on the Federal Government and its impact on the Western Australian economy and its society. I refer to the broken promises and the reality. I begin with the big promise made by the Premier in the election campaign that after four years of budgetary constraint and cutbacks, together with extra taxes and charges such as the 4¢ a litre on fuel, there would now be an era of gain. After the pain this State would enter an era of gain.

I turn now to the forward estimates. They were not just a set of assumptions about the way things would work in the future. They were also the Government's financial plan. When the Government presented the forward estimates, it described them as its plan for the future and the way in which it would tax and spend in the next four years, to which would be added the promises made in the election campaign. There was no question about the forward estimates as the Government's plan for the future. It was also said that the Government's promises would be funded from the $350m in "productivity savings" it could achieve in the following four years. The big promise was there for the people of Western Australia to see. The Premier said the impact of the commonwealth cuts was built into the forward estimates, with the exception of the possible $15m cut in special purpose grants announced recently by the Howard Government. There was an assumption that productivity improvements would fund election promises without any increases in taxes and charges. The Government presented not only forward estimates but also a plan for the future, which was its big promise to the people of Western Australia. The Government knew all along that it would increase taxes and charges but, of course, it was driven not by reality but by an intense desire to present itself in the lead-up to the election as a Government of all gain and no pain for the following four years. In that contradiction between the reality that it knew existed because of the commonwealth cuts and the problems in the health and education systems throughout 1996, it could not bring itself to tell the truth to the people of Western Australia. The people who control the Government said the Premier could not tell the community that taxes and charges would be increased and that the Government's caving in to John Howard would impact severely on the State's finances.

Mr Court: In neither the 1993 or 1996 elections did I say there would be no increases in taxes and charges. To the contrary.

Dr GALLOP: The Premier should not try that pathetic little trick. He presented the forward estimates as a financial plan to the people and said any promises would be met through the productivity savings. He said that during the election campaign. The Premier paraded his financial plan before the election. Of course, members of the Labor Party knew there were deeper problems with the finances of this State, but the spin doctors who run the Government told the Premier he could not tell the people there would be four years of pain and that John Howard had been bad for the State. The spin doctors said the Premier could not say that in a pre-election environment because it would confirm what the Opposition had said and it would undercut his pre-election strategy. Therefore, rather than tell the truth, the Premier put a spin on the reality. The Labor Party knew there were problems with the Health budget because it was campaigning on this issue and had seen the impact in the community and the need for the injection of $80m. The Labor Party saw the problems John Howard was creating with his Budget because its members spoke to people in other States who said they could not meet the requirements of federal-state relations under the new Federal Government without increasing taxes and charges. I am talking not just of Bob Carr, but also of Rob Borbidge and Jeff Kennett. However, the Premier of this State could not tell the people the truth of the situation in a pre-election era. He conveyed the impression somehow that the dams were full and the prospects for the people of Western Australia were bright - the era of pain would be followed by the era of gain and hard economics would be followed by social dividend. It was a very good and encouraging story to tell the people of Western Australia, who were working longer hours for the same or lower incomes. It was a very good story for the families concerned about what was happening to their schools and hospitals, and it was a good story for small businesses battling in an environment of consumer uncertainty and hesitancy. The pollsters told the Premier to say that. They said the last thing small businesses and ordinary working men and women want to hear from the Government is that there will be another four years of pain from both the Federal Government with its impact on state finances and the State

Government with its impact on taxes and charges. The pollsters told the Premier that whatever he did he should not tell that story but should tell the people another story. Of course, the Premier told another story.

He was most insistent on telling that story to the people who live outside the metropolitan area. There were a few marginal seats, including Ningaloo and Mitchell, outside the metropolitan area that the Government wanted to win from the Labor Party. He was told by his spin doctors and pollsters that the last thing he could talk about in non-metropolitan Western Australia during the election campaign was economic rationalism because those people knew the reality of economic rationalism and its blood brother, the user-pays principle. They knew what it meant to them in their access to services on an equal basis to those who live in the metropolitan area.

Then came the two smaller promises. The first was that the uniform tariff would remain intact, and that was delivered by his now apparatchik, the Leader of the National Party. No longer is he the leader of a political party with an independent status in this State. His is the lap dog of the Liberal Party, and he made that promise. The second promise was that there would be no gold royalty. This is a very cynical Government. Indeed, it is a disappointing spectacle to witness the progress of the Leader of the National Party from a cross-bench politician interested in the principles of parliamentary democracy to nothing more than a clapped out lap dog. The Premier promised during the election campaign that the uniform tariff would be preserved and no gold royalty would be imposed. We cannot say with any certainty that the uniform tariff will be intact but we know its abolition is on the agenda of the Minister for Resources Development, and a great struggle is going on within the Government about that. That was supposed to be a precondition of the re-formation of the coalition, so it fell by the wayside. However, we know there will be a gold royalty in Western Australia if this Government gets its way in this Parliament. We do know that we will vote against it, but we are not so sure about the Government. We certainly know the Cabinet will vote for it, but we will see what happens with backbench members. It will go be interesting to see how the members for Ningaloo, Collie and Roe vote on this issue.

Mr Court: If it comes in, will you commit to take it off?

Dr GALLOP: We are absolutely and utterly committing to voting against it in this Parliament. That is the issue before us today.

Unlike the Premier, I will keep every promise I give at the next election should I win government. The extent of the betrayal by the Leader of the National Party on these issues is felt most intensely by residents of non-metropolitan Western Australia. In the case of the seat of Ningaloo, we argue that his promise given during the campaign had an impact on the final vote on that seat. We believe that the betrayal in the election campaign has impacted upon the course of democratic politics in Western Australia. It is an enormous betrayal of non-metropolitan Western Australians.

The National Party should be ashamed of itself in the way it has succumbed to that betrayal. It has shown no fight and no interest in the people, and that includes you, Mr Acting Speaker (Mr Ainsworth). You went out in the election campaign and made promises on behalf of the National Party which have been broken. You should be ashamed of yourself and your political party in this Parliament.

Mr Cowan: That is not good form, and you know it!

Dr GALLOP: He is a member of Parliament and he must account for himself in here.

Mr Cowan: You do not do it when he is in the Chair! That is how tiny you are.

Dr GALLOP: The member for Roe conducts himself in the Chair with dignity. I address him in relation to the way he votes in this Parliament, not the way he conducts himself in the Chair. The Leader of National Party is thin-skinned; he feels guilty about the betrayal he has perpetrated on non-metropolitan Western Australia.

This week will be about credibility. The big promise will be broken. On top of that, we will see broken the promises given to non-metropolitan Western Australians. The election campaign was fought not only on these important financial issues, but also on the basis of industrial relations and accountability. Let us talk about those two issues in this debate. In each of these areas we have seen a mixture of backtracking and deception from the Government since the election.

Every impression was given during the campaign that the prejudices of the Minister for Labour Relations and the conflicts which those prejudices engendered were now behind the Government. The Government went into the election campaign spreading the message to the people of Western Australia that it had finished with that conflict and that we were to move into an era of peace in industrial relations. The coalition's policy platform referred to secret ballots but gave no detail. Its elections campaign did not feature industrial relations as a major issue; indeed, the Minister was manacled in his ability to present his prejudices to the community.

The election speech of the Premier, his core document in the election campaign, did not even mention industrial relations - that is how important it was in the election campaign! It was all softly, softly, and steady as she goes with no radical change in industrial relations.

A more sinister reality has occurred since the election. Currently we are considering legislation which, if it passes through the Parliament, will effectively manacle the trade union movement. We still hope that reason will prevail within the Government because we know that divisions have emerged in the government ranks. We know that the Government is being lobbied by significant business interests about this legislation. Perhaps the Deputy Premier could confirm that.

Mr Cowan: The only people who have spoken to me about the industrial relations legislation are from the TLC.

Dr GALLOP: Has the Deputy Premier not been spoken to about the future of Jervoise Bay and the development of this legislation?

Mr Cowan: No. I might have had a letter, but I have no evidence of that. If I have, it has come in the last day because I keep up to date with my correspondence. I have not had one person from industry talk to me about this legislation on a formal or informal basis.

Dr GALLOP: We have.

Mr Cowan: All I have had is representations from the TLC and the union movement.

Dr GALLOP: The Government misled the people of Western Australia during the election campaign about industrial relations. The more sinister reality, which the Government always proposed, surfaced after the election. Interestingly, this issue did not crack a mention in the Premier's election speech, yet now it is pushed as a priority. An attempt is being made to push the Bill through the Legislative Council before the balance of numbers change on 22 May.

Is this government by mandate or by democratic process? Is this a Government which has the confidence of the convictions it gave in the election campaign that it would carry through its promises after the election? No. This is a Government of deceit. It deliberately misled the people during the election campaign because it is a Government which does not deal in reality. It presented itself in a dishonest way during the course of the election campaign.

We have seen in industrial relations yet another example of the Government's deceit in the election campaign. Let us turn to accountability issues, which relate to the future of our political system. Before the last election the Commission on Government reported to the Parliament on its view of the future electoral system in Western Australia. The Commission on Government recommended that one-vote-one-value be implemented and it said that the system of malapportionment in this State for the upper and lower Houses had reached the pointed where it was no longer relevant to our State. Indeed, in response to that recommendation, the coalition said that, at least in relation to the Legislative Assembly, one-vote-one-value would apply with a deviation of plus or minus 15 per cent for local factors. That was said before the election. They took that promise to the election campaign in December 1996.

Let us remind ourselves of these promises: The big promise was that the gain would follow the pain, and that the forward estimates would be the plan for the future. It was promised that productivity improvements would fund election commitments to give a social dividend. It was promised that uniform tariffs would stay in place, and if they did not, the coalition would be at risk. A gold royalty was not to come in because the National Party guaranteed it. Also, electoral reform would take place as recommended by the Commission on Government.

The first three promises have gone down the gurgler. What about the promise about electoral reform?

Sitting suspended from 6.00 to 7.30 pm

DR GALLOP: When the State Budget is presented tomorrow, we will focus on it as a social and economic document and will look at the distribution of priorities involved in it. Tonight we are considering the credibility of the State Budget as a political document and the promises that were given by the Government at the last state election. The big promise that will be broken in the Budget that will be presented tomorrow is that the social dividend, the gain that was supposed to follow the pain, will not be forthcoming. The Premier could have been upfront with the people about that issue in 1996. However, because of the political strategy that he set himself he could not do that. The message that was given to the struggling small business people, working people who have been working longer hours to get the same or less income, and the many non-metropolitan citizens under pressure from the economic rationalist policies overall, was that they had suffered but there would be a gain. That is the big promise that will be broken in the Budget tomorrow.

Every indication has been given that other promises will also be broken. They include promises made to non-metropolitan citizens in general, particularly in relation to the gold royalty about which the Leader of the National Party made a firm promise. The promises in respect of the maintenance of the uniform tariff throughout Western Australia and the clear indication that industrial relations would be dealt with on a new basis by the Government as opposed to the conflict upon which it was based in the last term of government will also be broken.

I now come to that important issue of electoral reform. The Commission on Government, which was set up to carry out the recommendations of the Royal Commission into Commercial Activities of Government and Other Matters recommended that we should have one-vote-one-value in both Houses of Parliament. When the Commission on Government's report was considered before the state election, the coalition said that the principle should be agreed with a possible deviation of 15 per cent from the quota in the Legislative Assembly. However, no agreement was given about the application of that principle in the Legislative Council. Since the election the coalition has backed away from that promise. In other words, the electors were given every indication that a new coalition Government would remove the historical anomaly of malapportionment from the Legislative Assembly. Since the election the Government has said that it will move in that area only if there is agreement with the National Party, and the National Party has backed away from the commitment it gave before the election.

Just as members of the National Party in this Chamber should look closely at the commitments they gave to electors before the election, members of the Liberal Party should look closely at the commitments to electoral reform that their party gave before the last state election. It is an enormous tragedy that a clear commitment will be broken by this Government unless members of the Liberal Party stand up for the Commission on Government's recommendations. It will be a tragedy for the people of Western Australia if that broken promise is maintained throughout the four year term of government.

It is a pretty poor record. In such a short time since the state election the big promise has been broken, promises made to non-metropolitan citizens have been broken, promises to working people who have an interest in trade unions have been broken, and promises about the electoral system have been broken. That all adds up to the credibility of the Government. This Government is so cynical that it has decided to break all of its promises now in the hope that over the next three years, the people of Western Australia will forget. It has adopted a very cynical attitude towards voters and towards the commitments it gave in the election campaign. It hopes that it will have time in the next three years to patch up the broken commitment it made to give some gains to people following the pain over the last four years. It hopes it will have time to patch up the broken promises it made to non-metropolitan citizens about the gold royalty and the uniform tariff and it hopes the industrial relations issue will be swept under the carpet over the next four years. However, that legislation is so draconian that it will not be forgotten; it will undermine the stability and trust in our society for employees, employers and the Government to work together.

Mr Kierath: That is what you said last time and we increased our majority.

Dr GALLOP: There is nothing better than to hear a Government crow about its victory. Keep doing it because I love to hear it. Every time the Minister crows about the Government's victory, the voters say they need to reconsider the support they gave to this Government.

Mr Bloffwitch: You hope!

Dr GALLOP: It is not hope. It is based on our knowledge and if members opposite thought about it seriously, their knowledge of the way politics work. The bottom line is that people decided last year that the Government would get a second term of government. However, its time is running out. The more it breaks promises, the more the people will turn on the Government. I hope Hon Graham Kierath is the Minister for Labour Relations for longer from the very narrow political point of view of the Labor Party. However, from the point of view of the public interest of this State, I hope he is put out of the job tomorrow because the longer he is in the job, the more the stability of our State will be undermined. He is an extremist and the problem is he does not recognise that he is an extremist. That is always a tragedy for people who are extremists.

Mr Kierath: I had overwhelming support from teachers today. They said that their union has gone right over the top.

Dr GALLOP: The Minister is right out of touch if he thinks teachers support this legislation. This Government is extremely cynical.

Mr MacLean interjected.

Dr GALLOP: We will be hearing a lot about the member for Wanneroo in the next couple of years in this Parliament too. Drip by drip. We are listening to what is happening down the road.

Dr GALLOP: We hear about the Government's credibility and how it will line up in the next three or four years. We have a very cynical Government. The people of Western Australia should get better from the Government that

it elected in December 1996. Like Macbeth the Government thinks that if it does it quickly and gets it out of the way, people will forget. We remember what Macbeth said -

> If it were done when 'tis done, then 'twere well it were done quickly.

The philosophy of this Government is, "Let us get the broken promises out of the way quickly." Let us hope that people do not forget. If they do, this State will drift into authoritarianism because the industrial relations legislation is not about industrial relations but politics. The legislation is about South East Asian authoritarian politics and Western Australia becoming the sort of society about which, when we look over the borders of other countries we say, "We could not live like that. We could not be a part of a community where the Government of the day directs people to think and act." However, we have a cynical Government that thinks it can get away with that type of governing. That cynicism is on the agenda of Western Australian politics this week with the Budget with the broken promises, and the backtracking and complete denial that the election meant anything at all. That our political system went down to that level is a tragedy. The people of Western Australia deserve better than that. I believe they will react very firmly to those broken promises and to the impositions which will be placed upon them, for which no expectation was raised in the election campaign.

Before the dinner suspension the member for Roe was in the Chair. I referred to his role as a National Party member of this Parliament.

Mr Cowan: You know you owe him an apology.

Dr GALLOP: Let me finish! It was unfair of me in the course of my passion over the National Party's commitment to taunt him while he was in the Chair. I will certainly taunt the Leader of the National Party about these issues. However, I apologise to the member for Roe. He conducts himself when in the Chair very fairly to all members of Parliament. It was unfair of me to taunt him when he was in the Chair and could not respond, for which I apologise, but I do not apologise for the comments about the role of the National Party in the betrayal that is occurring. Its members have to answer for themselves on this issue. Certainly from 1986 to 1993 in this Parliament it prided itself on its commitment to parliamentary accountability and checks and balances. It has sold out significantly, much to the detriment of its credibility in the community and the parliamentary process. It is not just the Premier's credibility which is on the line over the events this week; the National Party's credibility is, too. We deserve better and we need better. We will spend the next few weeks debating the social and economic effects of this Budget but tonight the credibility of the Government in relation to the election is on the line.

MR KOBELKE (Nollamara) [7.45 pm]: In supporting the motion, I will refer to a few examples of where the Government has clearly broken the undertaking it gave to the people of Western Australia over labour relations. The Labour Relations Legislation Amendment Bill outlines a number of clear cases where the Government has failed to live up to the promises it made to the people of this State. The election platform put up by the coalition indicated that there would be secret ballots, but the Government has been very tricky in carrying forward the ploy that its legislation is about secret ballots. The secret ballots set out in the Bill do not follow through on the commitments given in the policy statement. In large part the policy statement said very little but it did say that whatever was brought in by way of secret ballots would ensure genuine democratic decisions on strikes. The anti-strike provisions in this legislation do not provide for a genuinely democratic process. If the process is to be genuinely democratic, clearly it must be effective; it must be one that works for people so that they have some opportunity to express their views through the process. We find in the legislation that what are called pre-strike ballots have nothing to do with providing any genuine process. The Bill contains a whole range of draconian measures which seek to prevent a person and a union from upholding their rights. Although the Government promised secret ballots, this legislation contains a different animal.

The Government indicated prior to the election it would not pursue many of the other things contained in this legislation. In November 1995 the Premier wrote to the Trades and Labor Council after a series of meetings and gave a range of undertakings. Although the Premier is not in his place, I hope he will be willing to respond and say that he stands by his letter of 7 November 1995. In that letter he set out the position of his Government on a whole range of issues. We must keep in mind that at that stage the Premier had taken over the running of labour relations and sidelined the Minister for Labour Relations, who had made such a mess of it. For a short time the Premier took control of the issue. He did not allow the Minister for Labour Relations to sit in on the meetings. He sat down with the TLC to hammer out agreement on a number of issues. That is reflected in this letter. I do not know whether the Premier thought that this letter was politically expendable; that he could put out the letter, hose down the fires and not be committed to it. I ask the Premier to tell us whether he was committed to this letter or whether it was a political device to take the heat off at the time. If the Premier was committed, what was the extent of the commitment?

Mr Court: I will get up next and speak.

Mr KOBELKE: I ask the Premier the simple question: Does he stand by that letter?

Mr Court: I will get up and answer that for you.

Mr KOBELKE: In other words, the Premier does not. He will not give a direct answer.

Mr Court: The answer is of course I stick by the letter and I will explain how I have.

Mr KOBELKE: The undertakings given were that a "Tripartite group be established to make recommendations to the Minister on any suggested changes. There will be no further legislation unless agreement on all sides." I assume the Premier is standing behind that statement.

Mr Court: Keep going.

Mr KOBELKE: Was that to be effective for a week, just until the political storm blew over, for the life of the Government or beyond the life of the Government?

Mr Court: Do you think it would be for the life of the Government?

Mr KOBELKE: I hope it would be.

Mr Court: It was for the term of the Government.

Mr KOBELKE: Is the Premier saying that was clearly a commitment made genuinely for the life of his Government?

Mr Court: For four years, yes.

Mr KOBELKE: The Premier gave a clear undertaking that anything relating to the Fielding report, which members would understand was very broad in its extent to labour relations, would not proceed. That is, no legislation would proceed unless there had been further consultation and there was agreement on all sides. This legislation contains a range of matters on which there was no consultation and no agreement. It may be that the Premier or the Minister for Labour Relations will say that undertaking is no longer valid because there has been an election. However, that is not valid, because the composition of the other place is still that which it was in November 1995 when the Premier gave this undertaking. If the Premier says that the election has put his undertaking aside and he no longer has to stick to it because the election outcome has determined that it should be different, it is not different in the other place until 22 May when it will take on the complexion which arose out of the recent election. That complexion is such that the Government no longer has a majority. If the Premier gave this commitment for the life of his first term of government, and his Government still continues on that basis in the other place, he has broken his promise. That promise is in black and white. The Premier stated -

> There will be no further legislation unless there is agreement on all sides.

We know from the outcry from the union movement that unions were not consulted on this legislation, so there was no agreement. The Premier gave a clear undertaking to the Trades and Labor Council and to the wider public of Western Australia, and he has reneged on that undertaking. The Premier made it clear through the media at the end of 1995 that the Government had fulfilled most of its labour relations agenda and, if re-elected, during its second four year term it would follow through in minor ways. This legislation is not following through on minor matters; it is extremist. It goes way beyond that which could be counted as tidying up and further minor reforms. The Premier's letter of 7 November 1995 reported on the negotiations which had taken place with the union movement. One of the matters that was covered was the ability of unions to inspect records of employers. This is an extremely important area for the safeguarding of conditions of employment for lowly paid workers, many of whom are at the mercy of their employers. Their jobs are insecure and they are poorly paid. If they are dismissed, they know they will have great difficulty in finding another job. Therefore, if the employer underpays them, they need someone to stand up for them. They need to be able to appeal for justice through our industrial relations system. That requires assistance, and because they are lowly paid they cannot employ lawyers or advocates; they simply do not have the funds. The only place that poorly paid workers can turn to for assistance is their union, and the union cannot assist them through the Industrial Relations Commission unless it has access to the wages records that will create the basis of a case to show that a worker has not been dealt with fairly. The union must have access to the wages and time records of an employer. That was taken up with the Premier. Agreement was reached and the Premier gave an undertaking on that in his letter of 7 November 1995. The Premier stated -

> Inspection of Records.
>
> To apply to all situations where award/agreement provides for union to have right to inspect records (includes proposals relating to objections by non-members, "authorised" union representatives and resolution by WAIRC when dispute relates to whether employee is a member of a union).

That was shorthand and jargonistic, although the message is clear. The original legislative proposal was to lock unions out of the process. The unions said that they could not represent their members, particularly those people employed on a low wage, if they could not get to see time and wages records. The Premier agreed with the unions. However, he required that the unions concede that if an employee objected to a union official in any way having access to those records, the employee's records would be withheld from a union official. That was what the Premier proposed, and what the TLC accepted; that was the agreement. The agreement was clearly that unions would have access to wages and time records of an employer, with an opting out clause if a particular employee did not want a union official to have access. That employee would put that objection in writing.

Clause 34, which amends section 49B of the Act, states that the employer may refuse the representative access to the records if the employer is of the opinion that access to the records by the representative of the organisation would infringe the privacy of persons who are not members of the organisation. That is only one part of the clause. The Government has reneged on the undertaking given in the Premier's letter. We will revert to a situation that is far worse than that which was proposed in the second wave legislation. It now rests on the employer, who in most cases where these grievances are raised, is actually robbing the employee by providing a worse set of conditions than that which is required for a particular employee. Now the test will not be that an employee can withhold his or her private information; the test will be that the employer is of the opinion that access to the records by the representative of the organisation would infringe the privacy of a person who is not a member of the organisation. If the person is not a member of the union, and the union seeks to help them or, in looking at the whole workplace, tries to maintain a standard of conditions and wages, it is simply the opinion of the employer that can lock the union out. That is totally contrary to the agreement thrashed out between the Premier and the TLC which was confirmed in his letter of November 1995.

In order to be brief I have taken only one example; however, the facts are irrefutable. In the overall approach to this industrial relations legislation the Premier has not fulfilled the undertaking he gave for the life of his Government. That Government continues in the other place, because new members have not yet taken their seats. When one goes through some of the finer details - as I have in the area of inspection of records - one sees this legislation is totally contrary to the undertaking that was given in writing by the Premier to the Trades and Labor Council in November 1995. I could give more examples, but I will leave it there. The big issue is that this legislation is a total rejection of the Premier's undertaking to the people of this State that the Government had fulfilled its major commitment to industrial legislation and what remained was minor follow-up work. This legislation embarks on changes in areas where changes were made in 1995, so the Government has not yet had time to see if those changes are effective. The Minister is making changes without judging whether the previous changes have been effective, and adding further difficulties and complications. The nature of this legislation is contrary to the undertaking given by the Premier. The major undertaking by the Premier to go softly in this area and to consult people has been totally disregarded. The Premier may respond to this in more detail later. The commitments the Premier gave for the life of his Government did not finish with the election; they finish when the upper House changes its complexion. That being the case, why will the Premier not leave the passage of this legislation through the other place until after 22 May?

Mr Court: I will give you that answer.

Mr KOBELKE: The Premier has said that to me a dozen times, but when he gets up to respond he simply does not answer.

Mr Court: The answer is quite simple. We have already brought this legislation through this Parliament. It has already gone through the Legislative Assembly and, as you know, it was always the Government's intention to have that legislation put through the other House.

Mr KOBELKE: That is not true. I will go through this chapter and verse. This legislation is substantially different from that which was brought in here in 1995.

Mr Court: That is nonsense.

Mr KOBELKE: It is substantially different: In many areas the penalties are much harsher; the mechanisms are more complex; and additional parts have been included to make it much more difficult to work effectively.

Mr Kierath: That is not true.

Mr KOBELKE: We will get to the Committee stage later, although the time for debate in Committee has been reduced and we will have difficulty dragging out of the Minister what he hopes to achieve by the various clauses of the Bill. If the Government is trying to put to the people of this State that this legislation is simply a mirror of what was brought in here in 1995 and did not get through, it is simply not true. It is totally and absolutely false. The Government has no mandate for this legislation. In the meetings in 1995 with the TLC the Premier gave a clear undertaking that certain elements of the legislation would be withdrawn. It was made very clear then that unless a

tripartite group was set up and there was clear agreement on all sides, the Government would not proceed with those provisions.

If, before the election, the Premier had promised something different, which he did not, we would be in a different situation. The Premier should read the legislation and not continue to be misled by the Minister for Labour Relations, who is known throughout the length and breadth of this State to be someone we cannot trust. He does not tell the whole truth. If the Premier continues to listen to him, he will continue to be misled. I suggest the Premier get someone else to look at the legislation. He will then see that this is not the Bill that was brought in here in 1995. For the Premier to introduce this legislation at this time and, in particular, to push it through the other place while it is still composed of members who were elected in 1993 goes far beyond that and is a total breach of the undertaking the Premier gave to both the TLC and the people of this State.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [8.02 pm]: I strongly support this motion moved by the Leader of the Opposition. During the last sitting week we debated the contrast between the Government's pre-election and post-election financial rhetoric. We observed and demonstrated in some detail how before the election the Government was promising people a social dividend and after the election the Government talked about the need for a tough Budget and the difficulty being imposed by alleged new developments in commonwealth-state financial relationships, developments which the Government should have known about all along.

This week we will look in more detail at a similar set of issues. It is fascinating to contrast the image of this Government prior to the election and the reality in the post-election phase. Let us look at the Liberal Party prior to the election. Noel Crichton-Browne had been expelled. The Premier had shifted Hon Norman Moore from the Education portfolio. He had shifted from the Health portfolio the member for Riverton, who was still the Minister for Labour Relations. The Premier had given a promise to the Trades and Labor Council of moderation in industrial relations legislation after he had intervened in the mess created by the Minister for Labour Relations.

What do we see post-election? We see Noel Crichton-Browne successful in having his candidate, Hon Ross Lightfoot, preselected as the senator to go to Canberra. We see the Minister for Labour Relations let off the leash once again. We see the so-called moderates in the Liberal Party apparently completely unable to exercise any restraint on the Minister for Labour Relations.

Mr Court: If we are in such a mess, you wait until we get our act together, my friend.

Mr RIPPER: Is the Premier a moderate in the Liberal Party?

Mr Kierath: He is actually.

Mr RIPPER: If the Premier is a moderate, God save the community because he is not standing up to the extreme elements in the Liberal Party at the moment, and neither are any of the more commonly known so-called moderates.

Mr Court: What has that to do with what we are debating?

Mr RIPPER: It has this to do with what we are debating: Prior to the election the Liberal Party had one set of policies, one set of promises; after the election, now it has four more years in power, it presents a completely different face to the community. It is a cynical exercise, and I will demonstrate that in some detail.

Yesterday in the Parliament we saw a demonstration of the change in the image of the Liberal Party, a change in the political symbolism. The Minister for Education seemed absolutely powerless to do anything to restrain the Minister for Lands in his promotion of the idea that access to the public school system should be means tested. The Minister for Education arranged for the deletion from an Opposition motion of words repudiating the views of the Minister for Lands. The Minister for Lands seemed completely unabashed, completely unashamed, and got up and expressed his outrageous views, which must have been embarrassing to the Minister for Education, with even more vehemence than usual. The Minister for Aboriginal Affairs was offered an opportunity to repudiate the disgraceful views of Ross Lightfoot on Aboriginal matters. He completely squibbed that opportunity and failed utterly even to acknowledge Ross Lightfoot had those views, let alone repudiate them.

We see a completely different face of the Liberal Party in 1997 from that which was presented to us in 1996 when the party faced the imminent state election. It is not just a matter of political symbolism. It is not just the fact that the right is rampant inside the Liberal Party, that the moderates seem to have lost all will or capacity to stand up to the more extreme elements in the Liberal Party. It is not just about symbolism; it is about broken promises which will have a real impact on the community. My colleague the member for Nollamara has been dealing with industrial relations matters. I, too, refer to the Premier's letter to the Trades and Labor Council of Western Australia of 7 November 1995, the very chummy letter, the "Dear Tony" letter. I do not think the Premier speaks at the Trades and Labor Council in that sort of friendly, chummy way these days. It is not "Dear Tony"; it is that we will not be bullied; we will not make any change; the Government will not be moved.

In November 1995 the Premier said this to "Dear Tony" -

> There will be no further legislation unless agreement on all sides.

What is the Government's answer to the betrayal of that promise? There are two answers. The first is that the Minister for Labour Relations says that this is the same legislation as was in the Parliament previously. That is wrong because there are many ways in which this legislation is different and more extreme from that which was introduced to the House during the previous term of government. The second answer from the Premier goes like this: "All my promises have a use-by date and that is the end of the term of government. We wipe the slate clean and anything I said before does not apply and we start all over again." That is the argument the Premier has given with regard to the gold royalty and with the industrial relations legislation. What about the promise to prohibit oil exploration in the Ningaloo marine park? Has that expired? Was that just a term of government promise like the rest of them?

Mr Court: What drilling is taking place in the Ningaloo marine park?

Mr RIPPER: Has that promise expired? I ask the Premier to answer either yes or no.

Mr Court: I just said to you that there is no drilling on Ningaloo Reef.

Mr RIPPER: People listening to the debate might be interested in this. The Premier cannot say whether his promise to prevent oil exploration in Ningaloo Marine Park has expired. The Premier cannot have it both ways: Either all his promises are good for the period he exercises power or they all expire at the end of a term of government. Perhaps we will have to ask him each time he makes a promise for how long the cheque remains valid. The Premier does not give a satisfactory answer. He has betrayed the trade union movement and the community.

The Minister for Labour Relations gives another answer when pressed on these matters. He says that the Government has a mandate because the industrial relations changes were in the Government's policy. I looked at the industrial relations policy the Liberal Party issued before the last state election. It did say that the Government would move to introduce secret ballots before strike action, but that is about all it said. There are a lot of things it did not say. It said nothing about the delays and inconvenience that would be foisted on unions seeking to undertake industrial action. It said nothing about the potential for interference from employers and rival organisations in what are, after all, independent organisations. It said nothing about the invasion of privacy of union members who will have their names, addresses and union membership revealed to all sorts of people, including those who would like to blacklist union members from future employment in the industry. It said nothing about the draconian fines the legislation will impose, nor about the fact that under this legislation union members must personally give notice to employers before they can undertake industrial action.

The policy said nothing about the additional powers that would be given to the Industrial Relations Commission to order resumption of work. It said nothing about the additional penalties that would apply for people who continue with industrial action after the commission has used those expanded powers to order resumption of work. Unions will be subjected to injunctions from the Supreme Court and punishment for contempt of court if they continue with industrial action.

The policy said nothing about punishing an organisation related to another organisation that sought to exercise its rights under federal law. Members should think about that concept. The legislation proposes to punish not the organisation that takes action, but a related organisation. A punishment will be imposed because an organisation has dared to exercise its rights under federal law. I am amazed at the brazenness of this legislation. It purports to authorise what is virtually contempt of court. If someone approaches a federal tribunal to exercise his rights under federal law, someone else with whom he is connected will be punished under state law. It is an amazing concept that I hope will be ruled unconstitutional in due course. I find it difficult to believe that any Government that says it has a commitment to civil rights would proceed with such legislation.

The policy said nothing about the change to the Minimum Conditions of Employment Act that will authorise the theft by employers of workers' annual leave entitlements when employees resign "unlawfully" under the legislation. The Bill contains no definition of unlawful resignation; therefore, it is unclear what this will mean in practice. However, it seems to mean that many employees will be liable to have the annual leave they have accumulated in the year they resign confiscated by their employer. That is money they earned. This part of the legislation will legalise theft. The industrial relations policy contained nothing about restricting the right of union officials to enter workplaces or to inspect records relating to time and wages.

None of the justifications advanced by the Premier and the Minister for the Government's industrial relations legislation when compared with the attitude it took in the pre-election year stands up to scrutiny. The situation is clear: This Government has betrayed the union movement; but beyond that it has betrayed the community because it led the community to expect that there would not be this division, discord and disruption and this level of industrial

action. The community will know who is responsible for the disruption and division we will all have to endure; that is, the Minister for Labour Relations, and the Premier for allowing him to proceed in this way.

If the Minister and the Premier have betrayed the union movement and the community, they have also betrayed the gold mining industry. I will quote from a statement made to the *Kalgoorlie Miner* by the Deputy Premier on 7 December 1996. Fortunately the *Kalgoorlie Miner* taped the interview with the Deputy Premier and a transcript was made, which was quoted in *The West Australian* of 7 March 1997 in part as follows -

> It has been stated time and time again by me that there is no reference to a gold royalty in any policy we have as a coalition. It is not an election issue. And, as it is not an election issue, it is not something that is going to be raised in the term of the Government . . .it's not on the agenda for the full term of the next government.
>
> If on the one hand there is going to be a clear statement, as there has been, that a gold royalty is not on the agenda, it is not part of the policy, then very very clearly I am not going to be part of any government that having said that then breaks that commitment.

That is a definite pre-election statement that there would be no gold royalty. The Premier was a little more slippery on the question of the gold royalty. However, on one occasion, in September 1996, *The West Australian* states that he agreed with those who argued that a gold tax would kill small producers and marginal ore deposits, adding, "That's why as Treasurer, I have not considered it as a source of revenue and it has not been built into our forward estimates for the next three years." It was not in the Government's famous four year financial plan. Every indication was given to the industry last year before the election that there would not be a gold royalty. The industry largely accepted those assurances from the Government. It had a significant capacity to campaign vigorously in the pre-election period; however, it was misled, in particular by the Deputy Premier and less seriously, but still damagingly, by the Premier. Thus, it did not exercise that capacity to campaign. After the election the industry has been betrayed because we all know that in tomorrow's Budget the gold royalty will be announced.

If the Government betrayed the union movement, the community and the gold mining industry, it also betrayed democracy. Last November the Government was prepared to commit itself to electoral reform based on the recommendations of the Commission on Government. Those recommendations provide for a single quota for the determination of electoral boundaries with a 15 per cent tolerance for variation between seats. Now the Government is saying something quite different. It is saying it cannot proceed without the agreement of the National Party, and it says no. It is still a betrayal, whatever the reason that it thinks it cannot proceed. I do not think the members of the Liberal Party, particularly the more cynical members, are very unhappy about the National Party's decision. All is revealed in a fascinating exchange recorded in *Hansard* on 13 March. The Minister for Parliamentary and Electoral Affairs was under considerable pressure from interjections, including those from the member for South Perth, and there was an extended question and answer session in the House on whether the Minister supported electoral reform. The *Hansard* reads -

> Mr Pendal: He has answered. The Government is committed to one-vote-one-value. The only question is whether the tolerance is 5, 10 or 15 per cent. Is that correct?
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> Mr SHAVE: No. What the member said to me was "prior to the state election".
>
> Dr Gallop: After the election you had a different position.

The Leader of the Opposition got it in one and the Minister was, as usual, quite brazen. He said that was the Government's position before the election, but it is different now because it is after the election. The community will suffer because of these changes in the Government's position. Before the election the Government was giving all sorts of reassurances to the community. It was saying that there had been pain and sacrifice, it had sacked workers, privatised a lot of government services and not given enough money to the health system and there was still a law and order problem, but strong financial management meant it could reward the community with a social dividend and all that pain would be justified. Tomorrow we will find out what is the first instalment of that social dividend. It will be higher gas, electricity, public transport and water charges, and traffic fines will be doubled. The struggling families of Western Australia will have increases in all their basic utility charges and those penalties, which the ordinary law-abiding person is most likely to incur, will increase. It is not a very encouraging start to this Government's term in office. It comes back to the old cynical approach - tell the electors before the election that it will be wine and roses in the next four years and in the first few months after the election hit them with increased charges. The Government will not worry about the social dividends until the next time it tries to soft-soap the electorate and that will be when an election is looming.

Even the 1996-97 Budget was deceptive. I ask the Treasurer to comment on this issue in his reply because the Government has a real problem with that Budget. I understand he told all departments and agencies that they must

cut expenditure in the remainder of this financial year. I have been told that in one agency a four and a half per cent cut has been imposed in the last three months of the financial year.

Mr Court: They have got off lightly.

Mr RIPPER: The Treasurer's response is interesting. It is four and a half per cent on an annual basis and given that three quarters of the year has passed, four and half per cent when only 25 per cent of the Budget is still to be expended. In other words, there is a 20 per cent cut in the rate of spending by that agency for the remainder of this financial year. The Treasurer says that agency got off lightly and he confirms my view that there is a problem with the 1996-97 Budget. The figures presented to this House in the pre-election year were wrong.

Mr Court: If it comes in right, will you say you are sorry?

Mr RIPPER: No, I will not. If the Government brings in a formal balance, it has been achieved through the sort of cuts I am talking about. The Treasurer did not tell the public when he brought down the Budget that there would be a big cut in programmed expenditure in the public health area or in important Ministry of Justice programs. The Treasurer can bring down a balanced Budget, but he should not expect me to congratulate him because I know it is at the expense of important services to the community which he told the community it would get when he brought down that Budget. I would like the Treasurer to tell the House of the difficulties he is experiencing with expenditure in the public sector agencies. It will give the Opposition some grounds on which to judge the credibility of the 1997-98 Budget he will bring down tomorrow.

Mr Bradshaw: Obviously you were not a mathematics teacher because four and a half per cent of 25 per cent is not 20 per cent of the Budget.

Mr RIPPER: The member completely misunderstood me. I was talking about the rate of expenditure in the final three months of this financial year. Four and a half per cent on an annual basis, when there is 25 per cent of the Budget left to spend, is approaching a 20 per cent cut in the rate of expenditure. I was a primary school teacher and I would be happy to go over the grade 5 syllabus with the member, because that is what I was responsible for teaching. Perhaps the member has the odd deficit which I could fix up for him on a remedial basis, free of charge.

The problem with the Government's approach is that it profits in the short term by soft-soaping the electorate before the election by promising a more restrained and moderate approach in industrial relations and a social dividend rather than the slash and burn philosophy it applied in the previous four years. However, it is only short term profit. One of the Opposition's roles is to keep the Government honest and to ensure it makes a credible and explicit effort to deliver on the promises which it made to the people. So far it appears that the Opposition has a big job ahead of it because the Government is not making that determined effort to honour its promises. There is short term profit for the Government, but as things turn sour for it people will not forget what it has done in the first six months of its second term of Government.

MR COURT (Nedlands - Treasurer) [8.28 pm]: Some of the speakers in this debate have been talking a lot of drivel. The last speaker spoke about the problems inside the Liberal Party. If he wants to come into the Parliament and talk about the problems inside a political party, I do not mind debating that topic. I thought he would not be in a position to give much advice in relation to the operations of a political party.

Mr Ripper: I was talking about the image you presented before the election. It was one of contrived moderation whereas the image now being presented is one where the extreme elements are running rampant.

Mr COURT: That is nonsense.

Mr Ripper: That is because the Treasurer does not regard the Minister for Labour Relations, the Minister for Lands and Hon Ross Lightfoot as extreme. The rest of us do.

Mr COURT: I said by way of interjection that if the member believes the Liberal Party is not in good shape, he should wait until it gets its act together and it will give his party a run for its money.

The member for Belmont said that I have asked departments to cut their expenditure. In the four years I have had this portfolio responsibility, I have done that every day of the week. The problem the Labor Party had when it was in government was that it did not know how to say no. Members opposite were prepared to spend, spend, spend and debt was blowing out at nearly $1b per year. How can one pay a social dividend if debt is allowed to blow out at those rates and interest rates are going through the roof? We are saving over $100m per year in interest payments alone because debt has declined.

Several members interjected.

The SPEAKER: I remind members on my right that interjections are disorderly. I am sure the Premier is capable of making his own speech.

Mr COURT: Members opposite are having trouble coming to grips with the fact that, since it came to office, this Government has been operating on publicly available forward estimates. One does not have to be a genius to work out the general strategy. There is very little difference in the estimates we made public during the election campaign and those we will release tomorrow.

Mr Ripper: There is a huge change in the rhetoric.

Mr COURT: The member must give us credit for the fact that there was not much excitement in the forward estimates; there was responsibility, debt management, balanced budgets and living within our means but not a lot of political excitement. The Opposition went on a spending rampage during the election campaign, promising the world. It was then brought into line because it had to say from where the money would come.

Several members interjected.

Mr COURT: This motion states -

> - and calls upon the Premier to honour his election commitment to provide Western Australians with a social dividend when delivering the State Budget.

We will.

Mr Ripper: Through increased taxes and charges.

Mr COURT: I said that the Government would deliver a social dividend starting with its first Budget tomorrow. Despite a real decline in revenue, education will be given the funding required to ensure that services are improved. We are under huge pressure in the health area, but we are doing the best we can to manage a difficult situation.

We will provide continued employment growth - something we have done for the past four years. The best social dividend one can provide any State is a strong, growing economy and employment growth flowing from that. This Government will deliver on its election promises. Members on this side did not make any extravagant promises - they totalled about $350m. We did not go to the election promising the world. On the contrary, we said we would live within our means and, as a result, produce dividends. Dividends are not realised when Governments blow billions of dollars on corrupt dealings and allow debt to go through the roof. In that scenario, the working people of this State, whom members opposite purport to represent, get nothing. This Government is displaying commonsense and responsible financial management -

Mr Ripper: They will get a whack to their standard of living tomorrow.

Mr COURT: How does the member know that?

Mr Ripper: There will be increased taxes and charges.

Mr COURT: The member should wait and see what is presented. On the contrary, this Government will ensure that Western Australians can continue to enjoy improved standards.

The motion also refers to the Government's promises in relation to industrial relations. Members opposite keep waving around a letter. I had a number of meetings during the last term of this Government with Tony Cooke.

Mr Ripper: Dear Tony!

Mr COURT: Yes. I find Tony Cooke a likeable person. He has a difficult job, probably one of the more difficult in the State. I had negotiations with him and the Government gave certain commitments, which it met, and changes took place. However, it is no secret that during its last term this Government wanted to implement certain industrial relations changes, including secret ballots, which did not happen. We went to the election saying that we would again introduce secret ballot provisions, among other things.

In November last year a news bulletin on radio 6WF carried the following report in relation to secret ballots -

> The union movement is angry over the Labor Party's support for the introduction of secret ballots before strike action. In releasing its industrial relations policy today the Government has signalled its intention to push ahead with more controversial reforms, including secret ballots.

That was a public document we released during the election campaign. The bulletin continued -

> Trades and Labor Council assistant secretary Stephanie Mayman, says the Coalition's document is a recipe for chaos and she's foreshadowed widespread industrial action.
>
> While Labor leader Dr Gallop believes Liberals can't be trusted when it comes to industrial relations, he says the secret ballot provisions are not a problem.

The report then quotes Dr Gallop as follows -

> Well we're quite relaxed about secret ballots. I mean ballots and democracy is part of our society. We're quite happy with that principle being established in the industrial relations system. It exists in respect of the election of officers to unions and in respect of prospective industrial action, we're quite relaxed about that.

So what is the fuss all about?

Mr Ripper: Have you read the legislation?

Mr COURT: The member can criticise the format of secret ballots -

Mr Ripper: What about invasion of privacy, potential for interference in unions by employers?

Mr COURT: When it suits members opposite they do not mind going on the airwaves saying that secret ballots are not a problem.

Members opposite have tried to make a point about the phrase "in this term of government". They know very well that the Government went to the electorate with an industrial relations policy for the second time.

Mr Kobelke: Here it is. I have read it. You did not promise this legislation.

Mr COURT: Members of the Opposition might not like it, but a clear mandate was given for the changes that the Government has previously introduced.

Before the last election, I was asked on a number of occasions what the Government would do in relation to a gold royalty. Before the 1993 campaign, the goldmining industry asked whether the Government intended to introduce a gold royalty. It was made clear that that was not the Government's intention. The industry wanted that in writing and the Government obliged.

I would not do that before the last campaign; I said that the Government wanted to keep all its options open in relation to royalties. Members opposite might say that I skipped around the issue, but I made a point of not giving a commitment as I had done in the 1993 campaign. Members of the Opposition quoted me as saying that the last thing I would want to do is hurt small producers. I stand by that comment, because there is no way that a small gold producer could cop any extra burden. Many interesting comments have been made about a gold royalty. If a gold royalty were introduced, it would be interesting to see whether members opposite would give a commitment to have it repealed. The former Leader of the Opposition has stated that the lack of a gold royalty was a historic anomaly and there is no good reason that the gold industry should not be subject to the same taxes as other industries; and that members opposite will not give a commitment that if a gold royalty were introduced, it would be repealed. Members opposite cannot have it both ways. They cannot say they are opposed to it but then not have the political courage to say they would repeal it if it were introduced. They do not mind someone else making hard decisions, but they are not prepared to act on their convictions

Mr Ripper: You know what you did with the 4¢ a litre fuel tax money - you committed it to long term contracts, so it was spent.

Mr COURT: It is interesting that since 1993, state fuel tax has gone up by 4¢ a litre, but federal fuel tax has gone up by 10¢ a litre. I have not heard members opposite say one word about that 10¢ a litre increase in fuel tax.

Mr Ripper: I have not heard you say anything about it until recently.

Mr COURT: I have talked about it quite often. Does the Deputy Leader of the Opposition agree that it is equitable for fuel to go up by 10¢ a litre and this State not to get that money?

Mrs Roberts: I raised that issue a number of times last year with the Minister for Transport and in this House. I challenged the Government to take up that issue.

The SPEAKER: Order!

Mr COURT: The Leader of the House will make some comments about the uniform tariff policy. I will make some comments about law and order issues. There are no easy solutions in these areas. We demonstrated in our first term

of government our willingness to ensure that we had a well equipped Police Service in this State. We are moving to establish Australia's leading police training academy to ensure that the police are not only well resourced but also have the best possible initial training and retraining programs. We also have other initiatives, such as the initiative with regard to car immobilisers which we will launch in a few days, which are part of a comprehensive strategy to try to resolve some of those issues. We do not profess to have all the answers, but we are certainly tackling the issues on a number of fronts.

This motion asks us to honour our election commitment to provide Western Australians with a social dividend. We will start to do that tomorrow, and we will keep doing that every year, and instead of bringing down horror budgets with debt blowing out and hundreds of millions of dollars being spent on crazy business deals -

Dr Gallop: Like Global Dance Foundation - $430 000! That is not a bad one!

Several members interjected.

The SPEAKER: Order! Members, we cannot tolerate those outbursts of interjections from both sides of the Chamber. I have been allowing a lot of interjections, and the Premier has accepted the interjections on some occasions and given answers, and not accepted them on others. That has been fruitful to the debate, but that little performance is unacceptable.

Mr COURT: Members opposite cannot accept that we went into the election campaign with few extravagant promises because we wanted to stick to our philosophy of ensuring that the State was living within its means, and we will continue to do that tomorrow.

MS ANWYL (Kalgoorlie) [8.44 pm]: I support this motion, which is about whether the Premier deserves condemnation for breaking promises that his Government has made. There is no doubt about the importance of a variety of the election promises that have been adverted to by members on this side. Clearly, there has been some obfuscation with regard to industrial relations and the gold royalty. Electoral reform has yet to be clarified. Law and order and uniform tariff policy are also important policy issues. I think all members would agree that the issue of whether the Western Australian people will receive a social dividend through the state Budget is important. I do not think any member of this House would argue that Western Australians do not deserve a social dividend.

I will focus on the gold royalty and the way that issue has been fudged by this Government. This Government has betrayed the interests of regional Western Australia by its extremely cynical efforts to hedge on the issue of the gold royalty prior to the election and to put the royalty back on the agenda so shortly after it. I listened carefully to the Premier's comments, and I am disappointed that he did not take my interjections. He seems to think that he is not on the record as having said prior to the election that his Government would make its position clear prior to the election. He conveniently forgot what he said in this House prior to the election. In the time that I have been in this place, from March last year, numerous questions have been addressed to the Premier and his Resources Minister about what the Government intends to do. It is not good enough for the Premier to say, "Well, I told the industry before the 1993 election that there would not be a gold royalty. They asked me to put it in writing, and I did." He conveniently left out the lead-up to the last election, when he said clearly in this House that he would make his Government's taxation position clear prior to the election. It is arrant nonsense to argue that to say that something is not on the agenda and then suddenly, a month or two after the election, say it is on the agenda is making a taxation position clear.

We can add to the Premier's obfuscation the clear comments of the Deputy Premier, who it saddens me to say is also the Minister for Regional Development, the very Minister whom one would expect to stick up for the regional areas that will be decimated by this tax. He said a week after the election that a gold royalty was not on the agenda and he would not be a part of any Government that brought in a gold royalty. It is now only a matter of months after the election, and a gold royalty is well and truly on the agenda.

With regard to social dividends, clearly needs exist within the community, some of which require more attention than others. Government is all about priorities; I do not think anyone would dispute that. Two of the most obvious needs within the community are education and health services. Again, the Premier is on record as saying prior to the election that his Government would pay great attention to those areas. That rhetoric has been heard previously in my electorate. In 1993, the coalition made clear election promises that a second high school would be provided.

Again, in the lead-up to the last election there was acknowledgment that the numbers of students at the existing regional high school - that is, the Eastern Goldfields Senior High School, which is the largest one outside Perth - needed more infrastructure. Conveniently though, the issue was postponed to the beginning of this school year; that is, after the election of course. Again we heard the rhetoric but we saw no action. Promises have been made about the Eastern Goldfields Senior High School throughout two election campaigns, yet there is no end in sight. The school management says that it will be necessary next year to have split shifts at the high school which is simply

bursting at the seams. In 1998 there will be two separate shifts of students, which indicates a lack of forward planning by the Education Department. Although I am encouraged to note that the Goldfields-Esperance Development Commission has taken on the issue as partly social development as well as economic development, and Education Department representatives are on the committee, that is not good enough. A high school should not have to consider running split shifts in the next school year. That high school could not even attract transportables despite the fact that its enrolment increased by more than 100 students during one year.

We hear constantly from the Minister for Education rhetoric about super schools. We hear how we will have super schools in regional areas. I think only yesterday he said he was troubled by the fact that people were leaving the Pilbara because their children could not receive an education there. There is nothing new about that problem in regional areas. One of the obvious needs is to set up hostel accommodation to facilitate children coming in from regional centres to Kalgoorlie, Port Hedland, Broome or any other country town. Kalgoorlie-Boulder has a children's hostel which caters for children from as far away as the Nullarbor, but it receives not one dollar of state government funding. It continues to operate because a very able group of parents continue to raise funds and the goodwill of the goldfields community can be relied on.

We hear much rhetoric about how Aboriginal education will be improved. The Minister acknowledges that need but when it comes to providing accommodation for Aboriginal children from outlying areas who may seek to stay in Kalgoorlie-Boulder, there are no facilities. The hostel could perform that function if it received some cash, but not one dollar has been provided to meet that end.

As to health services, I can cite some other examples. A couple of weeks ago I had a sense of deja vu in this place because in March 1996 the Government had to announce an $81m bail-out of the public health system. We have all sorts of indications of a similar bail-out now. I see the Minister for Health shaking his head, and I hope he is well informed. It was only a couple of weeks ago that the Minister was told, to his surprise, in this place that the public health budget had been slashed by $4.1m.

Mr Prince: It was not true then, and it is not true now.

Ms ANWYL: If it is not true, does the Minister deny there has been a cut to that budget? That did not seem to be the position in *The West Australian* this morning.

Mr Prince: There is $4.1m in the public health provisions budget that has not been spent. It is good cash management to see if it can be used elsewhere. There is no suggestion of any cut to any services, public or private, nor has there ever been. It was the mischief on your side saying that was the case.

Ms ANWYL: The Minister must acknowledge that within the public health system a variety of programs are often short in duration. It is difficult to see how there can be no impact on the provision of preventive services as a result of the cut.

Mr Prince: It is not a cut. It is money in the 1996-97 budget which has not been spent. It is now April, and it will not be spent. It should be used somewhere else.

Mr Osborne interjected.

Ms ANWYL: There was a comment by a senior health officer. The member for Bunbury should do his homework.

The SPEAKER: Order! The member should address her remarks to the Chair.

Ms ANWYL: I am encouraged by the Minister's comment about the public health system. I hope there will not be any need to bail out the system again. However, the indications at Kalgoorlie Regional Hospital are that money is running out. The general manager of the hospital has admitted that there has been a tightening up. I am constantly contacted by staff and patients saying that the staff have been put under a great deal of pressure because there is no overtime budget. Although the director of nursing at the hospital has done a fantastic job in recruiting local nurses and cutting the agency nursing budget, there is no more money for agency nurses. Therefore, when staff are ill or other circumstances prevail, the remaining staff are under pressure not to employ any extra staff on penalty rates or overtime. That is the reality. That situation has changed since early this financial year. How does the Minister account for that?

Mr Prince: It is increased demand.

Ms ANWYL: If that is the case, surely there must be increased resources. That would be my response.

Mr Prince: Where would you take it from - Family and Children's Services, Police or Education?

Ms ANWYL: That is the Minister's job. The Minister had the problem in March 1996 and he had to put in an extra $81m. Perhaps he will not have to put in that sort of funding again, but loyal staff are being prevailed upon to work under difficult conditions -

Mr Prince: And they are doing a superb job.

Ms ANWYL: They are, but patient care suffers. I was not surprised by the Government's backflip on this issue. However, I was overwhelmed by the level of dismay in my electorate and the attitude of the average person to the cynical about-face of this Government. The general reaction by people in the bush is to say they feel betrayed. People approach me in the street and say that they would have voted for me if they had known about the situation. That does not perturb me, because I am in this place anyway. The argument is not academic as far as other seats are concerned. The reality is the very cynical effort, firstly by the Premier who continually stated that the gold royalty would not happen and refused to define his Government's taxation position, coupled with the extraordinary turnaround by the Deputy Premier, has led to a feeling of betrayal and increased cynicism in the electorate.

The Premier has left the Chamber, but I repeat that he said in this place under repeated questioning that the Government would make its taxation policy clear prior to the election. I am curious to know whether he claims to have a mandate on a gold royalty. This is similar to the debate yesterday. My view is that no-one can have a mandate unless a policy is presented to the people before the election. Although I recognise that creates some problem in determining how people vote, because obviously one cannot vote on every issue when casting a ballot; nevertheless it is clear that in certain electorates an issue may be of extraordinary importance. I suggest that in the seat of Ningaloo the gold royalty was a very important issue. I undertook some research on this issue subsequent to the election and the indications are that it was being pursued by the average voter who wanted some assurance from the coalition parties about their position on a gold royalty.

I was interested some time ago to hear the member say that his electorate believed that the royalty was a fait accompli. It was not regarded as a fait accompli in my electorate. I know that also goes for the member for Eyre and the member for Burrup. I would be surprised if the people of Ningaloo had a different view from that held in the other mining and pastoral seats. I cannot accept for a moment that they did. Judging by her comments, the member for Collie did not appear to regard the royalty as a fait accompli.

The reality appears that the issue of a royalty went to the joint party room some time last year. I understand it has been to Cabinet, although that is yet to be confirmed. It was only today that the Association of Mining and Exploration Companies released its study, which adds to the contributions of both the University of Western Australia and Professor Maxwell, who is the Metana minerals professor at the Western Australian School of Mines. Although those two surveys are very general in their application, the AMEC study is not general. It was specifically commissioned as a result of the changing position of this Government on the royalty issue. It was purposely careful in its choice of nine mining companies which represent a cross-section of goldmining companies in this State.

The central issue within the debate should be about the type of royalty that will be imposed. We hear glib assurances from the Premier and the Minister for Resources Development that small producers and marginal operations will be protected. There is yet to be any meaningful disclosure of that. We are continually told that consultations are taking place. Indeed, I consider that to have been a good ploy for softening the industry, because a few producers have regarded a royalty as inevitable for some time. On the other hand many people took at face value the assurances of both the Premier and the Deputy Premier prior to the election that there would not be a royalty.

As I said, the survey provided by AMEC today refers to nine producers who represent a cross-section of the industry. It is important to note that each producer surveyed will have an average loss of production of $9.5m should a 2.5 per cent royalty be levied. Each would also lose $4.2m per project in investment. If we transpose those figures across the industry as a whole, the result is the figures mentioned by me to the Minister for Resources Development in question time today; that is, a loss of approximately $500m in production and a further loss of at least $200m of investment. The figure provided to us, presumably collated by the Department of Minerals and Energy or possibly Treasury, that would result from a 2.5 per cent tax is approximately $70m a year. Simple mathematics demonstrate that over a five year period approximately $350m will be raised.

The figures obtained by AMEC from specific producers suggest that the loss to this State will be more in the order of approximately $700m over that period both by way of production - low grade gold will remain in the ground because it will not be worthwhile mining it - and of investment. Those figures do not begin to include, for example, lost exploration dollars because the bulk of the investment moneys referred to on those projects simply do not take account of the vast potential in this State for further exploration.

Another important point to remember is that other minerals are located along the way as a result of exploration specifically targeting gold. It is difficult to quantify the amount. To some extent the AMEC survey was hurried

because of the recent change in the Government's position; nonetheless, it was thorough. On that basis it is important to give it full consideration. I hope that the Minister for Resources Development, the Deputy Premier and the Premier will read that report because there is not a great deal of reading in it.

To continually fudge the issue by saying that small gold producers and marginal operations will be protected does not confront the issue. To make glib statements such as the Government will protect 400 out of 476 producers mining less than 1 000 ounces a year is not the issue. Although it will be welcomed by both me and I am sure the small producers, it will not deal with the significant potential loss of employment that the royalty will pose.

The issue is where the bulk of the industry's 14 000 jobs exist. Many of them are with the so-called marginal operations. The Deputy Premier quoted a production figure today of, I think, $350 an ounce.

Mr Cowan: $352.

Ms ANWYL: I accept that figure. I think he quoted $12 as the net effect of an ad valorem royalty.

Mr Cowan: It is the maximum royalty in dollar values if you apply it at the standard royalty rate.

Ms ANWYL: A 2.5 per cent royalty is what the Government is talking about. I think the figure is closer to $12.50 but it does not make any difference. If the Deputy Premier seriously thinks that $350 is the average cost of production of an ounce of gold -

Mr Cowan: You talked about the exemption. Put that across the board and you end up with that figure. I will accept your maths as right - $12.50.

Ms ANWYL: That is not in dispute; the amount of $350 an ounce for production is in dispute. The figure I have been quoted is much closer to $420.

Mr Cowan: My figure was given by the senior geologist for Great Central Mines he should know, don't you reckon?

Ms ANWYL: It depends how he has done his equation. I agree; he should know. Is he saying that is an average cost of production across the board? I am suggesting there are some extremely viable operations and there are some that are not. What I have yet to be told in this place is how the Government will protect the marginal operations, of which there are many. It is clear from the nine companies polled in the survey released today that the cost of production for many of those is much higher than $350 an ounce. The reality is that there are some very low grade operations employing hundreds of people that towns like Wiluna rely on almost for their existence.

Mr Cowan: Did the study poll nine companies or nine projects?

Ms ANWYL: Essentially it surveyed nine projects.

Mr Cowan: Do you know how many goldmining projects there are in Western Australia?

Ms ANWYL: If we include the small prospector who goes exploring on the weekend, there are thousands. Is the Government going to do that?

Mr Cowan: No.

Ms ANWYL: What is the Government's cut-off?

Mr Cowan: Try 1 000 ounces of gold.

Ms ANWYL: According to the rhetoric of the Minister for Resources Development there are 476 including operators mining below 1 000 ounces. Does the Deputy Premier acknowledge that the Minister's figures are correct - 476 includes about 400 operators who produce fewer than 1 000 ounces?

Mr Cowan: You should read it again.

Ms ANWYL: That is the information I have received from industry representatives. What has been missing in this whole debate is the supply of relevant information from the Government to the Opposition.

Mr Cowan: I thought you could get that information from the industry.

Ms ANWYL: Not the flawed information upon which the Deputy Premier is relying which enabled him to tell me in question time today that a study is not needed because the Government is confident about this issue. However, no detail has been provided about how marginal operations will be protected. The study refers to nine productions that involve approximately 1 400 jobs. To that can be applied a multiplier effect of an average of three other jobs which rely directly on mining operations. The Deputy Premier well knows that to be the case, and it escapes me how he can have such a flippant attitude to this issue.

Mr Cowan: I do not have a flippant attitude. You would be less hypocritical if you were advocating that all other royalties on minerals should be removed.

Ms ANWYL: I do not perceive myself as being hypocritical. I did not go into an election telling the people of Western Australia that I would not be part of a Government that imposed a royalty. The Deputy Premier did that.

Mr Cowan: You are taking liberties with what I said.

Ms ANWYL: I have perused the typed transcript of the Deputy Premier's conversation in Kalgoorlie a week before the election.

Mr Cowan: You should go back and read it again and take your glasses off so that you can read what I said.

Ms ANWYL: The Deputy Premier should perhaps put his glasses on because I do not wear glasses.

Mr Cowan: I know what I said and I do not think you have interpreted it correctly. It may be convenient for you to do this.

Ms ANWYL: It is convenient for the Deputy Premier to label me a hypocrite when he allowed candidates to run around my electorate with big posters saying there would be no gold royalty. They said the gold royalty was not on the agenda - "Hendy Cowan says it and we believe him". The Deputy Premier's candidates in Kalgoorlie and Eyre produced that in full page newspaper advertisements. Presumably the Deputy Premier, as Leader of the National Party, was aware of those advertisements. The Deputy Premier also made statements that the Premier could have overruled at any stage but he chose to keep out of the debate. This is not just an academic debate, it affects regional Western Australia. The Deputy Premier does not appear to grasp the importance of this issue to regional Western Australia, and I find that absurd, given that one of his portfolios is regional development. Is he satisfied that there will be no impact on regional development?

Mr Cowan: Of course I am aware there will be an impact on regional development. I am also aware there will be an impact on the industry, but the point you will never acknowledge - it is a pity you do not - is that the vast majority of taxes applied by State Governments, because of the restraints on the State, are on business. Inevitably that is the case. For your benefit, the volume of dollars returned to regional Western Australia under this Government is far higher than it has ever been. One day I am confident you will acknowledge that fact instead of bleating away about something that might give you a great deal of value in your constituency but gives you no credibility whatsoever.

Ms ANWYL: The Deputy Premier is treating the debate with flippancy by accusing me of bleating to my electorate. The reality is that study after study has been carried out. I asked the Deputy Premier today whether he had read the most recent study and he said he had not. I asked whether the Government would carry out a study into this most important issue and was told it would not. The Deputy Premier will not acknowledge as Minister for Regional Development a need for this Government to conduct a study into the cost of a gold royalty on the regions in this State. I do not want to be in a position some years in the future of saying, "I told you so", but that is my greatest fear. If the Government will not do the research before imposing an arbitrary royalty such as this, there is little hope for regional Western Australia.

MR McGOWAN (Rockingham) [9.15 pm]: I contribute to this debate because there are very few more important issues than telling the truth in politics. Ordinary Western Australians are very cynical about the promises of politicians and, having heard the comments of the Deputy Premier, that cynicism seems to be well based. He will not acknowledge that he and his party said before the last election that no gold royalty would be imposed, but after the election that royalty will be imposed. The Government cannot get away from that central point, despite all the obfuscation, statistics and everything else it comes up with. The Government made a promise and three months later it will break that promise.

The bad name politicians have for breaking promises is most exemplified by the coalition statement on "Labour Relations - More Jobs and More Choices" released not more than 18 days before the last election. It made a definitive statement about the industrial relations laws it would impose in this term of government. Less than four months later the Government proposes major changes in industrial relations, of which no mention was made in this document. The only mention in this document relates to secret ballots. For the benefit of coalition members, who obviously have not read this document and are not aware of the contents, I will go through the statements made. On the first page it states that in its next term the Government will complete its legislative agenda in accordance with this policy. On the third page it sets out the coalition parties' legislative agenda for the next term. It refers to secret ballots and the fact that a genuinely democratic decision to strike or not to strike is to be made by union members. It does not mention that under its laws the word "strike" will be extended to refer to other actions one would not normally associate with that word. Stop work meetings must go through this secret ballot process, which will take up to seven weeks. The Minister said he thinks the secret ballot process will take approximately one week but why

should a stop work meeting to discuss safety at a workplace be postponed for one week - and probably seven weeks - to determine whether a safety issue is legitimate?

The document also refers to matters such as more choices for agreements at work and modernising the award system. It talks about harmony, although this Government is about to foist on this State the worst industrial turmoil in my memory. The document refers to more flexible union structures, workplaces becoming more competitive, leadership in workplace safety and refining workers' compensation and rehabilitation. It makes absolutely no mention of the fact that the coalition is planning to deny Western Australian workers access to federal awards, contrary to what is in place in other States. It does not mention that it will illegally fetter the right to strike, which has been a fundamental principle of the industrial relations system for the past 100 years. It makes no mention of essential services legislation nor the fact that at the Minister's discretion he can force on workers unions that they do not want. It does not mention that workers may lose their leave pay if, in the Minister's words, they "resign unlawfully" - whatever that means.

It makes no reference to the fact that individual workers will be required under this legislation to tell employers that they are a member of a union, even though this may subsequently lead to their being blacklisted. It makes no mention of all these matters. It is completely duplicitous of this Government to call this an industrial reform Bill; it should be called an industrial wrecking Bill designed to foist turmoil on the State. The title makes no mention of what is contained in the Bill. I am at a loss to explain why the Government is introducing such legislation. I am disappointed in members opposite as I thought some of them were decent. No mention was made of these facts before the last election when the Government was elected by default.

The motion also outlines that the Premier will no longer provide Western Australians with his much vaunted social dividend as promised before the last election. I now refer to an issue in my electorate of Rockingham which is important to the people of the south western corridor, most of whom are entirely disillusioned with this Government which has provided almost no infrastructure for this area with its burgeoning population.

Before the last election, the Liberal candidate for Rockingham made much play of the fact that a railway line to Rockingham would be constructed under a Liberal Government. This was another duplicitous promise by the Liberal Party because this candidate never mentioned in all his literature the time frame involved. It subsequently came out that the Liberal Party's proposal was to construct the line 20 years hence, at which point 95 per cent of those sitting opposite will no longer be in Parliament. They are trying to foist this project on a future Government, probably a Labor Government. Nevertheless, the totally false promise was made in a deliberate attempt to win seats never held by the Liberal Party.

Let us look at Liberal Party policy in relation to the Rockingham railway line. The policy is to provide a line in 2015 or 2020 using a route through Kenwick, which is a totally unsuitable route for the vast majority of people living in the south western corridor. I cannot for the life of me work out why the Government devised this policy, which is totally inappropriate to service the needs of the people of the electorate of Rockingham and seats of the south west corridor. People want a rail line to join them to Fremantle and through to Perth. Only Rockingham among the strategic regional centres in the Perth metropolitan area is not connected by a rail service: Midland, Fremantle, Joondalup and Armadale are all joined by a rail service, but not the suburbs of the Rockingham area.

Population statistics indicate that this is the third fastest growing area in Australia in percentage terms. It outstrips growth in any area in the State. However, the Liberal Party promise of a decent transport system to our area is for 20 years hence, and members opposite have the gall to build the Northbridge tunnel, which will promote the use of motor vehicles - the type of thing we should be discouraging in this State.

Also, the Government runs a rail service from Perth to Northam at a huge cost to the taxpayer; the service does not break even. Nevertheless, the Government is not prepared to service an area which has approximately 20 or 30 times the population of the area receiving this service. It is another example of the failure of the Government's so-called social dividend - it does not exist, certainly not for the people of the south western corridor.

Every day that I come into this Parliament - I have been here for about 15 sitting days - I have heard the Premier say that he blames the Liberal Commonwealth Government for this State's precarious financial position. It is true, is it not? However, members opposite did far better under a Labor Commonwealth Government.

Mr Prince: No.

Mr McGOWAN: The loss of the social dividend is the fault of the Liberal Government, which holds eight of the State's 14 House of Representatives seats. Despite that, this State suffers extremely harshly at the hands of the Federal Liberal Government, far worse than it did under the much feared Keating Government - he was known as the Canberra bogie. We have fared much worse under Howard and Fischer.

Let us consider what the Commonwealth is doing to the States. I do not have a detailed breakdown of what is happening to Western Australia, but I am sure the Premier could provide one. The Commonwealth, as of the Premiers' Conference of 1996, cut grants to the States by $1.5b over five years and specific purposes payments by 3 per cent annually. I understand that those cuts went further at the last Premiers' meeting two weeks ago. Those cuts impact specifically harshly on Western Australia.

The Telstra sale provided us with the much talked about national heritage thrust, but which States did best out of that initiative? Certainly not Western Australia. The States of the senators whom the Government had to bribe did best; namely, Queensland and Tasmania. They received the lion's share of the funding from that sale.

Mr Prince: Former Labor senators.

Mr McGOWAN: They are now Liberal Party stooges; they are both working for the Liberal Party upon the basis of bribes, which is an extremely dangerous development in Australian politics. A Government is bribing individual senators to gain their votes.

The loss of State funding, implemented by the federal Liberal and National Party Government, was in direct contrast to a promise made before the federal election to provide a fixed share of commonwealth revenue for the States and Territories in a manner which was revenue neutral. It also promised to guarantee current services. As we all know, another Liberal and National Party act of complete deception and bastardry was perpetrated on the State of Western Australia.

The ACTING SPEAKER (Mr Osborne): Order! I think the member should moderate his language. I understand what the member is trying to say and the depth of his feeling on the matter, but outright swearing is not appropriate.

Mr McGOWAN: I withdraw.

The SPEAKER: Order! I am not asking the member to withdraw; I am asking the member to moderate his terms.

Mr McGOWAN: I will moderate my terms.

The Liberal Party in Western Australia is run by the Crichton-Brownes and the Court family. Members opposite have a major role in preselecting those senators who are supposed to stand up for Western Australia. Those senators in Canberra in the States' rights House are condoning these activities which are taking away essential services from Western Australians. What will members opposite do about Liberal and National Party senators who are supposedly representing Western Australia in the Federal Parliament and who are doing nothing to ensure that we get our fair share of Commonwealth revenues and state grants and our fair share of the Telstra sale funds? By their silence, I take it they will do nothing.

In conclusion, I support this amendment. It not only has implications for the State Government but also just as legitimately applies to the federal Liberal and National Party Government.

MRS ROBERTS (Midland) [9.32 pm]: I join with my colleagues in condemning the Premier for breaking important election promises. From day one of the election campaign it became clear that it was a poll driven media campaign carefully orchestrated by having the Premier appear on the evening television news to announce the date of the election. It was contrived and organised from the start and poll driven to the extent that the Government told people not what it would do when elected, but what people wanted to hear. However, what is being delivered is something entirely different.

A number of the things the Government told people it would do and which were poll driven are now turning around to bite them. The Government made the promises and already, within a few months, it is backing away from them. From the outset the campaign was big on razzamatazz and very small on substance. How can we forget the Premier's "dams are full" speech. It was wrong from the start because only the Mundaring Weir overflowed for the first time in a number of years. It lacked relevance even then given that most of Perth's water supply comes from underground sources. However, the Premier kept one promise; that is, that the next four years would be "wicked" because the way the Government had started, they really will be wicked, in the true sense of the word!

Mr Carpenter: Evil.

Mrs ROBERTS: Yes, wicked as in evil.

In the short time available to me tonight I want to concentrate on law and order. I have examined the Government's law and order policy put out jointly by the Liberal and National Parties. The subtitle of the document is "Action on all fronts - a united approach for all Western Australians". There is one front on which there will be very little action this year and that is the front of law and order legislation. The Minister for Police admitted in the weekend Press that at least four significant Bills that were on the Government's agenda for this year's legislative sitting if not this autumn

sitting are being scrapped. He said they are being held over until later in the four year term. I have been advised that significant areas of the legislation are long overdue and very urgent. However, the Government is backing away from its promises on law and order. Law and order has suddenly lost the priority that it had during the election campaign! An article in the *Sunday Times* of 6 April stated -

> The legislation covered increased powers for the use of surveillance devices, criminal investigation and procedures, covert operations and emergency powers.
>
> The legislation would give police extra powers to install listening devices and to take blood samples during certain investigations.
>
> They would get special detention powers, have the right to enter property using special court orders and allow specialist groups such as the TRG to take armed control of a property and hold everyone inside under certain conditions.

The election policy released before last year's election contains such statements as -

> Community involvement means listening to and hearing what people have to say, and making community concerns a major force in changes to law and order.

We have seen very few changes in that regard, least of all in legislative changes. It continues -

> Community involvement also means promoting those programs where the community can act itself.

I interpret that to mean that the Government is expecting the community to look after itself because this Government will not look after it. The Government claimed it would develop effective feedback mechanisms; develop enhanced local crime prevention strategies which involve the community; and put in place specific measures designed to increase safety for vulnerable members of the community. Some of those vulnerable members of the community happen to be women and other people who live alone and who set their home alarms in the evenings. However, those alarms will not be responded to unless the person has the wherewithal, once an intruder is trying to get in, or has got in, to also get to the telephone and confirm that there really is an intruder. The policy document also suggests there will be measures to continue reductions in the incidences of burglaries, theft and vandalism. All the evidence that I have to date indicates that the incidences of burglary, theft and vandalism are on the increase.

Some of the legislation that was promised is listed on page 28 of the coalition document and includes legislation "to provide protection for undercover police officers to enable them to give evidence in court under their undercover identity". It also includes the proposal for legislation to "finalise the proposal for an integrated emergency communications system and investigate the various options for funding adoption of the proposal". Nothing that I am aware of has been done in that area. There is specific mention of the surveillance devices legislation. It states -

> Introduce surveillance devices legislation to regulate the use of listening, optical surveillance and tracking devices. Cabinet has already approved the drafting of legislation to implement the recommendations of the Committee to Review the Listening Devices Act 1978 (WA).

This document states that the legislation is ready to go. It is surprising that after the election it will now not be ready to be introduced into the House this year. Page 29 of the policy document refers to legislation "to regulate and control the possession and use of certain dangerous articles for which there is no legitimate purpose (e.g. knives, replica firearms, disabling substances, martial arts weapons)". Again, no legislation on that is proposed for this year.

The document also states that the Government will "introduce an Organised Crime Act which will improve the ability to freeze assets of persons charged with crime to protect those assets and make them available to meet forfeiture orders, and which will place a burden of proof of explaining assets on persons shown to be involved in racketeering". That has also not been listed on the Government's legislative program. At page 37 the document states that the Government will "introduce a Civil Procedure Act to require Courts to simplify disputes by narrowing issues; simplifying the rules of evidence; and controlling the length of documents, interlocutory proceedings and trials, and the time for giving judgements". On page 38 the document refers to responsible accountability and states -

> Amend the Parliamentary Commissioner Act to expand the jurisdiction of the Ombudsman.

They are some of the legislative proposals contained in the Government's document. What legislation will we get? None.

This evening I want to highlight one area; that is, that listening devices legislation which the public was told was all but ready to go will now not be available this year. In April 1994, the High Court handed down a decision relating to the installation of listening devices. Perhaps the Minister for Police, if he has not already made himself aware of this High Court decision, will acquaint himself of it forthwith, because it is significant.

The High Court decision in Coco versus the Queen dealt with Queensland legislation relating to listening devices, but the import of the decision was that when seeking to instal the listening devices specific provision must be made for entry onto the premises for the purpose of installing the listening device, otherwise entry onto the premises without consent would constitute a trespass and would therefore be unlawful.

There is a difference in the legislation of Queensland and Western Australia. Unlike Queensland the Western Australian Act contains no provision that information obtained by way of trespass is automatically inadmissible. In Western Australia we still rely on discretionary principles. It is at the discretion of the judge to admit or not to admit evidence obtained in that way. This is a significant matter for police going about their operational activities and in successfully apprehending and prosecuting offenders.

At the end of last year, the Western Australian Parliament passed legislation establishing the Anti-Corruption Commission. The Act gave the commission the power to use listening devices, but again the Government did not take the opportunity to pursue what could be called the Coco amendment, which would bring it into line with that High Court decision. If the power given under that Act to instal listening devices is used, it is arguably unlawful because as part of obtaining the warrant there is no power of entry. That then leaves the police with two choices: They can either determine not to act illegally by installing where the entry could be deemed to be a trespass and the evidence end up in doubt, which of course would be a serious impediment in the apprehension of offenders, or alternatively, they can proceed, trespass, and risk the evidence being inadmissible and the case not standing up in court. What a huge waste of police resources that would be.

On 28 August 1996 Hon Nick Griffiths asked the Attorney General in the other place how many of the authorisations for using listening devices pursuant to section 4(3)(a)(i) of the Listening Devices Act had been issued since 13 April 1994. The Attorney General's answer was that between 13 April and 27 August, 95 authorisations were issued for the use of listening devices. One can only guess what percentage of those listening devices were placed illegally or where trespass was involved in their installation.

These are not trivial but significant matters because they affect the whole operation of the police when pursuing the prosecution of criminals in this State. It was clearly promised by the coalition Government in the lead-up to the election last year. The coalition's policy document said that the legislation was ready to go. However, suddenly the priority on law and order has been lost and this Government has found a whole set of new priorities which are not poll driven but driven by its own ideology.

MS McHALE (Thornlie) [9.45 pm]: As is my wont, I try to think of images to convey the message that I want to put across to the House tonight.

Mr Kierath: Images? Is this your forte?

Ms McHALE: Images help people. Adults learn in different ways. I have to find a common pitch so that all members understand.

Dr Gallop: It is not easy.

Ms McHALE: That is right. That is why I find images to convey messages. This motion is about breaking promises and the lack of commitment to the social dividend. I see a connection between broken promises and a broken relationship. I am sorry if any members have gone through this because it might be painful for them. However, it is very painful to deal with broken promises. A breaking relationship often occurs insidiously and one does not know it has happened until one looks back and sees the signals. One sees the signposts and once it has happened one realises the truth of going through the period where the relationship was breaking.

Coalition members are probably saying to themselves that only 113 days have passed since the election so how can I say that they have broken promises. Obviously they think it is unfair. Nevertheless, we are already seeing the early signs of that breaking relationship of broken promises. Do not let the Government tell us it is unfair to comment on its output. It is not just the 113 days but the four years it had prior to the election and the 113 days. The signs of that breaking relationship are already there.

Let us look at some of the signs. The gold tax debate, probably from the coalition members' point of view, has been done to death, but it has not because it is a critical signpost to the breaking promises. There is the question of accountability concerning the Global Dance Foundation. Members sit here in question time thinking "Not again; not another question on Global Dance", but we will keep on asking those questions on Global Dance until the full story and accountability come through.

Mr Shave: You ask the same questions every day.

Ms McHALE: That is because the Government is not giving us the answers. Until it gives us the answers, we will ask different questions. We have had discussions about the shaky Health budget and the fact that hospitals have gone over their budgets. They are just early signposts of the breaking relationship.

I will not speak on matters I do not know about. I will not deal with the gold tax because it is not within my portfolio. However, I do know about the need for political integrity. As I said in my inaugural speech, the electorate is desperate for political integrity, leadership and honesty. That is manifest in ensuring that the Government's commitments are kept. I know about industrial relations and the pain ordinary people feel. Breaking promises is about losing the trust and respect of the electorate. When we have breaking relationships, we find that we have no trust. If the Government keeps breaking its promises, it will keep losing that trust. Misleading statements have been made about the social dividend and I will comment on that.

Let us recap very quickly on the industrial relations position. The Government's election promises, not in 1996 but in 1992, were about freedom of choice and genuine teamwork. We have already heard that the Government's legislation is about removing that freedom to choose whether to have secret ballots, not whether they should be there but whether the employers and employees want to have secret ballots as part of agreements. It is about removing the freedom to choose whether union dues are included in awards or agreements and removing the freedom to disclose or not to disclose whether someone is a member of a union. The legislation we are currently debating undermines cooperative and participative workplaces and is about breaking promises contrary to the Government's election platform over consultation with the unions.

We have heard a fair bit about whether the Government did or did not offer to consult the unions. It might help the Government confirm it once and for all if I could read a letter of December 1995 from the Minister for Labour Relations. It was post the industrial blockade, post the legislation going into the other place and post the Premier's commitment to the union movement that the Bill would be amended. In December 1995 the Minister for Labour Relations said -

> I have given a commitment that once passage of the Bill is completed, tripartite consultations between employer, union and Government representatives will take place on the implementation of the legislation and any further reforms. However there are no plans for further legislative amendments, unless these are proposed with the support of the peak industrial parties.

This debate is about whether the Government has fulfilled that commitment, and clearly the Government has not. Let us go back to the concept of the social dividend. In January an article in the *Australian Financial Review* stated -

> After four years of belt-tightening, penny-pinching and radical microeconomic reform, Western Australians are poised for a new era of economic growth and prosperity, according to the State Premier, Mr Richard Court.
>
> . . . Mr Court spelt out his plans for a second term of office, talking of a bold agenda to maintain Western Australia's strong economic growth while delivering "major social dividends" to the community in the areas of health and education.

The Government's agenda has clearly been to maintain economic growth while delivering a social dividend, particularly in the areas of health and education. The Government has been promising, but it has not been delivering; and the Budget tomorrow will confirm that the Government will not be able to deliver on its promises. A social dividend is about sharing. It is about a bonus, a sum payable as profit sharing. By definition it implies a cooperative relationship.

From an electoral perspective the term has a superficial attraction and application. It means that the community contributes significantly to economic growth and it expects to get something out of it. That is the rub. The community is not getting something for its contribution. It is not beneficial. Economic growth has increased by 6.4 per cent and business investment by 11 per cent. However, the community should be deriving a benefit, and it is not.

Let us look at some of the indicators in health, education and youth services that support this. We have heard much in the past week about the health budget and how the hospitals have spent beyond their 1996-97 budget. We have debated the cessation of the vitamin A program, and, fortunately, that was reinstated. We have debated the issue of the Stillbirth and Neonatal Death Support service, which is still to be resolved. Women in SANDS have not yet been provided with the money they need to continue their program.

The social dividend is clearly an attractive promise. The community knew they had felt pain over the past four years, and they were attracted to the relief that the Government promised they would enjoy. When one takes medicine, one gets better. They will deal with the pain, because they are told that things will get better. Well, things will not get better. In reality it is questionable whether they ever will. The dams are not full, and the crops are not ripe.

Let us look at the issues we all must deal with in our electorates and in the State. Metropolitan unemployment is lower than the national average. However, rural unemployment increased by 1.3 per cent last year and now averages 7.7 per cent. Youth unemployment, which is often hidden in the statistics, is much higher than we imagine. It is interesting that it is such a social issue that the Governor General Sir William Deane described youth unemployment as the most important problem facing our nation, saying it was having permanent destructive consequences on the self-confidence, self-respect and self-esteem of the young unemployed.

The other area that we heard much about from this Government was law and order, security and safety. They are words that are used to describe the issue of law and order that was raised during the election. People in the suburbs feel unsafe. For them the return from the social dividend would be crime prevention programs that work. What do they have? The Chief Justice says that the State Government has not done enough to prevent juvenile crime and according to the Youth Affairs Council the two big indicators of juvenile offending are poverty and failure at or not fitting into school. Where is the impact of the social dividend of those two critical performance indicators? We hear that our youth are being forced to return to violent, abusive homes or even to sleep in squats because youth crisis accommodation is full. Where is the social dividend there?

The Government has defended its position on the 1997 Budget by blaming the current situation on the Federal Government. We heard that tonight. That raises the question: If the Government is as good at fiscal management as it claims, and it prides itself on sound economic management, it should have predicted the outcomes of the Federal Government's Budget and Grants Commission cuts. Either the Government is not so hot on fiscal management or it has misled the community in its discussions on social dividend. In the space of two months we have gone from the enjoying a great social dividend to facing the toughest Budget in a long time.

The ACTING SPEAKER (Mr Osborne) It is disorderly to read the newspaper in the Chamber. The member for Girrawheen has a habit of doing that surreptitiously; however, three members reading the same newspaper in the Chamber is inappropriate. Members should pay more respect to the Chamber and to the member on her feet.

Ms McHALE: In the Governor's speech we heard that Western Australia had every reason to look to the year 2000 with optimism. I do not think so, because of the current indicators: School retention rates have declined over the past five years; youth unemployment has increased, youth suicide is a major social problem; and women traumatised from neonatal deaths have been denied the funding that they so desperately need.

I will bring the debate right down to the micro level. We have looked at the macro level. My electorate contains many Homeswest tenants who constantly experience maintenance problems. If we are to enjoy this social dividend I expect that this issue will be dealt with in the Budget. I do not expect the constituents who come through my door to continue to experience the problems in getting urgent maintenance work carried out. One constituent who needs a transfer and cannot get it needs urgent maintenance on her residence because it is riddled with cockroaches, the back fence needs fixing, the trees at the front need cutting, and there is a hole in the roof above the stairs so the roof leaks in winter, which causes problems for her asthmatic children.

Another example relates to an Aboriginal Homeswest tenant whose partner has died, and because of the mores involved in dealing with death she needs to move out of her house, but she cannot get a transfer. She also puts up with problems such as no door on the main bedroom, the kitchen cupboards falling apart, the bathroom door disintegrating and so on.

Interestingly in October last year a school in my area - perhaps the Minister for Education might take note of this - was promised a covered assembly area and an upgrade of the canteen. Now in March the school has been told there is a cash flow crisis in the Education budget. I want to get the attention of the Minister for Education because this is a critical issue in his portfolio. Suddenly this school is told there is no money and the work cannot be done. If that is not a lack of the social dividend, I do not know what is.

This motion is very clearly about accountability - or the lack of it - and about the impact of an economic rationalist approach to the management of social and economic issues. It is very clearly about the evaporation of a social dividend and the deceit of the Government in its industrial relations agenda. Against that backdrop, I support the motion.

Debate adjourned, on motion by Mr Barnett (Leader of the House).

LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Second Reading - Amendment to Motion

Resumed from an earlier stage of the sitting after the following amendment had been moved -

That the motion be amended by deleting the word "now" with a view to adding the following words -

after the House receives a report from the Premier which -

(1) confirms that peak union and employer groups have met together with the Premier and agreed on the provisions or changes required in the Bill or that having met and agreed on some provisions or changes, there remains no further prospect of agreement being reached on the other matters contained in the Bill, and

(2) details the proposed amendments to the Bill which reflect agreed changes.

MR BROWN (Bassendean) [10.01 pm]: When we left this debate I was arguing in support of the amendment which seeks to have the consideration of this Bill deferred pending deliberation on it by the Government at a meeting of employers and trade unions. I reiterate that I moved that proposition in the hope that some sanity could prevail and it would be possible to find a way through this rather difficult and intractable position. I am disturbed by what I have read in the last five minutes in an article in tomorrow's newspaper. The Premier is reported to be implacably opposed to any form of discussion and the Government intends to push headlong into this issue, regardless of the cost to the State and the people of Western Australia.

Notwithstanding the good efforts of the Opposition to try to bring some sanity to this matter, it seems that between the time this amendment was moved this afternoon and the publication of tomorrow's *The West Australian*, which is available in the Chamber now, the Government has decided it is not interested in doing that. In some ways I suppose that does not come as a great surprise.

Despite the withdrawal of the legislation previously, we have always feared the secret desire of the Government to bring forward legislation of this description. We have known there has been a deliberate attempt to hide the features of this legislation from the public. Indeed, there has been no information campaign, nothing to explain what these provisions are all about. Although I still urge the Government to consider the amendment, I am disappointed that it does not seem that that is likely to happen, given the statements and the report in tomorrow's newspaper about the Premier's position.

As I said earlier, there are matters that are far more important for the Government and for the people of Western Australia than this piece of legislation, issues concerning employment, job generation and necessary infrastructure, and legislation that will allow industry to expand. Those sorts of matters should be occupying the attention of this Parliament, rather than this legislation. No matter who is judged to be right or wrong in terms of any disputation that occurs, this legislation will damage not only Western Australia, but also employment prospects.

It is rather ironic that at a time of very low levels of industrial unrest - the Minister for Labour Relations has said that they are historically low levels, as has the Minister for Energy in his submission to the Fielding inquiry - the one area in which industrial confrontation has been generated and caused major conflict is emanating not from the private sector in pursuit of good business practice, but from the Government's blatant desire to put in place ideological legislation that is not sought by an overwhelming majority of those in the private sector. We certainly have not heard any great clamouring for it.

If the interests of the State are to be served, it is possible for this legislation to be refined further, for discussions to go ahead and perhaps for legislation to be introduced in this place which, although not agreed, will be somewhat more acceptable to all parties concerned. I hope that is the case; however, from what I have read in tomorrow's *The West Australian*, I am not optimistic that this sense of reason will prevail in the Parliament this evening.

MR BARNETT (Cottesloe - Leader of the House) [10.06 pm]: For some reason which escapes me, the Opposition seems reluctant to debate the clauses of this Bill. At the beginning of this week I made it clear that we would have three days and three nights in which to debate this Bill. The second reading of this legislation was conducted on 20 March 1997. It is now 9 April and still the Opposition is unwilling to debate the clauses of the legislation.

Question to be Put

Mr BARNETT: I move -

That the question be now put.

Question put and passed.

Amendment put and a division taken with the following result -

Ayes (16)

Ms Anwyl	Mr Grill	Mr Riebeling
Mr Brown	Mr Kobelke	Mrs Roberts
Mr Carpenter	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Ms McHale	Mr Cunningham *(Teller)*
Mr Graham		

Noes (33)

Mr Baker	Mr House	Mrs Parker
Mr Barnett	Mr Johnson	Mr Pendal
Mr Board	Mr Kierath	Mr Prince
Mr Bradshaw	Mr MacLean	Mr Shave
Dr Constable	Mr Marshall	Mr Sullivan
Mr Court	Mr Masters	Mr Sweetman
Mr Cowan	Mr McNee	Mr Tubby
Mr Day	Mr Minson	Dr Turnbull
Mrs Edwardes	Mr Nicholls	Mrs van de Klashorst
Mrs Hodson-Thomas	Mr Omodei	Mr Wiese
Mrs Holmes	Mr Osborne	Mr Bloffwitch *(Teller)*

Pairs

Ms MacTiernan	Mr Trenorden
Mr McGowan	Dr Hames

Amendment thus negatived.

Debate (on second reading) Resumed

MR KIERATH (Riverton - Minister for Labour Relations) [10.13 pm]: I thank most members for their comments. I have seen a little of what I saw in debate last time, but the language over the past couple of days has been pretty personal and vicious, and in some cases disgraceful. Somebody who listened to the debate said that it looked as though opposition members resorted to playing the man instead of the ball. That is obvious from most of the comments in the second reading debate. The one comfort I get from that is that when the Opposition launches into personal attacks, it means it has given up debating the issues. That gives me some encouragement to keep going.

The main thrust of this legislation is to put more power into the hands of the individual worker and less into the hands of the union official. I have not hidden that fact. Members should consider what has occurred this week. A handful of people from the Trades and Labor Council basically blocked the freeway into Perth. Did they conduct a ballot to ask their members whether they wanted to take that action? Of course they did not. Why did they not do that? The reason they did not ask them is that they knew they would not agree. Members opposite have been good at quoting editorials of *The West Australian*. However, they did not quote today's editorial which states that those sorts of tactics belong in the museum. Those tactics are disgraceful. Those people from the TLC have done nothing for the cause of the union movement in opposing this legislation. In fact, their action has had the opposite effect among most reasonable and sensible thinking Western Australians. Why are members opposite so opposed to giving workers a say in whether they take industrial action?

Mr Kobelke: Because it does not empower them.

Mr KIERATH: Trade union officials in the United Kingdom fought these provisions on secret ballots, the abolition of closed shops and a range of other initiatives with every fibre of their being. However, when I asked them whether they would take back those powers in the possible change to a Labour Government, they said no. They said that once the people have been given the power - in other words, democracy - it cannot be taken back: It is a one way street. The trade union leaders in the UK told me that at their trade union council, which is the equivalent of the Australian Council of Trade Unions. They are not my words; they are their words. That sums it up. That is what this group opposite is scared of. It will not be a matter of changing government: The unions know that once they give away the power, they will not be able to take it back. That is why they are going through these antics.

Let us look at the calibre of opposition members. A common thread ran through their comments. If I heard the phrase once, I heard it 10 times: I was accused of having a pathological hatred. Nothing could be further from the truth. When one member was speaking - I will not embarrass that person by naming the member - I looked up at the clock and it had run down from 20 minutes to 12 minutes. The member was engaging in general rhetoric and was

saying nothing about the Bill. I thought discussion on the Bill would come at the 11 minute mark. After 10 minutes, then five minutes, still nothing about the Bill had been said. I could not put even one notation beside that person's name because the comments were general rhetoric. That was time wasting. It was an attempt to filibuster, with nothing concrete or constructive to say.

Dr Gallop: Have you had any advice on whether this legislation would survive a legal challenge?

Mr KIERATH: One of the good things about the labour movement is that it does not come up with anything new; it regurgitates things. When the previous industrial relations legislation was introduced, extensive legal advice was sought. The member for Rockingham, to his credit, raised some matters of the Constitution. Other issues were raised about freedom of speech and a number of other matters. At that time the Government sought extensive advice on the legislation from the Crown Law Department. When the Standing Committee on Legislation of the other place sat, unions throughout the country made submissions. The ACTU talked about international obligations. I had all the points that were raised analysed to see whether there was any validity in the claims. In almost every case the answer I received was that there was not.

Mr McGowan: Will you table that?

Mr KIERATH: No, it is longstanding practice. At the appropriate time in Committee I will be more than happy to debate some of the legal issues that were raised. I give members opposite one word of warning: They ignore secret ballots at their peril. They do not understand that their basic membership wants secret ballots. Members opposite think they are smart by opposing this legislation. However, their members are saying that the Opposition is opposed to secret ballots and they cannot understand why the party that is supposed to be the political wing of the trade union movement opposes those provisions. Members opposite would be surprised at who has been phoning my office. I must tell them, with a great smile on my face, that officials of trade unions have rung me and told me to stick with the Bill. They may not be members of the right wing of the union movement. However, one person from a building union, whose name I will not mention, told me that in spite of what his union says, when union members talk about the issue in the crib room they want secret ballots. The circumstances are different, but they all tell an identical story. Usually in one instance there was not strong support for industrial action and the union members were intimidated into taking action.

A schoolteacher contacted my office today and said that some teachers wanted the Government to know that they are the silent majority. My office was told that some teachers were too scared to stand up publicly and make their views known for fear of ridicule, attack and intimidation. However, they wanted the Government to know that it should keep up its fight for the legislation and it should not let the union movement get it down. I know that teacher did not support the Government's stance throughout the teachers' dispute.

I know the truth hurts the Opposition. If one asks whether opposition members are genuinely concerned about the issues the answer is they are not. Their concern is that they do not want the power taken from the union officials who are able to do these things.

Dr Gallop: Do you support Lee Kuan Yew's system of democracy?

Mr KIERATH: I will get to the Leader of the Opposition's comments when I respond member by member. Before I do that I want to go through some simple points. We have heard about mandates and promises. What did the member for Midland say?

Mrs Roberts: What a gutless wonder! You incessantly interjected on our members, but you will not take interjections from the Leader of the Opposition.

Mr KIERATH: Members opposite spoke about mandates. I refer to the Government's policy which was released in November 1996. On the first page under "The Guiding Principles" it states -

> In our next term, we will complete our legislative agenda -

That would suggest to most people that it has been started and has not yet been completed. I thought the Opposition would have been able to understand that. At the bottom of the next page it states -

> The overwhelming majority of the policy has been introduced and is working very successfully.

For the Leader of the Opposition's benefit -

Dr Gallop: I have read it and there is nothing in it about -

The ACTING SPEAKER (Mr Ainsworth): Order!

Mr KIERATH: The policy states -

We will conclude the outstanding reforms from the 1992 Labour Relations Policy: Jobs and Choices.

Mr Kobelke: What is at the top of the page? You are misleading the House again.

The ACTING SPEAKER: Order!

Mr KIERATH: It states that the Government will conclude its 1992 policy.

The Government had legislation which was before this House and I do not have time to obtain a copy of it tonight. However, I will obtain a copy of it before the conclusion of either the Committee stage or the third reading stage. The Government has a summary of what the Opposition members and the trade union movement said about that legislation. They warned people before the last state election that if they voted for the coalition, it would complete its second wave agenda. That was said in the Opposition's election material. The Opposition believed it when it tried to frighten electors into not voting for the coalition. It was happy to say that a vote for the coalition was a vote for the second wave. It happily used it, but now that the coalition is doing exactly that, it is accused of not doing it. The Opposition cannot have it both ways. From the Opposition's point of view the coalition either did or did not; it cannot argue both points.

The first item on the next page is headed, "Greater Rights for Workers" and the subheading is "Secret ballots for strikes". It outlines the secret ballot process. It even states that the ballot results must be made known to relevant employers and the Western Australian Industrial Relations Commission which would enhance the prospects of a resolution of a dispute without disruption. That was in the Government's election policy.

Dr Gallop: Can I ask you a question?

Mr KIERATH: I have less than half the time the Leader of the Opposition had.

Dr Gallop: This is your second run at it.

Mr KIERATH: I have to cover all the questions raised by members opposite. The only good thing in my favour is that they did not say anything of substance in their comments. I hope my task will be easy. I want to debunk a few key points from the beginning so that when I come to the individual comments of members opposite I will be in a position to say I have already answered the questions they raised.

When the Government launched its policy it said that secret ballots was its flagship. The press release which accompanied the policy said that goals set for the next four years included implementing secret ballot provisions. It is funny that on the day *The West Australian* published that secret ballots was the main flagship of the legislation the Leader of the Opposition said in the middle of the day that he supported secret ballots, but by the end of the day he was opposed to them. Tony Cooke or Stephanie Mayman had got to him and told him not to agree to secret ballots. Members must bear in mind, if they take his line of reasoning, that he had not seen any detail of the legislation at that stage.

Dr Gallop: Can I ask a question?

Mr KIERATH: No. It is interesting that the Leader of the Opposition had no details of the legislation, only general principles relating to secret ballots, and he was opposed to it. I will give him some advice later. I will also give the Labor Party advice on how to improve its stocks for the future. I will tell it how to lift its game. The advice I give now is that the Labor Party should abandon its opposition to secret ballots right now.

A lot of things in the Government's current policy are in the 29 October 1992 policy. For example, employers will take a prime role for responsibility. It is interesting that it also states that voluntary arbitration will occur only after internal measures have failed to resolve disputes. However, the Trades and Labor Council has used the internal dispute settling procedures as part of its so called seven weeks argument and I will come back to that. It also refers to making grievance settling procedures mandatory; the right to work; secret ballots to protect workers over industrial action; and the consent of union members before political donations can be made. It goes on.

Dr Gallop: Where is the section on political expenditure; where is the section on right of entry and where is the section which says that if unions go federal they will be shifted off their federal union?

The ACTING SPEAKER: Order!

Mr KIERATH: I will come to that. The House can be the judge because the document states that the consent of union members will be needed before political donations can be made. It is clear to me. I confess I went to a government school. Maybe some members opposite went to government schools that did not teach them basic English.

Mr Marlborough interjected.

The ACTING SPEAKER (Mr Ainsworth): Order! I am going hoarse trying to speak over members while trying to call the House to order. I understand this is a sensitive subject and for reasons which entirely escape me, the members on my left seem to take exception to this Minister on occasions. I fail to understand the reason for that. Given the nature of the subject, I have allowed the Leader of the Opposition some leeway with interjections. However, members have gone well beyond the bounds of my leniency, and I ask them to respect the rulings of the Chair and, when I call "Order!", come to order. Two or three opposition members are arguing over each other and it is hard to hear the interjections. We certainly cannot hear the Minister, even with his strong voice. I also ask the Minister to direct his remarks to the Chair and perhaps we will have a better debate.

Mrs Roberts interjected.

The ACTING SPEAKER: The member for Midland will come to order.

Mr KIERATH: Page 12 also states -

> undertake a review of Federal and State awards with the aim of rationalising the pattern of these awards in industries and firms in WA.

That is definitely the main point behind the state versus federal award provisions. Even on that issue, the policy was very clear. The document further states -

> - insist that such bodies must obtain the consent of at least 75% of their members before donations to political parties can be made;
>
> - encourage secret ballots to be undertaken before industrial action takes place.

That was the policy in 1992. The Government's policy now states that it wants to complete those objectives. A Bill containing most of those provisions was on the Table when Parliament was prorogued. I do not know about the Opposition, but if the Bill -

Dr Gallop: Do you believe in personal responsibility?

The ACTING SPEAKER: Order!

Dr Gallop: He will not respond.

The ACTING SPEAKER: There is no responsibility on the part of the Minister to respond to interjections. If a member continues to interject and the Minister does not respond, the member should cease the interjection. I agree with the comments made by the Speaker at an earlier sitting of the House when he said that interjections add to the quality of the debate on occasion. However, incessant interjections to which the Minister does not respond add nothing.

Mr KIERATH: Any reasonable, thinking person would say that it was very clearly on the Government's agenda in 1992 and 1996. A Bill was before the House in 1995 and when Parliament was prorogued, although it had been modified.

The TLC acknowledged that any undertakings given by the Premier lasted only until the next state election. Clearly, the Bill has been there for everyone to see, and it appears that everyone, apart from members of the Opposition, can see it. Along the way, the Bill has had various bits carved off and passed. When the TLC modified its proposal, it said it would agree to have the legislation go through but that it would use any political tricks up its sleeve to prevent its passage. It would cease its industrial action but it would use every political trick in the book. Obviously the TLC can pull the strings of members opposite. We heard all those political points.

The election results show whether the Government had a mandate to go ahead with this legislation. Let us consider how the ALP vote changed between 1993 and 1996. In the East Metropolitan Region it plummeted from 46.2 per cent to 36.12 percent, a drop of 10 per cent; in the South Metropolitan Region it dropped from 40.3 per cent to 36.1 percent, a decline of 4.2 per cent; in the Agricultural Region it dropped by 2 per cent; in the Mining and Pastoral Region it dropped by 6 per cent; and in the South West region it dropped by 5.7 per cent. How do members opposite like that? So much for their mandate to block the legislation - their vote went down. I told the Opposition during the first wave that while it continued to oppose the legislation its share of the vote would decline. People recognise that members opposite are voting against pay increases.

Dr Gallop: Will you take an interjection?

Mr KIERATH: I said no earlier. If members opposite do not support secret ballots, their rank and file members will accuse them of opposing secret ballots and denying them a say in what happens when they take industrial action. There are no winners in industrial action.

Dr Gallop interjected.

Mr KIERATH: I am straining my voice in trying to be heard.

The ACTING SPEAKER: Order!

Dr Gallop interjected.

The ACTING SPEAKER: Order! I formally call to order the Leader of the Opposition for first time.

Dr Gallop: He won't take interjections; it is most unparliamentary.

The ACTING SPEAKER: Order!

Mr KIERATH: The Leader of the Opposition tries to make up rules as he goes along. He knows the standing orders very well. For a Rhodes scholar and a person who claims to have the parliamentary knowledge -

Dr Gallop: Why not take interjections?

Mr KIERATH: I told the Leader earlier that I do not have as much time to speak as he has had and I must present my comments and respond to the speeches made by members opposite. The Leader knows that I normally do not refrain from responding to interjections; I am more than happy to take them on.

Several members interjected.

Mr KIERATH: Mr Acting Speaker, I am screaming at the top of my voice and I cannot hear myself.

The ACTING SPEAKER: Order! I have been fairly patient this evening with the Leader of the Opposition. The Minister has made it quite clear to the House and to the Leader that he will not take interjections, and nothing in the standing orders requires him to do so. In fact, the Leader's insistence in trying to attract the Minister's attention when he has clearly indicated that he will not respond is against the standing orders. I ask him to respect the House and not interject in that manner.

Mr KIERATH: I will now refer to the promise about no more legislation. Meetings were taking place and I attended some. Clearly, the commitments to the TLC stood only until the next election. More importantly, the discussions focused on the Fielding recommendations and what might come of them, and the letter from the Premier relates to the Fielding recommendations.

The Government set up a subcommittee of the WA Labour Relations Advisory Council to pursue that issue. The TLC made it plain to me that it would not provide its recommendations until after the election because it did not want to give the Government any chance of pushing legislation through based on its position in relation to the Fielding recommendations. If members opposite had bothered to ask members of the TLC, they would have acknowledged that. I have had a debate publicly and privately with Tony Cooke, and he acknowledged that that was the basis of the discussions: The obligation would stand only until the next state election.

Mr Shave: They intimidated everybody.

Mr KIERATH: That is right. Because I heard the odd public reference to this earlier last year, I responded by a statement to the Building Owners and Managers Association. I made the comment that I had a building and construction industry reform Bill, but I could not introduce it until after the next state election because the Premier had given an undertaking. The headline in *The West Australian* was "More on the way: Kierath". It seems very clear that more legislative reforms were on the way.

Several members interjected.

Mr KIERATH: I suppose that is the Opposition's interpretation. However, for the Opposition's benefit, if the election policies and the statements were not enough, on 19 December 1995 I made a statement on the Fielding report as follows -

> Any legislative amendments in the term of this Government will occur only if there is general agreement by the peak industrial parties.

That is plain. The comments members opposite make about this being hidden and the Government's not having a mandate are rubbish.

Mr Shave: Red herrings.

Mr KIERATH: Yes; it is a desperate Opposition that runs those lines. If one considers the undertakings, promises and statements made by the Premier about more to come, the brief ministerial statements and so on, it is all there for everyone to see.

The Opposition has also harped about the time frame. I will make it quite clear and put the truth on the record.

Mr Riebeling: That will be a first!

Mr KIERATH: We always do that, which we cannot say for members opposite. It has always been our intention to pass this legislation. It was the subject of two previous Bills, and it was still on the Notice Paper in the Legislative Council when Parliament was prorogued. It could not be any plainer than that. It was there for all to see.

Our original intention was to pass the legislation before Christmas 1995, and it was then our intention to pass it during 1996. However, we did have a large legislative program and agenda, and it is fair to say that because of the antics of members opposite, when I bring Bills into this place they seem to consume more debating time than do other Bills, so my colleagues said, quite rightly, "You have had your share of legislative time. We would like some time to pass some of our legislation." It was not that I did not want it to be passed but that I was prepared to sacrifice what I still regarded as a top priority in order to allow other Ministers time to get their legislative programs and initiatives before the House before it was prorogued. That is something from which opposition members could well learn.

I have tried to cover the key points that have been made by members opposite. I will deal now with the individual points. The Leader of the Opposition said he was speaking about the democratic system. That is interesting. The coalition won the election, not the Labor Party. It is important to understand that basic principle. He said that he is in favour of freedom of association. It was a Labor Government in 1992 that tried to prevent freedom of association. Do members remember that worker in Hamersley Iron who did not want to join a union? I think he was a fitter. That was a disgraceful episode. Members opposite only choose freedom of association when it suits them. When they are in power, they oppose freedom of association.

The Leader of the Opposition talked about a fundamental divide between unionists and non-unionists. Tim Pallas from the Australian Council of Trade Unions went as far as saying in a radio interview with me that he wanted criminal law to apply only to non-unionists. He did not want criminal law to apply to unionists. That is fascinating. The Leader of the Opposition said also that we do not have a vision that includes unions. It is interesting that the Workplace Agreements Act provides that unions can be a party to workplace agreements. It is strange that if we have no vision for unions, we have made provision for them. I reiterate that these provisions will make unions more respectable in the long term than they have been to date because of some of their antics.

The Leader of the Opposition said that this legislation would discriminate against people who made choices that the Minister did not like. The union movement is prepared to hurt the people of Western Australia when they make decisions that it does not like. The Leader of the Opposition talked about social justice. Where is the social justice in unions preventing people from running a business or even just driving to work? Where is the social justice in supporting union officials who bash workers who do not join a union? He went so far as to call me a Leninist. I find that fascinating.

He also said that pre-strike ballots are anti-union because they do not apply to those on workplace agreements. That is because industrial action is already covered under the Workplace Agreements Act.

The Leader of the Opposition complained about the definition of industrial action. The employers and employees of Western Australia are worried about suffering under industrial action. They are not worried about the definition. The Leader of the Opposition asked: Why should employers be able to interfere with unionists? Employers have the right to ask their employees for their opinion. Unions want to prevent employees and employers from talking to each other directly, because in many cases they have marginalised them. He said that an issue that affected the health, wellbeing and safety of the whole community was an internal union matter. The union movement is not the Government. The health, wellbeing and safety of the whole community is an interest of this Government.

Dr Gallop: Where is that in my speech?

Mr KIERATH: I have got it. I will provide it.

The Leader of the Opposition is continuing to make the claim about a seven week delay. As soon as the Trades and Labor Council started talking about this seven week delay, I had it analysed by Parliamentary Counsel. The Opposition is trying to say that between three and six weeks, or almost 85 per cent of that seven week time frame, will be taken up by the union executive reaching the decision to take industrial action and by the union applying the dispute settlement procedure, which we know is inserted into all awards and cannot be pinned on the secret ballot provisions.

Parliamentary Counsel has given me some time frames for the individual phases. Application to the Industrial Relations Commission should take one day. Members opposite should be warned, before they do the simple arithmetic, that these events are not cumulative; in many cases they occur at the same time. The hearing should take between one and five days. A notice to the union for names and addresses should take one day. The union's providing that information should take one day. The conduct of the ballot should take between one and three days. The declaration of compliance should take one day. The notice of results should take between one and four days. The notice of intention to strike has not yet been prescribed. Therefore we can take between three and six weeks out of the Opposition's time frame.

Parliamentary Counsel has said that compliance with the provisions would take seven days from the time of application, on average. Many steps could take place on the same day. If small numbers of people were involved, the time would be shorter, and if the matter were complex and involved a large number of people over a wide area, it could be longer. Compare that seven days with seven weeks! That is ridiculous. That is not my opinion; if it were, I could understand the Opposition's being disappointed about it. That is the advice I received from Parliamentary Counsel. I have read all the important points into *Hansard* so that members opposite can take it from there.

The Leader of the Opposition made a big issue of the need to obtain names and addresses. Is he trying to say that employers do not know the names and addresses of their employees who are union members? This has been a common line that has been run. Many unions have payroll deduction of union dues, so the employer already knows which employees are union members. It is fascinating that unions do not want employers to know that when in most cases employers already know because of the payroll deductions. Part VIA of the Industrial Relations Act, which the Leader of the Opposition knows well, prohibits discrimination on the basis of union membership.

The Leader of the Opposition said that the legislation would promote demarcation disputes. Why do unions always have to resolve demarcation disputes by having fights? Why can they not work them out amicably?

Dr Gallop: Why does the Liberal Party have fights? What a stupid comment!

Mr KIERATH: It is not stupid. We have debates in our own forums and we vote on issues. What is wrong with that? We accommodate different points of view. We want it that way. We do not want everybody to sing the same tune.

The Leader of the Opposition said in 1992 and 1993 that we were trying to get rid of the state award system. Of course we are not. He said also that we did not have a mandate to implement this legislation. Of course we do. We got that mandate in December.

The ALP labour relations spokesman, the member for Nollamara, talked about job insecurity. I remind him that workplace agreements are not contracts but merely definitions of conditions of employment; any student of industrial relations should know that. Jobs are far more secure under us, because we have managed to get unemployment down to about 7 per cent. When members opposite were in government the unemployment rate was around 11 per cent, and in that case I can understand people being concerned about their future. We still have some way to go but at least we are going in the right direction.

The member for Nollamara gave us a lecture on small business. I will not say that he never put a cent into small business. He ran the items that I have run before, including time frames and the mandate, which is a common theme, and he made personal comments about me. I think he said that the Democrats were not considered to be sympathetic to unions, whereas the Australian Labor Party was. That statement stands on its own. Most of his comments related to the vague predictions which we have heard all the way through this debate. I think one member today referred to the doom and gloom which the member for Nollamara runs. The member for Nollamara also said that workplace agreements would mean the end of the world as we know it. However, within three years it has ceased to be an election issue for members opposite. It turned out to be a plus for us. It is fascinating that in three years the biggest changes have turned out to be a positive for the conservative side of politics.

Mr Shave: They said that we paid the price at the election.

Mr KIERATH: We picked up three of their seats, and that is a price I am prepared to pay.

I am concerned about employee intimidation, another issue raised by the member for Nollamara. Unfortunately, some employers do intimidate people. One could ask what about the unions and their intimidation at various times. The secret ballot will protect workers from not only union intimidation but also employer intimidation. The employer will not be able to pick out employees and find out what they have said at a meeting. The secret ballot is designed to protect employees from employer bullies.

Mr Kobelke: That is what I said.

Mr KIERATH: The member said that he wanted us to do that.

Mr Kobelke: I said that is the reason for secret ballots. The trouble is your secret ballot will not do it.

Mr KIERATH: Of course it will.

Mr Kobelke: It is unworkable.

Mr KIERATH: Having a secret ballot, getting one's name ticked off, and having scrutineers is the basis of our electoral system when we vote for representatives in Parliament. Most people are happy with that system, so why should they not be happy with it in the work place?

The member for Bassendean referred to the Fielding report and most of the issues I have covered previously. He made the point that the number of disputes was decreasing and queried why we should do more. We are proud of Western Australia's record in that area over the past 40 years - except for the day of the blockade, the political strike in 1995. That was a bleak time. Putting that aside, we have consistently had the lowest strike rate in the country. Previously our record was one of the highest. Since we have been in government, the average has been one-third of the strike rate when members opposite were in government; therefore it is two-thirds less.

Dr Gallop: Why do we have this Bill?

Mr KIERATH: Because we think we can go even further. We can reach the stage where we can give workers more say, more protection and more democracy. We are committed to that aim. Members opposite may ask about our sense of urgency, and one member touched on that aspect. It was stated that we are experiencing our third mineral boom in the past four years, and that is correct. However, I remind members of two occurrences during the last boom we experienced. Bruce Wilson of the Australian Workers Union hijacked the North West Shelf platform, and the images which were sent around the world were devastating for our trading partners. In another case, *The West Australian* published a photograph of 27 or 28 ships queued up out to sea and over the horizon - I cannot recall whether it was at Dampier or Port Hedland. We do not want to send such images to our trading partners. Internationally, Australia's Achilles heel has been the bad image of those industrial disputes.

Over the past three years Hamersley Iron has lost zero days as a result of industrial disputes. That company used to average at least 130 000 working days lost each year. Those figures have impressed the company's trading partners and have allowed it to increase its iron ore coverage. It is proud of its record; the customers are proud of it, and that is why we want to achieve that result in other areas in this State.

Much has been made of Commissioner Fielding's comments about secret ballots. Secret ballots were not included in his terms of reference, and the only reason he raised that matter was that someone referred to it in a submission to him. He made almost 300 recommendations but not one related to secret ballots.

Virtually all of the comments by the member for Fremantle were rhetoric. They were laced with references to hatred and personal matters. He made comparisons between the United Kingdom and the Western Australian systems. I did not think I would have to explain this fundamental point to the Labor Party - the political wing of the trade union movement - but obviously I do. In our system, which was developed more than 100 years ago, the trade-off for compulsory arbitration - that is, a third party being able to interfere and direct the parties to do certain things - was the abolition of industrial action. Despite compulsory arbitration we still had industrial action. The United Kingdom has voluntary arbitration. It does not have the Industrial Relations Commission that we have, which can order the parties to do certain things. Basically it is left to the survival of the fittest or strongest. In that situation, some protection is necessary. However, our system gives the umpire power to direct parties to do certain things -

Mr Kobelke: Under workplace agreements?

Mr KIERATH: Under workplace agreements it is outlawed until the negotiation of a new agreement. We actually legalise strikes. We give people protection from torts and other civil actions. We say that if we have voluntary arbitration, which that is, people should have full powers and the right to strike. However, if we do not have voluntary arbitration, people should not engage in strike action. I hope the member for Nollamara understands that. He made personal comments which I will not go into.

Dr Gallop: It is a bit like the personal stuff you throw across the Chamber by implying that we support criminal actions.

Mr KIERATH: The member for Willagee made some cheap shots.

Several members interjected.

The ACTING SPEAKER (Mr Ainsworth): Order!

Mr KIERATH: The member for Willagee also used some figures indicating that industrial disputes dropped from 80 days lost per period, down to 40 days and then back to 150 days in 1994-95 - but that was the time of the blockade. He made some kind comments about me in relation to the Australian Broadcasting Corporation.

Dr Gallop: Remember Solomon White?

The ACTING SPEAKER: Order!

Mr KIERATH: I want the Leader of the Opposition to know that behind the scenes I ended up talking to a board member from the Eastern States. He sat in my office and I gave him a hard time about everything. The ABC has never been a friend of mine. At the time I was tempted to ask why I should go in to bat for the ABC. It has not been my friend politically, but ultimately Western Australia is better than the other States. The two programs rated fairly highly, and I went in to bat on that basis. I still feel it should be run here, because I do not think the national program has benefited that timeslot for the ABC.

The member for Willagee referred to industrial action. At the time people at the ABC felt very strongly about the issue, and I believe that strength of feeling would have come through in a secret ballot; it would have been a positive ballot -

Mr Carpenter: We would not have had the time.

Mr KIERATH: There would have been time. A secret ballot can be developed as fast as within a couple of days. If people are angry but that anger does not last a week, perhaps it does not need to be translated into industrial action. If the action lasts a week, it will be a serious action, and it will be carried as a result of a secret ballot.

Mr Carpenter: There was no time, and you know it.

Mr KIERATH: If it were a political strike, it could still be supported. There would be a secret ballot with the actions around the State at the moment. It can happen if a majority of the union members agree.

Mr Carpenter: How?

Mr KIERATH: It has been said that seven days is too long. When the former federal Minister for Labor Relations, Laurie Brereton took the provisions from the Trade Practices Act and placed them in the Industrial Relations Act, he applied a period of seven days for employers to cool off before taking legal action. Again, we see these double standards. Seven days is okay for a cooling-off period when Labor does it, but it is not okay when we do it. Unfortunately, we have come to expect the double standards of members opposite.

Mr Carpenter: What you are saying is wrong.

Mr KIERATH: It is not wrong.

Again, the Opposition has misinterpreted the role of political donations. Basically, those donations can be made. Unions can run political advertisements if their members approve the advertisements and pay for them. This legislation provides that unions cannot use members' subscriptions unless those members agree. I think it is fair because some people want to have a say before the Industrial Relations Commission. The only organisation that can do it except in limited circumstances is a registered organisation; that is, a respondent union to an award. If that union donates politically and the member wants representation before the commission he has no choice; he is compelled to donate politically. The polls indicate that two-thirds of Western Australians believe that members of unions should have the right to say whether unions make political donations.

Members opposite claim the legislation attacks unions and members. It does not; it gives union members more power. I have never denied that it gives union leaders less power without the endorsement of members. I thought everyone would support that.

Someone referred to a 20 page workplace agreement. Most awards are 40 pages or longer.

The member for Thornlie referred to the first, second and third wave industrial legislation. In a way I am sorry I used that term. This is a modified form of the second wave; it is not the third wave legislation.

I recently spoke to union members at the Broken Hill Proprietary Co Ltd. It is a traditional company. Some of its employees, I think the metal trades workers, took part in the blockade. Most of them said that their union leaders had denied them secret ballots which they wanted, and that they hoped we would pass the legislation.

I have tried to cover all the major issues. While the Opposition continues to oppose secret ballots and the freedom of choice in political donations they will continue to sit on the opposition benches. They do not get anywhere by being extreme. They must move in and cover the middle ground.

Question put and a division taken with the following result -

Ayes (29)

Mr Ainsworth	Mr House	Mr Prince
Mr Baker	Mr Kierath	Mr Shave
Mr Barnett	Mr MacLean	Mr Sullivan
Mr Board	Mr McNee	Mr Sweetman
Mr Bradshaw	Mr Marshall	Mr Tubby
Dr Constable	Mr Masters	Dr Turnbull
Mr Cowan	Mr Minson	Mrs van de Klashorst
Mr Day	Mr Osborne	Mr Wiese
Mrs Edwardes	Mrs Parker	Mr Bloffwitch *(Teller)*
Mrs Holmes	Mr Pendal	

Noes (17)

Ms Anwyl	Mr Grill	Mr Riebeling
Mr Brown	Mr Kobelke	Mrs Roberts
Mr Carpenter	Mr Marlborough	Mr Thomas
Dr Edwards	Mr McGinty	Ms Warnock
Dr Gallop	Mr McGowan	Mr Cunningham *(Teller)*
Mr Graham	Ms McHale	

Pairs

Mr Omodei	Ms MacTiernan
Mrs Hodson-Thomas	Mr Ripper

Question thus passed.

Bill read a second time.

Committee

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

Clause 1 put and passed.

Clause 2: Commencement -

Mr KOBELKE : Will the Minister put on the record the different arrangements which apply for the commencement of operation of the Act? Three subclauses provide three different arrangements which apply respectively to different parts and sections of the Bill. Why is that form of commencement appropriate for each part of the Bill?

Mr KIERATH : Various provisions of the Bill need to come into place. Some provisions require regulations; others do not. Others apply to the Industrial Relations Act. Parliamentary Counsel has advised the reasons those conditions allow us to proclaim the various parts.

Mr KOBELKE: I understand perfectly what the Minister said. I am asking him to be more specific about the 10 parts within the Bill. Why was each option chosen for a particular part rather than one of the other options? Clearly regulations are required for some but not others. That is not the only reason. Will the Minister make it clear so that we can check on the implementation of the different parts and make our own judgment about whether the commencement provision within those three subsections is appropriate and will enable the legislation to be implemented as he suggests?

Mr KIERATH: It is explained in the Bill as follows -

(1) Subject to subsections (2) and (3), this Act comes into operation on the day on which it receives the Royal assent.

(2) The provisions of Parts 2 and 4 come into operation on the 28th day after the day on which this Act receives the Royal Assent.

(3) The provisions of Parts 3, 5, 10 and sections 34, 35(b), 36 and 37 come into operation on such day as is, or days as are respectively, fixed by proclamation.

Part 1 is preliminary; part 6 is unfair dismissal; part 7 is miscellaneous provisions relating to awards; part 9 is Minimum Conditions of Employment Act; section 35 is a definition of Commonwealth Act; part 2 is duties of officials and organisations; part 4 is political expenditure that comes into operation 28 days after the Act receives the royal assent; whereas parts 1, 6, 7, 9 and 35(a) come into operation on the day on which the Act receives royal assent. Parts 2 and 4 come in 28 days after the Bill receives royal assent. Part 3, which relates to strike ballots, part 5, relating to federal award coverage, and part 10, which deals with the Workplace Agreements Act, and the remainder of part 8 come into operation on such days as are fixed by proclamation. Regulations are required for part 3, which relates to strike ballots, as well as for proposed sections 35, 36 and 37 due to their reference to strike ballots; part 5 relating to federal award coverage; and proposed section 34, relating to the inspection of time and wages records. Part 10 requires the establishment of administrative procedures within the office of the Commissioner of Workplace Agreements to enable the tasks of the tribunal to be undertaken. That is the reason for those different proclamation dates.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Part II, Division 5 heading amended -

Mr KOBELKE: This is where we start to see a change made to the duties of officers. This amendment was put into the legislation in 1995 by the Minister. Will he inform the Chamber whether any actions have been taken to date under this provision? My advice is there does not seem to have been; therefore, one wonders why a section in the principal Act which, as yet, has not been used, should be amended. These amendments extend quite considerably the requirements for financial propriety by officers of a union. It is not only a matter of proper conduct of the financial records and the finances of a union; under the proposed amendments to the existing section the definition of officer is to be expanded. As it is currently defined "a finance official" means an officer of an organisation who is entitled to participate directly in the financial management of the organisation.

Mr Kierath: We will have that debate when we get to clause 5. Clause 4 merely reflects what is in clause 5.

Mr KOBELKE: I know that. However, this definition is now also to apply to employees. When it is expanded, it has the potential to capture a much wider group of people. When we see the penalties and actions that can flow to unions through the major clauses, we must worry about this expansion. It means dire consequences can flow through other parts of the legislation because of what could simply be a technical default. This amendment means that not only the people who would be seen to be officials, but also employees in a much lower capacity could also be picked up. This and the following proposed section require some explanation from the Minister. As it stands, these provisions can be seen as simply tying up unions in an unnecessary amount of bureaucracy, a level of control which the Ministers in this Government would never countenance for themselves. On what has currently been presented by the Minister, this amendment should not receive support. In responding to the debate on clause 4, I ask the Minister to convince us, and then I might reconsider my position. As the clause currently stands, I can see no redeeming features in the changes which commence in it.

Mr BROWN : This matter seeks to alter the heading of division 5 in part II of the Act from "Duties of Officers of Organisations" to "Duties of Officers and Employees of Organisations". It is being changed quite deliberately. The intention is to change the definition of "finance official", in section 74 of the Act by extending it to include an employee. Under the existing legislation a responsibility is placed on what is called a finance official, which relates to the operation of the organisation's accounts. Indeed, some quite significant responsibilities are placed on that officer. It may be argued by some that they are appropriate responsibilities to place on an officer because, under the existing provisions, that person generally is elected by the organisation.

This change seeks to extend those responsibilities to employees of the organisation; that is, to place a very significant onus on those employees. For reasons that to me are obscure, the sanctions of this legislation may be imposed on people who are performing fairly rudimentary tasks. It seems the purpose of the provision is to provide some form of disincentive for people who are employees of an organisation to carry out any role in financial management, whatever that means. We see this as being an extension of the tasks or obligations that currently are imposed on finance officials. Although it might be argued by some that it is reasonable for those responsibilities to be placed on elected officers of organisations, it is certainly not the case that they should be placed on employees. I instance the fact that generally directors of a company are required to sign off the balance sheet. If those people sign off the balance sheet or accept the accounts of an organisation which are wrong and on which they do not provide due diligence checks, they are ultimately held responsible under the corporations powers for such a failure. It is not a matter of employees of the organisation being held accountable, unless an employee is deliberately endeavouring to rort or perpetrate a fraud. An onus is being placed on an employee of an organisation representing workers that is

far greater than that placed on an employee of any other agency. I do not know why that is being done. I do not have any justification for it. Perhaps the Minister can provide some in his answer.

Mr KOBELKE: I invite the Minister to give us an overview of this clause now. On my reading of this clause and clause 5, which is intimately connected with it, there is no merit at all in these amendments - absolutely none. In that case we must vote against clause 4 because the Minister has not explained it.

Mr KIERATH: Members know the rules of the Committee. It is difficult for me to talk about clauses that will be dealt with later. This clause adds words to accommodate the provisions in clause 5.

Mr BROWN: It is the normal practice of judges and members of the legal profession in interpreting Acts of Parliament to look at each word because if it did not mean anything, it would not be in the Bill.

Mr Kierath: It is only a heading.

Mr BROWN: They look at headings. Should this clause be passed and clause 5 not be agreed to, the heading would be "Duties of officers and employees of organisations" with nothing in the definition about employees. It is necessary to debate the rationale for the inclusion of the words "and employees", otherwise we are simply left to guess the purpose of the inclusion. That is not a satisfactory system.

Mr Kierath: I seek the guidance of the Chair.

The CHAIRMAN: Members are not normally allowed to speak on further clauses before they are reached. Members of the Opposition should perhaps be patient until we reach clause 5 because the Minister has undertaken to speak on that clause. I thought members would give the Minister leeway until clause 5 is reached.

Mr BROWN: We are asked to agree to words being included in the legislation on the basis that after we have agreed to it, an explanation will be provided. That is not satisfactory. I prefer to hear an explanation up front for the incorporation of these words. It may well be that there is some crossover between clauses 4 and 5, and certainly the second part of clause 5 deals with another issue that is not relevant at this stage. However, it is not good enough for the Minister to say that he will provide an explanation for the inclusion of the words "and employees" in time. Let it be given now. How can we possibly debate the merits of the amendment? When we hear the rationale for clause 5 we may disagree with it and move a rescission motion, after we have just allowed this amendment to go through.

Mr Kierath: You would not get the numbers for a rescission motion.

Mr BROWN: I know we will not get the numbers anyway.

Mr Kierath: I appeal to your sense of fair play. It is only a heading and I have sought guidance from the Chair.

Mr BROWN: I have asked for an explanation and the Minister may decide not to give it. It is not an unreasonable proposition to ask for an explanation.

Mr Kierath: I explained that it is there to facilitate clause 5.

Mr BROWN: We are asked to accept an amendment on the basis that it is to facilitate a later amendment, for which we do not know the reason. That rationale is not good enough and I do not accept that it is a proper way of legislating in this place to include words that may be superfluous in Acts of Parliament.

The CHAIRMAN: I am prepared to allow the Minister some leeway if he wants to explain why the words are being inserted.

Mr KIERATH: Other than officials of unions, there are employees who work in a representative or advisory capacity. In that capacity they may have many of the same functions as an officer. This amendment is to cover that group of people.

Mr KOBELKE: I am concerned about this amendment. A union official carries some responsibility. Therefore, it is appropriate that there be a set of requirements for union officials as well as those picked up under the Criminal Code. This clause means it is not enough to have special provisions for union officials, but that even employees can be caught up by them. It is totally unacceptable and I will vote against the clause.

Mr MARLBOROUGH : The Minister gets into dangerous ground when trying to convince members on this side of the Chamber to include employees in the same category as union officials. It is difficult for him to convince anyone about his motives when he compares elected officials with people who are appointed to their positions. Employees are not subject to a ballot and they usually apply for a position that has been advertised in the Press. The Minister, for reasons best known to himself, wants to get away with a cute definition by saying that every now and again employees can advise and take on certain responsibilities.

Mr Kierath: I said if they are working in a representative or advisory capacity on behalf of the union. That is quite different. An ordinary employee who is not a representative of the union and who is unable to act in an advisory capacity on behalf of the union will not be covered.

Mr MARLBOROUGH: That is right. It is bringing into play elected officials and employees. I presume what the Minister is getting at is somebody who may not be an elected official, but who could be an industrial officer for an organisation.

Mr Kierath: It could be a person who carries some of the duties of an elected official without being an elected official.

Mr MARLBOROUGH: I do not know which rules of the trade union movement the Minister has looked at. I have not looked at them all and I imagine they vary a great deal. Can the Minister indicate any union roles where unelected officials carry the sort of responsibility the Minister is trying to attach to them under this clause? I am not aware of any union that has industrial officers who are responsible for the finances of the union or who would determine for the executive or state secretary that money would be spent in a certain way. I am not aware of any union that gives those sorts of officers that sort of responsibility. That is the reason for elected officials of unions. They carry that responsibility.

Mr Kierath: I was advised of three groups within the union - officials, employees and another group in between who sometimes carry some of the duties of the official, but who are not elected officials. Where they carry those functions and duties this clause will ensure that they are faced with the same obligations. They are financial obligations after all.

Mr MARLBOROUGH: I am onto the model: The industrial-type officer concerns the Minister. That category differentiates that person from somebody who may work on the switchboard or who operates a computer. I am not aware of any organisation anywhere in Australia that has within its rules that that industrial officer would be responsible for taking control of the finances of the union from the state secretary or president or any of the elected officials. Financial control is normally carried out by those people. That is why they are elected. If the Minister wants to convince this side - I do not think he does - he should give examples of where that is not correct. He should be able to demonstrate in union rules that industrial-type officers who are advocates in an industrial commission also have this extra power. The Opposition cannot vote for this provision and I suggest that the Minister does not require it, unless his motives are to spread threats throughout the trade union moment and maim it when this draconian industrial relations package is put into force.

Mr BROWN: How does this situation compare with company law for employees of companies?

Mr Kierath: I am not the Minister for company law. You know that company law is the responsibility of the Commonwealth. I was advised that these principles of financial responsibility are similar to what are imposed on company directors. However, I am not an expert in company law, so I am not the person to advise you on that.

Mr BROWN: I am not an expert either, but my understanding of these matters is that financial management rests with the directors. The directors are responsible - and the directors are elected by the shareholders, so they are elected officers in this context.

Mr Kierath: There are other accountable officers who are not directors. If you want a similarity, this may be similar.

Mr BROWN: There are other accountable officers, but the ultimate control in these matters rests with the directors, unless someone is fraudulently manipulating the books. If someone steals money from a union or company, or is incompetent, remedies are available to members of an organisation to deal with that. That person can be sanctioned or dismissed. If the person is convicted of fraud, criminal sanctions will apply. I do not know the motivation for this provision.

The member for Peel asked where it is a problem; however, the Minister cannot tell us that. There does not seem to be any evidence before Parliament that people who are not elected officials are controlling the funds or using the funds of an organisation in an improper way. No information is before Parliament that this provision mirrors what is expected in the corporate sector or that this is what is expected of organisations that are registered under the Associations Incorporation Act.

Mr Bloffwitch: The Corporations Law has a stiff regulatory framework. It is a big Act to go by. It is far bigger than the Associations Incorporation Act.

Mr BROWN: Yes, it is. It deals with a variety of complex issues involving shares, for example. However, it does not cast a net as broad as what is proposed in this clause. If the Government were to cast a net as broad as the amendment in this legislation, it would pick up many people at low levels of employment in corporations. As I

understand the Corporations Law, that is not its purpose. It is not designed to regulate people at those lower levels in the same way as this legislation will deliberately do. To the extent that one is not able to show to this Parliament that a need and a problem exists, and to the extent that one is not able to show that this provision matches what is expected of organisations registered under other Statutes, one must ask what is the basis for it.

Mr Kierath: I was advised there was a need to extend the obligation to officers who were not elected officials but who had responsibility in finance areas.

Clause put and passed.

Clause 5: Section 74 amended -

Mr KOBELKE: Section 74 of the principal Act relates to a finance official. A finance official is an officer. I understand an officer to be someone who is either elected to a position in the union - such as president, secretary or trustee - or who, although not elected, holds a position under which he can vote on the board of management. Although a number of different categories are included in the definition of officer, it does not include the office of a person who is an employee of the organisation and who does not have a vote on the committee of management of the organisation. This legislation deals with a range of people who are office bearers or are able to vote on the committee of management. This picks up those officers who are entitled to participate directly in the financial management of the organisation, and that is how the Act currently operates. A range of requirements applies to those officers which are in addition to those of other legislation which require them to ensure that they protect the interests of their union and exercise due care and diligence in handling the finances of the union. Also, they must not undertake any activity contrary to the Criminal Code. Clearly, other legislation polices officials involved with the finances of the union, as is right and proper.

One wonders why these extra conditions are to be imposed on officials and unions by the Minister. His explanation so far has been totally inadequate: Somebody told him there was a need, but he has given no justification for extending that fairly wide coverage of a finance official to also mean an employee. It includes an employee who is entitled to participate in a representative or advisory capacity. I assume that if a junior were given the job at a union of doing the banking, he or she would be picked up by the provision as well. Such people are employees involved directly in financial management and could be picked up by the provisions of the legislation. I can see no reason for that.

If they take off with the money, they commit a criminal offence. The Minister wants such people to be covered by the amendment to section 74, which will apply various penalties and conditions to the employee. A junior could be caught up in this provision. They must not only meet the requirement of the union to be an honest and trustworthy employee and fit in with provisions of other laws, particularly the Criminal Code, but also they will have to fit in with the specific requirement of the Industrial Relations Act. Some of the provisions include exercising a reasonable degree of care and diligence at all times in the performance of the function of the finance official's office or employment. That is the sort of direction and management which the union would exercise over junior or employed staff.

Mr BROWN: This amendment to the principal Act seeks to amend the definition of a finance official so that it includes an officer or employee of an organisation who is entitled to participate directly in the financial management of the organisation. That raises one question: How does one judge whether an employee is entitled to participate directly in the financial management of the organisation? If one is an elected person, say a director, one has statutory responsibilities. One must recognise due diligence and go through the balance sheet. An obligation is cast on the person by Statute.

Mr Bloffwitch: You can be financially liable for the debts.

Mr BROWN: That is right. There is no question about the responsibilities, and equally the powers of a director are not questioned as he can go to board meetings and initiate resolutions for more auditors and internal scrutiny to examine the books. If the director is outvoted by fellow directors, it is a defence that the proper processes have been followed to act with due diligence in the organisation. A director has that obligation cast on him, and he must endeavour to carry out that responsibility. If the worst comes to the worst, he can go to the Australian Securities Commission. A director knows that he has certain responsibilities and powers. Equally, officers of unions who are elected to the management body and committee of a union are entitled to receive balance sheets and statements of income and expenditure and are entitled to question those statements. If they are not satisfied with due process and due diligence, they are entitled to raise matters and ask for internal audits, and so on. The union movement has the Industrial Relations Commission available to it, not the ASC. Under the principal Act it is possible for union members and the executive to take complaints to the Industrial Relations Commission. They can outline that certain information would not be provided to them when they asked for it, and so on.

Mr Bloffwitch: You also have the registrar.

Mr BROWN: Indeed.

Mr Bloffwitch: One must do a return to them as well.

Mr BROWN: One has a separate provision in the Act by which a person can go to the president of the commission if that person believes that the rules have not been adhered to, including the financial responsibility of unions. The Minister will extend those obligations to the employees. How do employees influence the process? They are not on the management committee, and are not elected. They are employees. This clause will impose an obligation on employees without the employee having any power to try to remedy a problem if one arises. In addition, in large organisations, this could be imposed on a number of employees. Therefore, 15 employees could be told, "You will all be involved in the process and have these obligations." It would just not be functional in some of the company structures I have known.

Mr Bloffwitch: If the union official were doing something illegal, and he decided to get his number three staff to do it, do you not think the same charge should be levelled against that person?

Mr BROWN: Unquestionably, but this section is not necessary for that purpose. If a union rorted the books, in the same way as managing directors and others have stolen money from businesses, and people running private organisation have stolen money, other legislation will deal with such people. Groups like the Jesus People have had substantial amounts of money suddenly go missing, so no organisation in the land is immune from crooks. Unfortunately, every organisation is tainted by crooks, but this provision is not necessary to deal with them.

Mr KOBELKE: These provisions are quite burdensome and the extension is simply not justified. Let us consider the requirement under the amendment to section 74. The clause will apply penalties if the requirements are not met.

Mr Kierath: Currently only for officials.

Mr KOBELKE: Finance officials. It covers a wide range of possible people in a union.

Mr Kierath: We are advised that it does not cover employees who can be employed for basically the financial affairs.

Mr KOBELKE: I accept that, but someone accepts responsibility. If someone is the nominated treasurer, the trustee, the secretary of the union or a member of the management committee given certain responsibilities for financial affairs -

Mr Kierath: They might elsewhere in other legislation, but they are not covered under this legislation.

Mr KOBELKE: Are the people I have mentioned covered?

Mr Kierath: If they are not officials they are not covered by this legislation.

Mr KOBELKE: I agree, but the officials come from a range of people within a particular union.

Mr Kierath: It makes it wider but it is qualifying those who participate in a representative or advisory capacity. It does not apply to every employee.

Mr KOBELKE: What does "a representative or advisory capacity" mean?

Mr Kierath: The person must be a representative of the union or give advice on behalf of the union.

Mr KOBELKE: If a group was formed to collect union dues would those people be covered by this legislation?

Mr Kierath: I have already said that it applies to people who assume some of the duties of an official, but who are employees and not officials of the organisation. It is a loophole to get around that. This legislation will make sure that if they are involved they are covered.

Mr KOBELKE: My real concern is that the Minister is looking for loopholes and in so doing he is putting an additional burden on a range of people and that creates the potential for technical default which flows through to a range of severe consequences.

Mr Kierath: That is your opinion.

Mr KOBELKE: The normal practice in small business, big business or government is to allow people to manage. This legislation clearly catches the people who must take responsibility. Officers in the union will be responsible for financial affairs and if they delegate their responsibility to other employees they must accept responsibility. If an employee who is delegated with financial responsibilities does something wrong - for example, impropriety, inefficiency, wasting money or doing something which is against the financial interest of the union - it is the

management structure within the union which should promptly take action. If the actions taken by that employee were to contravene a requirement of the Criminal Code or other state law, the union could take action or the matter could be referred to an outside authority like the Police Department which would also take action. The Minister is saying that in addition to that they must be caught by the Industrial Relations Act. The Minister would not apply the provisions of this clause to himself. He would not accept an Act which states that a Minister must exercise a reasonable degree of care and diligence at all times in the performance of his duties.

Mr Kierath: Have you read the Financial Administration and Audit Act?

Mr KOBELKE: He would not accept a law which applied to only Ministers, like this Bill applies to only union finance officials. The legislation is targeted at one group of people and they must carry an extra burden of propriety. The Minister and his colleagues would not be willing to accept a special law which says that Ministers must exercise a reasonable degree of care and diligence at all times. They could actually be caught with penalty provisions similar to this legislation. They could be hounded and caught when they did not exercise a reasonable degree of diligence and care.

Mr BROWN: I wish to clarify one point the Minister made in an answer to the member for Nollamara. The proposed definition of a "finance official" in the blue Bill reads -

- **"finance official"** means an officer or employee of an organization who is entitled to participate directly in the financial management of the organization and includes an employee who is entitled to so participate in a representative or advisory capacity.

In the union structure there are elected officials, people who are employees in the normal sense of the word - clerks and others - and a group of people who might be paid organisers and industrial officers. My understanding of this definition is that it is not designed to pick up those employees such as industrial officers and perhaps organisers who do not deal with the finances of a union.

Mr Kierath: That is right - if they are entitled to participate directly in the financial management of the organisation and it includes an employee who is entitled to so participate. Therefore, it must be both of them together. If the industrial officer does not do that, he is not covered.

Mr BROWN: I understand the words "so participate" to mean to so participate in the financial management.

Mr Kierath: That is right.

Mr BROWN: If it is someone who is providing advice to the organisation or someone representing the organisation in relation to financial management this provision would apply. However, if it were an industrial officer or an organiser who did not carry out that role he would not be included. I go further and seek clarification of the words "representative or advisory capacity". They are capable of a number of meanings, but I will subscribe two meanings to them. One could have a person who is charged with a responsibility by the management committee of the organisation to make representations to banks or whatever in relation to investments. In other words, they could be a representative or be advising the union about its debt collection methods or its financial controls. I understand that person is picked up by the definition.

Mr Kierath: Yes.

Mr BROWN: One could also have a position where a person is a union organiser and simply collects money. He meets with employee members and collects the union fees. I cannot see that person being caught by that definition. Does the Minister?

Mr Kierath: No.

Mr KOBELKE: I am glad the Minister said that. My real concern is that there is so much in the detail of these provisions that someone who actually set out to entrap people could find he was catching people who should not have to carry the additional burden. I do not know whether the member for Bassendean's contribution covered all the possibilities, but I ask the Minister what would happen to a person who is engaged in a consultant capacity; for example, if the union was to either sell or buy an asset and it engaged a real estate agent on a contractual basis.

Mr Kierath: Under the Act a finance official is entitled to participate directly in the financial management of the organization". If he does not do that, it does not apply. However, if he does, there is an "and includes an employee who is entitled to so participate in a representative or advisory capacity". Therefore, it qualifies that employee. Nevertheless, if the employee represents the union or gives advice on financial management, he is caught by this clause. However, if he is an employee doing administrative work, he will not be caught.

Mr KOBELKE: There could be occasions when a consultant such as a real estate agent could be caught by the amended provision.

Mr Kierath: Only if directly involved in the financial management of the organisation.

Mr KOBELKE: That real estate agent could be involved in the sale of a major asset by giving advice.

Mr Kierath: No. The provision refers to an employee. Obviously, a real estate agent would not be an employee.

Mr KOBELKE: It would depend on the contractual arrangement. A union that wanted to buy or sell assets could take a real estate agent on under contract for six months on a certain basis because it wanted advice.

Mr Kierath: Parliamentary Counsel was asked to come up with a form of words which included those people who are directly involved in the financial management of the union, who are not necessarily officials of the union and they are able to act "in a representative or advisory capacity". Those are the words Parliamentary Counsel came up with. I do not claim to represent Parliamentary Counsel. However, I am aware of the spirit and intent of the clause.

Mr KOBELKE: While the Minister is keen to close loopholes, I am concerned because the amendment to section 74 contains provisions that time under the guillotine does not allow us to debate. They are burdensome. I do not think Ministers of the Crown would be willing to accept legislation like this applying only to them. Section 75 refers to the auditor's reporting on compliance with duties under the provisions of section 74.

Mr Kierath: That is an auditor though.

Mr KOBELKE: Yes, but the tone is not that the auditor will look at the requirements we are now debating and say whether the officials that the Minister will trap have complied or have not complied; the wording is in the negative. The auditor is to report "whether any person has contravened or failed to comply with section 74". The 1995 language is about entrapment. That is why there is great concern that the Minister is putting a burden of propriety on more people, a burden which Ministers of the Government would not accept in a specialised Act applying only to them, with penalties attached and provisions to enforce those penalties. It is not a matter of the accused having to face a criminal charge in a criminal court. The whole approach relating to prosecutions and protections are different. The Minister is now expanding the provision to trap more people associated with unions' financial affairs. Section 74(13) makes it clear that it is in addition to other penalties that might apply under civil proceedings. I think we need more than the Minister's saying there might be a loophole and so we should include these amendments which will make more people subject to them.

Mr BROWN: It is important in debating this clause to look at the penalties that can apply to an employee as opposed to an elected official. Proposed section 78 will impose a penalty of $5 000 with a daily penalty of $500 for failure to comply with an order. That means that in the event of an employee who has no power in the organisation being found to be in breach of this provision or the provisions contained in section 74, that employee as an unelected person can be fined $5 000 plus $500 a day for each day that the offence continues. That is a very onerous provision and many employees will be fearful of it.

Mr Kierath: Only if they fail to comply with an order to do some specified thing or cease a specified activity. If an order is defied, a further offence is committed.

Mr BROWN: How does an employee who is not on the management committee of the organisation and does not have any power in the organisation deal with that? I can understand it if it is an elected officer. That person has power and can go to the management committee, move motions, vote and do a number of things. How does an employee do that?

Mr Kierath: The employee could have those powers without necessarily being an official of the union. There are people who have those powers currently. If that employee gets an order from a civil court or the Industrial Magistrate's Court to do something or cease to do something and the employee does not comply with the order, he or she will commit a further offence.

Mr BROWN: It is unreasonable to require something of an employee that the employee may not be able to fix. An order on the organisation is one thing.

Mr Kierath: Obviously the court will take that into account.

Mr BROWN: It may. However, the Minister is proposing an imposition on an employee.

Mr Kierath: Not just an employee - a person who is entitled to participate directly in the financial affairs of the organisation.

Mr BROWN: Whatever that means. Does that mean that a bookkeeper participates in the financial management of the organisation?

Mr Kierath: You will have to go to case law on that.

Mr BROWN: These are not my words; they are the Minister's words. Tell us what they mean.

Mr Kierath: They are the words of Parliamentary Counsel.

Mr BROWN: I know, but this is the Parliament. We are giving consideration to putting into a Bill before the Parliament words we should know the meaning of. It is not unreasonable for us to ask what the words mean and to whom the provision will apply.

Mr Kierath: You have the words there. You can read as well as I can.

Mr BROWN: I want to know what they mean, because I am not a lawyer.

Mr Kierath: Neither am I.

Mr BROWN: That is right. Therefore, I want to know whether the words are intended to apply to bookkeepers.

Mr Kierath: Be fair. Is the bookkeeper entitled to participate directly in not only the financial affairs of the organisation but also the financial management?

Mr BROWN: Okay. What is the definition?

Mr Kierath: That is not all. That is the requirement up front. Then it says "in a representative or advisory capacity". Therefore, it qualifies it even further.

Mr BROWN: No, it does not. It says "and includes", which is additional.

Mr Kierath: That qualifies it further.

Mr RIEBELING : I am not a lawyer. I would like the Minister to explain what this definition really means. I listened for several minutes while the Minister tried to explain that the words "and includes an employee who is entitled to so participate in a representative or advisory capacity" are in addition to the first part of that definition. Is that what the Minister said?

Mr Kierath: We are reading the blue Bill.

Mr RIEBELING: My reading of that - and the Minister has clearly said he can read as well as I can - is that in a definition clause of this nature the first part of the clause indicates direct involvement on the part of someone. That is relatively easy to understand: An official or employee of an organisation is entitled to participate directly in the financial management of the organisation. However, the word "and" is then not an addition attached to that person. This appears to suggest that additional people will be caught by the legislation. It includes "an employee who is entitled to so participate". It does not mean that they do participate; it says that they are entitled to and if they do they are caught by this clause. If the Minister is saying that that is an add on to expand the definition and that it refers to the same individuals as referred to in the early part of the definition clause then he should be able to explain that. This clause will include almost everyone who works in a union office.

Mr Kierath: It must refer to an officer or an employee. That means one or the other and it is straightforward.

Mr RIEBELING: It includes two groups of people.

Mr Kobelke: It could be both.

Mr Kierath: Yes, if they are entitled to participate directly in the financial management.

Mr RIEBELING: It does not mean they are.

Mr Kierath: They must be entitled to participate directly.

Mr RIEBELING: But it does not mean they are.

Mr Kierath: It states "entitled to participate" and includes "an employee who is entitled to so participate in a representative or advisory capacity".

Mr RIEBELING: That is right. Is the Minister saying that it refers to the first mentioned officer or employee; that it is an add on?

Mr Kierath: I do not understand what the member is saying. This is self-explanatory. The last part states "and includes an employee who is entitled to so participate in a representative or advisory capacity".

Mr RIEBELING: This amendment is designed to increase the number of people covered.

Mr Kierath: If they are entitled to participate in an advisory or representative capacity then they are covered.

Mr RIEBELING: So, what the member for Bassendean is saying is correct: A bookkeeper could easily be caught up in that circumstance.

Mr Kierath: A bookkeeper is not normally entitled to participate directly in the financial management of an organisation.

Mr RIEBELING: But they have the capacity to do so and are therefore covered.

Mr Kierath: It depends on the definition of bookkeeper. The bookkeepers that I have known were not entitled to participate directly in financial management.

Mr RIEBELING: Does this cover a particular group that concerns the Minister?

Mr Kierath: There are people who are not officers but who participate, who can make those decisions and carry out functions and who are not currently covered.

Mr RIEBELING: Is there a list of the types of occupations in the organisations to which the Minister is directing this?

Mr Kierath: No, but if they have those powers they are covered.

Mr RIEBELING: It is a catch-all clause.

Mr Kierath: No, if they qualify they are covered.

Mr BROWN: While I do not accept the need for the definition to include employee, I do accept that it is the Minister's intention to include it. Therefore, I move -

> Page 3, lines 12 to 14 - To delete the lines and substitute the following -
>
> > ; provided that such employees under the union rules exercise substantially the same powers, duties and responsibilities as elected officers.

This amendment picks up the point that has been raised by the Minister - that there is a group of people who exercise powers similar to the powers exercised by -

Mr Kierath: I said "some". This is why I cannot support this amendment. If they exercise some of those powers or abilities, it applies. If an official were getting someone else to do things in breach of the legislation and they found some smart way of getting around it, obviously this provision catches those people.

Mr BROWN: It catches them only if they are employees, not if they are contractors or on a contract for services. If a union official is contracting out an activity rorting the system, the Minister is not interested in him; however, if it is an employee, he is interested.

Mr Kierath: I did not say that.

Mr BROWN: That is what the clause does.

Mr Kierath: We are talking about this amendment.

Mr BROWN: No, we are talking about the clause. The Minister is saying that, if a union official wants to rort the system, he or she will give the job to someone else. I am saying that if a union official wanted to do that, if he gave it to an employee, he would be caught by this clause. However, if it were given to an accountant, he would not be picked up by this clause. The Minister is not proposing to impose this on the accounting profession.

Mr Kierath: I think other provisions relate to that.

Mr BROWN: I do not think so. There are provisions relating to auditors. Perhaps the Minister wants it to include accountants, contractors and others. He should be careful.

Mr Kierath: The answer is probably as the member for Nollamara said: Other legislation covers this.

Mr BROWN: The same exists for this.

Mr Kierath: There would not be a need for this if that were true. I am advised that there are examples of this occurring and that the definition needs to be extended. The member can disagree with that, but that is what it is intended to do.

Mr BROWN: I would like to be able to disagree, but I do not have any substance from the Minister about what it is. I am simply told that this is the advice he has been given. What is the nature of that advice? If the Minister were to give me the facts, I could argue against it. At the moment I am being asked to argue against a hessian bag. My amendment provides that if the Minister insists on including an employee then he should include that where the union rules specifically provide that the employee can exercise essentially the same powers, duties and responsibilities as elected officers. If there are such employees under the rules, and they can exercise power in terms of financial management to substantially the same degree as elected officers, they can be covered. Otherwise, I see this as a very significant imposition on employees of organisations. Quite frankly, it is a disincentive for people to take on the role of employee of an organisation. That may well be what it is designed to do.

Mr KOBELKE: I support the amendment moved by the member for Bassendean. It clearly seeks to stop the Minister trying to interfere unnecessarily with the internal management of the unions. Union officials are already caught by the provisions of section 74 through being office holders or involved in the decision making part of the union and having some entitlement to participate in directing the financial management of the organisation. The Minister has clearly been unable to demonstrate any reason for expanding this, other than some advice that it should be expanded. We have heard from the member for Bassendean a way to accommodate the move by the Minister to try to ensure that no-one will slip through which does not seek to capture every possible employee.

Mr Kierath: You seem to have a misconception. We are not obliged to have evidence of wrongdoing before we make changes in legislation. It is a matter of policy. We are saying that even those people in those positions must have some of those obligations. You have the right to disagree and say it is wrong, but we do not need examples of people who have been committing what would have been offences in order to introduce policy initiatives for changes.

Mr KOBELKE: I have to disagree with the Minister. There are many crying needs in this State for this Parliament to address. We have a crime problem which is out of control. The Minister wants to spend time bringing extra legislation into this Chamber because it might be a good idea. He does not know anything about it. He says, "Let us put a trap in there to tie up some union person because they might offend." That is absolute nonsense. If the Minister cannot present examples of real reasons for changing this legislation, why waste the time of this Parliament?

Mr Kierath: People must be covered by this. Bear in mind that this is not in my interests as the Minister but in the financial interests of the members of the union. We are saying that people have the obligation to do the right thing by those members as per this legislation.

Mr KOBELKE: The Minister and his colleagues in the Ministry have a clear responsibility to do the right thing by the people of this State. Day after day we have examples of where the Minister has failed to live up to that expectation. Why not bring in legislation that requires Ministers to jump through all the hoops through which the Minister wants union officials to jump? If the Minister thinks it is good enough for union officials, why is it not good enough for Ministers? The Minister clearly will not accept specialised legislation to apply only to Ministers.

Mr Kierath: The Financial Administration and Audit Act covers that.

Mr KOBELKE: It does not. The Minister should not give words with half-correct meanings. FAAA applies to financial management in a general sense. Ministers are caught up under certain provisions when they fulfil certain duties. No special Act lays down a whole list like we have here of quite clear requirements laid solely on Ministers within a whole series of sections in the Act which enables a prosecution to be followed through and is an additional form of control, enforcement and prosecution to those affecting Ministers under the FAAA, under corruption legislation and under the Criminal Code. Most of those things apply already to union officials. Here we have a special Bill with a whole range of special conditions which the Minister wants to expand so that he can tighten up the position on unions. What about tightening up on the Ministers in the Court Government? It would be of more interest to people in the community who would like to see the Ministers jump through all these hoops and have all the enforcement provisions applied to them. That might give us some good government. Let us not waste the time of this Chamber with the Minister's petty notion that he must tie down union members.

Mr BROWN: It is very difficult to mount an argument on these matters when the rationale for including the clause is not explained. I am happy to have the argument.

Mr Kierath: We have a list of activities which we want to be included in the provision.

Mr BROWN: Where is the problem? Which group of people is it? Is it a bookkeeper? I can read the words. Courts interpret the words and they will say what it is. I invite the Minister to tell us and not to read the words again.

Mr Kierath: I have told you our intention. People with more experience in these matters than you and I say these are the words needed to cover the situation.

Mr BROWN: Can the Minister bring them in as advisers?

Mr Kierath: I suggest you read the definition of financial official. We are trying to include those types of people under this provision.

Mr BROWN: It is very hard to argue when the Minister says people told him the form of words. I want to know from the people who drafted the words why they drafted them and what they mean by them. I presume they have some meaning. The Minister is not quite sure of the meaning. The Minister gave an instruction and then said that these words were drafted for him.

Mr Kierath: Lots of words can be used with legal meanings and then end up going to court and getting new meanings.

Mr BROWN: That is right. One of the things that Parliament could and should do is to be very clear about the legislation it passes. The courts have been critical of Parliament by asking, "When was this matter discussed? It was not discussed in Parliament and no-one has looked at these words." The courts have criticised members of Parliament for letting Acts go through which are internally inconsistent. In turn the courts themselves have been criticised by the public who have said, "The courts are unelected and they are making laws." If the public of Western Australia want us to make the laws and we take on that responsibility and get paid for it, we must know why we are making the law.

Mr Kierath: I again invite you to read the provision.

Mr BROWN: I have read it.

Mr Kierath: It cannot be any clearer than that.

Mr BROWN: It could be clearer. The Minister could give some examples. I accept that the Minister will not do that or explain it. I do not like it and it is very poor when it happens. The Minister would not pass a work value case for his salary. I will go on to another part of the clause to see whether the Minister can explain it. The Minister seeks in clause 5 to amend section 74(13) which in its current form reads that the section is in addition to and not in derogation of any rule or law relating to the duties or liabilities of a finance official, etc. The Minister seeks to include the words "subject to section 79". I understand those words mean exactly what they say. "Section 79" is a proposed section. What is the intent of that change?

The CHAIRMAN: Will the member for Bassendean clarify that he is still referring to the amendment?

Mr BROWN: I am sorry, Mr Chairman. I have moved on to another part.

Mr Kierath: There goes your work value case.

Mr BROWN: It is late for all of us.

The CHAIRMAN: Standing orders require that the member dispose of the first mentioned amendment before proceeding.

Amendment put and negatived.

Mr KOBELKE: I seek clarification on subclause (2) which will amend section 74(13) of the Act. Why is this amendment necessary? Is it just a drafting nicety?

Mr KIERATH: Proposed section 79 clarifies the effect of other proceedings on an application to the industrial magistrate's court made under section 77 for a breach of duty. Jurisdiction in a court of civil proceedings would be granted where the matter was before the civil court first, or the application to the industrial magistrate's court was withdrawn or not pursued. If a matter was instituted in the civil court or the industrial magistrate's court and that matter should be instituted in the other court, the court might order that the matter be transferred to and determined by that other court. The words "Subject to section 79, this section" will allow a matter to be transferred to the other court.

Mr KOBELKE: The Minister explained what proposed section 79 will do, and I appreciate that -

Mr Kierath: I said that is what those words do.

Mr KOBELKE: I realise that the implications clearly rest with section 79, and I think the Minister addressed that, but I am not sure why we need this amendment. I thought this section would have been subject to section 79 anyway.

Mr Kierath: Section 79 does clarify certain things, but this amendment will enable a matter to be transferred from one court to the other, whichever is the appropriate court, in order for it to be dealt with, whereas previously a civil proceeding could be granted only where the matter was before that court first or the application before the industrial magistrate's court had been withdrawn or not pursued.

Mr KOBELKE: What the Minister is saying affects section 79 and not this amendment. I am not clear of the significance of that connection, because clause 79 will apply anyway.

Clause put and a division taken with the following result -

Ayes (28)

Mr Ainsworth	Mr Johnson	Mr Pendal
Mr Barnett	Mr Kierath	Mr Shave
Mr Board	Mr MacLean	Mr Sullivan
Mr Bradshaw	Mr Marshall	Mr Sweetman
Dr Constable	Mr Masters	Mr Tubby
Mr Cowan	Mr McNee	Dr Turnbull
Mr Day	Mr Minson	Mrs van de Klashorst
Mrs Edwardes	Mr Osborne	Mr Wiese
Mrs Holmes	Mrs Parker	Mr Bloffwitch *(Teller)*
Mr House		

Noes (16)

Ms Anwyl	Mr Kobelke	Mr Riebeling
Mr Brown	Mr Marlborough	Mrs Roberts
Mr Carpenter	Mr McGinty	Mr Thomas
Dr Edwards	Mr McGowan	Ms Warnock
Mr Graham	Ms McHale	Mr Cunningham *(Teller)*
Mr Grill		

Pairs

Mr Trenorden	Mr Ripper
Mr Omodei	Dr Gallop
Mrs Hodson-Thomas	Ms MacTiernan

Clause thus passed.

Clause 6: Section 77 amended -

Mr BROWN: Section 77 of the Act deals with proceedings for breaches of duty with regard to finance officials as now defined. Subclause (2)(b) will be amended by inserting the words "and section 79(5)(a)". As I understand it, the intention of this change is that we first need to go to section 79(5), which deals with the situation.

Mr Kierath: Proposed section 79(5)(a) is added so that a penalty will not be imposed if criminal proceedings are instituted under any other enactment for a breach of duty under section 74. I did not think the member for Bassendean would be opposed to that.

Mr BROWN: I am concerned about the issue of a double penalty for the same act.

Mr Kierath: Adding the words "and section 79(5)(a)" will mean that a double penalty will not be imposed.

Mr BROWN: Read in conjunction with section 79 of the Act, if a penalty is imposed in any criminal proceedings there will not be a double penalty. However under proposed subsection (2)(b) of section 77, if there is not a penalty in relation to the criminal proceedings a penalty can be imposed.

Mr Kierath: That is right.

Mr BROWN: One can understand why that would be the case, given the forms of penalties which can be imposed. They include a penalty of up to $5 000, a penalty to pay compensation or restitution or forfeiture and so on. Currently the court can order any one or more of those penalties from paragraphs (a) to (e) of section 77(2). One can understand why the Minister would not want yet another penalty to be imposed by virtue of proposed section 79(5)(b) which states that the outcome of criminal proceedings is not to be taken into consideration in the determination of proceedings under section 77. Presumably any outcome, for example, an acquittal in criminal proceedings, does not constitute an acquittal for proceedings under section 77.

Mr Kierath: I read it that way.

Mr BROWN: Likewise, a finding of guilt does not apply?

Mr Kierath: It is specific to proposed section 79(5)(a). If someone were found guilty under the Criminal Code there would not be a double penalty. However, if someone is acquitted under the Criminal Code he or she could still be found guilty in civil proceedings under this provision.

Mr BROWN: If one is found guilty under the Criminal Code one cannot use that guilt in a prosecution, not necessarily a fine, under section 77.

Mr Kierath: It does not refer to a prosecution, but to penalties. Proposed section 79(5)(a) states that the industrial magistrate's court cannot impose a penalty. I thought the member for Bassendean would be happy with that.

Mr BROWN: I am not opposing the issue of no double penalty. A mountain of penalties already exists, so I do not disagree there should not be a double penalty. I am trying to work out why it is subject to proposed section 79(5)(a) and not also 79(5)(b)?

Mr Kierath: It is because the proceedings can be taken into account. The standard of proof of criminal proceedings is much tougher than it is for other standards of proof. Obviously a guilty verdict in a criminal proceeding would almost guarantee a guilty verdict under the civil proceedings.

Mr BROWN: The other issue is whether the so-called civil penalties in this Bill are quasi-criminal penalties.

Mr Kierath: No. The member for Bassendean is talking about a criminal offence. For example, if a person has been found guilty of a criminal offence and a penalty has been imposed, by making this subject to section 79(5)(a), if it is the same offence and they have been found guilty they will certainly be found guilty in the industrial magistrate's court. The standard of proof of criminal proceedings is much higher; it must be beyond reasonable doubt. In the civil court it is based on the balance of probability so it is easier to get a civil offence to stick than a criminal one. However if a person is found guilty in both jurisdictions a double penalty should not be imposed. What is the member worried about?

Mr BROWN: I want the Minister to clarify why the legislation refers to proposed subsection 5(a) and not (5)(b)?

Mr Kierath: The standard of proof is different. We are not passing judgment on the standard of proof. We are saying that we do not want a double penalty.

Mr BROWN: I will flag now that later in this debate when we deal with penalties we will have a debate on criminal versus civil penalties. We will be referring to the Federal Court of Australia decision in Gates and the Commercial Bank of Australia, so the Minister might want to swot up on that decision.

Clause put and passed.

Progress

Progress reported.

House adjourned at 12.52 am (Thursday)

QUESTIONS ON NOTICE

POLICE - CAR ALARMS

12. Dr CONSTABLE to the Minister for Police:

(1) Have members of the Police Force been instructed not to respond to activated car alarms?

(2) If so, why?

Mr DAY replied:

(1) No. Police will respond to car alarms within their resources and other prioritised tasks.

(2) Not applicable.

MINISTER FOR THE ENVIRONMENT - PORTFOLIO RESPONSIBILITIES

30. Dr CONSTABLE to the Minister for the Environment; Employment and Training:

What is the name of each committee, board, tribunal and all other similar bodies within your portfolios?

Mrs EDWARDES replied:

The following represents the statutory boards and committees in my portfolios:

(a) Western Australian Department of Training -
State Training Board
Training Accreditation Council
Building and Construction Industry Training Fund Board
Hairdressers Registration Board
Hedland College Council
Pundulmurra College Council
Karratha College Council

In addition under transitional provisions of the Vocational Education and Training Act, 1996 (schedule 4, clause 4(4)), the Minister is the interim governing council for -
Central Metropolitan College of TAFE
North Metropolitan College of TAFE
South-East Metropolitan College of TAFE
South Metropolitan College of TAFE
Midland College of TAFE
Kimberley College of TAFE
C.Y. O'Connor College of TAFE
Geraldton Regional College of TAFE
Great Southern Regional College of TAFE
South West Regional College of TAFE

(b) Conservation and Land Management -
Lands and Forest Commission
National Parks and Nature Conservation Authority
Forest Production Council

(c) Department of Environmental Protection -
Western Australian Advisory Council on Waste Management

Environmental Protection Authority -
Advisory Council to the Environmental Protection Authority Forest Review Committee

(d) Kings Park and Botanic Garden -
Kings Park Board

(e) Perth Zoo -
Zoological Gardens Board
Perth Zoo Society
Research Committee - Perth Zoo
Animal Experimentation Ethics Committee - Perth Zoo
Customer Focus Committee - Perth Zoo

(f) Censorship Office -
Censorship Advisory Committee

POLICE - DEPARTMENT

Confidential Documents - Investigation

152. Mr BROWN to the Minister for Police:

(1) Has the Ministry of Justice asked the Police Department to investigate how *The West Australian* newspaper obtained confidential Ministry of Justice documents?

(2) When was the request made to the Police Department?

(3) Have any inquiries been conducted?

(4) Have the inquiries concluded?

(5) What was the result of the inquiries?

Mr DAY replied:

(1) No.

(2)-(5) Not applicable.

EMPLOYMENT AND TRAINING - PROGRAMS

Budget Allocation

162. Mr BROWN to the Minister for Employment and Training:

(1) Did the Minister for Employment and Training release a media statement on 10 December 1996 saying the coalition Government would invest $1.3b over the next four years into employment and training programs?

(2) What amount of the $1.3b is new money that will have to be found in one or more of the next four State Budgets?

(3) What amount of the $1.3b is -

(a) normal recurrent expenditure; and
(b) in the forward estimates?

Mrs EDWARDES replied:

(1) Yes.

(2) None.

(3) (a) $1.17b.
(b) The total amount.

FISHERIES - LICENCE FEES

203. Mr BLOFFWITCH to the Minister for Fisheries:

What are the total moneys received by the State Government and the Fisheries Department in relation to -

(a) craypot licence fees;

(b) limited entry licence fees;

(c) crayfishermen's licence fees;

(d) crayboat licence fees; and

(e) any other moneys received by the State Government and the Fisheries Department from crayfishermen excluding moneys received by the Department of Marine and Harbours from crayfishermen?

Mr HOUSE replied:

The member has not indicated for which financial year the information is required and therefore I have provided the information for 1995-96.

(a) (i) Rock lobster pot licence, granted or renewal - Application fees - $55 Fish Resources Management Regulations 1995, schedule 1, part 2, item 5. Number of licences - southern rock lobster - 33 x $55. Total $2m.

(ii) West coast rock lobster managed fishery grant or renewal - Access fee per pot - $70 Fish Resources Management Regulations 1995, schedule 1, part 3, item 28. This fee includes the development and better interest levy. Number of pots 69 293 x $70. Total $4.85m.

(b) Limited Entry Licences became managed Fishery Licences on 1 October 1995 on the commencement of the Fish Resources Management Act 1994. This fee includes the development and better interest levy. There are 29 managed fisheries including the rock lobster fishery. Total - approximate - $8.5m.

(c) There are no licence fees peculiar to crayfishermen. All crayfishermen are required to hold a Commercial Fisherman's Licence - regulation 122. The annual fee for this licence is $55. Fish Resources Management Regulations 1995, schedule 1, part 2, item 3.

(d) There are no licence fees peculiar to crayboats. All crayboats are required to hold a Fishing Boat Licence - regulation 118. The annual fee for this licence is $55. Fish Resources Management Regulations 1995, schedule 1, part 2, item 1.

(e) Application fees are charged in relation to dealings with licences. For example, transfers and variations of licences generally carry a fee of $310 per application. Fish Resources Management Regulations 1995, schedule 1, part 2, items 1 and 12.

POLLUTION - AIR

South Perth-Como

298. Mr PENDAL to the Minister for the Environment:

(1) Can the Minister confirm that air pollution studies were undertaken last year, in and around the Kwinana Freeway, to gauge the impact of traffic and other pollution sources in the South Perth-Como areas?

(2) If so, what was the conclusion of the report and can it be made available to me?

(3) If not, why not?

Mrs EDWARDES replied:

(1) No air pollution studies were undertaken by the Department of Environmental Protection in and around the Kwinana Freeway to gauge the impacts of traffic and other pollution sources in the South Perth - Como area.

(2)-(3) Not applicable.

ENVIRONMENT - DEFENDER'S OFFICE

312. Dr EDWARDS to the Minister for the Environment:

What action has the Minister taken to ensure continued funding of the State's environmental defenders office?

Mrs EDWARDES replied:

There is at present no funding of the Environmental Defender's Office by agencies within my portfolio and such funding is not considered appropriate within my portfolio.

ENVIRONMENT - REPORTS

Tabling

315. Dr EDWARDS to the Minister for the Environment:

Will the Minister table -

(a) a copy of the report by Bastyan and Paling; and
(b) a copy of the review by Dr Paul Lavery?

Mrs EDWARDES replied:

(a) The Bastyan and Paling report entitled "Experimental studies on coastal sediment nutrient release and content - Report 95/5" was not commissioned by a State Government Department and I am not in a position to table it.

(b) Yes. [See paper No 331.]

ENVIRONMENT - REPORTS

Southern Metropolitan Coastal Waters Study

316. Dr EDWARDS to the Minister for the Environment:

(1) What qualifications and appointments are held by Dr Clifford Heath?

(2) What process was used to select Dr Heath to review the Southern Metropolitan Coastal Waters Study Report?

(3) Will the Minister table a copy of the review?

(4) If not, why not?

Mrs EDWARDES replied:

(1) I presume you refer to Dr Clifford Hearn, not Dr Clifford Heath. At the time of conducting the technical review of the draft Final Report of the SMCWS Dr Hearn held the position of 'Senior Lecturer in Oceanography', Department of Geography and Oceanography, Australian Defence Force Academy, ACT.

(2) Dr Hearn was selected on the basis of his qualifications and relevant experience. He has extensive knowledge of the hydrodynamics of the Perth coastal waters, has published extensively in his field and has a high standing in the scientific community.

(3) Yes. [See paper No 332.]

(4) Not applicable.

PEARLING - DAMPIER ARCHIPELAGO

Leases

326. Mr RIEBELING to the Minister for Fisheries:

(1) Did the Minister, in 1996, give a guarantee that no further extension or grants of either pearling or aquaculture leases would take place in the Dampier Archipelago?

(2) Has the pearling lease in Flying Foam Passage, operated by Cossack Pearls, been extended contrary to the Minister’s commitment?

Mr HOUSE replied:

(1) In September 1995 I approved the use of a holding site by Dampier Pearling Company Pty Ltd until the end of 1996. This approval has since been extended until 30 June 1997. At the time of my initial approval, I also advised community representatives that I would not be considering any further applications for pearling and aquaculture licences pending my consideration of the recommendations of a marine uses planning study.

(2) The Director of Fisheries is responsible for issuing leases.

FISHERIES - DAMPIER ARCHIPELAGO

Minister's Visit

329. Mr RIEBELING to the Minister for Fisheries:

(1) Did the Minister accept an invitation to visit Dampier Archipelago from the Recreational Fishing Association in December 1996?

(2) Was the proposed purpose to allow the Minister to get a clear picture of recreational fishing people’s views and concerns?

(3) Was the agreement that the Minister would be taken out in a vessel arranged by the Recreational Fishing people and the size of the vessel would be determined by the number of people the Minister brought from Perth?

(4) Has the Minister arranged for a vessel;

(5) If so, who owns the vessel and are they part of the pearling industry?

(6) How many people will be allowed on the vessel from the recreational fishing section of our community?

(7) How many people will be allowed on the vessel from the pearling industry?

(8) How many people will be allowed on the vessel from the Fisheries Department?

(9) How many people will be allowed on the vessel from the Minister's office?

(10) How many people will be allowed on the vessel from the aquaculture industry?

Mr HOUSE replied:

(1)-(10)On Saturday 22 March 1997, in conjunction with the Dampier Archipelago Preservation Association and the Pilbara Regional Recreational fishing advisory committee, I inspected the Dampier Archipelago area as well as met with a range of community and industry representatives.

COMMITTEES AND BOARDS - LOCAL GOVERNMENT

Membership

360. Dr CONSTABLE to the Minister for Local Government:

(1) With reference to your answer to question on notice 36 of 1997, who are the current members and chairpersons of the following -

(a) Local Government Grants Commission;

(b) Local Government Advisory Board;

(c) Local Government Financial Management Advisory Committee;

(d) Building Regulations Advisory Board;

(e) Keep Australia Beautiful Council; and

(f) Metropolitan Cemeteries Board?

(2) When was each member appointed and for what period of time?

(3) How much remuneration is each member paid?

Mr OMODEI replied:

Chairpersons and current members	When was each member appointed and for what period of time	How much remuneration is each member paid?
LOCAL GOVERNMENT GRANTS COMMISSION		
Humphrey Park (Chairperson) Members; John Lynch Rosanne Pimm Linton Reynolds Bill Scott	Each member was appointed on 13 August 1996 for a period expiring on 31 July 1999	Chairperson receives $38,475pa Members receive $10,600pa (except John Lynch)
LOCAL GOVERNMENT ADVISORY BOARD		
Rob Rowell (Chairperson) Members John Hardwick Garry Hunt	Each member was appointed on 1 July 1996 for a period of 4 years	Chairperson receives $31,600pa Members remunerated:

John Lynch Ian Mickel		J Hardwick - $4,800 pa I Mickel- $4,800pa

LOCAL GOVERNMENT FINANCIAL MANAGEMENT ADVISORY COMMITTEE

Stephen Cole (Chairperson)

Members David Butterfield Ian Cowie John Gilfellon Graeme Mackenzie Ian Mickel Eddie Piper Richard Stubbs Keith White	Each member was appointed on 1 December 1996 for an indefinite period	Chairperson and members not remunerated

BUILDING REGULATIONS ADVISORY BOARD

M Gilovitz (Chairperson)

Members T Hatton W Jolley L Kruize I Maitland M O'Doherty T Richards A Richardson S Roach L Stade R Torrance G White A Young	Each member was appointed in October 1992 for an indefinite period	Members remunerated: T Hatton L Kruize I Maitland T Richards A Richardson R Torrance G White The remunerated members receive for each meeting attended the following fee Full day $108.00 Half a day $73

KEEP AUSTRALIA BEAUTIFUL COUNCIL

Jim McGeogh (Chairperson)

Members Ian Cowie Terry Hales Glen Bennet Barbara Backhouse Paul James Mike Roddy Trevor Wright Ronald Newell Graeme Rundle Malcolm Gibbons Jeff Sewell Robert Knapp Laurence Taylor Ray Meagher	Each member was appointed on 1 March 1996 for a period expiring on 8 November 1998	Chairperson receives $5,100pa Members not remunerated

METROPOLITAN CEMETERIES BOARD

Fred Cavanough (Chairperson) Members Joe O'Dea Bruce James Rosemary Wheatley Marilyn Clark-Murphy	Each member was appointed on 27 March 1997 for a period expiring 30 June 2001	Chairperson receives $7,000pa Members receive $3,700pa

Ken Colbung
Felicity Morel

STATE SETTLEMENT PLAN - STRATEGIES

Minister for Finance

384. Ms WARNOCK to the Minister representing the Minister for Finance:

(1) What are the objectives of the Minister's department's state settlement plan?

(2) What -

(a) internal; and
(b) external,

access strategies have been developed and implemented?

(3) What -

(a) financial; and
(b) human,

resources have been allocated to implement the state settlement plan?

(4) What consultation process has been undertaken by the Minister's department?

(5) Who from the -

(a) community;
(b) business sector; and
(c) academic sector,

has been consulted?

Mr COURT replied:

The Minister for Finance has provided the following reply -

(1)-(5) Not relevant to the agencies within the portfolio of Finance.

STATE SETTLEMENT PLAN - STRATEGIES

Minister for Racing and Gaming

386. Ms WARNOCK to the Minister representing the Minister for Racing and Gaming:

(1) What are the objectives of the Minister's department's state settlement plan?

(2) What -

(a) internal; and
(b) external,

access strategies have been developed and implemented?

(3) What -

(a) financial; and
(b) human,

resources have been allocated to implement the state settlement plan?

(4) What consultation process has been undertaken by the Minister's department?

(5) Who from the -

(a) community;
(b) business sector; and
(c) academic sector,

has been consulted?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

(1)-(5) Not relevant to the agencies within the portfolio of Racing and Gaming.

GOVERNMENT PROPERTY - SALE

421.. Mr BROWN to the Minister representing the Minister for Finance:

(1) How many state government assets of the value of $200 000 or more have been sold by each of the departments or agencies under the Minister's control in each of the last four financial years?

(2) What is the total value of the assets sold?

(3) What have the moneys realised from the asset sales been used for?

Mr COURT replied:

The Minister for Finance has provided the following response -

State Government Insurance Commission:

(1) This reply excludes all investment assets (with the exception of investment properties) due to the sheer volume of transactions conducted on a daily basis.

Total number of investment properties sold is seven.

1992-93	Nil
1993-94	1
1994-95	6
1995-96	Nil

SGIO Insurance Limited general insurance business was sold in 1993-94

(2) $101.5m.

$49.6m - Properties
$51.9m - SGIO Insurance Limited

(3) Moneys realised from investment properties were used to adjust the weighting of the investment portfolio towards investment sectors other than property. Moneys realised from the sale of SGIO Insurance Limited were used to reduce the overall deficit of the State Government Insurance Commission.

Government Employees Superannuation Board:

(1)-(3) It is not practical to provide an answer to the above question in respect of the Government Employees Superannuation Board. As a financial institution, the board is trading investment assets valued in excess of $200 000 on a continuous basis. The bulk of these assets include equities and fixed interest securities, which are traded by both the board's investment division and its external managers. It would be very difficult, if not impossible, to extract the information required in the question from all sources, covering transactions over the past four years.

GOVERNMENT PROPERTY - SALE

431. Mr BROWN to the Minister representing the Minister for Finance:

(1) How many State Government assets of the value of $200 000 or more have been sold by each of the departments or agencies under the Minister's control in each of the past four financial years?

(2) What is the total value of the assets sold?

(3) What have the moneys realised from the asset sales been used for?

Mr COURT replied:

The Minister for Finance has provided the following response -

See answer to question 421.

PARKS AND RESERVES - NATIONAL

Karri

458. Dr EDWARDS to the Minister for the Environment:

What is the area of each of the following national parks containing karri forest -

(a) Beedelup;
(b) Brockman;
(c) D'Entrecasteaux;
(d) Leeuwin-Naturaliste;
(e) Porongurup;
(f) Mt Frankland;
(g) Scott;
(h) Shannon;
(i) Sir James Mitchell;
(j) Walpole-Nornalup;
(k) Warren; and
(l) other - please specify?

Mrs EDWARDES replied:

(a) 1 786 hectares.
(b) 49 hectares.
(c) 116 668 hectares.
(d) 19 143 hectares.
(e) 2 511 hectares.
(f) 30 830 hectares.
(g) 3 273 hectares.
(h) 52 598 hectares.
(i) 497 hectares.
(j) 15 861 hectares.
(k) 2 982 hectares.
(l) Gloucester National Park - 875 hectares.

SHARK BAY - ENVIRONMENTAL VALUE

Exploration Licence

461 Dr EDWARDS to the Minister for the Environment:

(1) Does the Minister consider that the environmental values of Shark Bay are subsidiary to the potential for oil or gas from the area?

(2) If yes, why?

(3) If not, why not and how is this reconciled with the granting of the exploration licence for this area?

Mrs EDWARDES replied:

(1)-(3) The Government considers that the Shark Bay area has very significant environmental values, which are reflected in the establishment of the Marine Park and World Heritage listing. The granting of exploration permits does not give approval to exploration. In all areas of the State, any program of exploration activity, be it seismic survey or drilling, would be subject to the Environmental Protection Act. Only if it can be demonstrated that exploration would not affect the environmental values of the area would such a program be approved.

LOCAL GOVERNMENT - RATES

Exemptions

468. Mr PENDAL to the Minister for Local Government:

(1) Is the Minister aware that public institutions like universities are exempt from local government rates?

(2) Does the Minister acknowledge that a case may exist for exemptions to cease where a public body, like a university, is located in one municipal area, but owns rate-exempted property in another municipality?

(3) Will the Minister give consideration to exemptions ceasing where property is owned in another municipality, or a scheme by which the owner may be required or encouraged to pay a community amenity contribution to the second local authority?

Mr OMODEI replied:

(1) Yes.

(2) It is a long held principle within the Local Government Act that public land used for public purposes is exempt from local government rates, regardless of its location. The Local Government Act does not identify any particular kinds of public institutions (see section 6.26). However, under the Local Government Act public land that is used for private or commercial use does not enjoy exempt status (see section 6.26). Universities are exempt from rates under their own legislation that is administered by the Minister for Education.

(3) Not applicable.

FISHERIES - GEOGRAPHE BAY

Summary of Activities

469. Mr MASTERS to the Minister for Fisheries:

Will the Minister supply a summary of fishing boat activity and their catch for those boats undertaking trawling for scallops and by-catch in the Geographe Bay trawl area for the following years -

(a) 1993;
(b) 1994;
(c) 1995; and
(d) 1996?

Mr HOUSE replied:

The details of the activity and catch of vessels operating in the Geographe Bay trawl area in the years 1993 to 1996 inclusive cannot be released because the data relates to only one vessel in 1993, 1994 and 1996 and to two vessels in 1995. The release of activity and catch data from these vessels would be contrary to section 250 of the Fish Resources Management Act 1994 which, under subsection (4), only allows data to be released which could not reasonably be expected to lead to the identification of any person to whom it relates.

FISHERIES - GEOGRAPHE BAY

Monitoring System

470. Mr MASTERS to the Minister for Fisheries:

(1) In light of the Minister's media statement of 18 March 1997, describing a satellite-linked fishing boat monitoring system, could the Minister advise if these monitoring systems are suitable for installation in fishing boats that trawl in what is called the Geographe Bay trawl area?

(2) If yes to (1) above, will these monitoring systems be installed in all fishing boats that trawl in the Geographe Bay trawl area?

(3) If no to (1) above, what impediments are there to the installation of such systems in fishing boats proposing to trawl in Geographe Bay?

Mr HOUSE replied:

(1)-(3) Yes. These systems are likely to be available within a few years and would be installed in consultation with licensees in the fishery.

ENVIRONMENT - LICENCE

Mirrabooka Tip

477. Dr EDWARDS to the Minister for the Environment:

(1) Will the Minister table a copy of the licence issued by the Department of Environmental Protection to the Atlas Group for the Mirrabooka tip operations?

(2) If not, why not?

Mrs EDWARDES replied:

(1) Yes. The licence was issued on 17 February 1997. [See paper No 333.]

With respect to condition G15(a), I am advised that the Department will be extending the time limit for capping the landfill cells mentioned in that condition to 30 April 1997, and has discussed this at the most recent community liaison meeting held in respect to this site.

(2) Not applicable.

DISABILITY SERVICES - EMPLOYEES

Qualification

521. Dr CONSTABLE to the Minister for Disability Services:

(1) Are any procedures in place to ascertain whether employees of the Disability Services Commission who work with children and non-government organisations providing services for the DSC -

(i) have been convicted of; or

(ii) are suspected of crimes of child abuse in Western Australia or any other jurisdiction?

(2) If yes to (1) above -

(a) what are the procedures;

(b) how long have they been in place; and

(c) in the past five years, how many employees in Western Australia have been identified?

(3) Does the DSC have a "never to be employed" list?

(4) If yes to (3) above -

(a) what criteria must be met for an employee to be included on the list; and

(b) how many people are on the list?

Mr OMODEI replied:

(1) (i) Yes.
(ii) No.

(2) (a) The procedures require that all staff recruited by the Disability Services Commission to work directly with clients are subject to a WA police clearance through the WA Police Service prior to commencing employment. The procedures also require that, prior to commencing employment, staff are subject to a search through the National Name Index Check to identify those who have criminal convictions in other Australian States and Territories. All non-government agencies funded by the DSC are requested to undertake screening procedures and criminal record checks of staff and volunteers who work directly with clients. The DSC has developed and issued policy and guidelines to assist these agencies on the process of screening prospective staff and volunteers.

(b) The procedures for police clearances through the WA Police Service have been in place since 1982. The requirement that staff are searched through the NNIC has been in place since July 1996.

(c) No employees within the DSC have been identified as being convicted of crimes relating to child abuse in Western Australia.

(3) No.

(4) Not applicable.

FAMILY AND CHILDREN'S SERVICES - "PROTECTING OUR CHILDREN" PAMPHLET

Distribution

571. Ms ANWYL to the Minister for Family and Children's Services:

(1) With reference to the pamphlet "Protecting our Children" I ask -

(a) how is it proposed to distribute the pamphlet;

(b) what statistics are intended to be kept with respect to the distribution of the pamphlet;

(c) are there any target groups for receipt of the pamphlet;

(d) how many copies of the pamphlet have been printed;

(e) how will the pamphlets be distributed in rural and remote areas?

(2) What was the cost of the launch of the pamphlet in Kings Park on Tuesday, 25 March 1997?

(3) How many guests were invited to attend the launch?

(4) Are statistics kept with respect to the number of people accessing parent helplines?

(5) If so, will data be available to gauge the increase, if any, of contact made subsequent to the release of the pamphlet?

(6) Is the pamphlet available in any language other than English?

(7) If no to (6) above, why not?

Mrs PARKER replied:

(1) (a) Initial distribution to all WA schools, local libraries, child health centres and other health centres, doctors, child care centres, family day care, Family and Children's Services offices, individuals upon request - via a special order form.

(b) Distribution is monitored on a monthly basis.

(c) Parents/carers.
Professionals caring for children.

(d) 50 000.

(e) Through schools, local libraries, child health centres and other health centres, doctors, child care centres, Family and Children's Services offices and by mail for individual orders.

(2) Approximately $2 800.

(3) 370.

(4)-(5) Yes.

(6) No.

(7) Not considered a cost effective or appropriate strategy.

LOCKRIDGE COMMUNITY CENTRE - FUNDING

601. Mr BROWN to the Minister for Family and Children's Services:

(1) Further to question on notice 154 of 1997, is the Minister prepared to consider allocating funds from the 1998-99 state Budget for the construction of a community centre in Lockridge?

(2) If not, why not?

Mrs PARKER replied:

(1)-(2) Priority areas for funding for 1998-99 have not yet been identified. This proposal will be considered as part of the planning process.

YOUTH MINISTER'S ADVISORY COUNCIL - APPOINTMENT

Date

602. Mr BROWN to the Minister for Youth:

(1) Did the Minister make a brief ministerial statement to the Parliament on 19 March 1997 concerning the Youth Minister's Advisory Council?

(2) Was the Youth Minister's Advisory Council established on 7 March 1997?

(3) If not, on what date was it established?

(4) On what date did the Minister and/or the Minister's office receive question on notice 194 of 1997?

(5) What was the date on the formal letters of confirmation sent to the members of the Youth Minister's Advisory Council?

Mr BOARD replied:

(1) Yes.

(2)-(3) Letters of confirmation were forwarded to members on 7 March 1997. All members had been contacted previously to ensure their availability. An announcement on the establishment of the council was made on 19 March 1997 coinciding with the first meeting of the council.

(4) The question was electronically transmitted to the Minister's office on 7 March 1997 and formally listed in the Legislative Assembly Notice Paper on 11 March 1997.

(5) See (2)-(3).

GOVERNMENT VEHICLES - LEASING

Cost and Number

610. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(1) How many vehicles does each department and agency under the Deputy Premier's control lease?

(2) What is the monthly amount each department and agency pays for leasing the vehicles?

(3) What was the amount each department and agency paid for leasing the vehicles in February 1997?

Mr COWAN replied:

Department of Commerce and Trade:

(1) 27.

(2) Approximately $2 900.

(3) $3 334.15.

Small Business Development Corporation:

(1) Seven.

(2) $686.

(3) $673.

International Centre for Application of solar Energy:

(1) One.

(2)-(3) $266.

Technology Industry Advisory Council:

(1)-(3) Not applicable.

Gascoyne Development Commission:

(1) Four.

(2) $1 014.

(3) $922.

Goldfields-Esperance Development Commission:

(1) Five.

(2) $573.

(3) $572.69.

Great Southern Development Commission:

(1) Four.

(2)-(3) $420.

Kimberley Development Commission:

(1) Five.

(2)-(3) $988.22.

Mid West Development Commission:

(1) Three.

(2)-(3) $714.48.

Peel Development Commission:

(1) Three.

(2) $347.61.

(3) $492.57.

Pilbara Development Commission:

(1) Five.

(2) $1 405.

(3) $1 954 - billing period 15 January to 14 February. Includes cost of one representative and replaced vehicle.

South West Development Commission:

(1) 10.

(2) $971.65.

(3) $1 009.06.

Wheatbelt Development Commission:

(1) 6 - matrix.
2 - custom fleet.

(2)-(3) $736 matrix.
$72 custom fleet.

GOVERNMENT VEHICLES - LEASING

Cost and Number

621. Mr BROWN to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) How many vehicles does each department and agency under the Minister's control lease?

(2) What is the monthly amount each department and agency pays for leasing the vehicles?

(3) What was the amount each department and agency paid for leasing the vehicles in February 1997?

Mr BOARD replied:

The Department of Contract and Management Services has advised -

(1) At 15 March 1997 there were 148 vehicles leased under the following departments and agencies -

138	Department of Contract and Management Services.
1	Office of Multicultural Interests.
6	State Supply Commission.
3	Office of Youth Affairs.

(2) The monthly lease paid by each department and agency for their vehicles is as follows -

$16 958.40	Department of Contract and Management Services.
$115.65	Office of Multicultural Interests.
$889.38	State Supply Commission.
$357.47	Office of Youth Affairs.

(3) In February 1997 the following amounts were paid by each agency and department for leasing their vehicles -

$16 020.62	Department of Contract and Management Services.
$115.65	Office of Multicultural Interests.
$889.38	State Supply Commission.
$357.47	Office of Youth Affairs.

RACING AND GAMING - GAMBLING

International - New Technology

639. Ms WARNOCK to the Minister representing the Minister for Racing and Gaming:

(1) What is the Government's strategy for dealing with the growth of offshore gambling on the Internet?

(2) Does the Government propose to put in place technology that would internationalise Western Australian betting through the TAB?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response -

(1) Western Australia is participating in a working party established by the gaming Ministers to develop a national regulatory model for all emerging forms of interactive telecommunications based gambling products.

(2) The Government has not received any proposal from the TAB on this matter.

MINING - WITTENOOM

Area of Contamination

647. Mr RIEBELING to the Minister for Regional Development:

(1) In relation to the State Government's decision to close down government activity in the town of Wittenoom -

(a) in the Government's view what is the area of contamination around the Wittenoom mine site;

(b) has a map been developed which shows the areas of contamination and where it is safe for visitors to enter;

(c) did airborne fibre testing take place during the recent removal of homes from Wittenoom and also the demolition of the Wittenoom Hotel; and

(d) were airborne fibre levels recorded and posted on the town's notice board on a daily basis?

(2) What was the rate of airborne fibres contamination during the activity of demolition?

Mr COWAN replied:

(1) (a) The Wittenoom minesite has extensive asbestos contamination which extends out of the mine area and into the creek beds some distance from the minesite.

(b) A survey was completed for the State Government by CMPS & F Environmental Consultants in 1994 which indicated levels of asbestos contamination within the townsite. Asbestos tailings are found everywhere in the townsite.

(c)-(d) Yes.

(2) The monitoring program was conducted on 89 days over a period of five months. A total of 1 920 samples were taken. 270 environmental samples were taken, of which 18 showed fibre levels above the detection limit of 0.002 fibres/ml. 1 410 positional samples were taken, of which 43 samples showed fibre concentrations above the detection limit of 0.01 fibres/ml. 240 personal samples were taken, of which 19 samples showed fibre concentrations above the detection limit of 0.05 fibres/ml.

QUESTIONS WITHOUT NOTICE

GLOBAL DANCE FOUNDATION - FUNDING

Cabinet Consideration

157. Mr BROWN to the Premier:

The Premier has received some notice of this question. On 13 March, the Leader of the Opposition asked the Premier whether he was involved in the decision concerning Global Dance Foundation and whether the proposal went to Cabinet. In answering the question, the Premier said that the Tourism Commission "acted on its own advice". He also said, "I do not believe it did go to Cabinet; it would not normally" and then went on to say that any decision would have been made on the advice of the Tourism Commission. I now ask -

(1) Was the matter referred to Cabinet?

(2) Were two options put to Cabinet and/or recommended?

(3) Did one of the options provide for an upfront payment to the Global Dance Foundation?

(4) Was this option included on the Premier's insistence?

(5) Did the Tourism Commission favour the alternative cabinet option of a staggered payment subject to a performance review?

Mr COURT replied:

I thank the member for some notice of the question.

(1)-(5) The matter was not referred to Cabinet. The WA Tourism Commission prepared two Cabinet submissions on the understanding that Cabinet approval was required for supplementary funding. This was not the case. As Treasurer I approved supplementary funding on the recommendation of the Treasury Department on 1 June 1995. The Tourism Commission favoured staggering the payments and making the second payment subject to a review of the marketing campaign implemented with the initial payment. However, it was always quite clear that this was unacceptable to Mr Reynolds and that it was very likely that Western Australia would lose this event to another State.

The issue had still not been resolved when I met Mr Reynolds and a representative of the Tourism Commission and two representatives of Treasury in December 1994. At that meeting it was agreed that the review would not be required provided that a formula for the repayment of the sponsorship amount was included in the sponsorship agreement - see clause 3.3(b). It was also agreed that GDF would take out keyman insurance over Reynolds - see clause 7.3(b). The Crown Solicitor's Office prepared the agreement. It was reviewed by Treasury in April 1995 and the final document was reviewed by Treasury in May. On neither occasion did Treasury have any problems. The Tourism Commission resolved to affix the common seal to the agreement at its meeting on 4 May 1995. All that information has been given to the member as part of the freedom of information application. That is why I have provided those references.

GLOBAL DANCE FOUNDATION - FUNDING

Tourism Commission Advice

158. Mr BROWN to the Premier:

I ask a supplementary question.

(1) Will the Premier confirm that the approved upfront payment of the two instalments of $215 000 involving no performance review to Mr Reynolds was directly against the advice of the Tourism Commission?

(2) Did the Premier therefore mislead the House when he said in his previous answer that the Government would act on any decision made on the advice of the Tourism Commission?

Mr COURT replied:

(1)-(2) In relation to the way the payments were made, the Tourism Commission advised: "Mr Reynolds' position on this is that it is not negotiable and that he insists on a payment of $430 000 upfront for the marketing of the congress and that there is to be no provision for the State Government to review the success of the

campaign or otherwise at any point in time." It was at that point that we involved the Crown Solicitor and the Treasury officers.

Mr Brown: You were involved.

Mr COURT: I have just read the answers to the questions saying I was at the meeting. We received advice all the way through and we have always acted on the Crown Solicitor's advice and the advice from Treasury officers.

DOMESTIC VIOLENCE - INCIDENCE

Funding

159. Mr BAKER to the Minister for Family and Children's Services:

The Restraining Orders Bill was recently passed by the Legislative Council and is due to be debated in this House in the next few weeks. Bearing in mind that an application for a restraining order between parties to a de facto or marital relationship is often the culmination of ongoing domestic violence, what steps has the Department of Family and Children's Services taken to provide additional funding to stem the incidence of domestic violence in the community?

Mrs PARKER replied:

Before answering the question, I welcome the Weld Square Primary School students to the gallery.

I thank the member for the question. The Government has increased funding for initiatives against domestic violence by more than $7m across all agencies. During 1996, 16 regional domestic violence committees were formed across the State with membership drawn from government and non-government organisations and community groups. In August 1996 funding was made available to each of the regions to produce regional domestic violence plans. Those plans were submitted late in 1996. The plans included a list of prioritised services and initiatives and an indication of the resource requirements. The prioritised lists were subject to assessment by the Domestic Violence Prevention Unit and recommendations for funding included in an integrated resource plan for domestic violence services. This integrated resource plan has the advantage of being both locally and regionally relevant and being integrated into a bigger picture strategy. The recommendations of the plan were endorsed by the Justice Coordinating Council on 5 March 1997. It is anticipated in the next phase that many of the initiatives identified and prioritised in the plans will be funded and new services will be established.

INDUSTRIAL RELATIONS - LEGISLATION

Amendment - Minister's Support

160. Dr GALLOP to the Minister for Resources Development:

I refer to reports on ABC Radio this morning that the Minister had failed to give more than "in- principle" support to the Government's proposed changes to industrial relations laws and to his offer to consider amendments, and ask -

(1) Is the Minister concerned that the legislation, at least in its current form, has the potential to seriously damage Western Australia's resource development potential?

(2) If not, why is the Minister so keen to encourage amendments to the legislation?

Mr BARNETT replied:

(1)-(2) Much of the question relates to areas outside my responsibility.

Dr Gallop: No it does not. You made the comments on the radio: You answer for them.

Several members interjected.

The SPEAKER: Order!

Mr BARNETT: I cannot recall my exact words but I indicated in an interview yesterday that this legislation would be in this House for three days and three nights of debate. It has already been through the House. There would be at least 17 and probably in excess of 20 hours of debate.

Dr Gallop: You do not like this legislation, do you?

Mr BARNETT: I commented that major pieces of legislation get debated. That provides the opportunity for Oppositions to move amendments and debate issues of policy or importance. It is generally the case that major pieces

of legislation receive some degree of amendment as they go through either House of Parliament. It is not uncommon for Ministers or Governments to amend their own legislation.

Dr Gallop: You do not like this legislation.

Mr BARNETT: We will debate the legislation. Let us get on with it. The parliamentary process is here. The resources industry will be damaged by industrial unrest.

Several members interjected.

The SPEAKER: Order!

INDUSTRIAL RELATIONS - LEGISLATION

Resource Companies - Representations

161. Dr GALLOP to the Minister for Resources Development:

I note the Minister's failure yet again to support his ministerial colleague with this legislation. Has the Minister received any representations from resource companies concerned at the potentially damaging implications of the Government's proposed changes to the industrial relations law?

Mr BARNETT replied:

A year or so ago when we had a dispute around the maritime industry, resource companies approached me. In this situation I have had no direct representations from resource companies.

POLICE - SNIFFER DOGS

Number and Training

162. Mr OSBORNE to the Minister for Police:

During a recent police operation in the south west, a request for a sniffer dog to assist drug detection activities was refused because of a shortage of dogs. I understand that one factor in this shortage is that police dogs are trained in New Zealand.

(1) Given the proven effectiveness of sniffer dogs in drug detection operations, will the Minister undertake a review of the numbers of police dogs available to the Police Service?

(2) What is the potential for the training of police dogs to be undertaken in Western Australia?

Mr DAY replied:

I thank the member for some notice of this question.

(1) I am advised by the Commissioner of Police that an internal review of the canine section commenced in March of this year as part of the quarterly reporting requirements under the Delta program. That review incorporates the availability of police dogs for drug detection operations. The review will be completed on 30 June 1997.

(2) Training is carried out in both New Zealand and Australia under the auspices of and with the assistance of the New Zealand police canine section. The potential for training dogs in Western Australia is currently being assessed. If it is practicable, cost effective and efficient; its introduction will be considered for Western Australia. I also add that there is a good mutually cooperative relationship between the Western Australia Police Service and the Australian Customs Service in respect of the use of sniffer dogs for drug detection purposes.

INDUSTRIAL RELATIONS - LEGISLATION

Secret Ballots - Support

163. Mr KOBELKE to the Minister for Labour Relations:

(1) Did the Minister's Cabinet submission on the current industrial legislation inform his fellow Ministers that 14 employer organisations made submissions to the Legislative Council Legislation Committee supporting secret ballots?

(2) Is it a fact that the Minister's Cabinet submission was biased in failing to inform his fellow Ministers that the Fielding report said that only two of 24 employer organisations favoured secret ballots?

(3) Is this not one more example of the Minister's use of double speak or Kierath speak?

Mr KIERATH replied:

(1)-(3) I do not have the Cabinet submission with me, but I will check that out to ascertain the facts with regard to the number of employers who were mentioned. I thought that the member for Nollamara, who claims to be the Australian Labor Party spokesperson on labour relations matters and issues such as this, would have read the Legislation Committee's report on this Bill, in which some 12 or 14 employer organisations clearly indicated their support for secret ballots.

Mr Kobelke: Not their support for secret ballots. Use the words in the report. Do not play with them.

Mr KIERATH: I nearly said something I did not mean to say. I should say to the member that if he read that report, he would see that of the order of 12 or 14 employer organisations supported the principle of secret ballots. With regard to the Fielding report, it is fascinating how the member focuses on one little detail and cannot get his mind off that track. Fielding did not have a term of reference to investigate secret ballots, because that was one of our initiatives in 1993, and it was also one of our major initiatives in the 1996 election campaign. Fielding made a passing comment about it. He made nearly 300 recommendations, and not one recommendation was about secret ballots.

POLICE - ALARM RESPONSE

Policy - Emergencies

164. Mr SULLIVAN to the Minister for Police:

Will the Minister provide this House with an update on the progress of the Western Australia Police Service alarm response policy? In particular, could the Minister please inform this House whether police will attend duress or emergency alarms?

Mr DAY replied:

I thank the member for the question. Yes, there will be an automatic response to any duress alarm, and there will be a first line priority response, as there will be in a number of other situations, including to alarms which are activated in financial institutions, firearms dealers, and other premises where goods stored constitute a risk to the public, to mention a few examples.

Mr Graham: What about in people's homes?

Mr DAY: The problem in recent times, including in people's homes, is that about 45 000 calls are made each year, of which about 94 per cent are false alarms. Therefore, the Western Australia Police Service and the Security Agents Institute have joined together to work out a more effective method by which police resources can be used and allocated.

Mr Ripper: Would you advise neighbours to respond to alarms if the police will not?

Mr DAY: I would advise neighbours to try to determine what is happening, and if they have any concerns to advise the police, and there will be a police response. All that the police need is some sort of corroborating information. This policy is already having a significant beneficial effect in freeing up police resources so that the genuine calls for help can be responded to. In March 1996, a total of 2 810 calls were made from security companies. In March 1997, 679 calls were made, which represents a drop of about 75 per cent. Therefore, the number of call-outs to false alarms has been reduced significantly, and the allocation of police resources has been very much improved so that genuine calls for help can be responded to.

The Western Australia Police Service has produced a useful information pamphlet on intruder alarms, and I encourage members of the public to seek a copy of that from their local police station. I table that document, together with a copy of the Western Australia Police Service policy on response to alarms.

[See paper Nos 329 and 330.]

STATE BUDGET - REVENUE

Decline

165. Dr GALLOP to the Treasurer:

I refer to the Treasurer's answer yesterday concerning revenue for 1997-98. If, as the Treasurer said, there has been a growth in recurrent revenues similar to that outlined in the revised forward estimates, and given that inflation is

lower than forecast, how can there be a real decline in the overall revenue in the Budget when the Treasurer knew about the extent of commonwealth funding cuts to Western Australia last year, apart from a possible $15m reduction in specific purpose grants revealed at the recent Premiers' Conference?

Mr COURT replied:

Is the Leader of the Opposition referring to the forward estimates in November?

Dr Gallop: Yes.

Mr COURT: There was no growth in the forward estimates in November. I think the Leader of the Opposition again is having difficulty in reading the forward estimates.

Dr Gallop: I can read them only too well.

Mr COURT: I am prepared to sit down with the Leader of the Opposition after question time and work through the situation -

Dr Gallop: The forward estimates contained revenue assumptions, and you know it!

Mr COURT: After question time I will sit down with the Leader of the Opposition and explain the revenue projections in the forward estimates -

Dr Gallop: You have misled the people of Western Australia, and you have been caught out.

Mr COURT: There was virtually no change -

Dr Gallop: Why are we getting increases in taxes and charges?

Several members interjected.

Mr COURT: When Parliament resumed members opposite were saying we had made real reductions -

The SPEAKER: Order! Two Ministers are interjecting -

Mr Thomas: Throw them out!

The SPEAKER: I formally call to order the member for Cockburn who knows that it is highly disorderly to interject while I am on my feet. I ask the Ministers to desist from their interjections.

Mr COURT: Members opposite came to Parliament saying that our forward estimates at election time indicated we would have real reductions in expenditure; so how can they be critical of us going into an election saying there would have to be real reductions? Again, the Leader of the Opposition has misread the figures.

Dr Gallop: We did not.

Mr COURT: This afternoon I will explain to the Leader of the Opposition how the revenue figures work. Overall, the total revenue in the forthcoming Budget will represent a real decline.

STATE FINANCE - ELECTION PROMISES

Four Year Plan

166. Dr GALLOP to the Treasurer:

Is it not the case that the so-called four year financial plan that the Treasurer presented to the public at the last election was nothing but a sham and that he knew all along that he would have to increase taxes and charges to pay for his election promises?

Mr COURT replied:

The Leader of the Opposition is jumping at shadows. I have already said that there will be little change in the forward estimates produced in November.

Dr Gallop: Then why are we getting increases in taxes and charges? Answer the question!

Several members interjected.

Mr COURT: During the election campaign the election promises of members opposite reached the $1b mark -

Dr Gallop: Answer the question! Show some accountability!

Mr COURT: When we explained to them that they would need to go on a debt binge to pay for those promises, they had to backtrack -

Several members interjected.

Mr COURT: I do not think that members opposite disclosed half of their policies. We went into the election campaign with forward estimates, and we are sticking to them. We cannot be more open than producing four year plans. Tomorrow, members will see how we have cut our cloth to fit our revenue. As I said, we will deliver another balanced Budget.

UNIONS - STATE SCHOOL TEACHERS UNION

Flyer - Right to Strike

167. Mr JOHNSON to the Minister for Labour Relations:

(1) Is the Minister aware of a flyer circulated by the State School Teachers Union which claims that under proposed industrial relations reforms workers may lose their right to strike?

(2) What action does the union propose in response?

Mr KIERATH replied:

(1)-(2) I am absolutely horrified that an organisation that is supposed to represent intelligent and professional people should stoop this low and put out such utter tripe. The teachers' union has sent out a flyer titled "Urgent - Right to Strike" that states that Western Australians may lose their right to strike when the third wave legislation is introduced into Parliament.

Mr Ripper: Have you read your own legislation?

Mr KIERATH: Yes. It does not do that. The best part is yet to come. This flyer highlights precisely why this legislation is necessary. Can members guess what this organisation says? It says that the executive directs all members to strike on Tuesday, 29 April and to attend the nearest rally. It did not ask its members whether they wished to strike or hold a ballot. It says "We direct you". It is precisely this type of action that the Labour Relations Legislation Amendment Bill is designed to stop. If the teachers' union were half serious, the very least it would do would be to hold a ballot, preferably a secret ballot. In this case not only has the union executive rejected a secret ballot because it is scared of that, but also it has rejected a ballot, usually through a show of hands, at a meeting of teachers. The union is its own worst enemy; it has directed teachers to go on strike. That sort of un-Western Australian action is precisely why this legislation is necessary.

ALINTAGAS - KINGSTREAM PROJECT

Epic Energy - Conflict of Interest

168. Mr THOMAS to the Minister for Energy:

I refer to the Minister's admission in the House yesterday that he did not know that AlintaGas' proposed partner in the Kingstream deal had taken an equity interest in the neighbouring Mt Gibson project.

(1) Is the Minister aware that under the Gas Corporation Act he is supposed to be consulted on matters of significant public interest?

(2) Does the Minister consider it of public interest that AlintaGas is proposing to enter a deal that would be contrary to acceptable trade practices in the gas transmission industry?

(3) Is the Minister happy to be kept in the dark on this as he was on the Under Treasurer's advice that the Epic-AlintaGas-Kingstream deal was not prudent and could cost taxpayers $500m?

Mr BARNETT replied:

(1)-(3) The Under Treasurer's advice was referred to the gas sales steering committee. It was rejected by the committee, and by me. It is inappropriate and inaccurate.

Mr Thomas: You did not know about it.

Mr BARNETT: No, I did not and I wish the member for Cockburn had told me about it.

Mr Thomas: How could you reject it if you did not know about it?

Mr BARNETT: I wish the member for Cockburn would concentrate. When I found out about it, I checked it. The Under Treasurer had not spoken to me. It is not taxpayers' money. The advice was incorrect. It was rejected by Ian Baker the chairman, and members of the committee as wrong.

The relationship between Epic Energy and AlintaGas is that Epic is a bidder for the gas transport to the Kingstream project. AlintaGas is not a bidder in that process - at least not for the 170 trains of the first instalment. If a relationship ever evolves, it will be between Kingstream and Epic Energy. Epic would fund an expansion of the AlintaGas pipeline. That expanded pipeline would be the property of AlintaGas.

Mr Grill: That is an interesting answer that the Minister will regret - tomorrow, in fact.

Mr BARNETT: I am telling members the nature of the relationship. Whether Epic buys into the Mt Gibson project is not something that directly affects my ministerial responsibilities for AlintaGas. No agreement or deal is in place. I would be conscious of a conflict of interest that arose. I do not think the member for Cockburn, the member for Eyre or anyone else has convinced me of that. I can assure members there is a long way to go before Kingstream makes its decision about gas supply and it is in a position to start developing its project. I think the project will go ahead; however, we must be realistic about the time it will take. Many groups in the industry and the media have very little understanding of this. The Opposition would have me prevent AlintaGas or Alinta-Epic from bidding for the Kingstream business. Ironically, the Opposition would have me deny a publicly owned enterprise the right to compete in the market. Those opposite would also deny Kingstream having the widest possible range of bids from which it can select. The view of those opposite is that AlintaGas-Epic could not be in the competitive process.

Mr Thomas: You didn't know about it.

Mr BARNETT: I said yesterday that I did not know about it. I ask the member to concentrate a little. I am the Minister for Energy, responsible for policy and the utilities; I am not responsible for Epic. It is a private company and, therefore, not my responsibility.

HOSPITAL - JOONDALUP

Cost and Completion Date

169. Mr BAKER to the Minister for Health

(1) When will the new Joondalup health campus be completed?

(2) What is the total cost of construction?

(3) Will the State retain ownership of the newly constructed, expanded hospital?

(4) What are the cost savings to the taxpayers in this State following the contracting out of the management of this hospital to Health Care of Australia?

(5) How does the Health Department propose to monitor the performance of Health Care of Australia in acquitting its management duties?

Mr PRINCE replied:

I thank the member for some notice of this question.

(1) Under the current program the hospital will be completed in January of next year which means we will deliver a new collocated hospital in this term of government as promised.

(2) The public component is $38m. The private component is $13m, and the cost of the medical centre which is attached, which has been expanded by more than double its size since the original plans came into effect, is $16m. The total cost of construction is $67m. That makes it a major medical facility in the northern suburbs.

(3) The facility is constructed on property leased to Health Care of Australia, but the Crown retains ownership of the land. The facility reverts to Crown and state control at the end of 20 years for the public component, and at the end of 40 years for the remaining components. There is no cost for the reversion of either the public or private component at the end of the respective periods.

(4) The cost savings that are estimated, which were the subject of a great deal of calculation, are $22m over the life of the project. That is cost savings to the taxpayers without any degradation in the quality of the service that will be provided.

(5) The Health Department monitors the contract via a number of mechanisms that are apparent in the contract.

Dr Gallop: Are you willing to table it?

Mr PRINCE: Last year I did table a significant pile of documents relating to the whole exercise, and I am more than happy to make them available to the Leader of the Opposition who knows the law and who should be able to read and understand them. In summary, the overall monitoring is controlled by a contract manager who reports to a group of Health Department personnel with expertise in the area. The monitoring includes quality, cost, activity and accessibility of services. The guarantee is there that the services will be good and will be accessible. Basically this will be a first-class facility delivered as promised.

MINING - GOLD ROYALTY

Regional Unemployment - Impact

170. Ms ANWYL to the Minister for Regional Development:

The Minister will be aware that a succession of reports indicates that the bottom line economic cost of a gold royalty to this State would be negative.

(1) Is the Minister aware that another report released today by Australian Minerals and Energy Council after a detailed study of nine major gold producers found that, firstly, mine life will be reduced by an average of one year with the loss of hundreds of jobs and, secondly, up to $500m worth of production and $200m worth of investment will be lost over the next five years if a gold royalty is introduced?

(2) In view of the clear effects a gold royalty will have on regional employment and regional development, will the Minister reconsider his opposition to a government inquiry on this important issue of the effects of a gold royalty on this State?

Mr COWAN replied:

(1)-(2) I shall answer the last part of the question first. The member can be sure there will be full consultation between the Government and the industry about the application of the royalty. There is no question about that. It does not require an inquiry. Most of the information is available and it is the responsibility of the Government, in consultation with industry, to respond to it, rather than to have another inquiry. With respect to the issue about the study that has been commissioned by AMEC, no, I have not received it. If it has been received by my office, I have not yet been in a position to read it. I am sure it will have some of the information that AMEC has been providing over time in opposition to a royalty.

The average cost of production of gold in Western Australia is $352 an ounce. Even if we take the current low price of gold, which is set at between $450 and $455 an ounce, there is still a profit margin. If we apply a gold royalty at the general rate at which royalties are applied in Western Australia, the maximum charge would be an additional $11 or $12 an ounce.

I will take this matter a step further: The Government must deal with several of the issues relating to those mines that have a short life, including where the capital cost of the operation of that mine must be amortised over a shorter time. We acknowledge that must be dealt with. Some mines are very large and mine low grade ore bodies, and despite their size and the benefit of economies of scale, the royalty can have an impact on them. We recognise, too, that they must be accommodated. Finally, some mines have a high cost of recovery, particularly underground mines. The consultation that will take place between the Government and industry will resolve those matters.
