WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
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Tuesday, 8 April 1997

Legislative Assembly

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THE SPEAKER (Mr Strickland) took the Chair at 2.00 pm, and read prayers.

PARLIAMENT HOUSE - DINING ROOM

Ceiling Collapse

THE SPEAKER (Mr Strickland): I advise members that last Thursday afternoon a section of the parliamentary dining room ceiling collapsed without warning. Fortunately, the dining room was closed at that time and no-one was hurt. A structural report has revealed that the damage was confined to the western side of the ceiling where the original limestone cornice, ceiling and wooden picture rail fell onto the lower, modern-style suspended ceiling causing part of it to collapse. To avoid further risk of injury and damage the limestone cornice has been removed from all areas of the dining room which have a suspended ceiling.

STATEMENT - MINISTER FOR PLANNING

Professor Gordon Stephenson

MR KIERATH (Riverton - Minister for Planning) [2.09 pm]: I rise to make a brief ministerial statement on the contribution made by the late Professor Gordon Stephenson to this State.

Professor Stephenson helped make Perth the city it is today. His vision was behind the metropolitan region scheme, the planning blueprint which has guided the growth of the metropolitan region since 1963. The scheme has provided for thousands of hectares of regional parkland and a functional transport network. Professor Stephenson also prepared plans for Perth, and the Midland and Joondalup regional centres.

The English-born Stephenson had a long career in architecture and town planning and was on the staff of the University of Liverpool before coming to Western Australia. He arrived in Perth in January 1953, initially for three months, as a consultant to the State Government to assist with the preparation of a plan for the metropolitan area of Perth and Fremantle. With Alistair Hepburn, he set about persuading the Government that a small professional team was required and a regional planning office was established at the Public Works Department, where Stephenson and Hepburn shared a room.

In February 1955 the Stephenson-Hepburn team's report titled "Plan for the Perth Metropolitan Region: Perth and Fremantle" was completed. It was published by the Government in September 1955. The plan led to the establishment of the statutory metropolitan region scheme, which has been in force since 1963. The scheme's zoning and reservation of land well in advance of development has provided a high degree of certainty for planning and investment decisions. Notable were the powers reserved in the MRS for acquisition of private land for public purposes, such as regional parks and roads. Since 1963, thousands of hectares of land have been acquired for parks and recreation, making possible the creation of regional parks such as Yellagonga, Whiteman, Beeliar and Araluen, and securing public access to many of our river and ocean foreshores. Significant areas of land have been acquired for regional roads that were planned in the 1950s in anticipation of Perth's future growth.

Securing these areas was made possible through the establishment of a special fund for the WA Planning Commission to buy land for regional parks and roads. In their 1955 report Stephenson and Hepburn predicted that within 50 years Perth could have a population of 1.4 million and the State a population of 1.7 million. It predicted almost symmetrical urban growth with the Swan River as the axis and a more industrialised area south of the river.

A road system superior to nearly all other great cities was considered possible because of Perth's youth, but Stephenson warned this would need immediate action to reserve land for future needs. From that early blueprint, Perth has developed to the city we have today, and I express gratitude on behalf of the Government for the fine work done by Professor Stephenson, and my sincere condolences to his family.

STATEMENT - MINISTER FOR HEALTH

Vitamin A Program

MR PRINCE (Albany - Minister for Health) [2.12 pm]: It gives me great pleasure today to inform the House that after extensive discussions, the State Government will continue to fund the vitamin A program run by Professor Bill Musk at Sir Charles Gairdner Hospital. This commitment is a tangible demonstration of the Government's continued

support for cancer related research and associated programs in this State. Our financial commitment has been substantial. In its first term of office, the Government provided $1.4m for investigation into asbestos related diseases. This is in addition to the $540 000 that had already been provided for such work. There is little doubt that Western Australia leads the country in its asbestos related diseases research.

The vitamin A treatment program carried out by Professor Bill Musk and Dr Nick Deklerk at the Perth chest clinic has been funded over the past six years by WorkCover WA with $700 000. The funding provided to the program was anticipated to be sufficient to demonstrate a reduction in cases of mesothelioma and lung cancer if an appreciable reduction was in fact occurring. Professor Musk and Dr Deklerk recommended further funding in order to recommence the program because their evaluation of the first five years indicated reduced rates of mesothelioma in people taking retinol, a precursor of vitamin A. The Health Department of Western Australia has been concerned about certain aspects of the previous program following overseas research which indicated an association between lung cancer and the use of betacarotene, another precursor of vitamin A.

As a result of this information, late last year the Health Department initiated a review of the vitamin A program by three eminent independent epidemiologists, Professors Bruce Armstrong, Mark Elwood and Alistair Woodward. Their considered recommendation was that it would not be appropriate to continue with betacarotene treatment for mesothelioma sufferers, but a program using retinol only should be conducted in the future. Therefore, the Government has agreed to continue funding a modified vitamin A program. However, the exact amount of funding will be determined once Professor Musk finalises details of the modified program. Professor Musk and Dr Deklerk have been asked to develop a protocol for the revised vitamin A program. The researchers and the department have agreed that the program provide retinol only and not other supplements or forms of vitamin A; retinol be provided to people who are currently on the program; and the Sir Charles Gairdner Research Foundation be asked to manage the funds. All participants in the previous program will be contacted and invited to join the new program.

[Questions without notice taken.]

MATTER OF PUBLIC INTEREST - PUBLIC EDUCATION SYSTEM

Means Test Free

THE SPEAKER (Mr Strickland): Today I received within the prescribed time a letter from the Leader of the Opposition in the following terms -

> Pursuant to Standing Order 82A I propose that the following matter of public interest be submitted to the House for discussion today.
>
> > This House supports the maintenance of a quality public education system equally accessible to all children whose parents choose to use it regardless of their family's income and repudiates the view of the Minister for Lands that access to government schools should be means tested.

The matter appears to be in order. If sufficient members agree to this motion, I will allow it.

[At least five members rose in their places.]

The SPEAKER: The matter shall proceed on the usual basis, with half an hour allocated to members on my left, half an hour to members on my right, and five minutes in total to the Independent members, should they seek the call.

DR GALLOP (Victoria Park - Leader of the Opposition) [2.45 pm]: I move the motion.

In recent years debate about education in Western Australia has proceeded on the basis of bipartisan support for a number of propositions. We have had significant debates in this Chamber about education. However, there has been bipartisan agreement on two fundamental issues. Firstly, it is the Government's role to make available to all children throughout the State first-class educational facilities. Children throughout Western Australia have access to education through 511 junior primary and primary schools; 89 community colleges, community high schools, high schools and senior high schools; 67 education support schools and centres; 59 district high schools; 29 remote community schools; five agricultural schools and colleges; two senior colleges; two senior campuses; and a school of isolated and distance education, including five schools of the air. The proposition that the Government has a responsibility to provide educational facilities throughout Western Australia for all children equally has been supported by both sides of Parliament for many decades.

The second proposition is that people are entitled to freedom of choice when deciding the type of educational facility they want for their children. In Australia, at the federal level and the state level, support for the doctrine of freedom of choice is backed by government spending on non-government schools so that that free choice is not encumbered by excessive fees, particularly in the Catholic system which has been built up alongside the government system in

the communities in our State. These two propositions have been the linchpin of our commitment to the education of our children in Western Australia.

Despite our agreement on those principles, we have debated issues such as the appropriate curriculum for our education system and how that curriculum should be adjusted to accommodate the changing society and technology. We have also debated what must be done in our schools to keep them up to date; what must done to incorporate information technology in our schools; how many schools we need; when it is appropriate that one school should close and a new school open; the degree of specialisation that is desirable within the government system; and how much government support is necessary and desirable for non-government schools. Those debates have been held within the framework of a commitment to provide community based education throughout the State, from the preprimary level to the upper secondary level.

That debate has been held because of community concern about the state education system. Everyone in this State has been and will continue to be involved in the debate about education. Even parents of children who go to non-government schools have an active interest in the state system because they know that a first-class state system will ensure quality throughout the system at both government and non-government schools. They know that the benchmark of quality set by the government system will be the basis upon which parents will decide whether their children go to a government or a non-government school. Because we have that government provision throughout our community, we also have debate about our government system. It also means that we have community ownership of that debate.

Some of the best schools in this State are government schools and, as a community, we are proud that they are provided by taxpayers' money and owned and controlled by the community as a whole. Our best schools are those which have a range of students with different backgrounds, income, and levels of ability. The great schools are those which bring together this diversity of income, background, and ability and make the school community work. The students who come from those schools are those who are capable of meeting both the educational and social challenges they face. Having a government system that brings together those differences makes our community much stronger and those schools better, and that means our democracy functions better. Therefore, throughout Western Australia's history we have taken pride in our government education system because all members of the community, no matter their background, income or aspirations, take an interest in and involve themselves in debate about education.

Mr Barnett: What years were you Education Minister?

Dr GALLOP: In 1990.

Mr Barnett: For how long?

Dr GALLOP: For that year.

We should take great pride in our community-based, government-controlled education system. However, a member of the Government - not a backbencher - has publicised his view that the rich must pay school fees, as reported in the *Sunday Times*, and as indicated in debate in this Parliament, and throughout his local area newspapers. The conclusion that follows the logic of the Minister for Lands is that we will have two types of schools in Western Australia. That is, schools provided by the Government, available only to those who have parents with a low income; and, secondly, non-government schools to which those on a higher income will be obliged to send their children. This would be a retrograde step for the community.

We have had interesting debates in this place about where it is appropriate for the community, through Parliament and the Government, to be involved in a social or economic activity. However, the bipartisan agreement that has occurred over many decades in Western Australia means that our Government has responsibility for the provision of education for all students who live in particular communities within the State, and to provide government schools in those communities. To break that pattern would be a retrograde step for the community. The implications of such a move would be twofold: First, we would have a less united society. Societies which are riven down the centre by class conflict are those which say there are schools for the rich and schools for the poor and never the twain shall meet. A healthier democratic society brings unity between people on different levels of income rather than divide them, and the education system in this State has brought about that unity.

Secondly, and most importantly, the result of the application of that philosophy would be that government schools would turn out the poorer and would become stereotyped in the nature of the education they delivered. Therefore the assumption of the Minister for Lands in advocating his proposition that somehow more money would be available for government schools, is fallacious. We would have less care and concern for government schools. As we have debated in this Chamber, and as will be debated in the Federal Parliament, the steps taken by the Federal Government to reduce expenditure on government schools as a result of its policy to encourage more non-government schools,

would be a retrograde step for the community. To go the next step from that proposed by the Federal Government, and to create a divided education system in the community, would lead to poorer government schools and a stereotyping of those government schools.

Through this motion we are giving all members in the Chamber the opportunity to declare their support for an excellent system, for community based, state provided education, accessible to all, no matter the background or income. This is a fundamental principle with which all members of Parliament would agree, as it has been over many decades in this State.

MR RIPPER (Belmont - Deputy Leader of the Opposition) [2.55 pm]: I owe my position in life today to my parents' commitment to education, and to a state school system which provided a quality primary school in a small country town and a very good secondary school in the metropolitan area. That is the situation for many members of this Parliament, particularly those on this side of the House. It is surprising that we need to move a motion like this. However, the comments of the Minister for Lands in this House and in the media are extraordinary. He told the Legislative Assembly on Wednesday, 12 March -

> Members sitting on that side of the House who enjoy the same income as I enjoy, and who send their children to high school because they believe the system should be paying for their education are bludging off the system. They are pulling the system down.

I proudly send my eldest son to a government high school and my second son to a government primary school. There are very important reasons for us to support the public school system. This is not a debate about the merits of the private school system and those of the public school system. We need choice in the education system because that provides a measure of accountability and innovation. It will always be the case that, for some reason or another, parents will shift their children from school to school, but if there is to be proper choice in the education system, we must have a quality public education system; otherwise there will be no choice for people in remote country locations or for those who do not have the income to provide an education for their children. It is not a question of debating the merits of private or public education systems. It is all about providing a real choice for many people in the community. It is about supporting a great public institution, which is very important for the future of our community.

It is not the private school system that is under threat. The public school system is under threat as a result of a number of developments, including federal policies and the attitudes that have been alarmingly expressed by a senior member of this Government. The public education system in this country has an historic role to promote equality of opportunity. Bright young people from families on low incomes must be given the means to get ahead, and in many cases that means has been our state school education system. It is a bulwark for upward social mobility in this community. If we sabotage or compromise the public school education system, we will add to the threats to the equality of opportunity in our community that are already too present. We must provide access to the benefits and opportunities of life for children from low income families, and that access is through the state education system. If we do not provide that access, we will threaten the cohesion of our society. That is the second great role of our public education system, because it educates people from all stratas of society, religious persuasions and cultural views, and it promotes a degree of unity and cohesion in our society.

If each social class had its own school system, the quality of life in the community would be affected negatively, because the tolerance that is promoted, at its best, in our state school system would be lost. Many examples of intolerance exist in our state school system, and many things should be done to reduce victimisation and bullying and to encourage acceptance, but without a public school system, the opportunity for doing that across the community would be compromised severely.

The social context to this debate is the increasing competition in our community and the increasing threats to equality of opportunity. Income distribution is one example: The top 20 per cent of income earners in this country earn 13 times more than the bottom 20 per cent of income earners. The daily experience in the labour market is that some people can avail themselves of full time jobs, with all of the benefits that accrue from those jobs, while others are restricted to part time or casual work, or to a job here and a job there. Current economic developments and the operations of the labour market will lead to an increasing division in the community. Jobs for unskilled people will become increasingly scarce, and people who do not pick up skills will have an insecure future in the labour market. Therefore, education is now more important for equality of opportunity and for those people who would previously have filled unskilled jobs than it was in the past.

In the context of this threat to equality, the Minister for Lands has told the House that we must encourage those people in the middle, who believe the system owes them and who have the capacity to educate and provide housing for their children, to reassess their philosophies. He wants to get the middle classes out of the public education system. He believes, apparently sincerely, that people who can afford private education but send their children to state schools are bludging off the system. They are not bludging off the system. Their contribution to and their

interest in the state school system, and their political clout, are vital to quality public education in Western Australia. If the middle classes were persuaded to leave the state school system by the attitude expressed by the Minister for Lands and by the policy that he would implement by way of means tests or high and discriminatory user pays charges, the public school system would suffer in the long term, to the great detriment of the children of families which cannot afford a private education. That would lead to a two tiered system of education: An elite system of education for those who have the means, and a residual, poorly funded and weakly supported public education system which has little political clout.

If the middle classes deserted the public school system, politicians would pay it that much less attention, and politicians would have that much less reason to respond to demands for quality education. The long term future of the public education system would be quite dismal if the Minister for Lands' views prevailed: That great institution would be destroyed. We argue in this place about the quality of our public education system, and we differ with the Government about the way in which it resources that system and about some of the other policies which it adopts, but we agree on one point: We have a good public school education system which is of great social and economic importance. If we are to compete effectively in the world economy into which we have been thrust and if we are to take advantage of the regional opportunities which will be available to us as a result of growth in Asia, we must have a high quality education system. At present, the high quality of our education system is one of our competitive advantages. If we destroyed the public education system by letting it wither on the vine and by encouraging people who have the ability to contribute finances, political clout and interest to the public education system to leave it, we would lose that competitive advantage.

Education is not just a private but also a public good. If people left the public school system and paid for their education through fees in the private sector, we could save some money in the short term. However, the potential for savings is wildly exaggerated. It is naive to think that the savings which would accrue to government as a result of such a move would go back into the education system - an education system which was being deserted by those families with political clout. It is also naive to think that the education system would benefit, because the public system would still have to meet expensive overheads. It would still have to provide education at Warburton, at Nyabing, where I was educated, and at Mukinbudin, because the private sector would not have the capacity to provide education in those towns.

Mr Cowan: What was that?

Mr RIPPER: Mukinbudin.

Mr Cowan: Do you know there is a private school in Mukinbudin?

Mr RIPPER: Perhaps I should have chosen another example, because that must be one of the few wheatbelt towns where the private sector does provide an option. In many wheatbelt towns, the only option is the public school system, and the public system will have to provide that education and meet the overheads, even if wealthy people were persuaded, by the attitudes of the Minister for Lands, or by the policies which he implemented, to send their children to the private sector.

Another more diabolical and immediate measure that will remove money from the public school system is the Federal Government's policy to apply what it calls an enrolment benchmark adjustment to the finances which it provides to the States for education purposes. The Federal Government will deduct $1 712 from its grants to the States for education for every student who moves from the government system to the private system. Therefore, the immediate impact of a flight from the public school system in the next few years will not be extra money for those who remain, but reduced commonwealth grants to the States and reduced capacity for the States to spend on a quality education system. What the Minister for Lands is promoting is a threat to equality of opportunity in this community - at a time when equality of opportunity is under serious threat from global economic developments and also from educational policy measures such as the Federal Government's enrolment benchmark adjustment.

The priority schools program will provide this year, for the last time, extra funding for schools that have a particularly disadvantaged clientele. However, the Federal Government intends to subsume that program into broader commonwealth programs. The Federal Government does not appear to have any commitment to dealing with disadvantage. If the moves to promote local hiring and firing in our state school system were implemented fully, schools which were more fortunate, had more congenial teaching climates, had better access to resources and had more interested parents would have no trouble in attracting good quality teachers, whereas schools with a less congenial teaching climate, with less access to additional resources, and with students who found it difficult to get motivated would find it difficult to get teachers of the same quality. That would lead, again, to a two tiered public school system.

I cannot believe the Minister for Lands speaks for the Government. Although apparently he organised the numbers to try to topple the Minister for Education as Deputy Leader and exercises a considerable amount of clout within the Liberal Party and might be one of those who is delighting in the preselection of Hon Ross Lightfoot to go to Canberra, I cannot believe his views represent those of the Government in this matter. The Government should demonstrate that those views are not the policies of the Government by voting for this motion moved by the Opposition. If the Government cannot bring itself to do that, it lays itself open to the charge that what the Minister for Lands is promoting is what we will eventually see in education policy making in this State, to the very great detriment of our community.

MR BARNETT (Cottesloe - Minister for Education) [3.10 pm]: The Minister for Lands made some comments in Parliament during a previous sitting week, which have been the subject of some media coverage; however, this is not an issue of great moment. The Opposition is trying to beat up an issue and make it into something it does not deserve to be. The Minister for Lands will speak for himself during this debate; however, as a member of Parliament, the Minister for Lands, particularly when he was the member for Melville but also in his realigned electorate, has been one of the strongest and most effective workers for schools within his electorate. Indeed, he probably writes to me in my capacity as Minister for Education concerning school issues as much as, if not more than, other members from both sides of this House. Those opposite need to be very careful in the inferences they try to draw. The Minister for Lands, the member for Alfred Cove, has long been a very hardworking member of Parliament for both government and non-government schools, particularly government schools, in his electorate.

Most of the comments from those opposite during this debate have been of a reasonably general nature about our education system, rather than being specifically focused on any comments the Minister may have made. A few basic characteristics are important to our education system. Although I have referred to them previously in this Parliament, I want to say a little more about them. The first is that the education system should be based on quality. I think everyone will agree, in principle, with that. The Leader of the Opposition was a Minister for Education in previous years. It is difficult and expensive to provide the quality of education we want to see in all schools. Nevertheless, over the past 15 months or so, my observations have been that we have a very high quality education system in this State, within both the government and non-government sectors.

There are various measures of quality. It is somewhat ironic that in this Chamber we tend to concentrate on the physical condition of Education Department buildings and, in an outward sense, that can be a view of quality. We have 770 schools in this State, with another 400 in the non-government sector. It is a big system, a dispersed system, servicing many isolated and small communities. This Government is spending enormous amounts of money on the physical condition of our schools. Currently we are spending just under $50m on school maintenance, with about another $100m a year on school extensions and the construction of new schools. Contrary to popular opinion, we are not closing schools. The number of schools operating in Western Australia is growing, and has increased in total during the term of this Government.

This matter goes beyond physical facilities. It extends to curriculum. It could be argued that what is taught in our schools is the most important factor. Tomorrow I will second read a Bill to set up a curriculum council in this State. I believe it will receive bipartisan support. That will be an important advance in the curriculum of our education system. It will give ownership of the curriculum to both the government and non-government schools and will place a greater emphasis on the development of vocational programs that are much needed in our schools. It will also allow for the curriculum to be staged between kindergarten and year 12. It will be focused very much on the outcomes of schooling and will not be as prescriptive as to the exact syllabus that is being taught in any particular school or course.

A lot is happening. The quality of teacher education is essential. It is of concern to all members that the average standard of entrants to teaching colleges is tending to decline as more opportunities become available. We are keen to raise the status of this profession and to attract more talented young people into it. In particular, scholarships will be offered to encourage talented young people, particularly young Aboriginal people, to take up careers in teaching. The number one ambition in education is quality in all aspects of it.

The second characteristic, and related to the topic of this motion, is that of choice. I strongly support, and I hope all members also strongly support, choice in education; choice between government schools and non-government schools. I recognise the exercise of that choice is related to people's income, although that might not be necessarily true of the Catholic education system. Obviously some choices in education are very expensive; nevertheless, the ability for people to make choices in the education of their children, and how to allocate their income is not necessarily a function of socioeconomic status. People on comparable incomes will make quite different educational choices for their children, quite different choices about how they allocate their overall household budget. There must be an ability for children in as many parts of the State as possible to have a wide choice of both academic and vocational programs. One of the important choices that is developing is in the vocational area. Concern has been

expressed in this Chamber, which I share, about a dip in the retention rates in recent years. I think it may perhaps be more to do with labour market factors than others. Nevertheless, we want to see the retention rate head upwards. Critical to that is offering relevant vocational choices to encourage young people to go on beyond year 10, to continue to years 11 and 12.

One of the most important and innovative programs is that which has been developed in Kwinana where students typically have a combination of time at school, time in paid employment and time studying at a technical and further education college. They will retain their interest in education. They will study mathematics and English and so on and mature and gain the benefits of having done so, while at the same time they will have a natural development towards employment by further study through TAFE, or whatever they may choose to do, and that is important.

There must be choice for country people. As the Deputy Leader of the Opposition said, in country towns the choice in education may not be a great reality. It is a concern to me, particularly in the Pilbara - an area I have a lot to do with in my Resources Development portfolio - that so many people in their career leave areas like this because their children are of high school age and they do not have confidence in the quality of education at that level. I am keen to see the development of what have been called super schools - that is, more sophisticated high schools - in the major regions of our State. A whole range of academic and vocational programs would be available at least equal, if not superior, to similar programs in schools in the metropolitan area. Residential colleges would be attached to these schools and would probably operate as senior colleges for years 11 and 12. I feel very strongly about that. Whether that can be developed and the likely response of the work force, the students and the parents has been put to the test in the marketplace, particularly in the Pilbara. I hope it proves successful.

The third characteristic is also covered by this motion; that is, equality of opportunity. We should have an egalitarian education system. We all agree there should be equality of opportunity. It is very hard to talk about that with any sincerity or conviction when 15 to 20 per cent of Aboriginal children do not even go to school. In a prosperous first world community, such as that in Western Australia, many Aboriginal children and children in other groups are facing almost third world conditions in many respects. There is a huge cross-community role to be played to give those children genuine equality of education. Again I think this has strong support from all members in this House.

The fourth characteristic is that we should encourage the pursuit of excellence in education. We should provide enough opportunities to encourage talented, gifted children to be challenged and to achieve to their full potential; equally the less talented or children with some form of disability - irrespective of whether it is physical, intellectual, socioeconomic, cultural or whatever it might be - should be given the opportunity and encouragement to achieve to their full potential. To me, the pursuit of excellence is that a child is achieving to the fullest of his or her potential, regardless of what that potential might be.

Quality, choice, and equality of opportunity in the pursuit of excellence have been my guiding principles during the past 15 months. However, one needs a fair bit of pragmatism, and flexibility to react to situations as they occur. We should not lose sight of those important principles in education. Our education system provides for that. I would not suggest there are no problems or issues to resolve. They occur on a daily basis with a large portfolio involving 250 000 students and 30 000 employees. Our education system has much to be proud of. We should cherish, nurture and protect it. We should not expose it to random and unforeseen changes. We must be careful not to criticise it.

Mr Kobelke: The Minister is a joke. The Minister changed the school starting age without knowing what he was talking about, and he talks about random and unforeseen circumstances!

Mr BARNETT: The school starting age is one example. That change was debated over 18 months to two years. The proof is that despite the comments from members opposite, the changes to early childhood education and the huge infusion of literally hundreds of millions of dollars and hundreds of extra classrooms - 160 schools started a full time preprimary program this year - are of overwhelming importance to the future of education in the State.

Mr Kobelke: The Minister introduced that change without knowing what he was talking about.

Mr BARNETT: The member for Nollamara is one of the few people who claim those changes were not to the betterment of education.

Mr Kobelke: The Minister made that announcement without knowing what he was talking about. The Minister said that children would start school in this State at a younger age, when they start at an older age.

Mr BARNETT: The member for Nollamara lost that argument. This Government brought in universal preprimary education and upgraded kindergarten programs. This State led the way for national uniformity in the school starting age across Australia. That was discussed at a ministerial council meeting in Melbourne. National uniformity is progressing as a result of what this Government has done. All of those things are important in education. This Government has had a high commitment to education. It increased spending in education by about 7 per cent in last

year's Budget. Members will find later this week that there will be a further real increase in education spending. In our first four years in government we spent $500m more in education than the previous Government spent in the preceding four years. No-one can say that this Government has not shown a major commitment to education.

I will not reflect on the comments made by the Minister for Lands.

Mr Ripper: He is speaking on your portfolio.

Mr BARNETT: The Minister for Lands can explain his comments.

Mrs Roberts: What does the Minister think about his comments?

Mr BARNETT: I made it clear that the Government's policy is to support a government education system and choice in education. The government education system is open to all students, regardless of race, religion, culture, geographic location or socioeconomic status. Just as the Government provides programs for disadvantaged children or children with disabilities, so it should provide programs for talented and gifted children. It is an all encompassing, holistic education system. This State offers a superb education system. It can and should always be improved.

Amendment to Motion

Mr BARNETT: I move -

To delete all words after the word "income".

I want to make it clear that this Government supports the maintenance of a quality public education system that is equally accessible to all children whose parents choose to use it regardless of their family's income.

This Government will not in any way censure the Minister for Lands for his viewpoint. I do not mind that the Minister for Lands raises issues and expresses his point of view. Members of the Liberal Party can do that. I do not find it offensive. This is a minor issue that has not attracted much interest outside this House. I find it incredible, with significant issues such as the Budget, industrial relations and law and order before us, that the Opposition should start the week with debate on a fairly minor issue. The Opposition is reacting to a comment made by a member of Parliament late at night.

Mr Kobelke interjected.

Mr BARNETT: It is minor. Many issues in education take up a lot of my time, and this is not one of them. I am amazed that the Opposition decided to spend an hour of the Parliament's time debating this issue. We have a good education system. I support choice and equality of access for all children to our state school system.

MR TUBBY (Roleystone - Parliamentary Secretary) [3.24 pm] I will touch on the two areas - choice and the quality of education in our schools - that have been covered broadly by the Minister for Education. Parents in our schools have the choice of sending their children to a quality local government primary or secondary school, a local or distant non-government school, or to home school. The home schooling movement has not been mentioned in this debate so far. However, this is a fairly large part of our education system today, and it is growing for a range of reasons. About 1 000 children in our State are currently being home schooled. It is not the Government's intention to limit choice to those three spheres, but to allow for a mix and match between them. In some circumstances there is no reason that a parent cannot home school their children in the primary or secondary years in particular aspects of their education and send them along to the local primary or high school for other aspects of their education. This already happens to some extent in some areas. The Government wants to see that level of choice increased.

In the secondary arena, particularly non-compulsory years 11 and 12, some high schools have allowed their students to attend the high school for two days, the technical and further education college for two days, and work experience for one day. Those are opportunities that should be provided in other areas across the State, so there is real choice, not just a choice between government and non-government schools, but between the range of educational options within Western Australia. There should be no bar to students from the local government primary school attending the local private primary school for particular extensions or courses. That arrangement should be allowed, and we hope that the rewrite of the Education Act will allow this to occur more readily. I know there will be problems with funding and management issues. However, we must provide for those options, so parents have a real choice. They should be able to choose between part home schooling, part schooling at a government school or non-government school and schooling in the TAFE sector in the upper years. This Government and previous Governments have recognised the need for choice.

The Minister mentioned that parents tended to leave remote areas once their children entered secondary school. It is a mixed argument. For example, my eldest son started at Newman Senior High School, which had 400 secondary students. His chances of receiving his education from heads of department were far greater at Newman than in any

senior high school in the metropolitan area. Many students in metropolitan schools never have the opportunity to be taught by heads of department - the most experienced and senior teachers in their subject area. In Newman that prospect became a reality for my son. His chances of receiving education from a senior, well qualified, experienced teacher - the head of the department - were greatly improved in that school. Children in those areas receive a high quality education. We must, however, look more pragmatically at the way we offer education in district high schools, particularly to students in secondary years. It might be more cost effective for the Government to send students attending small secondary components in district high schools to private schools in Perth - not that I am promoting that because we would end up paying for all secondary country students to come to Perth. Taxpayers spend an enormous amount of money to keep some of the secondary sections of district high schools open when we should perhaps be considering whether to subsidise them to attend private schools or senior high schools in larger regional centres.

I do not know how many members saw the article in *The West Australian* a couple of months ago. A survey was undertaken in developed countries on science education, the results of which were interesting. It found that the country most developed in science education in the world was Singapore. Australia rated seventh. If we assess each State as a separate education provider, and equate each as a separate country, Western Australia came second to Singapore. That says a great deal about the level of science education in our state and private schools in Western Australia. It also says a great deal about the overall quality of education.

As the member for Geraldton asked, what about reading, writing and arithmetic? If one cannot read, write or do arithmetic, it is difficult to perform well in a science test. When Western Australia's science education standard is rated second in the world to Singapore, we should all be very proud of and fiercely defend that quality of education in our State. I support the amendment to the motion.

MR SHAVE (Alfred Cove - Minister for Lands) [3.32 pm]: It is interesting to read the motion moved by the Labor Party. It refers to the view of the Minister for Lands that access to government schools should be means tested. I do not know exactly when I said that in my speech in Parliament on 12 March. Perhaps before I finish one of the Labor members opposite will point out those comments to me. During that debate I said that people on high incomes should be encouraged to pay for their children's education. The basis for making those comments was that the education system is under extreme pressure, just as the health and public housing systems are under extreme pressure. The comments I made during that debate, which have been beaten up by the Labor Party and parties outside this Parliament -

Mr Ripper: Didn't you like Janet Wainwright's article?

Mr SHAVE: The member for Belmont should give me a moment and I will get to that. I was not raising the issue of quality of education. If members opposite had been honest, they would have acknowledged that I said that all Governments want to provide the best public education system they can. The argument is about how we provide that system. I also said that people must understand that there are only limited resources. I further said that people on large incomes should put their children into the private sector and get rid of the philosophical belief that society owes them something.

Comments on my remarks in Parliament were not referred to in the local press by the member for Willagee. However, I see that his associate, the failed candidate for Joondalup, carried the banner and ran off to her local paper. Under the heading "Shave under fire over school claim", it reads -

> WA Council of State School Organisations president Diane Guise -

She is also the failed candidate for Joondalup. I can understand why after further reading her comments -

> - was appalled by Mr Shave's remarks.
>
> She said Mr Shave's comments were contradictory to the United Nations stance on the rights of a child which decreed all children were entitled to free education.

We are not talking about whether children are entitled to an education. We are talking about how we can provide the best education for all children. If Mrs Guise had read my comments in *Hansard*, she may have shown a little more balance in her views. However, she had to run off to the local paper and say that I was being elitist. She is saying that children are entitled to free education. Members opposite must get that out of their heads. Education is not free; it has a price. It is like the health system. Which member opposite supported Paul Keating, on his previous income, using the public health system? When he became ill he jumped the queue so that pensioners who had been waiting three years to go to hospital could not get in.

Mr Kobelke: You are not telling the truth.

Mr SHAVE: Do members opposite pay for their private health cover? Why are they not honest? I said that members sitting on the other side of the Chamber should pay their way. That is the argument.

Mr Kobelke: What about members on your side?

Mr SHAVE: It is not about whether the public health system should be run down. No-one agrees with that. The Minister for Education remarked that I believe the public education system in Western Australia should be the best it can be. Even though I am not the local member any more, Melville Senior High School asked me to attend its meeting because it wanted my assistance and it knew I would assist if I could. It has no confidence in the member for Willagee.

Mr Carpenter: You didn't tell them you thought they were all bludgers.

Mr SHAVE: I did not say they were bludgers; I said people who are on incomes like that of the member for Willagee are bludgers. He should read the *Hansard*. I said that people on high incomes should be proud to pay for their children's education and, if they do that, it will take pressure off the public system. People may have a contrary view.

Mr Kobelke: It will destroy the system. Don't you understand anything about education?

Mr SHAVE: I fail to see why it will screw the public system. Soon the member for Nollamara will be telling me that the stupid philosophy introduced by a Labor Government in 1974 - when it told the battlers it would give them a free medical system - is working.

Dr Gallop: That is John Howard's policy.

Mr SHAVE: It is exactly the same in the housing system. If people have the capacity to provide housing for their own children through their own means, they should be encouraged to do so. We must make people independent. The public schools in my area -

Mr Pendal interjected.

Mr SHAVE: The member for South Perth is irrelevant. Public schools in my area have never received less attention than when the Labor Party was in government. Neither Melville Senior High School nor John Curtin Senior High School had a dollar spent on them when members opposite were in government. There is a basic philosophical difference between my views and the views of members opposite. They believe everything in this world should come free. It does not.

Mr Pendal interjected.

Mr SHAVE: I have already said that the member for South Perth is irrelevant.

I said in the last debate and I say it again: If we can encourage people to provide education for their children, the public schools will be able to provide facilities so that the Government can give the battlers the opportunity to get into schools. The Government will then be doing the right thing. Members opposite must get away from this socialist claptrap that they will look after people by providing a health system and public housing. The Labor Party's system does not work. It did not work in eastern Europe, and it will not work here.

MR KOBELKE (Nollamara) [3.41 pm]: I do not need to clarify the original comments of the Minister for Lands because he has done that this afternoon. He did try to add some gloss to the statement he made some time ago in this House. He said that members on his side of the House - that is, people of relevant income - were pulling down the system if they did not send their children to private schools. He also said that members on this side of the House - again he meant comparative incomes - were bludging on the system if they sent their children to government schools. His comments reflected his total misunderstanding of quality education. He does not understand that the role of education in a democracy is to ensure equal access to it. In making that statement he is making the basic assumption that a person who is sufficiently wealthy does not have to worry about sending his children to a private school. He does not understand the importance of equality access across a system in a proper democracy.

I turn now to the Minister for Education, who moved an amendment which will, if passed, delete crucial words from the motion. The Minister spoke for approximately 12 minutes on matters of education and he totally avoided the motion before this House. He said in a part of one sentence that he thought there should be free access to education by all children. What is it? Either he does not believe it, or does it come back to the quip that the Minister for Lands might have the numbers over him and he does not want to upset him? Let us have it out: Is the Minister trying to play both sides of the fence by making a statement that he upholds the principle of equal access to education? He slipped that into a part of one of his sentences. He did not debate the issue at hand. Does he not want to commit himself or is he frightened of the party's numbers man, the member for Alfred Cove, who had a victory on the weekend by getting Ross Lightfoot up as a senator and who gave his support to the member for Riverton when he

challenged the member for Cottesloe for the deputy leadership? Is that his concern? Why was he not willing to get up in this debate and expound some sort of educational leadership in this Parliament?

Mr Barnett: You should have listened to what I said.

Mr KOBELKE: I did, very intently.

Mr Barnett: I made it clear I supported equality of access to all children in the education system.

Mr KOBELKE: I took notes and the Minister spoke for 12 minutes and at the end of that time, in part of a sentence, he slipped in carefully, so he would not offend the member for Alfred Cove, a little statement which has him on the record saying that he believes in equality of access regardless of the social or economic background of the parents. He would not take on the motion up-front and give some leadership by stating the Government's position.

Mr Barnett: Haven't you noticed that Liberal Party politics is not that subtle these days?

Mr KOBELKE: Does the Minister for Lands have the numbers over the Minister for Education?

Mr Barnett: That is sheer nonsense. This is meant to be a motion on education and what you are saying is a joke.

Mr KOBELKE: We have witnessed the Minister for Education's total lack of educational leadership. In his amendment he is simply sidestepping the issue because he does not want to take on the member for Alfred Cove, who clearly is totally out of step with mainstream educational philosophy in this country. He is expounding extreme right wing, rational economics which will destroy this nation's education system. The Minister for Education understands that, but he is not willing to take a lead and open up the debate. For that, he and his Government will stand condemned.

MR PENDAL (South Perth) [3.45 pm]: The Minister for Lands has been condemned out of the mouth of the Minister for Education. All I can say is that I agree with all the calm and dispassionate views expressed by the Minister for Education, albeit I do not agree that he can hive off from the end of the motion those words which would somehow get the member for Alfred Cove off the hook.

Mr Shave: We have not had a close relationship.

Mr PENDAL: No, we have not.

Mr Shave: You will be there forever.

Mr PENDAL: I will be here forever. One of the reasons I will be proud to be here forever is that the people with whom the Minister for Lands is associated will bring down the Liberal Party. Last weekend brought that day a little bit closer. In respect of this motion the people in this place can live in hope that we might get yet another vacancy in the Senate and we can send another person with silly views to Canberra to get him out of the way of this place. The member for Alfred Cove, with a sudden rush of blood to the head, interjected at a time when he now knows he should not have.

Mr Shave: I was giving a speech.

Mr PENDAL: The member for Alfred Cove replied when he did not need to and he lives to regret it because he was repudiating the very views which have now been properly enunciated by the Minister for Education. If there is any doubt about what the Minister for Lands said on that day, I remind the House of what he said. I do agree with one thing. He said he "probably did not have the intelligence". We can all agree with that.

Mr Shave: That is why I am here and you are there.

Mr PENDAL: Getting into the Cabinet is not a question of intelligence. I hope the Minister is not under the illusion that he passed an intelligence test to get into the Cabinet!

Mr Shave: So we're all dumb and you are smart.

Mr PENDAL: No. The Minister has the right connections and I grant him that.

The member for Alfred Cove said -

> I disagree with people who have the capacity to pay for their children's education but who rely on the government system to educate them because they believe it should be that way.

That is a direct way of saying that if one has a certain income level, one should not send one's children to the state schools.

Several members interjected.

Mr PENDAL: Why can we not see that leadership coming from the Government today? I challenge the Ministers in turn and then every member of the Liberal Party and the National Party in turn either to agree with the member or repudiate him. They have repudiated him in droves. Privately, they are embarrassed. They are as embarrassed by that antiquarian view of education he has expressed as they are by the antiquarian views of the man who will now go to Canberra as a senator for Western Australia, no less. That is why it is a mistake by the Minister for Education to try to make respectable something which is not.

Mr Shave: He will not jump off the ship like you did when he is not made a Minister.

Mr PENDAL: Who?

Mr Shave: Lightfoot.

Mr PENDAL: If ever there had been a prospect of him being a Minister, I would have been glad to be out of this place.

Mr Shave: We know what you are like.

Mr PENDAL: Indeed. It will take a few people to bale out to bring some of the feeding frenzy to an end, albeit the feeding frenzy has not yet finished. I relate to my earlier comment that the day the ascendancy is with people like the member for Alfred Cove is the day that the Liberal Party will start to go into oblivion.

Mrs Roberts: That is now.

Mr Shave: You thought you would have the balance of power and you blew it!

Mr PENDAL: I did not think anything of the sort. One can always tell when a person feels on unsafe ground, as he or she wants to divert attention from the argument before the House.

Today's debate is about a view put by no less than a Minister of the Crown. If the Minister for Lands cannot support Cabinet solidarity, he has an obligation to resign from Cabinet. If he cannot support - he did not - the comments of the Minister for Education, he does not know what Cabinet solidarity is about. Each portfolio area has one spokesperson in Cabinet, but not on this occasion: The Minister for Lands pretended to be the spokesperson and expressed views about education which were clearly repudiated by the Minister for Education of the day. Therefore, the amendment does not deserve to succeed, and the motion deserves support.

Amendment put and a division taken with the following result -

Ayes (30)

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

Noes (18)

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

Pairs

Mr Court	Ms MacTiernan
Mr Board	Mr McGowan
Mr Trenorden	Ms McHale

Amendment thus passed.

Motion, as Amended

Question put and passed.

CURRICULUM COUNCIL BILL

Introduction and First Reading

Bill introduced, on motion by Mr Barnett (Minister for Education), and read a first time.

SESSIONAL ORDERS - TIME MANAGEMENT

MR BARNETT (Cottesloe - Leader of the House) [3.47 pm]: In accordance with the sessional order for time management, I move -

> That the following item of business be completed up to and including the stages specified at 9.30 pm on Thursday, 10 April 1997 -
>
> (1) Labor Relations Legislation Amendment Bill - all remaining stages.

Most of the provisions of this Bill were debated in the House in November last year when it received 17 hours of debate. The Government has made it clear in moving this sessional order that it intends to deal with this legislation this week. In doing so, a full three days and nights will be available for debate - something of almost biblical proportions. Also, it is intended that the House will sit on Thursday evening when, although arrangements are not yet finalised, the dinner break will be relatively short.

The Government intended to deal this week with the Labour Relations Legislation Amendment Bill and the Iron and Steel (Mid West) Agreement Bill, but it is prepared to defer the iron and steel Bill and allow the entire three days and nights of this week for consideration of the labour relations legislation.

For the benefit of new members of the House, it is commonly said, and will be said again this week in the House and in the media, that the Government is "guillotining" or "rushing through" its industrial relations legislation. The Government is prepared to have that debate and to handle those media comments.

Several members interjected.

Mr BARNETT: It starts already. For the record and for the information of new members, in 1993 when the Workplace Agreements Act was put through the House with the so-called guillotine and rush through, the legislation received 40 hours of debate in this House, and a further 90 hours of debate in another place. It was debated ad nauseam and in no sense was it rushed through.

The Government has a majority and has been re-elected with a strong mandate to proceed with industrial relations change. At least 17 hours of debating time will be available this week for this matter.

As I have said before, I appreciate that members opposite do not like the use of this sessional order, but the Government has a long legislative program to manage over the year. A full three days and nights has been made available for this matter, which represents at least 17 hours of debate - it will probably be more as we will sit later on at least two of those nights. Also, if members opposite really feel strongly about the matter, they can forgo private members' time and have another four hours of debate on the matter.

However, the real test of public and media scrutiny will be how the Opposition uses the three days and three nights of debate. Members opposite can continually repeat the clichéd speeches and rhetoric, or they can be serious about the debate and raise the issues of importance to members opposite, and presumably to some of their constituents, and debate the detail of the legislation with the Minister. It is a matter of choice for members opposite; they will be judged, not on the length of the debate - the Government may be judged on that matter - but on the quality of debate.

The Government is not resiling in any sense from using time management, which has contributed to the proper functioning of this Parliament. The Government again intends to apply it to the Parliament, but only after a full three days and nights of debate on this Bill.

MRS ROBERTS (Midland) [3.59 pm]: The Opposition opposes this sessional order in the strongest possible terms as it applies to the Labour Relations Legislation Amendment Bill. We know that this sessional order has nothing to do with the management of the Legislative Assembly and our program here, and everything to do with the composition of the Legislative Council.

Also, the Opposition knows that this legislation proposed by the Minister for Labour Relations is harsh, draconian and completely out of step with community opinion. This kind of legislation has no community groundswell. There is no urgency except the Government has virtually lost its numbers in the upper House. Because of an antiquated system the upper House is out of step with the lower House. This gives the Government a window of opportunity, as it sees it, to push through this legislation, which does not have the support of the community, the majority of workers or the Opposition in this State.

The guillotine is a draconian measure the Government is using to push this legislation through this House. The composition of the upper House is the real reason the Government wants to push the legislation through this House at this stage. We know that after 22 May the Government will no longer have a majority in the upper House. Five members of the upper House will not be members of either the Labor Party or the Liberal Party. It speaks very poorly of the operation of the Government and this legislation that the Government is not confident of getting even one non-Liberal or non-Labor member of the upper House to support this legislation. If the Government cannot convince the Labor Party and has no confidence it can convince the Greens or Democrat representatives, this legislation does not deserve support and must not be guillotined through this House and rushed through the upper House before the numbers change for the Government.

Bringing the guillotine in this week is an abhorrent abuse of the Parliament, the Legislative Assembly and the Legislative Council as a House of Review. For the first time in this State's history the electors have knowingly voted for a House of Review. We have a conservative Government which does not have a majority in its own right in the upper House. To push through this legislation, the Government is using the numbers it has left over from a vote that was taken over four years ago. It does not have community support and it did not ask for it in the lead-up to the election. The Minister for Labour Relations said this morning on the radio, "People knew what I was about and that I would be bringing this legislation back." If that were the case, why did he not push the legislation through last November when we had all those hours of debate? I will tell you why, Mr Deputy Speaker. It did not happen because of the public odium that legislation would have brought about, which would have resulted in many members opposite losing their seats.

[Interruption from the gallery.]

The DEPUTY SPEAKER: Members of the gallery, I will give you a firm warning: I will not tolerate interruptions to the House proceedings. If I have to eject people, I will do so individually; other than that, I will clear the whole gallery. Your representatives are on the floor of this House. If you have views you wish to express, they must come through the members on the floor of this House, not from the public gallery. I promise you that I will not be issuing too many warnings before I take action.

Mrs ROBERTS: This Government has acted without honesty or integrity in this debate. It has duped and deceived the people of Western Australia by not proceeding with the legislation last year; by the clever tactic of keeping the Minister for Labour Relations as quiet as possible during the election campaign; and by issuing false information under the signature of the Premier implying that the Government would not proceed with the same draconian legislation this year.

MR KOBELKE (Nollamara) [4.04 pm]: Bringing the guillotine to this House is another travesty this Government is trying to inflict on the Parliament. I will take the figures of the Leader of the House, who said that when similar legislation was brought forward in 1995, 40 hours were spent debating it in the Legislative Assembly -

Mr Barnett: Seventeen.

Mr KOBELKE: He said 40 for then and 17 for now.

Mr Barnett: The other figures related to workplace agreements legislation in 1993. In November there were 17 hours in this House.

Mr KOBELKE: We saw then that amount of time was required to try to get through to the government members and the general public the contents of the legislation. We have the same situation now. I presume that most members on the government side have not read the legislation. Has the Leader of the House read the legislation?

Mr Barnett: Yes.

Mr KOBELKE: Does he understand it?

Mr Barnett: Yes.

Mr KOBELKE: He accepts the provisions for increasing the penalties on union officials.

Mr Barnett: You can debate it.

Mr KOBELKE: He is a bit fuzzy on the details.

Mr Barnett: I am not an expert but I have read the Bill.

Mr KOBELKE: Most members in this place, myself included, do not read in detail every Bill; it would be impossible. In this case hardly any members on the government side have read the Bill. They do not understand the contents of the legislation. The legislation inflicts on the people of this State something totally unacceptable to the majority of Western Australians. That is why the Bill must be fully debated in Parliament. This Government is running away and is not willing to have a full debate. The Bill is an absolute travesty. All the rhetoric from the Minister is contrary to the intent and purpose of the legislation. Without proper debate the information will not get out to the wider community. Let me take one simple example. The Minister in his second reading speech mentioned the Fielding report. I will take one part of a sentence from the overview of the Fielding report which says -

> . . . the legislature should, in general, leave those involved in industrial relations in the workplace to their own devices and should not unduly interfere with the management of their affairs, including the affairs of unions.

This Bill does exactly the opposite of that. The Minister claims that in some way he is fulfilling part of the Fielding report. This legislation is an absolute lie because it will not do what the Government is purporting it will do. For that reason we must fully debate the Bill in this place.
The Government is against any light being shone on the legislation. It is anathema to the Government that we should have the opportunity to debate this legislation and get the information out through the media so that more people understand, because the truth would come out. The Government has to avoid that. This Government hides from the truth. Time and time again we have seen that this Government cannot stand up to the light of the truth. We see that with the guillotine motion. This Government has to stop the debate, as the leader of opposition business has already outlined, because if it does not get this legislation through the other place by 22 May, the Government will have to get one non-government member to support the legislation - not two, three or four - to have the numbers.

The Commonwealth Government had no trouble in a much more tightly woven situation in getting the Australian Democrats and Independents to support the Howard industrial relations legislation. It had to make a few accommodations. It got support despite the overwhelming opposition of Labor members and the union movement. This Government knows it cannot sell this legislation to any one of the five non-government and non-Labor members. It knows that this legislation will not stand up to the light of day. The legislation has to be rammed through this Parliament under guillotine because this Government cannot have it given full scrutiny. The sooner it can get it off the Table, the less will be the embarrassment of this Government. Members opposite must realise the public of Western Australia will not stomach this legislation. Members opposite will wear it, if they force the legislation through this Parliament.

MR BROWN (Bassendean) [4.10 pm]: In 1993, we debated the Workplace Agreements Bill at length. I was proud to participate in that debate, because the Workplace Agreements Bill has been the scourge of many low and medium paid workers in this State. Already in this Parliament this year, I have asked the Minister for Education questions about whether cleaners who were employed in schools under the terms and conditions of an award are now being employed under workplace agreements on lower rates and on lousy conditions. The Minister for Education's answer was, "I don't know", which can be interpreted as saying, "I don't know and I don't bloody well care."

[Interruption from the gallery].

The DEPUTY SPEAKER: Order! I direct that the young lady in the gallery be removed from the gallery now.

Mr BROWN: This legislation will have the same deleterious effects as the workplace agreements legislation is having on middle and lower income earners in this State. That is what we predicted at the time. Business in the United States of America believes that individual bargaining has been a great success, in a number of areas. Reports in the USA indicate that in 1991, one in five workers, or 20 per cent of the work force, was paid a wage below the poverty line. In 1986, 13 per cent of the work force was paid a wage below the poverty line. Therefore, the percentage of workers paid a wage below the poverty line nearly doubled in five years. The result of individual bargaining in the United States is that millions of workers are now paid the minimum wage and millions of workers now live in poverty. Many of those American workers are seeking to escape the poverty cycle by engaging in illegitimate activities. That is one of the root causes of the crime rate and social dislocation in the USA.

This legislation is being rammed through the Parliament for one reason: Pure political purposes. To illustrate how important it is for the Government to get this legislation through the Parliament, I quote from *The West Australian* of Thursday, 3 April, which states -

> Labour Relations Minister Graham Kierath said yesterday the Government would not back down, as it had in 1995, because of union threats. That backdown was prompted by the looming federal election.

That reveals that the backdown had nothing to do with principle, with taking the issue to the public of Western Australia, or with being up-front about this issue, but everything to do with political purposes. The Government held back the legislation because it feared that it might cause some of its federal counterparts to lose some votes.

Mr Kierath: We modified it, but we did not withdraw it.

Mr BROWN: We are here today because the Government, in the Minister's own words, backed down. It backed down not because it had some misunderstanding about high principle, but because at that stage it did not suit the Government to disclose to the people of Western Australia its real intentions.

The Government intends to ram this legislation through this place, not because it has any great principle or need, but because it wants to get it through this House and the other place before 22 May. While the Court Government was returned with an increased majority, the people of Western Australia said there had to be checks on that Government. This Government is seeking to subvert the will of the people by imposing this guillotine motion.

[Interruption from the gallery.]

MR RIPPER (Belmont - Deputy Leader of the Opposition) [4.15 pm]: This is an undemocratic guillotine and an undemocratic process, in support of an undemocratic Bill. The truth is that the longer this Parliament debates this Bill, the greater will be the resistance to it in the community. A filibuster is justified at times, and it is justified for this type of legislation, because this legislation is an attack on the civil rights of Western Australian workers. It is an attack on the way in which working people organise themselves.

[Interruption from the gallery.]

The DEPUTY SPEAKER: The next time there is an interruption from the gallery, I will clear the gallery. I promise that this is the last warning that people in the gallery will get.

Mr RIPPER: We will not speak on this Bill simply for the sake of speaking, but the longer this Bill is before the community, the less likely it is that the community will support it. The more the community finds out about this Bill, the more draconian it will judge it to be.

This motion is about rushing this Bill through the Parliament before the will of the people at the election is revealed in the seats in the Legislative Council.

Question put and a division taken with the following result -

Ayes (30)

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

Noes (18)

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

Pairs

Mr Trenorden	Ms McHale
Mr Board	Ms MacTiernan
Mr Court	Mr McGowan

Question thus passed.

RESTRAINING ORDERS BILL

Second Reading

MRS van de KLASHORST (Swan Hills - Parliamentary Secretary) [4.20 pm]: I move -

That the Bill be now read a second time.

Western Australian legislation for restraining orders was introduced in 1982 as an amendment to the Justices Act 1902. The 1982 amendment replaced the provisions relating to recognisances to keep the peace, which had been in the Act since 1902. Those amendments provided for the court to impose an order to "keep the peace" to deal with matters to afford protection for individuals against threats of or actual violence. The legislation also gave the police power to take action for breaches, and it prescribed penalties for the criminal offence of breach of a restraining order.

The 1982 legislation was intended as an interim measure until more comprehensive legislation could be framed. Subsequently, the Criminal Law Amendment Act 1994 increased penalties for breach of a restraining order and classified the offence of breach of a restraining order as a serious offence under schedule 2 to the Bail Act 1982. The Criminal Law Amendment Act also created the offence of unlawful stalking and appropriate penalties for that type of offence.

Recent amendments to the Justices Act 1902 provided for the registration of restraining orders made in another State or Territory. Most recently, the Sentencing Act 1995 includes provision for a court, in addition to passing sentence, to make a restraining order in respect of an offender even though a complaint has not been laid.

Despite these various important changes, the fundamental basis of the restraining order provisions has remained unchanged since 1982. Importantly numerous reviews have commented on deficiencies of the present statutory arrangements and administrative response which have affected the value of restraining orders as a protective measure.

This is a matter of particular concern as restraining orders play a central role in the legal response to domestic violence by affording what is intended to be ready access to legal protection for victims. In addition, this legislation will introduce improved protection to children from paedophile activity.

Family or domestic violence is rightly a matter of increasing community concern. Statistics such as those reported in May 1995 by the Crime Research Centre at the University of Western Australia confirm that the incidents of domestic violence are not confined to isolated cases. The problem is very serious and very widespread and demands a multifaceted response. Elements of prevention, legal intervention by the police and courts, advocacy, counselling and health care for victims, treatment of perpetrators, provision of crisis accommodation and other support of victims are involved.

No single agency has a mandate in all of these areas. This complexity demands a whole of government response in collaboration with non-government agencies. There is a need for the development of clearly defined policies and procedures both within and between agencies. These and other matters were addressed in the Report of the Family and Domestic Violence Task Force, and subsequently in the Family and Domestic Violence Task Force Action Plan which was launched in November 1995. The Bill is a further development in support of these important initiatives.

In February 1995 the then Attorney General announced a review to examine all aspects of legislation and procedures relating to restraining orders and to make appropriate recommendations. The review set out to examine current legislative provisions and procedures, relevant interstate legislation and procedures, and the findings and recommendations of previous reviews. The review was conducted by an interagency reference committee chaired by the Ministry of Justice, and it reported to the Attorney General in September 1995. An agenda of legislative and procedural reforms was identified to streamline the process of applying for restraining orders and to increase their effectiveness.

This Bill gives effect to recommendations arising from that review. Importantly, the procedural changes will be implemented as part of the Government's response to the family and domestic violence action plan.

In overview, the Restraining Orders Bill -

distinguishes between violence restraining orders which relate to protection from personal violence, and misconduct restraining orders which relate to such matters as damage to property and disorderly conduct;

provides for a restraining order to be made to prevent a person loitering near schools or places frequented by children if that loitering causes either the children to fear for their safety or the parents to fear for the safety of their children;

includes a non-exclusive list of conditions to assist the courts and to promote consistency;

requires that firearms be surrendered or seized when a violence restraining order is made, and allows the court to order firearms to be surrendered when a misconduct restraining order is made;

provides for applications for violence restraining orders to be made by telephone in urgent cases;

allows for the clerk to authorise oral service of a restraining order if reasonable efforts to effect personal service have been unsuccessful, and allows for the court to authorise any alternative method of service if the court is satisfied that the respondent is deliberately avoiding service in order to defeat the restraining order;

makes new arrangements for hearings and for variation or cancellation of orders;

requires the involvement of a "responsible adult" in restraining order proceedings involving juveniles, but prohibits the making of a restraining order against children under the age of 10;

provides for the court to be informed of any family order or application for such an order under the commonwealth Family Law Act 1975, or the Western Australian Family Court Act 1975; and

prescribes penalties for breaches of orders.

I will comment on each of these matters in turn.

Distinction between violence and misconduct restraining orders: Under current law the grounds for making a restraining order reflect a mixture of public interest and personal protection concerns. In order to more clearly reflect the purpose of the order and to ensure priority when an order is sought for protection against personal violence, the Bill distinguishes between violence restraining orders and misconduct restraining orders.

A violence restraining order is intended to provide protection for a person from a respondent who, unless restrained, is likely to either commit a violent personal offence against the protected person, or behave in a way which would cause the protected person or another person, such as the parent making application on behalf of the protected person, to fear that the respondent will commit such an offence.

The grounds for a misconduct restraining order are different and include the respondent being likely to, unless restrained, behave in a way that is intimidating or offensive to the applicant; cause damage to the property of the applicant; or behave in a way that is, or is likely to lead to, a breach of the peace.

Applications: An application for either kind of restraining order may be made by a police officer or other authorised person - a police officer or a person who is, or who is in a class of persons that is prescribed for the purposes of this definition - the person to be protected or, in the case of a child, by a parent or guardian of the child, or, in the case of a person for whom a guardian has been appointed, by the guardian.

In the interests of consistency the Bill requires the court to have regard to a range of matters in considering whether to make an order and the terms of the order. These include matters relevant to the applicant, to the respondent and to others who may be affected, such as children of the parties concerned.

To enable the restraint of a person who unless restrained may loiter in the vicinity of a school, game arcade or other place where children may congregate, the Bill provides that the court, in addition to other matters, is to have regard to any criminal record of the person and any similar previous behaviour of the person. This provision is based on similar provisions in South Australia relating to paedophile restraining orders. However, the provision in this Bill is broader than its South Australian counterpart in that it also provides a remedy relating to loitering behaviour.

Applications may be made in person, or, in the case of violence restraining orders, by telephone where the circumstances or urgency of the situation are such that an application in person would not be practical. An application in person may be made to a Court of Petty Sessions or, if the respondent is a child, to the Children's Court. A telephone application may be made only to an authorised magistrate by an authorised person such as a police officer or by a person appointed as an authorised person. If necessary, to facilitate service of any order which may be made, a police order may detain a respondent during a telephone hearing for a maximum period of two hours.

Hearings: If the application is for a violence restraining order, the applicant may choose to have an ex parte or initial hearing in the absence of the defendant. At a hearing in the absence of the respondent, the court may make a violence restraining order, dismiss the application or adjourn the matter to a mention hearing. If the order is for more than 72 hours, the respondent may object to a final order being made, in which case the matter would proceed to a defended hearing.

If the application is for a misconduct restraining order, the matter can proceed only by way of summons of the defendant to court, and thereafter to an order or defended hearing depending on the applicant and on the objection or otherwise of the respondent.

Restraints on the respondent: To assist the courts and to promote consistency the Bill includes a non-exclusive list of the sorts of restraints that may be imposed on the respondent. The Bill will allow the court to impose such restraints as the court considers necessary on the otherwise lawful activities of the respondent to prevent the respondent from engaging in the conduct which caused the application to be made. In the case of a violence restraining order these include restraints necessary to prevent the respondent committing a violent personal offence against the applicant, or behaving in a manner which could reasonably be expected to cause the applicant - or the person making application on behalf of the applicant - to fear that the respondent will commit such an offence.

A respondent may be restrained from being on or near premises where the applicant lives or works; being on or near specified premises or in a specified locality or place; approaching within a specified distance of the applicant; communicating, or attempting to communicate with the applicant; and preventing the applicant from using personal property reasonably needed by the applicant, and causing or allowing another person to engage in such conduct.

If the court makes a violence restraining order, it must impose a firearms order. The court may also impose a firearms order in making a misconduct restraining order. A firearms order prohibits the restrained person from being in possession of a firearm or obtaining a firearms licence except where the court determines otherwise.

Where a firearms order is made against a person who has access to a firearm in the course of his or her usual occupation, the Commissioner of Police is required to promptly notify the person's employer of the order and that it is an offence for the employer to allow the restrained person to use or have access to a firearm in contravention of the order.

Duration: When a violence restraining order is made at an ex parte hearing or by telephone, it will generally remain in force until the matter goes to a defended hearing or the respondent indicates that he or she does not wish to defend the order. It will then be made a final order which will remain in force for the period specified in it, or, if no period is specified, for two years.

A violence restraining order obtained over the telephone has a maximum duration of three months. A misconduct restraining order remains in force for the period specified in it, or, if no period is specified, for one year. As a response to situations of short term violence special provision has been made in relation to violence restraining orders the duration of which is 72 hours or less. Such orders will lapse automatically if not served within 24 hours and, having been served, are not subject to the defended hearing procedure. They will remain in force only for the period specified in the order.

Variation or cancellation: Application may be made to a Court of Petty Sessions, or to the Children's Court where a child is bound by the order, for variation or cancellation of a final order. Such an application may be made by the person protected by the order, a parent or guardian on behalf of the protected person, a police officer, or a person bound by the order.

If an application is made for variation or revocation by a restrained person, the court must first hold a hearing to determine whether to grant leave for the application to proceed. The court may grant such leave only if it is satisfied that there has been a significant change in circumstances since the order was made. At a hearing to consider variation or cancellation the court may dismiss the application; make a new restraining order in addition to the original restraining order; cancel the original restraining order and make a new one; or cancel the original restraining order.

Service: A summons relating to a restraining order may be served personally or by prepaid registered post. Personal service of restraining orders is required, except in certain circumstances specified in the Act where the order may be served by registered post. Oral service may be authorised where reasonable efforts have been made to serve the order personally. Where the court is satisfied that a person is deliberately avoiding being served with a document, the person serving the document may take such steps as the court directs to bring the document to the attention of the person being served.

Penalties: A person bound by a restraining order who breaches that order commits an offence. The Bill proposes that a graduated range of penalties should apply as follows: For breach of a violence restraining order - $6 000 or imprisonment for 18 months; for breach of a violence restraining order of 72 hours or less - $2 000 or imprisonment for six months; and for breach of a misconduct restraining order - $1 000.

In certain circumstances, it is a defence to a charge of breaching a restraining order for the person bound by the order to satisfy the court that the person acted with the consent, as defined in section 319(2)(a) of the Criminal Code, of

the person protected by the order. However, this defence is not applicable if the protected person is a child or someone for whom a guardian has been appointed.

The Bill sets penalties also for a restrained person who fails to answer or who gives false information when asked whether he or she has access to firearms in the course of his or her usual occupation - $2 000 or imprisonment for six months; and an employer who has been notified that a restrained person is not to have access to a firearm and who permits that person to have such access is liable to a fine of $4 000.

Other important reforms in the Bill are as follows. Where the respondent or person bound by the order is a child, a responsible adult is required to attend proceedings. A person aggrieved by the decision of a court may appeal against that decision to the Supreme Court in accordance with part VIII of the Justices Act 1902 or the Children's Court of Western Australia Act 1988, or the commonwealth Family Law Act. To avoid conflict with certain family orders made under the Western Australian Family Court Act the applicant is required to notify the court of any family order or pending application for such an order, and the court cannot make a restraining order that conflicts with a family order if the court does not have jurisdiction under those Acts to modify the family order. The court is not to order the applicant for a violence restraining order to pay costs to the respondent unless it considers the application was frivolous or vexatious. As a further means of protecting a person protected by a restraining order the Bill requires the court to ensure that the protected person's whereabouts are not generally revealed. Finally, provision for the registration and recognition of restraining orders made in another State or Territory is transferred to this Bill from part VIIA of the Justices Act.

In conclusion, the Bill provides effective means to address the range of circumstances where a restraining order is an appropriate response to situations confronting individuals in our community. In particular, by creating a form of restraining order relating specifically to violence, the Bill is an important part of the Government's response to family and domestic violence and paedophile activity. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

HAIRDRESSERS REGISTRATION REPEAL BILL

Second Reading

MRS EDWARDES (Kingsley - Minister for Employment and Training) [4.40 pm]: I move -

That the Bill be now read a second time.

In September 1994 the other place referred a Green Bill for the repeal of the Hairdressers Registration Act to the Standing Committee on Government Agencies. The standing committee consulted widely about the role and effectiveness of the Hairdressers Registration Board and tabled its report on the Hairdressers Registration Repeal Bill 1994 on Tuesday, 28 November 1995. The report indicated that the standing committee saw no need for the continued existence of the legislation.

The findings of the committee are consistent with reviews carried out under the previous Labor Government and the recently released report of the Commonwealth-State Committee on Regulatory Reform, "A Review of Partially Registered Occupations". This report to heads of government recommends the dismantling of registration requirements for occupations that are registered under legislation in some States and Territories, but not in others. In today's more complex business environment the legislation is creating inequities.

The Act sets up regulatory barriers for hairdressers, not only between Western Australia and other States and Territories, but also within the State. Legislation for the registration of hairdressers is not in place in Queensland, Victoria, South Australia, the Northern Territory or the Australian Capital Territory. The current Western Australian legislation does not apply to areas above the twenty-sixth parallel or outside an 8 kilometre radius of the general post office in Kalgoorlie.

The need to register hairdressers no longer exists as a number of broader and more appropriate legislative instruments regulate the operations of hairdressing salons. These include legislation relating to occupational health and safety, public health, fair trading and local government by-laws. Complementary to this legislative control is the state training system which supports training and provides for hairdressers' qualifications.

In its report the Standing Committee on Government Agencies recommended that the Minister establish a body to advise on matters affecting hairdressing, including training, accreditation, health and safety. In relation to training and accreditation of training programs, the industry has a voice through its representatives on the wholesale, retail and personal services industry training council. Furthermore, the industry has associations that are well placed to make representations to other Ministers on issues such as occupational health and safety and fair trading. Therefore,

adequate avenues are available for industry to communicate with government. It is open to the industry to establish a professional body to coordinate activities and institute a code of ethics, conduct and best practice.

In repealing the Hairdressers Registration Act this Bill will also provide for the abolition of the Hairdressers Registration Board. Clause 6 of this Bill will facilitate the winding up of the board and the establishment of a hairdressing industry account at Treasury. Residual funds, generated from past annual registration fees paid by hairdressers, will be placed in the account and returned to the industry through the provision of training and support for the industry.

I intend to establish a committee that has representatives from industry to operate through the State Training Board to advise me on how the funds can be used for the maximum benefit of the industry. I envisage that the money will be used for such things as examining assessment mechanisms to reflect national competency standards in hairdresser training.

In conclusion, the Government is committed to removing unnecessary regulation and financial burden on this sector of small business. The current legislation does not apply uniformly across the State and does not contribute to enhancing the delivery of hairdressing services. In 1996 the Hairdressers Registration Repeal Bill was passed by the other place and read a second time in this place. The repeal Bill did not proceed past that stage. There are no changes to this Bill from the Hairdressers Registration Repeal Bill that was introduced into Parliament in 1996. I commend the Bill to the House.

Debate adjourned, on motion by Mr Cunningham.

LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Second Reading

Resumed from 27 March.

MR BROWN (Bassendean) [4.44 pm]: "In Germany, the Nazis came for the Communists and I didn't speak up because I was not a Communist. Then they came for the Jews and I didn't speak up because I was not a Jew. Then they came for the trade unionists and I didn't speak up because I was not a trade unionist. Then they came for the Catholics and I was a Protestant so I didn't speak up. Then they came for me . . . By that time there was no one to speak up for anyone." That is a quote by Pastor Martin Niemoller, who survived the Second World War. He was interned and placed in a concentration camp during that period. Pastor Niemoller was a U-boat commander in World War I. He was ordained in 1924 and dismissed from his post by the Nazis in 1934, and was then sent to a concentration camp for the duration of the war. He survived to become a bishop in the evangelical church. That statement says many things, but it refers particularly to the things we expect when we talk about freedom. It is about political freedom, religious freedom and organisational freedom. They are the hallmarks of a free society as we know them.

Governments, both left and right, have sought to trample on those freedoms that at least some of us hold dear. Attempts have been made in this State by previous conservative Governments to trample on those freedoms. We saw the inequity of the amendments to section 54B of the Police Act to stop people from meeting together at public protests. Amendments were made to the Electoral Act by a conservative Government that sought to stop people becoming enrolled to vote and participating fully in the electoral affairs of this State. Now we see a further attempt by a conservative Government to limit and effectively destroy the role of the trade union moment.

Any democracy that can call itself a democracy allows for different points of view and for the operation of organisations, including organisations that represent workers. The extent to which a State does not permit organisations of workers to operate is the extent to which that State seeks to erode one pillar of democracy and the freedoms many of us expect. This legislation by itself seeks to place onerous provisions on the union movement in this State which will remove a plank of that important freedom and democracy as we know it.

Given that that is of such fundamental importance in any democracy, the questions we must ask are: What is the reason for introducing a Bill of this nature? Is it important in the public interest? Who wants it? What pressure has been applied to the Government to put a Bill of this nature in place? Who in the community says that the types of changes proposed in the Bill, the changes the Government is rushing through Parliament, are so important to the community that they must be made now and in a way the Government proposes? Where is the public clamour for this legislation? Let us consider where the public clamour is; whether there is any need for it, whether people are screaming out for it, and whether people want this type of legislation in this State.

The first place we can look to determine that question is the Review of the Western Australian Labour Relations Legislation, a substantial report carried out by Commissioner G.L. Fielding in 1995. The commissioner considered a variety of legislative changes and invited the community to submit views about the changes that should be made

to the legislation. The commissioner's report is dated July 1995 and since that time a copy of the submissions presented has also been produced.

When looking for evidence of the public clamour for this type of legislation it is important to examine the information submitted to the review. The whole community - individuals, organisations, political parties, and so on - was entitled to present a point of view. Some of the groups that took that opportunity included: The Chamber of Commerce and Industry of Western Australia; the Department of Productivity and Labour Relations; the Electrical Contractors Association of Western Australia; Hamersley Iron Pty Ltd; the Master Plumbers' and Mechanical Services Association of Western Australia; the Union of Employers; the Master Cleaners Guild of Western Australia; the Motor Trade Association of Western Australia; the Retail Traders' Association of Western Australia; the Western Australian Hotels Association Incorporated; and the Western Australian Meat Marketing Corporation. Many major groups in the community put forward proposals for change to the Western Australian industrial relations system.

One might ask how many of the groups making submissions at that time - in 1995 when the legislation was hatched by the Government - proposed the types of changes included in the Government's current legislation. One does not need to be a genius to work out how many respected employer, union and other groups in the community put forward proposals of this type. Not one of them proposed such change; there was no public clamour; and there was no desire on the part of those organisations to follow that route. The inquiry, which was paid for by the taxpayers of this State, received no submissions along those lines.

Mr Kierath interjected.

Mr BROWN: The Minister will have his chance to respond.

I will deal with a couple of the submissions and quote a particular paragraph which is quite telling and which states:

> The overriding objective of the Review should be to minimise the number of disputes and boost productivity. Over the last 15 years there has been a substantial decline in the number of working days lost through industrial disputes.

Who made that submission? It was the then Minister for Resources Development, Energy, Tourism and Leader of the House in the Legislative Assembly - the current Leader of the House and member for Cottesloe. Not only did the member not say there was any need for this type of legislation but he also said the opposite - that the level of disputation had declined over the past 15 years. He therefore destroyed any argument justifying this legislation.

One might also ask whether we are currently witnessing an outbreak of industrial unrest such that the legislation should be changed so urgently. That is certainly not the case. The Minister for Labour Relations, in his usual modest fashion, issued a media release on 2 January 1997 in which he stated -

> Western Australia has the lowest number of working days lost in any State or Territory with a figure which is half the number of days lost for the previous 12 months.

Therefore, there was no clamour for change and no organisations have suggested that the legislation should be changed as the Government has proposed. Indeed, the number of working days lost as a result of industrial disputes has declined.

Commissioner Fielding received a couple of submissions relating to secret ballots. Those submissions did not advocate the system which the Government now proposes but one which dealt with the situation before employees could engage in legal strike action. This legislation provides that, even when employees go through the secret ballot process, if the ballot is passed by the majority and if the employees take industrial action in accordance with the decision of the ballot, they are still in breach of their contract of employment and can still be sacked or sued for damages. So, even when they go through that process, the worker who takes the action in accordance with any decision made can still be dismissed or sued for damages.

A couple of employer organisations proposed to the Fielding review a system similar to that provided for in the British legislation, where a secret ballot is held but if that ballot is endorsed by the majority of those participating then it constitutes protected industrial action and no damages costs can be imposed or action taken.

It is very interesting to see what Commissioner Fielding had to say about the concept of secret ballots in his report, in which he stated -

> The Master Builders' Association of Western Australia and The Electrical Contractors' Association of Western Australia (Union of Employers) advocated that the Act be amended to require secret ballots as a condition precedent to lawful strikes. There was otherwise little support for the proposition from employers. The Act currently imposes no such obligation and I do not support such a proposal.

> The Act originally contained a provision of this nature. The provision was repealed in 1984 on the basis that it had never been used since it was introduced in 1979 and because it was seen as dealing with the effect, rather than the cause, of conflict.
>
> Wherever the concept has been applied, it has generally been honoured in the breach rather than in the acceptance. Furthermore, industrial action sanctioned by a ballot can be more difficult to end than industrial action that is not so formally actioned. Union officials, in their dealings with the Commission regarding the industrial action, might feel constrained by reason of the vote to do little or nothing to encourage the cessation of the action. Furthermore, it might not be illegitimate for the employees to suggest that a ballot should be held to decide whether to end the industrial action, which of course takes time. Moreover, the proposal proceeds on the premise that industrial action is often generated by union officials rather than by the workforce. In my experience, that is frequently not the case, particularly of recent years. A similar conclusion was reached by the Donovan Royal Commission in respect of unions in the United Kingdom.

That was the finding of Commissioner Fielding. It was not a finding of the union movement, a union clone, or some left wing academic. It was a finding by Commissioner Fielding who, in his former life, was a lawyer and magistrate and a person to whom no-one could refer in his or her wildest claims as having a left wing bias or a bias towards unions.

What is the rationale for the legislation? Employer organisations in this State have not asked for it. The level of industrial disputation has been declining for years. As the Minister for Energy said in his submission, it has been in decline for the past 15 years and is still declining. No longer are there claims for enormous wage increases or things like that. What is the reason for the legislation? There has been no recommendation for the legislation from members of tribunals. In fact, the opposite is the case: An experienced member of the Industrial Relations Tribunal has said it will make the resolution of industrial disputes more difficult.

What is the rationale for this legislation? Who is driving it? The rationale for it is twofold. First, the Minister for Labour Relations has a pathological hatred of the union movement and those involved in it. That hatred blinds him to any reasonable assessment of the legislation. The second and more intrinsic reason is that for the past four years the Government has spent $400 000 on public opinion polling. That polling, for which the taxpayer has paid, indicated that the public would like to see secret ballots before strike action. Therefore, this legislation has been put forward on the basis of appeasing the Minister through agreement with his parliamentary colleagues, and the Government's ruling by public opinion polling. However, that polling does not indicate what people mean by supporting secret ballots before strike action. Does it mean that they believe that when people attend meetings, they should vote secretly; that is, in a ballot box? When one talks to people about their perception of what a secret ballot before strike action should be, they say that, when people vote at a meeting, instead of putting up their hands, they should place their votes in a ballot box. People like that idea because they think that will stop industrial disputes by preventing people in positions to influence how members vote from exerting that influence. That is the perception. However, my experience indicates that perception is incorrect.

What is not known is that the proposed legislation is unworkable. It is deliberately unworkable because the Government's dilemma is that legislation that authorises a successful secret ballot being held before industrial action will legitimise that action in the eyes of the public. That is the last thing that the coalition wants. This legislation is about the Government setting up a mechanism whereby a ballot cannot be successful because the hurdles are so great that it will be impossible for a union to get a positive result for industrial action. The hurdles in the legislation will make it impossible for the legislation to work and the Minister wants to see the provisions in the legislation breached because of those hurdles. This legislation is not about secret ballots. This is about the Government running a political campaign for the public. Even if a ballot resulted in support for industrial action, the Government would be able to say that the union did not go through the proper process of conducting a secret ballot.

Why do I say that? The provisions of the legislation include a number of very interesting concepts, the first of which is who can apply to hold a secret ballot and what is the test. Section 97D(1) of the Industrial Relations Act states -

> 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 the strike.

That means that if person A thinks persons B and C who are members of an organisation are thinking about taking industrial action, person A can apply to the Industrial Relations Commission to hold a secret ballot and for it to order persons B and C to participate in a secret ballot if they are thinking about taking industrial action. Person A will not necessarily get the secret ballot order because the commission has to satisfy itself person A is correct in thinking that persons B and C are contemplating taking industrial action. That is nonsense. I do not know of any other area of the law in which a person makes an application to a tribunal on the basis of what that person thinks other people are

contemplating and where the tribunal makes a decision on the basis of whether it accepts that a person is correct in assuming what other people are contemplating. It is a nonsense.

The second point which indicates what a nonsense it is, is that the result of the ballot will not be valid unless the majority of those eligible to vote - not those who vote, but the majority of those eligible to vote - vote in favour of industrial action. It is unfortunate that the same provision is not applied to the state election. If it were applied, the Minister for Labour Relations would not have been elected. At the last state election, the Minister for Labour Relations received 46 per cent of all votes counted. Therefore, under these rules he lost. However, if one asks how many votes he received of the total number compared with the number of electors on the roll, one finds he received 41 per cent of the vote. He wishes to apply this test to the union movement, to union members, but not to himself. He is happy to sit here and draw his $180 000 a year after receiving only 41 per cent of the vote -

Mr Kierath: I wish it was.

Mr BROWN: But under this legislation people must receive 50 per cent of the vote. I could go on about this part of the legislation, but those two examples indicate what the legislation is all about. It is not about secret ballots but about the creation of a series of provisions which are unworkable. They are so bureaucratic, so weird in their drafting, and create so many hurdles, people will not comply. Of course, that is what the Minister wants. The Minister wants that to happen not for the purpose of minimising industrial disputes but for political gain.

The aim of the legislation is obvious. It is also about weakening the position of the union movement in this State and encouraging people to leave unions. This legislation applies only to unions; it does not apply to non-union members who take industrial action, and it does not apply to people on workplace agreements. This measure is also about encouraging people to leave the traditional industrial relations system and move to workplace agreements. Part of that campaign is obvious in the media where we have seen advertisements on television, with hundreds of thousands of taxpayers' dollars being wasted on propaganda. This has been carried out by the use of carefully crafted information.

I will provide a couple of examples. Last year a report by the Commissioner for Workplace Agreements which was tabled in this House indicated that 83 per cent of people on workplace agreements had received an increase in pay. However, the fine print of the report shows how the 83 per cent was achieved. The section dealing with wage increases states that the information may not reflect all wage movements since the workplace agreement may have been used to formalise existing over award payments. The measurement was undertaken in this way: If you, Mr Acting Speaker (Mr Ainsworth), were paid an award wage of $400 a week, and received an over award of $50 a week, your weekly wage would be $450. If you entered a workplace agreement under which you were paid $430 a week, the test applied was that the award rate was $400 and the workplace agreement wage was $430 a week. Therefore, you would be deemed to have received a $30 wage increase. However, in reality it would represent a $20 wage reduction. Under the Workplace Agreements Act all this information is secret, apart from the public sector. Only the Minister can see that information. We have asked detailed questions in this place concerning earnings rather than figures fudged by a subservient Commissioner for Workplace Agreements, but we have been denied that information. All the evidence indicates that, although the notional rate appears higher, in a range of areas people who work shifts, receive regular overtime or an over award payment, in reality receive a lower income. We have seen this frequently. It is not unusual. It has happened to ordinary working people in other countries under a deregulated labour market. I have been to the United States twice and spoken about these matters to welfare organisations and what is left of the union movement. This is the reason that in 1991 one in five workers were on the minimum wage of $5.15 an hour. That is why we see abject poverty in the United States -

Mr Shave: Why don't they rush to join your unions here?

Mr BROWN: We will deal with that during debate. I oppose this legislation, not for organisational reasons or because of the union movement, but because it will take us down the American path. It will lead to abject poverty.

MR McGINTY (Fremantle) [5.17 pm]: We have experienced some dark hours in this Parliament over the past four years. We saw the first and second waves of industrial relations legislation brought to this Parliament, and the removal of civil rights of workers in this State. We also witnessed, with the introduction of the now unconstitutional native title legislation, an attempt by this Government to remove the civil rights of indigenous people in a racist fashion. We have also seen the contemptuous neglect of the recommendations by the Commission on Government and the Royal Commission into Commercial Activities of Government and Other Matters, which has denied the citizens of this State their right to an accountable Government. Now, with this third wave of industrial relations legislation we are experiencing yet another dark time, with the Government acting on the basis of hatred, ideology and untruths. The Government intends to pass legislation of which we cannot collectively be proud. During the course of debate, other members will deal extensively with the obnoxious provisions of this measure which increasingly is being viewed, like the Minister who created it, as unbalanced.

Of its nature, this legislation is antisocial. It is biased, unfair and extreme. We have discovered today that this Parliament will be denied the opportunity of properly debating the contents of this legislation. If I have properly categorised this legislation by calling it unbalanced, antisocial, unfair and extreme, it is no wonder that the Government wants to remove it from the agenda and from this Parliament - particularly this House - as soon as possible. By the use of the guillotine, the Government will use the brute strength of its numbers to deny this Parliament its constitutional role of properly debating the issue.

The day after tomorrow this legislation will pass through this House regardless of the nature of debate. We have seen this before. We have seen the blind hatred of this Minister in action. He is not interested in listening to any issues raised during debate. He has his sights set on 9.30 pm on Thursday when the guillotine will fall, and his colleagues will be saved the embarrassment of trying to support this indefensible legislation. The Government must pass this legislation through this House this week to frustrate the will of the people. It must transmit this legislation to the Legislative Council so that it can be passed through that House before the will of the people takes effect, because the Government knows it would not receive the necessary support to have this legislation passed after the results of the recent state election are fully implemented. That is a shocking state of affairs. In presiding over this debate, Mr Acting Speaker (Mr Ainsworth), you should feel extremely uneasy about this legislation. You know that the proceedings of this Parliament are being bastardised. You know that you are a party to that bastardisation. In exactly the same way that the Minister for Labour Relations is bastardising the processes, you and others who sit in that Chair during this debate are bastardising the processes and denying proper representative democracy to the people of this State.

We have known for a long time this Minister and the truth are strangers. Two weeks ago in this Parliament we saw a very clear demonstration of his duplicity. To achieve a political point against those he regards with a measure of hatred and animosity - that is, anyone who is part of the union movement in the State - the Minister told an untruth to the Parliament when he said that the role of the union officials was not before the courts when it clearly was. That untruth was told to Parliament in a bare-faced fashion. We then saw what we will see with this legislation - the crude use of numbers to ram something through this Parliament in which I do not think anyone, other than the Minister, in his heart of hearts believes. That same dishonesty was present in the second reading speech from the Minister. In the time available to me in this debate I will dispose of just one of those myths the Minister has been putting about. If I wanted to be less charitable, I would call them untruths.

I will look at the use the Minister has made over a period of an analogy between this legislation and the British industrial relations legislation. In the second reading speech and a number of media statements and media appearances, the Minister has compared this legislation, in part, with the relevant British legislation. The Minister says that the United Kingdom legislation will not be repealed by the Labour Party in Britain and we are doing somewhat comparable things here; therefore, why does the Labor Party in this State object to what we are doing here? That is simply not true - and the Minister knows it is not true. In a calculated way he has set out to mislead the people of this State, and also the Parliament. In Britain we have had 18 years of Conservative government. For those 18 years we have had ideologues driving the debate, which is similar to what we have had in the past four years in Western Australia. They are driven by a hatred of organised labour.

The Conservative Government in the UK, flying in the face of European opinion and actions, has pursued an isolationist policy. One of the remarkable things about the isolation which the Conservatives have thrust Britain into during their time in office relates to the European social chapter, a product of the emergence of the European Economic Union. The Conservative Party in Britain stood out against the rest of Europe and said that it would not endorse the European social chapter which required an acceptance by participating states in the European Economic Union of the very radical notions of discussion, conciliation, accommodation, and of employers and employees working together for the benefits of the productive enterprise. That was far too radical a proposition for the Conservatives in Britain to adopt. They wanted to adopt a program based on hatred of trade unions, and despising working people. That is very much what we have here. To the extent that the Minister tries to draw those analogies, he is correct in terms of the architects of the policy that has been adopted in the UK and by himself.

Rather than the notion of industrial democracy with employers and employees working together to resolve their problems - we saw that in this country for a very long time under our arbitration system - the Conservatives in Britain prefer a reversion to class warfare, flying very much in the face of what is happening elsewhere in Europe. In three weeks that same Conservative Government is heading towards a monumental routing at the polls - a monumental defeat - and it will be reduced to a mere rump. Part of the reason for that is that it is completely out of touch with what is going on. After this Government in Western Australia, it is arguably the second most anti-union, antiworker government in the world.

That is important because in the lead-up to the election the Conservatives in the United Kingdom have put out a paper dealing with matters that are very much the subject of this Bill. It is nowhere near as extreme. With all of the inputs

from Thatcherite Britain, all of the hatred of the union movement that the class based system in the UK could muster, the proposals for change in the unlikely event that the Conservatives are elected are nowhere near as radical, as antiworker, as anti-union, or as antisocial as what is contained in this legislation.

Mr Riebeling: Nor was theirs before the last election.

Mr McGINTY: It is interesting to see how the leopards opposite change their spots once they are elected and must have something passed through the Parliament before the numbers in the upper House change. In November of last year - only a few months ago - the Conservative Government in Britain produced a Green Paper to outline to the public what it would do in these important areas of industrial relations if it were elected. The report is entitled "Industrial Action and Trade Unions" and was presented to Parliament by the President of the Board of Trade by command of Her Majesty in November 1996. The most important principle outlined in the proposal for industrial relations changes in the United Kingdom under a newly elected Conservative Government states -

> The Government believes that the right to take industrial action should be properly balanced by protection for the community. Industrial action should be taken only as a last resort and be organised in such a way as to avoid excessive adverse effects on third parties.

That language is absolutely temperate, compared with the frothing at the mouth and the hatred that comes from this Minister and this Government, as set out in the legislation before the House today.

The next point I will draw from the report is the current law in the United Kingdom. For the sake of accuracy, I will read out a description of the current state of the law relating to unions and industrial relations in the United Kingdom. On page 1 it states -

> When employees strike or take other forms of industrial action, they usually breach their contracts of employment by doing so. This means that trade unions, their officials or others who call for or organise industrial action are inducing breaches, or interfering with the performance, of contracts. They may also be interfering with the ability of the workers' employer, and of others, to fulfil commercial contracts. Under the common law, inducing someone to break a contract, interfering with the performance of a contract by unlawful means, and threatening to do either are unlawful. Without special protection in statute, trade unions or their officials could face legal action whenever they called industrial action.

I will pause there briefly. That is the situation in Western Australia prior to the passage of this draconian legislation which we are debating. The report from the Department of Trade and Industry then goes on to say -

> In 1906 Parliament therefore first granted statutory immunities from the operation of the common law to protect those who do certain acts "in contemplation or furtherance of a trade dispute" from being sued. The immunities apply to those who induce industrial action but do not protect strikers themselves. They are in breach of their contracts and may be dismissed by their employer and even sued for breach of contract, though in practice the latter hardly ever happens.

The common law position between the United Kingdom and Australia is clear and comparable. The big difference, however, is that in a practical sense employees in the United Kingdom are never pursued by their employer and in a legal sense trade unions are granted immunity from common law action by the Government, employers or other interested third parties. The industrial relations law is erected in that country on a radically different basis from what is provided in this legislation. I hazard a guess that the union movement in this country would be extremely happy with those provisions of the UK legislation applying here. However, the way in which the Minister seeks to mislead people on the industrial laws in the UK has not indicated that unions there enjoy immunity from prosecution in common law when industrial action is organised by their members in certain circumstances.

The report refers to the changes in the legislation made during the 1980s.

The ACTING SPEAKER (Mr Ainsworth): Order! The background noise is too high for Hansard.

Mr McGINTY: It reads -

> . . . it is now a condition of immunity that, before calling a strike or other industrial action, a trade union must first obtain the support of its members through a properly conducted ballot and must provide at least seven days' notice to their employer of planned official industrial action.

They have seven days' notice and nothing like the cumbersome procedures to be written into the law of this State which will require seven weeks to process a determination of the will of union members on industrial action.

It is important to have a complete understanding of the details of the way in which the British system operates because so much of this Government's philosophy takes its ideological inspiration from Thatcher. The report goes on to say -

> Before 1982 trade unions also had much wider immunity from legal actions than their officials or other individuals. Trade Unions were protected from all legal proceedings for civil wrongs - torts in England and Wales, delicts in Scotland - except for certain Acts not done in contemplation or furtherance of a trade dispute. However, this extended immunity for trade unions was abolished in 1982.

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

Mr McGINTY: The position of the United Kingdom compared with some of the issues to be debated in this legislation is radically more favourable to the union movement and working people than this Government contemplates with this legislation.

The other point that should be made concerns essential services. By a measure of stealth the Minister has attempted to introduce essential service provisions into this legislation. The British report observes in respect of essential services laws at page 5 of the report -

> In Britain restrictions on strikes in essential services are confined to a few specific areas. For example, the armed forces and police are prohibited from striking and it is unlawful to call on prison officers to take industrial action.

According to this report that is the extent to which industrial action in an essential service is proscribed in the United Kingdom. It is scarcely a basis on which such wide ranging legislation can be proposed here in Western Australia.

The report deals in some detail with the British Government's proposals for change. In the summary at page viii of the report the proposals for change are briefly stated as follows -

> The Government invites views on its proposals to amend the law on industrial action by:
>
> a. removing immunity from industrial action which has disproportionate or excessive effects;
>
> b. increasing from seven to fourteen days the period of notice which a trade union must give in order to enjoy the statutory immunity;
>
> c. raising the threshold required for an industrial action ballot to confer immunity on a trade union from the majority of those actually voting to the majority of those entitled to vote; and
>
> d. requiring trade unions to seek support for industrial action to continue through a new ballot two or three months after the start of continuous industrial action, or after a specified number of instances of discontinuous industrial action, and at regular intervals thereafter.

That is hardly a radical proposal designed to achieve the effects this legislation here is designed to achieve.

The report then goes on to define the circumstances in which trade unions' immunity from prosecution under the law of tort would apply and those cases where industrial action was seen to have excessive effects. At page 7 of the report it reads -

> The Government considers that a better approach is to focus on the effects of industrial action. **The Government therefore proposes to remove immunity from industrial action which has disproportionate or excessive effects.**

Disproportionate or excessive effects are defined as something which involve one or a combination of the following -

- risks to life, health or safety;
- threats to national security;
- serious damage to property or to the economy;
- significant disruption of everyday life or activities in the whole or part of the country.

It is not the essential services legislation contained in this legislation, which is nothing more than a bit of union bashing and hysteria. We are talking about the second most anti-union Government in the world saying if we are elected we will introduce legislation which will achieve these ends, which is nowhere near the contents of this Bill. As I said at the outset this legislation is extremist. It is not something that will find a resonant call with the ordinary citizens in this State. They do not like it. They see it as excessive and extreme and it will be part of the Government's

downfall because it is not balanced in any sense. Members opposite are not bringing laws before this Parliament for the betterment of the public.

The report notes that the period of notice and the issue of seven days' notice required before a strike in the United Kingdom in order to attract the common law immunity were also the subject of consideration. There was no requirement of seven days' notice if unions were happy to waive the common law immunity, such as applies here in Western Australia. In order to enable employers to make alternative arrangements and to enable business customers to take precautions to look after their interests the conservatives in Britain suggested that 14 days was an adequate period of notice, not the seven weeks proposed by this Bill.

Mr Kierath: It is seven days, not seven weeks.

Mr McGINTY: As a bankrupt, the Minister should be careful. He has not had the decency to pay his creditors 100¢ in the dollar.

Mr Kierath: You are a bitter man.

Mr McGINTY: Much of the money he robbed from his creditors because he was a failure in business. When he went bankrupt and robbed the people who were his creditors by not paying them 100¢ in the dollar -

The ACTING SPEAKER: Order! I have listened carefully to the comments the member for Fremantle made directly to the Minister, rather than through the Chair, in the past minute or two. Although they could be seen as impugning the Minister, I am not sure that in an historical sense that is the case because it is a matter that has long since passed and does not apply to the legislation before the Chamber. However, I remind the member for Fremantle to be very careful when implying any improper motive in the Minister's actions, either past or present.

Withdrawal of Remark

Mr KIERATH: The last comment by the member for Fremantle was definitely unparliamentary. He accused me of robbing people.

The ACTING SPEAKER (Mr Ainsworth): The Minister is correct. I ask the member for Fremantle to withdraw his comment.

Mr McGINTY: I withdraw.

Debate Resumed

Mr McGINTY: It is on the public record that the Minister for Labour Relations is a bankrupt. He did not pay his creditors 100¢ in the dollar. In fact, he paid them a very small proportion of that amount. He has a moral, if not a legal, duty to pay those people for the services and goods they delivered to him, but he failed to do that. The architect of this legislation was a failure in business and he used the bankruptcy laws of this country to avoid his legal and moral obligations. He declared himself bankrupt and did not pay out to the people to whom he had a moral duty. That is the sort of person with whom opposition members are dealing. He is happy to walk away from his obligations and engage in an exercise based on hatred against the working people of this country who put in an honest day's toil to earn an honest day's wage. They are not like this Minister who was happy to bludge on the people who provided him with goods and services in good faith -

Mr Shave interjected.

Mr McGINTY: They are not like the Minister for Lands' mate who was happy to bludge on the people who provided him with goods and services in good faith and then became a bankrupt -

Several members interjected.

The ACTING SPEAKER: Order! The member for Fremantle would have far less trouble getting his message across if he stuck to the motion before the Chair, which is that the Bill be read a second time. While he may feel very strongly about the line of argument he is putting and the personalities involved in the drawing up of this legislation, they have absolutely nothing to do with the legislation. I ask him to return to the motion before the Chair.

Withdrawal of Remark

Mr KIERATH: In his last comment the member for Fremantle accused me of being a little crook. I ask that he be requested to withdraw the comment because it is unparliamentary.

The ACTING SPEAKER: Unfortunately, I did not hear that comment because there were at least three members shouting over each other. If the member for Fremantle made that comment, I ask him to withdraw it.

Mr McGINTY: I withdraw.

Points of Order

Mr RIEBELING: Mr Acting Speaker, I ask you to call the member for Alfred Cove to order. He referred to the member on his feet as a bludger and used other derogatory terms to describe him. You have allowed his comments to pass without asking him to withdraw them. However, on two occasions you have requested the member for Fremantle to withdraw those remarks which have been in response to comments made by heckle and jeckle. You are allowing them to ride roughshod over the member for Fremantle.

Mr KIERATH: The member for Fremantle called me worse names than the remarks he was requested to withdraw, but he was not requested to withdraw his remarks. I called for a withdrawal of remark on the occasions the member quite clearly went beyond what is parliamentary.

The ACTING SPEAKER: I advise the member for Burrup that I have allowed comments from members on both sides of the House which should have been called to order. I understand the sensitivities involved in this issue and for that reason I have been more lenient than I would normally be. I suggest to the member for Burrup that if he were to go over the records for the past four years, he would find I have probably called members on the government side of the House to order almost as often as I have called opposition members to order. Where members have transgressed the standing orders I have called them to order and I will continue to do so. I will maintain that impartiality. However, I take the point the member made and ask members on both sides of the House to refrain from using the type of language which has been used this evening.

Debate Resumed

Mr McGINTY: The report from the Department of Trade and Industry outlining the United Kingdom Conservative Government's legislative program, in the unlikely event that it wins the 1 May election, is interesting because it refers to the banning of specific strikes, which is very much a part of what is contained in this Bill. It is interesting to note on page 15 of the report that -

> A proposal made in the past by the Institute of Directors was for **the Government to take powers to ban specific strikes**.

The Conservative Government quickly dispatches that proposal over the long-on boundary by saying in the report that -

> On balance the Government considers that this option has considerable disadvantages -

The proposal in this Bill to ban specific strikes is something which even Thatcherite Britain found to have too many disadvantages to contemplate seriously. Therefore, the Conservative Party in Britain would not embrace that proposal as part of its election manifesto. The report also deals with the question of the partial removal of immunity against common law action which is enjoyed by trade unions in Britain, but which is not enjoyed by trade unions in Australia. On page 13 the report observes -

> Another possibility which the Government has examined is **partial removal of immunity to allow trade unions to be sued for damages** caused by any industrial action which they induce (but not for injunctions to stop strikes). There is an asymmetry in the existing law on unions and individual employees in that the courts are precluded from ordering employees not to strike, but any worker who does strike can be sacked and, in theory, could be sued by his employer for breach of contract. In practice this never happens because even where the employer does not reinstate sacked employees, it is not worthwhile to sue them. Trade unions, on the other hand, cannot be sued, and consequently no interim relief in the form of injunctions is available, provided that they act within the statutory immunities (ie they are acting in contemplation or furtherance of a trade dispute, they comply with the ballot requirements etc). Without this immunity, any organisation of or inducement to strike would be unlawful in the UK.

Further on the report states -

> This would be a very severe sanction in some cases and would effectively prevent some unions from calling strikes at all. It would fundamentally shift the "balance of power" towards employers and would arguably be inconsistent with the United Kingdom's international obligations.

Already it is the law in Western Australia and that is before the draconian provisions contained in this Bill are superimposed on the existing law. Again, that proposal was dispatched by the Conservative Government in the UK.

I have taken time to deal with the situation in the United Kingdom because too many members of this House, particularly the Minister for Labour Relations, bandy around the situation as it exists in the United Kingdom as

though it is something upon which this State's model has been based. I assure members it is not. We are dealing with something which is substantially more extreme and antisocial than that which exists in the UK. It is not only the UK which is out of step. If members undertake a survey of the other major western economies - Belgium, France, Germany, Italy, Japan, the Netherlands, New Zealand, Spain and the United States - they will not find legislation which is so vicious, nasty, antiworker and invented in a hatred of the trade union movement as is this legislation which the Minister has brought into this place. It is in that sense I made the comment at the beginning of my speech that some very dark hours have been spent in this Parliament in the past four years. Generally speaking, the darkest of those hours have involved the taking away of civil rights from citizens in this State, including the State's indigenous peoples. One of the fundamental human rights spelt out in the human rights treaties throughout the world is the right to own and not to be dispossessed of one's interest in property. That is exactly what this Parliament did in 1993 when it dispossessed the indigenous peoples of this State of their interest in their land. Fortunately, a 7-0 judgment of the High Court found that law to be racist. This Parliament should not be proud of that assessment; in fact, we should be collectively ashamed of it.

We have seen other attacks on the civil rights of citizens of this State, and bad law is passed each time those rights are eroded. As the Government collectively rams this legislation through the Parliament with indecent haste - in this House this week, and through the upper House before 22 May - it will be passing bad law. Its passage will be a black day for us all.

MR CARPENTER (Willagee) [5.50 pm]: I oppose the legislation. I believe - as do many on this side of the House and, I suspect, many members opposite - that this is unnecessary legislation which is extreme and provocative. I am sure that the community we represent does not need legislation with those three qualities.

I am somewhat, although not totally, surprised that the Government has seen fit to head down this path at this time given its experience with legislation of this type over the last few years. However, we must now debate this measure.

It must be recognised that this Bill is being guided by the Minister for Labour Relations. I have no intention of pouring scorn on him as other people have done. It must be very uncomfortable for the Minister to sit next to the Minister for Lands, who has clearly described him as a bludger and a person who is tearing down the education system. When the Minister for Lands spoke about people on high incomes sending their children to government schools, he called them bludgers and accused them of tearing down the education system. He sits next to the Minister for Labour Relations, who we have just heard earns a considerable income - something like $140 000 - and to my knowledge he has sent all his children to government schools. The Minister has my sympathy having to sit next to the Minister for Lands, who expressed those views specifically about the Minister. I do not want to add to the Minister's burden and discomfort by pouring more scorn upon his head - I leave that to his teammates!

Mr Shave: Will you knock back your superannuation? Will you give us a commitment that you will not take any superannuation?

The ACTING SPEAKER (Mr Ainsworth): Order!

Mr CARPENTER: The Minister might be in for a bit of a surprise about that.

I indicate to the Minister for Labour Relations and other government members that it is quite conceivable that these industrial relations reforms could be wrong.

It is worth noting in the context of this debate that the Minister has on other occasions demonstrated a capacity for extremity of thought which other people find somewhat disturbing. In the debate about the reintroduction of the death penalty, which occurred when I was a working journalist, the Minister gave us all a rather illuminating insight into what his mental processes can be at times. During that debate the Minister said that he supported the death penalty; plenty of people agree with that, and it is not necessarily a sign of extremity of thought at all. The Minister also said he would be quite prepared to act as the executioner in some cases.

Mr Kierath: I did not say "quite prepared".

Mr CARPENTER: "Willingly", I think the Minister said. Again, many people would be prepared to do that in some cases. However, the Minister went on to say that people who are wrongly convicted of murder would be better off executed than spending long years wrongfully imprisoned. Unless my judgment has deserted me totally, most people would have lost the Minister about that stage. I remember asking the Minister at the time whether he actually meant the words he had said - I assumed that he had not - and he assured me that he had meant those words. The prospect of executing innocent people did not seem to faze him that much.

Several members interjected.

The SPEAKER: Order! The member for Willagee has used up a few minutes of his allocated time, but as yet he has not addressed the matter at hand; namely, the Labour Relations Legislation Amendment Bill. I ask the member to bring his remarks into the area of debate before the House.

Mr CARPENTER: I wonder whether government members have really thought much about what the Minister's legislation means. In a way I hope members opposite have not thought much about it. I do not believe most members opposite are extremists or would support extremist legislation if they fully understood it. Their support could only be given because they have not thought through the Bill's very serious implications.

These implications have been recognised by some members opposite on other occasions. The Deputy Premier is one such person: He raised reasonable concerns about the implications of the so-called second wave reform last year, and he was right to do so. However, the Minister for Labour Relations said of the Deputy Premier in *The West Australian* of 11 May 1996, "I do not think industrial relations is his forte."

Australian Bureau of Statistics information on industrial disputes in this State, which the Minister has referred to on other occasions, indicate that in 1993 the number of working days lost per 1 000 employees in this State had tumbled from 89 the previous year to 48 in 1993. In 1994, the figure reduced to 42 working days lost. However, the legislation about which the Deputy Premier expressed concern was introduced into the public arena in 1995, during which year the number of working days lost per 1 000 employees in this State went from 42 to 150; in other words, nearly a four-fold increase occurred. I wonder who it is who does not have a sound grasp of industrial relations in this State. Is it the Deputy Premier or the current Minister for Labour Relations?

Unfortunately, it appears the Premier agrees with the assessment of the Minister for Labour Relations because the legislation has been reintroduced, albeit in a modified form. I am a little surprised by the Premier's attitude, because when he stepped into the debate and shelved last year's legislation I thought he indicated that he had developed a sense of moderation and was concerned about the ramifications of unnecessary legislation. It seems that the Premier has a contrary attitude; his position in this debate is interesting. Ultimately, the Premier is responsible for his Government, and he is responsible for this legislation. Apart from the commitment he apparently gave to the union movement, he seems to be repeating the mistakes of the past.

Sitting suspended from 5.59 to 7.30 pm

Mr CARPENTER: The legislation is extreme and unnecessary. It reflects the propensity of the Minister to make extreme decisions which upon more sober reflection he might not reach. I hope that is not the case with all other members on the government side. I said that the Premier in his role as the person ultimately responsible for legislation is repeating mistakes of the past from which lessons should have been learnt. It is interesting to look at the Government of Sir Charles Court and the battle he waged with the union movement. He ended up legislating to try to prevent public protest at various things his Government was doing. The legislation amended section 54B of the Police Act, and was guided through Parliament by another Liberal moderate - Mr Bill Hassell. The amendment to section 54B in general terms made it an offence for groups of three or more people to gather together in a public place without permission from the police. Even at that time it was considered excessive and completely unnecessary. Along with episodes like Noonkanbah, the attempt at disfranchising illiterate Aboriginal voters and closing the Fremantle to Perth railway line, section 54B goes down as a giant, unnecessary black mark against the political memory and legacy of the Court Government. One would think that the current Premier would have learnt a lesson from that experience and avoided taking on unnecessary and provocative legislation. We have heard quite a lot of detail from speakers on our side about what is wrong with the legislation. I do not want to repeat what has been said. I agree with every word that has been said so far on this side of the House.

I will refer to a situation in which I was involved personally. It might conceivably give the Minister and those who support his point of view a perspective other than their own to consider. The events occurred in 1994 when I was the Western Australian presenter of "The 7.30 Report". In August or September of that year the Australian Broadcasting Corporation management through the Chief Executive, David Hill, announced that the ABC was scrapping the state based 7.00 pm news and "The 7.30 Report".

Mr Prince interjected.

The SPEAKER: Order!

Mr CARPENTER: He announced that those programs would be replaced with a national program. The new arrangements were to be ratified by the ABC board and come into effect at the beginning of 1995, as staff were told. A national program was to be generated out of Sydney with contributions by local reporters. The announcement angered a lot of people in Western Australia, but not, I am sorry to say, the ABC management in Perth which enthusiastically and quite cravenly supported the decision, when one might have expected it to oppose it.

The current Minister for Labour Relations condemned the move and called publicly for the decision to be overturned and for the retention of the state based news and current affairs programs. My recollection may be in error, but the current Minister was the only state government Minister to speak out publicly in support of those state based programs being retained. I and others were grateful, and I still am, for his doing that. The journalists who were members of the Australian Journalists Association employed by the ABC in television decided to fight the decision to try to overturn it. We began a process of industrial action to be accompanied by the lobbying of board members of the ABC who had the capacity to overturn the management decision. The non-union staff did nothing about the proposition. By their silence they acquiesced in the decision. When industrial action was taken, they effectively undermined it by continuing to work. After a very unpleasant and ugly period of employment, the board overruled the management and the state 7.00 pm news and "The 7.30 Report" were reprieved. Unfortunately, for "The 7.30 Report" the reprieve was for only one year. My point, which I hope the Minister may take on board when considering the effects of this legislation, is this: It was only because of industrial action taken by the union backed ABC journalists that the 7.00 pm news and "The 7.30 Report" were saved in 1994. Without that action there is no doubt that Western Australia would no longer have news from Perth at 7.00 pm. As the Minister publicly supported our position that the 7.00 pm news and "The 7.30 Report" should be retained, we took industrial action to bring about the situation that he wanted. The outcome we achieved against great odds and quite disgraceful intimidation and outrageous lies by management was the outcome the Minister said he wanted.

If the legislative changes proposed in this Bill had applied to the union backed activities in the ABC in 1994, we would never have been able to organise the industrial action that we did in the time frame necessary in order to have the management decision overturned: It is as simple as that. The issue was not wages and conditions because jobs and wages were being guaranteed by management. Axing "The 7.30 Report" was a program decision over which we took industrial action. Having to wait weeks in order to be able to take industrial action is simply not appropriate in many circumstances. That was one such circumstance. Under the provisions of this legislation, our stop work meetings in order to discuss what the ABC was doing and what we should do in response would have been deemed strikes and illegal without the lengthy process of a ballot. By the time permission for industrial action might or might not have been granted in 1994, it would have been all too late. I have been involved in industrial action as a journalist on several occasions, and on each occasion that action was preceded by a ballot. On several occasions, I voted against taking industrial action and was outvoted by my colleagues, but I never felt intimidated by any of my colleagues as a result of my voting against them.

However, I do understand intimidation in the workplace, because although I have never experienced it from a union, I have experienced it from ABC management on several occasions. On one occasion - not the dispute over the future of the news and "The 7.30 Report" - Peter Holland and I were singled out and stood down from our employment for refusing to sign an agreement not to take part in industrial action. Interestingly for me, that was one of the occasions when I had opposed the industrial action in the first place. I was also stood down during the dispute over the news and "The 7.30 Report" and warned that my contract might not be renewed if I continued to speak out publicly against what the ABC was doing.

Perhaps I have overlooked something in the Bill, but I have noticed that the clauses deal only with the behaviour of employees and not with the behaviour of employers.

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

Mr CARPENTER: Given what I know about the Minister and his comments at that time, I would like to think that, if the Minister had been employed at the ABC at that time, he would have supported us in what we were doing.

Mr Riebeling: I doubt it!

Mr Kierath: I probably would have.

Mr CARPENTER: The non-union members did not support the remainder of us, despite the obvious consequences of a refusal to fight the ABC's decision. Under the provisions of this Bill, if the non-union members had decided to strike and we as union members had decided not to strike, where would that have left us and where would that have left them? What would have prevented them, and what penalties would have applied to them? This legislation has an obvious inequity in that regard. I ask the Minister and members of the Government: Were we right in the action that we took to have the 1994 ABC decision overturned, and its decision to dump the state based 7 o'clock news and "The 7.30 Report" reviewed? My view, and I believe the view of the Minister and the overwhelming majority of people in this State, was that we were right. We knew we were right at the time, and I have never heard anybody say seriously that we were not right, apart from the ABC managers in Perth and the people to whom they answer in Sydney.

A person does not have to be a card carrying member of the Communist Party, pursuing the overthrow of the system or trying to tear down society, to be a member of a union who wants the right to take industrial action if that is deemed necessary, and there are occasions when it is necessary. A person does not have to be what the Minister describes as a union thug to want to take industrial action. However, that is a very difficult decision to make on some occasions, because a level of intimidation does apply to people who decide to take industrial action, and the longer the delay between the decision to take industrial action and the capacity to take that action, the greater is the level of intimidation and the less likely it is that people will take that action. People who have to wait two, three, four, five, six or seven weeks before they are legally able to take industrial action about a situation that has arisen at their workplace are less likely to take that action, not because the action is not justified, but because they will feel intimidated, and that intimidation will increase as the length of time increases.

A person can be a responsible member of the community and believe that industrial action is justified in the pursuit of something that is important to not just the individual but also the wider community. The situation that arose at the ABC in 1994, and other similar situations that arose in my experience at the ABC, are perfect illustrations of how ordinary, responsible members of the community can be provoked into taking industrial action, not necessarily to further their own selfish interests, but often by putting at risk their own interests to pursue what they believe is right.

I believe - I may be wrong - one of the problems for members opposite is that they see unions from only one point of view; that is, as antagonists and the enemy. Few members opposite would have been part of a union or recognised the real and valuable role that unions play.

Mr Johnson: Is it a valuable role? It used to be.

Mr CARPENTER: It still is.

Mr Johnson: Absolutely not. They have abused their role.

Mr CARPENTER: Who is demanding that this legislation be introduced?

Mr Johnson: Did you see the Channel 10 poll? Two-thirds of the general public voted in favour of secret ballots.

Mr CARPENTER: Where are the business leaders of this State who are demanding that this legislation be introduced? I was a journalist in 1995 when the second wave legislation was promised - or threatened - and I had the opportunity of interviewing several of the business leaders of our community. They were on the public record as supporting the Minister, but they told me privately that they believed these aspects of the legislation were completely unnecessary and they wished the Government had not introduced them because they could see no advantages and only the difficulties and problems that would arise.

We need only look at what happened in 1995 to see the consequences of implementing this sort of legislation. The Government will provoke industrial disputation, for no reason. The national figures of working days lost per 1 000 workers indicate that Western Australia fares very well when compared with the other States. Why is it necessary to provoke a situation which will increase industrial disputation? Why is the Minister acting in this way? I know that he is aggrieved by his personal experience with unions, but that is not a good enough reason to introduce this legislation.

Mr Kierath: You are not trotting out that old line again, are you?

Mr CARPENTER: No. That is not a good enough reason to introduce this legislation, which will affect everybody. If the Minister has a personal grievance against unions, he should sort it out in a personal way. He should not implement laws in this State that will provoke people into taking industrial action.

Mr Johnson interjected.

The SPEAKER: Order!

Mr CARPENTER: Where is the level of industrial disputation that has preceded and that justifies this legislation? The Minister has come into the Parliament on numerous occasions and said proudly that the level of industrial disputation has declined dramatically under his ministership. Where is the need for this legislation? The ordinary working person who is in a union is not a rabid maniac who wants to destroy society. If that is the Minister's view, it is outdated. People believe unions have a justified and valuable role to play. However, this legislation will cause unions to be hamstrung to the point where they will be unable to perform many of the functions that people expect of them.

When situations arise in a workplace about which people feel aggrieved and they want action taken, they rely on the support of their unions, because individually they feel powerless to take action against employers. They require,

need and look forward to the backing of their union. The union must be capable of supporting its members. This legislation makes that support of union members extremely difficult, if not impossible. It is unconscionable that union members face a delay of up to seven weeks before situations can be addressed through industrial action. It cannot be allowed to happen.

My last comments relate to the political expenditure element of this legislation. Setting aside everything else in the Bill, I cannot for the life of me understand what business it is of the Government to try to direct unions on where they should or should not spend their money. If unions are spending their money lawfully, what business is it of the Government? What right does the Government have to try to direct unions in the way they legally and lawfully spend their money? What right does the Government have to make it illegal for unions to spend their money on political campaigns? It is not right, and it should not be allowed to occur. I can see no reason for it. I have not come across anybody in business who thinks this is necessary; nobody thinks this is necessary. I cannot understand why the Minister or members of the Government would think it is necessary. Why are we not legislating to force companies to conduct ballots of shareholders before they are allowed to spend their money on political campaigns? If the Government were consistent, it would place the same constraints upon every organisation in the community. Why does the Government not legislate for voluntary organisations and direct them on how they can and cannot spend their money? That is what this legislation imposes on unions. It is not right and there is no reason for it. It is another unnecessarily provocative element of the legislation which the Minister should seriously reconsider.

Putting aside everything else, the Minister should look at that element and decide whether it is necessary. What business is it of the Minister if a union wants to contribute to my campaign as a member of Parliament? It has nothing to do with him. I am not interested in trying to stop organisations contributing to the Minister's campaign. I would not dream of it. It is their business. It would not worry me if a company wanted to sling its money the Minister's way; it has nothing to do with me.

Mr Omodei: What about individual unionists?

Mr CARPENTER: Is union membership compulsory? How a union directs its funds has nothing to do with the Minister. If the Government were consistent, it would apply the same principles to the Liberal Party. Let the Minister start in his own backyard. The Roman emperor Caligula made his horse a senator. This week the Liberal Party went one better and made Ross Lightfoot a senator.

Withdrawal of Remark

Mr MINSON: It is not proper to reflect on a member in another place in such a way as to bring him into disrepute. To draw a parallel between Hon Ross Lightfoot becoming a senator and the idiotic behaviour of Caligula some years ago is entirely inappropriate and I ask you, Mr Speaker, to request that be withdrawn.

Mr KOBELKE: The member for Greenough has entered into debate as to whether the idiotic actions of Emperor Caligula equate to the deliberations of the Liberal Party. We could have an interesting debate on that, but it is not a point of order. The member was using a historical reference to emphasise a point. If members on the other side are so thin skinned that they see that as an attack on one of their members, so be it . However, it is a common understanding of the public today.

The SPEAKER: It is contrary to standing orders to adversely reflect on people in another place. In the context in which the remark was made, I believe there is a requirement to withdraw it, so I ask the member for Willagee to withdraw.

Mr CARPENTER: I withdraw the remark.

Debate Resumed

Mr CARPENTER: My point -

Point of Order

Mr KIERATH: The member's time has expired.

The SPEAKER: The clock has run down.

Debate Resumed

MR RIEBELING (Burrup) [7.55 pm]: I oppose this legislation. I hope that by the end of this week members of the Government, other than the Minister for Labour Relations, might have looked at the legislation. It is a clear example of this Minister's almost pathological hatred of the union movement. Members must consider why the Minister is introducing this sort of legislation.

Mr Kierath interjected.

Mr RIEBELING: The Minister will hear me say this again and again as long as he keeps introducing undemocratic legislation that is designed to create problems, to destroy the union movement, and to take away the rights of workers. The problem is that the Minister hates workers.

The SPEAKER: The member for Burrup will direct his remarks to the Chair.

Mr RIEBELING: We must consider the reason that this Minister has concerns about the way unions operate, when the majority of employers in this State do not have those concerns. Those few employers who have the same concerns as the Minister are trying to rort the system. They want to hide things from unions. They do not want their wages books inspected, because they are paying their workers less than they should.

Mr Omodei: The member for Burrup should name those employers outside this place.

Mr RIEBELING: Why do they want to hide from the union movement if they are doing the right thing by the work force? The only reason that an employer hides his wages book is that he is not doing the right thing. The Minister for Labour Relations knows all about that. If this legislation had been in place when the Minister was running his cleaning business, there would not have been a fire. This Minister got rid of the evidence. The Minister built up a hatred of the union movement when he operated that business.

In 1995 the Premier of this State announced to the public of Western Australia that he would not proceed with the more draconian measures that the Minister for Labour Relations wanted to introduce in the last wave of industrial changes. The Premier said in the last Parliament that his Government did not have the mandate to proceed with that legislation, so that legislation was off the agenda. During the last election campaign we heard almost nothing from the Minister for Labour Relations about what he intended to do if the conservatives were re-elected. He said nothing about this type of legislation. The Premier said his Government did not have a mandate to pursue these changes in the last Parliament; he now says that it does. I dispute that. However, the Government does not want to use the Parliament that was elected in 1996. The Government is trying to ram through this House within a week legislation that conservatively we should take at least three weeks to consider..

Mr Johnson: Most of it has been considered.

Mr RIEBELING: I doubt that members opposite even know what is in the legislation.

Mr Johnson: I do not think you are correct.

Mr RIEBELING: I am right. Many members on the government side of the House are far more moderate than this Minister and they would be appalled at what is in this legislation. The member for Hillarys should read the legislation before he decides whether he wants his name associated with it. This legislation will cause civil unrest in this State. What we saw yesterday on the Kwinana Freeway is just the start. This legislation and the Minister will be the cause of that unrest, and not the union movement. This Minister is taking away union rights, and people will stand up for those rights. People should not argue against the Minister but they should stand up for the rights of citizens and argue against his proposal to take them away.

Mr Johnson: He is not taking away the rights of citizens.

Mr RIEBELING: He absolutely is.

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

Mr RIEBELING: The Minister has said several times that the provisions in the Bill relating to secret ballots are simple, the process can take place in a couple of days and all will be well. I understand from my reading of the legislation that the secret ballot provisions involve 14 steps, each of which can take several days or even weeks.

Mr Kierath: You have been listening to the TLC again.

Mr RIEBELING: I listen to the TLC because its members know what they are talking about. Certainly no-one listens to the Minister because no-one believes him any more. The last time this House sat the Minister led an outrageous attack on the Speaker when the Minister deliberately misled this House. This House voted against that motion -

Withdrawal of Remark

The SPEAKER: Order! I am trying to convey a very clear message to members that they may talk about people telling untruths or misleading the place, but a deliberate untruth is equivalent to a lie. Also deliberately misleading the House is a serious offence. I ask the member to withdraw those words.

Mr RIEBELING : I withdraw.

Debate Resumed

Mr RIEBELING: The last time this place sat debate took place about the actions of the Minister. Despite the fact that the vote was lost on party lines, many people on both sides of the House were concerned about the way in which the Minister acted on that occasion. The Minister has acted in that way on numerous occasions. I hope the more moderate members on the other side of the House will try to bring the Minister back into line. It appears to me that no great endeavour is being made to do that at the moment.

The legislation attacks unions and their members very severely. It is interesting that the electronic media have got it wrong with regard to this legislation. The Minister is getting a fair run on the electronic media with regard to his issues. The Minister said that the slow driving along the freeway by unionists yesterday was an example of what he is trying to stamp out. He forgot to mention - as he always does - that his actions have caused the industrial action.

Mr Kierath: It is an abuse of power.

Mr RIEBELING: It is not an abuse of power. The Minister is abusing his power by taking away the rights of unions and their members. He is happy to do that because that is the type of person he is. He loves to do these things. He thinks he can kick the hell out of the union movement and its members will take it. He is wrong.

Mr Kierath: You would be surprised to know how many people have rung my office and told me they have been waiting for this for years.

Mr RIEBELING: The Minister would be surprised to know how many nutters there are in this world. The vast majority of union members and representatives of the public think he is a radical. They think this legislation is unnecessary and they do not understand the secret ballot provisions because the Minister has not told them the truth. I am sure that in his response to this debate the Minister will say that the conduct of a secret ballot is a simple process. The Minister knows that is not right. He will say it anyhow and he will mislead this place.

Mr Kierath: The process can take place in seven days, or even less time.

Mr RIEBELING: And it could take much longer, and would on numerous occasions.

Mr Kierath: Yes.

Mr RIEBELING: The Minister has now provided in the legislation for a third party to intervene in a dispute to make the process even longer. Does he deny that?

Mr Kierath: No. It is the words you choose.

Mr RIEBELING: The Minister has set up a system whereby when a union and a company are in dispute, another company will be allowed to intervene and drag it out.

Mr Kierath: If they are affected.

Mr RIEBELING: They could be affected.

Mr Kierath: You said the company would not be affected by it.

Mr RIEBELING: I did not say that at all. That is one provision the Minister tried to pass over so that members on his side would think he is a reasonable fellow. No-one believes the Minister any more. One of the people who has seen right through this Minister wrote an editorial in *The West Australian* on 24 March this year. He hit the nail on the head when he said at page 12 of the newspaper that the legislation seems to be aimed more at provoking unions than fostering industrial stability and fairness in the workplace. It also stated that Mr Kierath acknowledged that he wanted to push the legislation through State Parliament by 22 May. Why is that? Is it because the Government will lose control in the other place after that date?

Mr Kierath: It has been before the Houses twice before. It was first prepared in 1995.

Mr RIEBELING: It was withdrawn because the Government lost the vote in the upper House. Did the Government lose the election in the other House?

Mr Kierath: Not until May.

Mr RIEBELING: The Government's current mandate came from the last election.

Mr Kierath: Your side lost seats up there.

Mr RIEBELING: For the first time in 100 years the coalition has lost control of the upper House, and there seems to be a huge desire to get this Bill into the upper House by 22 May. I understand the membership in the other place

will be quite different on 23 May, and this legislation would not pass through that House. The Minister knows the Government has no ability to convince the Democrats and the Greens that this is reasonable legislation.

Mr Kierath: Have you forgotten how your Government rammed 27 Bills through in one and a half days?

Mr Carpenter: That was time management!

Mr RIEBELING: I will deal with the Minister's legislation to indicate what a compassionate person he is and how willing he is to compromise. I cannot remember any legislation the Minister has introduced in this Parliament that has not been slammed through this Parliament with the use of the guillotine. No doubt the Minister will correct me if I am mistaken.

Mr Kierath: You are wrong.

Mr RIEBELING: Which Bill?

Mr Kierath: The transfer of land legislation.

Mr RIEBELING: All industrial relations and workers' compensation legislation introduced by this Minister has been guillotined through this House without full debate. Much of the legislation that was guillotined was later amended. The Minister proposes to slam this legislation through both Houses, without regard for the fact that it contains a huge number of mistakes. No doubt after the composition of the other place has changed, the Minister will introduce amending legislation to fix up this Bill and the other House will amend it because this is horrible legislation that should not be passed. Within a week we will debate the legislation and, despite what the Minister says, this legislation contains a number of draconian provisions.

Mr Kierath: Most of them have been here twice before.

Mr RIEBELING: Yes, and were pulled out because of some protests.

Mr Kierath: It was not pulled out in this House but in the Legislative Council.

Mr RIEBELING: What a guy!

The SPEAKER: Order! I have allowed many interjections, particularly between the member on his feet and the Minister. To some extent it has added to the debate but in the last couple of minutes it has not added to the debate. I ask the member for Burrup to direct his remarks through the Chair. He has had a long time in which to talk on side issues to the Bill.

Mr RIEBELING: I hope the Minister's interjections improve in quality. This legislation is designed to attack the heart of the union movement. Civil unrest will occur and it will continue until this Government grows up and realises that it does not pay to kick the hell out of unions; it must be able to work with the work force. The majority of employers think that is the case. This legislation is an attempt to destroy unions. Everyone understands that is the Minister's intention. The Minister and the Government have no mandate to pursue this legislation through to an upper House of which the Government is about to lose control. The Government claims this legislation is its last clear mandate. If it has a clear mandate from the last election, why must it force this Bill through? It does not have a clear mandate in the other place.

This legislation will allow the Minister to remove union coverage of workers in specific industries. The union movement thinks the Minister also would superimpose another union. My reading of the legislation does not necessarily show that. The Minister could superimpose another organisation, not necessarily a union, but perhaps the Western Australian Chamber of Commerce and Industry, to look after union affairs. It might be able to pick up the Fremantle Football Club and whack it in for control of the union movement.

Mr Kierath: I would definitely give that support.

Mr RIEBELING: The Minister probably would. This legislation will provide the ability to remove effective union operatives. It covers offences that will result in the suspension of union officials for up to three years for breaching the rules of advertising and the like.

Mr Kierath: You said the Minister would remove the unions' coverage. Which clause does that?

Mr RIEBELING: Is this the Minister's legislation?

Mr Kierath: It puts the powers in the full bench, not in the Minister.

Mr RIEBELING: The Minister has designed individual offences in this legislation to knock off union members. The Bill provides for the suspension of a union official for up to three years. The more cynical among us, of whom I am

one, think that this Minister has deliberately designed the legislation so the Government can go through the unions and pick off, one by one, the most effective operatives and suspend them for periods up to three years. If they continue to operate, they will be dragged before the Supreme Court and dealt with for contempt of the order of suspension. Those draconian steps against people who are elected to those positions is not democratic.

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

Mr RIEBELING: That removal of the rights of workers is the most antidemocratic provision I have seen in any legislation in the past five years. The Minister may be correct in saying that his legislation was not defeated in this House. However, certain parts of this legislation were not included in the last attempt to change the State's industrial relations laws.

It concerns me that the Minister has deliberately included in the legislation a provision to censor what unions can comment on. That provision has large penalties attached to it and involves the same sort of action as I described earlier; namely, the suspension of a union official for up to three years. This Bill is designed to censor critics of this Government and reduce their ability to contact their members about political issues that affect them. If this sort of legislation is passed, what will stop the Government from moving into other areas of censorship? It appears from the legislation that the Minister thinks the union moment has no business being involved in political issues. The Minister thinks the union movement does not have a right to comment on legislation such as the Bill members are discussing now. Once this legislation is passed it will be an offence for a union to issue a pamphlet opposing the legislation that wipes it out. That sort of censorship of the union movement should not be allowed.

Every person in this place - including, I hope, members on the other side - should look at the legacy they will leave future generations from this legislation. We can imagine what type of place we will leave our children and our children's children if we take away the ability of unions to be efficient and effective in protecting the rights of workers. The Minister for Labour Relations would like the workers of this State to have no rights and not to be protected by any legislation that means a fair wage must be paid for the work they put in for employers. Fortunately, the majority of employers are not of the type who would take advantage of this sort of legislation. However, the Minister is an example of an employer who would take advantage of that situation. He demonstrated that by his actions when he was employed as a cleaning contractor.

This legislation will do more than just get stuck into the union officials and the union movement. It will attack the rights of workers. Workers will be required to advise bosses whether they belong to a union, and parts of the legislation will compel unions to advise the employer of the union members within the business. Many members of unions are reluctant to do that with certain employers. That privacy, which is being taken away by this legislation, is something for which people fought and, frankly, which they did not think would be removed.

Under legislation that is now in place it does not pay a worker in my electorate to stand up and say he belongs to a union. Within a short period that worker at Robe River Iron Associates, for instance, would be packing up his family and moving out, because, like this Minister, that company does not like unionists. It does not like the way they operate and it does not like members of its work force being involved with the union movement. One might wonder why a big employer like that would take that attitude. When Robe River moved to workplace agreements, the Minister said they would be easy for people to understand and no-one would be done out of any conditions - all would be well. Robe River knew differently. The work force at Robe River know that what the Opposition said about that was dead right. Robe River employees are given an easy to read 20-page contract and are told to sign it. One contract I saw recently related to train drivers.

Mr Kierath: How big was the award?

Mr RIEBELING: I am talking about the individual contracts, which replaced the awards. Apart from about 20 workers who are covered, there is no real award coverage in Robe River.

One provision of the contract stated that a driver on a maintenance run would be paid for eight hours' work. The driver who contacted me was very concerned that he had to do two or three of those runs every week and the average run took 13 hours. However, because of the terms of the contract, he was paid for only eight hours for each run. These workers have now signed 12-hour contracts for general run service. They are required to do the 12-hour run and, if everything goes well, it takes the full 12 hours. That time allowance does not take into account going to and from work and preparation for the run.

Mr Omodei: I have a nephew who is a train driver and he makes more money than he can spend.

Mr RIEBELING: I am very happy for the Minister. I have been contacted by 29 railway operators who are not as happy as the Minister's nephew. The 12-hour shift provision, which was to be covered in the legislation, now requires people to work a minimum of 12 hours but sometimes 16 and 17 hours.

Mr Kierath: Tell us how the workers at Tom Price voted.

Mr RIEBELING: They did not vote the way I wanted them to, but the Minister forgot to tell them about this legislation. The Minister deceived them by not mentioning that this would be done in the legislation.

Mr Kierath interjected.

Mr RIEBELING: There was a swing in Tom Price, and I am about to rectify that. The Minister should worry about his seat rather than mine. I will be here for a long time but he will not.

Mr Kierath interjected.

Mr RIEBELING: This legislation is an attack not only on the structure of unions but also on individual workers who are members of unions. The Minister quite boldly says that if a worker is sacked before completing 12 months' continuous service, he does not get any annual leave. Is that correct?

Mr Kierath: The parliamentary counsel was requested to draft the legislation to reflect what is contained in most awards.

Mr RIEBELING: So awards provide that people lose their entitlement to annual leave?

Mr Kierath: That is true in most awards.

[Interruption from the gallery.]

The SPEAKER: I remind those in the gallery that we like to see them here. I have noted that some have been here for a considerable time, and that is to be commended. However, they are here on the condition that they do not interfere with the debate. A limited number of warnings will be given. I am prepared to clear the gallery if they interfere with this place.

Mr RIEBELING: This legislation is unlike awards in that it removes the protection of workers - most awards enhance that protection. This legislation cannot in any way be described as friendly towards the work force.

Mr Kierath: I offer the member a challenge. It was our intention to reflect the provisions of most awards. If he can show us where it does not, we will certainly look at it.

Mr RIEBELING: If the Minister is offering the Opposition the opportunity to move an amendment to bring the legislation back into line and that the Government will support it, that is excellent.

Mr Kierath interjected.

Mr RIEBELING: This legislation provides that where union members are seeking federal award coverage the Minister can now wipe out the existing union's coverage and superimpose another organisation.

I was interrupted by the Minister and did not finish what I wanted to say in relation to the editorial in *The West Australian* of 24 March. I had quoted part of that editorial, which stated -

> . . . when the Government will lose control of the Legislative Council for the first time - reveals his continuing contempt for democratic principles.

The Minister has clearly demonstrated that contempt not only in this action but in several other actions he has taken since I have been in this place. The editorial went on to say -

> His handling of the so-called second-wave proposals in 1995 was disastrous.

This legislation will be even more disastrous. The editorial continues -

> His insistence on silly provisions that had more to do with niggling the union movement than with harmonious industrial relations contributed to the State-wide strike and blockade which cost WA $50 million.

This editor understands that the Minister's actions caused this industrial action. Over the next six months, or however long it takes to beat this Government into submission, we will see the union movement use every method - I applaud its efforts - to ensure that people on the opposite side of politics understand that this Minister's actions will not be tolerated by the union movement or by people who believe in democracy and that this State should be handed on to the next generation in better shape than it was in when members opposite got their hands on it. This Minister is destroying conditions and principles that have been developed over the past 100 years in this place.

The 24 March editorial analysed the Minister's actions perfectly. I am sure members opposite agree and I urge them to have a serious conversation with their Minister in the next few days.

MS McHALE (Thornlie) [8.28 pm]: In opposing this legislation, I have been trying to think of an image that conveys succinctly the damage this legislation will inflict and its mismatch with the reality of the workplace. I discovered the appropriate image in that used by the Government in 1993 when it introduced the first wave of this legislation. It was crass then and it is crass now. It depicts a garbage worker dressed in a ballerina's tutu and it encapsulates this legislation: It is stupid, crass and a mismatch between ideology and the reality of the workplace; it has no place in today's industrial context. Worse than that, it is an embarrassment to the key stakeholders in the industrial context. Those stakeholders are the employers, the employees, the customers of the various companies and organisations and the unions. The Minister forgets that the unions are recognised as key stakeholders in the industrial context.

This legislation, like this image, lacks intellectual rigour and displays the Minister's arrogance in the extreme. If that were not bad enough, this is the most destabilising and blatantly confrontationist piece of legislation that we have seen for a long time. It belongs in the past, not in the twenty-first century. Like the image, the Minister has been dancing to the same tune for the past four years. It is interesting to think about whom he is dancing with. In my view he is dancing with himself.

Mr Thomas: Playing with himself.

The SPEAKER: Order!

Withdrawal of Remark

Mr KIERATH : That comment was definitely unparliamentary and I seek its withdrawal.

The SPEAKER : The Minister is entitled to object to that. I ask that it be withdrawn.

Mr THOMAS : I withdraw, Mr Speaker.

Debate Resumed

Ms McHALE: There is a sense of dancing in the image I showed to the House. The Minister may be dancing with his political advisers. However, few other people are dancing to his tune. As far as I am concerned the music has stopped.

This legislation is arrant nonsense. It is anti-civil rights. Having been in the private sector and therefore according to the member for Alfred Cove not a bludger, I know that this legislation is an affront to employers and does nothing to enhance productivity, best practice or cooperation in the workplace.

I want to look at the philosophical framework at the basis of this legislation and to revisit the ideology underpinning the legislation. In referring to the legislation the second reading speech stated that the Government's vision of creating more jobs and more choices for Western Australians is predicated on the creation of more productive, more competitive, more rewarding, safer and fairer workplaces. It said also that such workplaces will only be achieved when we have implemented the reform initiatives laid out in two election platform documents and emphatically mandated by the people of Western Australia, not just in February 1993 but most recently in December 1996.

The second reading speech makes two points. The first is that companies can be productive and more competitive only if the legislation is implemented. It also refers to the mandate by the Western Australian people. We have already heard that argument debunked because of the changes that will soon occur in the upper House and we know why the legislation is being rammed through this House before the changes. That is the first indication of the arrogance of this legislation. It tries to draw a causal link between creative and innovative organisations and enterprises and this reform.

The philosophical basis of the first, the second, and the so-called third wave is to be found in the Liberal Party's 1993 pre-election policy statement "Jobs and Choices". The "Jobs and Choices" document released in October 1992 set out the Liberal Party's industrial relations policy, the catchcries of which are freedom and choice. I want members to remember those words because they will need to assess this legislation in that context. This document makes abundantly clear the Government's approach to the employment relationship that it wishes to encourage in the workplace. It is a relationship with little or no room for unions. It said that a Liberal-led Government would put the "relations" back into industrial relations. It said there would be a genuine team approach and the Liberal Party would foster interaction between employees and employers to allow each to become mutually dependent. That legislation and this legislation do nothing to foster genuine teamwork. It does everything to remove the legitimate stakeholders from the equation; that is, the unions.

I have listened to the Minister over the past few weeks and have come to understand his approach. I believe that he believes his own rhetoric. He cannot see beyond the dogma of his position, therefore I do not see much point in trying to convince him otherwise. Many people with firm views and beliefs in dogma and ideology refuse to see alternative positions and in many ways lose sight of the rational argument. I will therefore not concentrate my comments on the Minister. I will direct my contribution in this debate to those on the government benches whose minds are open to rational and intelligent reasoning. I refer to the editorial in *The West Australian* of November 1995. As far ago as 1995, *The West Australian* pinpointed the chasm that exists between the way the Minister views the industrial world and the way others view it. The editorial stated that Labour Relations Minister, Graham Kierath, has been driving his so-called second wave of industrial relations changes with an ideological fervour that may have precluded rational discussion of their values.

The rest of us will have that rational discussion tonight because we will be open to rational debate. Members opposite will think about this legislation and will make up their minds about what the legislation will deliver in real terms to the key stakeholders. We will not invite the Minister to join us because we know his position already. Let me ask government members some questions. Do they really think this legislation will deliver a more productive, a more competitive, a safer and fairer workplace? Do they think that this Bill will enable Western Australia to remain at the forefront of innovation and best practice in Australian industrial relations as the Minister claimed in his second reading speech? How can they allow the Minister to proceed with this legislation? Are they so out of touch with current academic thinking and global experience to be conned into supporting this legislation? Do they want to be responsible for another or possibly worse day like that of 17 October 1995 with the industrial blockade? That is what they will be supporting if they do not restrain the Minister and throw out this legislation.

As members opposite are intelligent and they will make up their own minds, because that is what they tell us they are about, I will help them answer the questions by looking at the characteristics of best practice. The Minister believes this legislation will enable Western Australia to remain at the forefront of best practice. I refer to an article in the journal of the Australian Institute of Management of September 1995. I will not quote union journals or radical journals. However, I will quote from a management journal that refers to the experience of companies in the current industrial climate. An article in the journal of the Australian Institute of Management identified 15 characteristics of best practice enterprises. Those characteristics are based on research that examined companies that changed their corporate culture and managed to introduce change and are at the leading edge of productivity and efficiency. I will not mention all 13 of them; however, I will highlight a few to help members put this piece of legislation into context. Some of the essential characteristics for being a best practice organisation, which this legislation is supposed to deliver, include a shared vision for world class performance; a strategic plan developed in consultation with the workplace; a cooperative and participative industrial relations culture that includes on-site union involvement; a commitment to continuous improvement and learning; a focus on customers, both internal and external; and a closer relationship with suppliers.

I return to my first point. The key stakeholders in the industrial climate these days are the employers, the employees, the suppliers and the unions. Therefore, for a best practice enterprise we must include the unions within the workplace. It is imperative to have a cooperative and participative culture which includes onsite union involvement. That is the model for best practice enterprises. I ask those opposite to show me one clause in this legislation which would help foster an environment in which these characteristics could flourish. Let us look at them: Duties of officials of unions, looking at political expenditure, changing the onus of unfair dismissals from the employer to the employee, the collection of union dues, restricting the right of entry of union officials when we want onsite union involvement, essential services legislation and others. On the one hand, how can we have the requirement for a cooperative and participative industrial relations culture and, on the other hand, be told that we will restrict union officials to enter worksites, we will tighten up the onus of unfair dismissals and change that shift? Let us compare the qualities of best practice enterprises with what the Minister is offering companies with the content of this legislation. Can the Minister answer this question: Which model derives the greatest benefit for employers and employees? It is not the Minister's legislation.

An interesting axiom is used quite often; that is, learn from the past but do not live there. This axiom is particularly appropriate to this legislation, because the Minister in developing, producing and presenting this legislation is living in the past. His legislation shows no vision for the future, because it is driven by ideology not good management practices. Let us look at the claim that the legislation is imperative to the creation of a more productive and more competitive workplace. The Minister's second reading speech has made that cause and effect connection; without one we cannot have the other. Let us consider that and see what is needed. In April 1994, John Prescott, the chief executive of BHP, said that we need to find the motivational triggers which unlock the tremendous productive potential of our people in every walk of life; and there is no doubt that productivity growth determines which companies win or lose in the international market place. Therefore, in an environment where innovative organisations

are endeavouring to change corporate culture, including the traditional attitudes of "us and them" the role of unions and their support is imperative.

The Minister must be living in the past because this legislation does not fit today's corporate landscape. It rips away the heart of the legitimacy of unions precisely at a time when employers need unions to help in the process of corporate change. To help members understand what I am saying, I will read from another management journal entitled "Executive Excellence". This crystallises in a few paragraphs what I am saying. It states that the climate of competitiveness in which the accepted way of climbing the corporate ladder was to outdo fellow employees has been replaced by shared values and a spirit of team work; the adversarial relationship between management and work force where each side was bent on giving as little as possible and taking as much as it could get, has given way to a "win one, win all" philosophy. It also states that stakeholders who used to concentrate on serving their own interests at the expense of others are now pooling their energy, pulling in the same direction, and while no company has yet realised all these ideals, those that have achieved only some success in some areas are reaping the benefits, in commercial terms.

The other comment in the article is that labor union officials and employer representations are no longer separated by a deep divide. Instead of the traditional power play and win-lose bargaining from opposing positions, they sit at the same side of the table and use their time and energy productively to everyone's advantage.

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

Ms McHALE: It also states that as insiders rather than outsiders, union officials evaluate business processes, recommend improvements, and assist with the task of developing worker skills. So the climate has changed, and the Minister is trying to parachute this legislation into a climate which is totally unreceptive to it. Had the Minister introduced this legislation 20 years ago it might have fitted the culture but it would still have been wrong. It is now a totally inappropriate piece of legislation for the climate in which companies find themselves.

Those ideals are not universally shared. There are various shades of that culture in our workplace, but it is widely accepted - perhaps not by the Minister's ministerial colleagues - that unions are legitimate stakeholders and can assist in the strategy of change. Unions are beginning to recognise that changing role and the imperative to work in a competitive environment. This legislation will blow that cooperation apart. This legislation does nothing for reasonable employers. They do not even want it. It does nothing for employees. It is so blatantly antagonistic to the union movement it will set back relationships between employers and employees for a long time.

I want to make a couple of observations about the reality of the workplace. These are interesting points. The fundamental issue is that while we talk about the relationship between employees and employers, and the generation of a team approach, we must factor in the idea that employees are also union members. We know that union membership has been declining but the unions consist of the employees. When employees feel that their unions are under attack they feel personally under attack. We must remember that, because it is not that the unions are separate from the employees; they are part of the same body. It is very important to remember when assessing the validity of this legislation and its contribution, whether it is worth the pain and heartache that it will cause, both in the short term and in the long term, through the industrial reaction to it, and we must take that into account.

Another observation about the behaviour of employees is that they never take strike action lightly. It is said that this legislation will enhance productivity because of the limits it will place on strike action, but employees never take strike action lightly. To lose a day's pay, or worse still to lose a week's wages, hurts. When a person earns $350 or $400 a week, the loss of a day's pay hurts. However, if workers feel disenchanted or let down by their employers' position they will take action because it is their choice to take that action. Let us remember choice and freedom, and it is their choice to take that action! If they do not want to, they will say that. Most people go to work because they have a loyalty to their employers and managers; they actually want to work and get paid. They do not want to take strike action but they will, because it is their choice and there is no other mechanism. The fact that they say they do not want to, does not mean that they think strike action is wrong. It is their choice, and they see that as the only mechanism for bringing about the change or the justice they want to see.

I will summarise the essence of what I have said. I have not dissected the legislation by looking at the pre-strike ballots, the unfair dismissals or other detailed elements of the legislation because I wanted to focus on the fundamental rationale that underpins this legislation; that is, that it will enhance productivity and create best practice enterprises. I tell the Minister that that logic is fundamentally flawed. Those opposite need to be honest about what this legislation is all about. It is not about productivity and efficiency; it is about ideology and ripping the heart out of the legitimacy of unions. It is a deceitful piece of legislation because the Government is pretending that it has a cloak of respectability, somehow linking the legislation to increased profitability. It is anti-collective bargaining and offers nothing to strategic management productivity and nothing in the quest of employers for competitive advantage.

If best practice is about cooperation, consultation and respect for all stakeholders, the union movement is part of that, and this legislation is the antithesis of it. In their deliberations I ask members opposite to think about this: It is a total mismatch between ideology and the reality of the workplace. It has no place in today's industrial context and will deliver nothing. As I said at the outset, it lacks intellectual rigour and is the most destabilising and blatantly confrontationist legislation we have seen, not a piece of legislation that will take us into the twenty-first century.

MS ANWYL (Kalgoorlie) [8.55 pm]: I oppose this legislation. Every word spoken so far by those on this side in this debate - it is one of the most important debates that could face this Parliament - has been the truth. As we have heard time and again throughout the life of this Parliament and the last, this Minister for Labour Relations is about ideology at the cost of the smooth management of the State. It may well be that members opposite have not perused this legislation. They are all nodding their heads to say they have. In that case I look forward to their answering some of the questions I will raise about how on earth this Bill can possibly speed up the development of this State and facilitate good relations between workers and employers.

The SPEAKER: Order! I remind members that I am allowing some interjections. Some of them have been very fruitful and have added to the debate; however, I cannot allow interjections across the Chamber from those on my right and my left while the member is on her feet.

Ms ANWYL: This Bill is about the erosion of workers' rights. I know that concept makes members opposite feel smug; however, such erosion of rights is basically unprecedented in this State.

This Bill is also about deception. Let there be no mistake. In the second paragraph of the second reading speech the Minister for Labour Relations talked about an election mandate. That is an absolute travesty. I will say once more emphatically that this is not about an election mandate. If it were, it would have been brought in after the change in the constitution of the upper House. It is simply wrong for this Government to say it has a mandate for this legislation. The reality is that this legislation was taken off the agenda.

Mr Johnson: This is the House of Review.

Ms ANWYL: The member who is interjecting knows that full well. It was taken off the agenda in 1995. It was then put back on the agenda in a much more draconian form. Not only was it taken off the agenda because of, presumably, some sort of electoral backlash, but also it was put back on the agenda in a much harsher and more draconian form.

We on this side have come to expect that this Minister suffers from a rabid ideological madness. He is hell-bent on destroying the rights of ordinary workers in this State. If we couple that rabid tendency with his unabashed hatred for the trade union movement, we start to get some understanding of why he is prepared to bring forward legislation like this.

I said that a principal issue was the deception of voters. The Government does not seem to realise that it has a mandate only in so far as it states its policies. I do not recall seeing any media releases about the new, proposed industrial relations changes in the lead-up to the last election.

Mr Bloffwitch: It was part of our industrial policy.

Ms ANWYL: There was no media publicity about it and no policy papers were put out about it. In fact, the direct opposite happened - an incredible silence. The Premier is not here, and I do not think he has been here throughout the currency of the debate. That is unfortunate because he reined in the Minister for Labour Relations in the lead-up to the last election. A firm undertaking was given by the Premier to the Trades and Labor Council about what would occur with this legislation.

It seems that promises are made to be broken when it comes to the short life, so far, of this Parliament. We have heard how on Thursday we will get a very tough Budget. The Premier has made no bones whatsoever about that. He certainly was not saying that in the lead-up to the last election. He is also clearly on the record about the gold tax, an issue which members on both sides know is dear to my heart. This is just another example of how the Premier failed to come clean in the lead-up to the last election. His deputy, the Leader of the National Party, went even further and ruled out a royalty.

The SPEAKER: Order! I am allowing a lot of flexibility for members to make points which are, to some extent, to the side of the legislation to allow them a good opportunity to express viewpoints; however, those comments must bear some relation to the legislation. When the member starts to talk about the gold tax and those sorts of things, I think she is straying from the legislation. I ask the member to keep to the second reading speech.

Ms ANWYL: I am making these comments in the context of the second reading speech. The Minister starts that speech by talking about election mandates. With respect, Mr Speaker, it is difficult to comment on that second reading speech without addressing the very first issue in it. In any event I was about to complete my remarks about

the gold royalty. Given your ruling, I will refrain from listing a number of other broken promises that we in this place have already seen.

The withdrawal of the previous second wave industrial legislation deserves the highest criticism. The Premier clearly allowed and encouraged the Western Australian people to have a false sense of security about the Minister's controversial second wave proposals. The fact that the legislation that is now before us is even more harsh than that previously proposed deserves the highest criticism.

Again no clear mandate was given because the voters were not told of the intention. It can be compared with imposing a goods and services tax when it was not on the agenda. A Government cannot do that and claim to have the mandate of the people. Once again the concept of an election mandate fails to address the principal issue of the timing of the introduction of this Bill in relation to the upper House. I am told that the Government is so keen to pass it that the House will sit for as long as it takes tonight and will sit beyond 6.00 pm on Thursday. We were told the legislation was off the agenda. As I said, the Premier all but gagged the Minister for Labour Relations. I do not remember any reference to this legislation in the lead-up to the last election.

Members opposite fail to realise that this is the stuff that cynicism is made of in the electorate. It is sick and tired of being told one thing time and time again, only to see another action taken. If we couple the duplicity I have referred to with the draconian content of this legislation, it can only be referred to as an example of the worst kind of ideological madness. To gain further evidence of this Minister's contempt for this Parliament and its processes one need only examine every piece of controversial legislation that has been rammed through this place. The guillotine has been applied time and time again. As all members know, it will be applied again in relation to this Bill.

Mr House: Not necessarily. If you sit down and let everyone else have a go, we can go home tonight.

Ms ANWYL: With respect, the Minister's comment underlines the flippancy with which he treats the erosion of workers' rights in this State.

In examining the past use of process and lack of respect for the institutions of this place we need only look at the way in which this Minister has singlehandedly wrecked the workers' compensation and common law systems in this State.

Mr Kierath: Most of them think it is the best in Australia.

Ms ANWYL: Most of them share the Minister's political persuasion.

Mr Kierath: They would all like to.

Ms ANWYL: The Minister does not seem to have any appreciation of the impact of his legislation on a number of areas. I know he does not care about workers' rights or proper compensation for injured people.

Mr Kierath: I do care about workers' rights.

Ms ANWYL: I do not think he does.

Mr Kierath interjected.

The ACTING SPEAKER (Mr Osborne) Order, members.

Ms ANWYL: The Minister fails to have any appreciation of the havoc he wreaked within the system. It is a matter of not only destroying rights but also making certain systems unworkable. I know that section 93D of the Workers' Compensation and Rehabilitation Act is still on the Minister's agenda because a question on notice revealed as much only a matter of weeks ago. He fails to understand that several judges in the District Court in this State have been occupied for years trying to interpret what is a flawed legal concept. It is so hopelessly drafted that huge numbers of lawyers and judges must spend time trying to interpret it.

Anyone who examines this legislation will see that it will be difficult to interpret. In many cases definitions are absent. The legislation refers to contemplated action, whatever that may be. No definition is given of that concept. It does not appear within the body of industrial law to date.

The havoc he has wreaked on compensation for workers in this State will pale into insignificance compared with the impact this legislation will have. Similarly, because of his ideological straitjacketing, the Minister does not understand that there are people who have principles and act not in self-interest but based on what they see to be a harsh and unjust imposition of legislation.

In his insistence on relying on whatever it was in his own financial background that seems to have led him to have this almost Don Quixote-like desire to destroy the union movement, he fails to understand that workable legislation is vital to the future of the State.

This legislation is not only about secret ballots, although that in itself is a very large aspect of the legislation. It has the potential to cause industry to grind to a halt for several weeks while the method is explored, including the requirement to have a postal ballot of all members of a work force or union. For larger unions that in itself will take weeks. The legislation is about many other measures which will destroy the civil rights of workers.

Proposed section 32, covering resume work orders, is a fairly novel concept in itself. It provides that the Minister will not have to rely on extending the rights of employers to engage the umpire's decision; he will not rely on the umpire's decision if it is unfavourable to him. A further power is provided for the Minister to apply to the Supreme Court to force the Industrial Relations Commission to take action - something I think is totally unnecessary, assuming that the umpire's decision would be upheld. It is difficult to see the Industrial Relations Commission making decisions that would be subject to an injunction by a Supreme Court judge.

Proposed section 84C relates to section 99 of the commonwealth Act covering federal dispute provisions. This Minister goes on at great length in this place about people's rights to choose whether to have a workplace agreement. These proposed part IIIA reforms will provide that the right to choose one's own labour organisation will be thrown out the window. The Bill provides that application can be made to remove a worker's right to join an appropriate representative body. When I say an appropriate organisation, I am assuming that the worker is in a good position to make a decision about which organisation best represents his interest.

Of course, for one reason or another a worker may elect to change organisations. That is what I call freedom of choice. However, this Minister is seeking a slimy, sly mechanism by which to cancel the coverage of state unions. It will be a defacto deregistration provision. One does not have to look far into proposed part IIIA to see - surprise, surprise - employers' rights are extended and workers' rights are reduced. I am pleased I have the Minister's attention again.

Proposed section 84C provides a deeming provision which then moves into proposed section 84D and sets out compulsory notification provisions. I wonder whether they are constitutional given that the federal body has already complied with necessary federal laws.

Mr Kierath interjected.

Ms ANWYL: Will the Minister table it?

Mr Kierath: No. I will provide the member with a summary of it.

Ms ANWYL: I would be pleased if the Minister were to do that because I fail to see how the overlapping provisions can be constitutional.

Mr Kierath interjected.

The ACTING SPEAKER (Mr Osborne): Order! The interjection is welcomed because the member on her feet is accepting it. However, I ask the Minister to make it more audible so that Hansard can report it.

Ms ANWYL: I would like the Minister to explain how it can be constitutional.

Mr Kierath: In the absence of federal law, state law applies. The only time federal law overrules state law is when federal law has a head of power which is in conflict with state law. If the federal law does not have a head of power, there is no conflict and state law applies. That is the simplest way of explaining what is a complex issue.

Ms ANWYL: Will the Minister provide me with a summary of it?

Mr Kierath: Yes.

Ms ANWYL: I would be obliged to receive it quickly and, I hope, before debate on the Bill continues - by tomorrow would be great.

Proposed section 84C is a deeming provision which states that where a federal organisation complies with the commonwealth Act it is deemed to have notified each state organisation -

Mr Kierath: You cannot hide behind a federal organisation.

Ms ANWYL: The Minister's comment displays his view of this Bill. The existing situation provides a choice of which award will be relied upon. I understand that in the courts there has been a clear upholding of the principle that individual labour organisations and workers are allowed to elect which system they will operate under. The Minister does not like that concept.

Mr Kierath: They choose one or the other.

Ms ANWYL: The Minister is displaying contempt for the findings of the courts in respect of these rights. Over the years a body of case law has built up on this subject.

Mr Kierath interjected.

The ACTING SPEAKER: Order! It would be more profitable if the member for Kalgoorlie directed her remarks to the Chair.

Ms ANWYL: I will do that, Mr Acting Speaker.

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

Ms ANWYL: Proposed section 84C states that a federal organisation which notifies the federal commission of a dispute will be deemed to notify the state organisation. It is a wide-ranging provision and it is very important. The federal organisation must undertake to notify each state organisation on a particular day.

Proposed section 84D is even more important because it states that an organisation shall, not later than seven days after that, notify the registrar of the dispute. It is easy to think of situations where that is not complied with, but the penalty on the state organisation for not complying with that provision is $5 000. It is a significant penalty. Surely it is enough that the organisation would incur this penalty. However, proposed section 84D(2) states that if the organisation is guilty of an offence, any officer of the organisation who is in any way, directly or indirectly, knowingly concerned in or party to the contravention of proposed subsection (1) is guilty of an offence and liable to a penalty of $1 000. Not only is the organisation charged $5 000, for what is a convoluted way of forming a de facto union, but also the officer of the organisation is fined $1 000. The legislation does not stop there. It includes in its net all officers who are indirectly or in any way a party to the heinous crime of failing to notify the organisation within seven days of having received the notice. It is a convoluted mechanism to ensure this de facto registration.

The next step is that within seven days of the deemed federal notification an advertisement must be inserted in the newspaper by the registrar stating that the procedure is in hand. The advertisement allows, through its process, the written application of a variety of parties to have the state body struck out as a party to the award. Not only that, it allows another organisation to be substituted as a party to the award in place of the existing body. It is a strange situation. If one union applies pursuant to a federal award, we could end up with the members of a particular state organisation being members of a completely different state organisation. One can only wonder at the inventive powers of this Minister! Why go about this legislation in such a convoluted fashion? Why not include in the legislation a definition of the other organisation? Is the Minister suggesting that members of the State School Teachers Union can be forced to join, for example, the carpenters' union? Would he go even further and provide an expanded membership for the Dockers, because I am sure that club is interested in obtaining more members.

It does not make sense to have a convoluted mechanism to achieve what is an insidious end. I have given only one example and there are others. I might add that there are no appeal provisions in proposed section 84D for the state organisation which is aggrieved by this process.

While the unfair dismissal changes are brief, they are invasive and significantly change the existing law. Members must bear in mind that in an unfair dismissal application there is a right to seek reinstatement or, if for some reason the commissioner hearing the case does not consider that to be appropriate, there is a right of compensation. In fact, there could be payment of back wages prior to the reinstatement. Not all cases will go before the commission immediately.

The proposed amendment to section 23A of the Industrial Relations Act states that the commission is not to make orders unless the employer has agreed to pay the compensation instead of reinstating or reemploying the claimant. That is all very well, but if somebody is appearing in a hearing at the Industrial Relations Commission, it is unlikely the employer will agree to anything. That is the reason for the hearing. The employer chooses to go all the way to a hearing before the IRC for one reason or another. A common reason pleaded in industrial relations cases is the concept of industrial harmony; that is, not all workplaces can have a reinstatement. There may be difficult personality conflicts or disputes for a variety of reasons in that workplace.

I hope the Minister will address in his reply how the legislation will deal with the concept of industrial harmony, and how it will fit into the change proposed to section 23. The reality will be that a worker who seeks to sue on the grounds of unfair dismissal will be disadvantaged by this provision. In no way will the employer be disadvantaged by the amendment, which is all about limiting workers' rights and their ability to recover what is rightly theirs under unfair dismissal legislation.

The Minister is on the record as saying that he wants to extend the provision, as suggested by his federal counterpart, to give small business a 12-month moratorium in which to sack its workers. He thinks it is a great idea. He may even

have a drive at it before 22 May and introduce legislation to stop unfair dismissal claims against small businesses by workers in the first 12 months of their employment. This is a legislative nightmare.

We saw the Minister's regard for this place in debate on the sub judice issue. It was a fiasco. The Minister had a lack of understanding of basic legal principles; otherwise, his ignorance was contrived. Either way, he held the place in contempt.

A great deal of concern is being expressed about the passage of this legislation because, first, it is totally wrong and, second, it is being handled in an underhand and deceptive way. *The West Australian* editorial of yesterday was headed "Kierath's Bill smacks of ideology". Therefore, it is not only the Labor Party, the TLC or trade unions which say that the Government is ideologically driven and that a raft of problems will be created by the legislation. Large sections of the community have great concerns about this matter, as is known by members on both sides of the House. That is why the legislation was pulled from the legislative agenda prior to the last election.

Mr Kierath: It was not pulled - it was actually on the Notice Paper.

Ms ANWYL: It was not pursued. Can the Minister show me one media release in the months leading up to the election indicating that this measure was on the agenda?

Mr Kierath: Yes. The policy launch led with the secret ballot provision. The Bill was still before the Legislative Council until Parliament was prorogued. How much clearer can you get?

Ms ANWYL: That Bill has been amended. The Minister had plenty of opportunity to amend the previous Bill before the election, but that was not done. This is not the old Bill for a start, and it was not recorded during the election campaign that the Minister was to pursue the measures with the zeal he is now displaying.

MR THOMAS (Cockburn) [9.24 pm]: I am not pleased to have the opportunity to speak on this Bill, but I am eager to participate in this debate to express my contempt for, and my strong opposition to, the legislation.

I agree with the comments of the member for Fremantle earlier today in that this is one of the darker moments the Parliament has seen over the past four years, and we have experienced some dark moments in that time. Also, the point was made very well by the member for Thornlie that the Bill was the product of the Minister's ideology. Perhaps she was being a little kind in that comment: Ideology is coherent and in some sense organised. Ideology cannot be used to describe the Minister's beliefs on this matter; rather, it is prejudice. We are witnessing the prejudice of a bigot who has had some unhappy experience in his life which gave him a set against unions which is quite irrational and has led to this type of legislation.

Some years ago some people who wished to horrify people in a political campaign released a picture of a baby playing with a razor blade. It was spinechilling to see the beautiful baby playing with a razor blade not seeing the potential to damage something beautiful. Many aspects of Australian society make this country a wonderful place to live. Aspects of our history, culture and social ethos make this one of the most desirable places to live in the world. We should be very proud of that tradition. The trade union movement is an integral part of that history, and has been for a very long time. This Minister is seeking deliberately to undo that tradition. If he succeeds - I pray that he does not - he could be responsible for changing the very nature of Australian society for the worse.

For a time earlier this century Australia had the highest standard of living in the world. Along with a number of other former colonial settled states, we had access to resources and markets and had the latest technology available. Internationally speaking, we were in a very privileged position as the richest society in the world. Although on a much smaller scale, we were similar at that time to the United States of America which also had a very high standard of living. A difference between Australia and the United States was that Australia had a spirit of mateship, with its ethos of equality and trade unions. Struggles took place in Australia to establish trade unionism, but these were minor when compared with those of the United States. Unions became established in the Australian work force as part of the Australian culture and, as a result, we created a much fairer society. We had essentially the same raw materials to play with as the US. Australia did not have a recent history of slavery or the ethos which led to the successful struggles against unionism in some industrialised parts of the United States. In fact, substantial parts of the USA were never unionised.

US society was characterised by inequality; Australian society was, comparatively speaking, characterised by equality. That situation can basically be traced back to one of the great institutions in Australian society and history; that is, the system of compulsory arbitration and conciliation, and the notion of comparative wage justice. It is a very simple concept: People doing similar work should be paid similar rates of pay.

The United States did not have a system of arbitration and conciliation, widespread unionism or a notion of comparative wage justice as part of its society, so people received what they could bargain for. People in positions which were vital to the economy, and were unionised, were able to extort extraordinarily high salaries by Australian

standards. However, people at the bottom of the heap - those working, say, in fast food outlets - and those not organised, have traditionally, and to this day, been paid a pittance. The level of inequality in a society where unionism has no place was far greater than the inequality found in Australia.

If one wants to make a comparison, the longshoremen in the USA, who are the equivalent of the waterside workers in Australia, are paid much more than waterside workers are paid in Australia. However, in the unorganised and unskilled areas of work, US workers are paid much lower wages than such workers are paid in Australia. Because of the concept of comparative wage justice and the system of compulsory conciliation and arbitration, those in the most powerful industrial positions in our society have not been paid what they would have been paid in the dog-eat-dog society which this Minister will create. Also, the people in the most vulnerable positions have not been paid as little as they would have been. That is one of the great aspects of Australian society. I almost weep when I consider that the Minister is in a position to perhaps successfully undo some valuable aspects of our history, which have served us so well. They have done so not only by ensuring great levels of equality in the Australian community but also by their effect on our broader economy.

The union movement and associated institutions, the employer organisations and the systems of conciliation and arbitration have proved they can adapt to changed circumstances. Until the 1970s Australia, because of its international advantages, did not have to compete all that hard in order to be successful. Farmers simply had to throw a bit of seed on the ground and get the crops harvested. The prices were such that they could make a fairly good living. Manufactures were able to shelter behind protectionism in our economy. We had a system of empire preference within the British Empire and subsequently the Commonwealth of Nations which meant basically that everyone in Australia was able to earn a fairly good living without being exposed to the sorts of rigours of international competition with which Australia is faced now. In those days the systems of comparative wage justice, conciliation and arbitration managed to ensure that the benefits applied pretty well to everyone in Australia. If a fitter received a pay rise, within a year it would be applied to practically everyone so that shop workers, for example, would get the flow on. Even those sections of the work force which were not unionised in small businesses and institutions received the benefits of unionism because they were almost invariably employed under an award which was determined by a process involving unions. Therefore, everybody received the benefits.

Why should the system change? The union movement has shown it is able to adapt to changing circumstances. In the early 1980s Australia became subject to international competition. It became apparent that the system that prevailed until then would have to change or be counted irrelevant. The union movement adapted completely. The system that existed under the Fraser Government caused the wage blowout of the 1980s. When the Labor Government came to power in 1983 it recognised that international trade agreements meant that something had to be done about wage levels and productivity. The union movement got together with employers and was responsible for the accord; they presided for a period of some 10 years over an effective real wage decrease. For the good of the country the Government was able to go to the union movement and employers and say, "If everybody does not have a job, we all lose. It would be better if there were more activity and employment perhaps at the expense of higher wage levels." The systems of compulsory conciliation and arbitration and wage justice, and wage fixation which replaced it, were responsible for the accord which saw the Australian economy adapt to the needs of the 1980s. The union movement which had served Australia so well in the early part of the century and until as recently as the 1970s was able to adapt to the times and did so to ensure that the economy was able to respond.

I had some small role in the Iron Ore Industry Consultative Council. That industry had been characterised by an enormous amount of industrial unrest to the point where it was threatening the very existence of the industry because of the competition it was exposed to in the early 1980s. The union movement, employers and the Government joined together for the common good to ensure that industrial disputation virtually ceased to exist in the iron ore industry. The one exception was Robe River, where management sought to de-unionise its workforce after a number of years during which practices had grown up for which the management would have to accept a substantial degree of responsibility. Those examples show that the union movement is capable of delivering what employers and, above all, the workers need. The unions know that if there are no jobs, members' interests are not served, and that productivity and international competitiveness are important. They are as conscious of that as any employer association. Why is it that this Minister wishes to undo the system?

Mr Bloffwitch: How will secret ballots, or giving workers the right to decide whether to go on strike without being told they have to go on strike, undo the system?

Mr THOMAS: The member for Geraldton would have been a great deputy in the Supreme Council of the Soviet Union during the Stalin period. He would have nodded his head and cheered when Stalin said, "We have a great system."

Mr Bloffwitch: That is more your side of politics than mine.

Mr THOMAS: The member might superficially believe that. The rights of unions under this legislation will probably be less than those in the Soviet Union in the Stalin period and probably the same as in Nazi Germany.

Mr Bloffwitch: I do not believe that.

Mr THOMAS: The member might not believe it. It sounds strange to say it, but I suggest he look at the legislation.

Mr Bloffwitch: I have.

Mr THOMAS: Is he aware that a person is not allowed to go on strike unless the strike has been approved by a secret ballot?

Mr Bloffwitch: That is exactly what I believe they have the right to do.

Mr THOMAS: It will be conducted by the Industrial Relations Commission. Who can initiate it? Some of the workers can. The union has to apply if it wants a secret ballot but the Minister, who is not directly involved in the industrial relations process, can capriciously sit there and order a ballot. We have heard glib rhetoric. I have been a union official for many years, as was another member prior to coming to this place. The most difficult thing for union officials to do is to get members to go out on strike. They would not do it lightly. Only a bigot such as the Minister would believe that union officials want capriciously to get members to go on strike. Only a person who is singularly uninformed would believe they would be inclined to do that. Workers enter a contract of employment for the most part because they need to earn a living. If they do not earn a living, there is no point in their being in a contract of employment. There must be no other option before they can be persuaded by officials or come to their own conclusion to go on strike. In the industry in which I was involved this provision would have been impractical. I do not think that unions for the most part have any particular objection to secret ballots. However, the ballots are to be conducted under the auspices of the Industrial Relations Commission; periods of notice must be given; the Minister can order ballots; time must elapse. In practice, it is taking away for the most part the capacity of workers to be involved in strikes. For the most part, for union officials and members to be on strike or to be involved in a strike is an exception to the rule. They generally engage in more mundane activity. The right to strike is a necessary weapon, or a necessary part of the panoply of armour that unions need, but that is all it is. It is not necessarily a weapon that is used or that is statistically significant with regard to its impact on the economy of this State.

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

Mr THOMAS: The principles of unionism depend on the fact that workers have the right to strike. To the best of my knowledge, every free country of the world has the right to strike. I suggest to members opposite that where that right to strike is taken away, or where it can be exercised only if a ballot has been undertaken, that right to strike is so fettered that spontaneous strikes are impossible, if not restricted severely.

I will run through the societies in this world which have either no right to strike or severely fettered rights to strike. South Africa during the apartheid regime had legislation which was probably more liberal than the legislation which this Minister has introduced. Unions in the Soviet Union notionally had the right to strike, but all sorts of provisions limited the way that they operated, and those unions that did exist were tame-cat unions that did what the bosses asked of them. The Nazi Party in Germany, which was called the National Socialist Party, had a number of unions affiliated with it when it came to power in the early 1930s, and it kept a notional affiliation with the unions during the course of its regime. The provisions which existed with regard to unions were of the same magnitude as we have in this legislation.

Why does the Minister want this legislation? We know that this Minister comes from a small business background. Small business people are an important part of our economy, and some of them exist in circumstances which are very competitive. All members will have received representations from people who are engaged in competitive industries and say, "If only I did not have to pay this impost, and if only my costs in this area were lower than they are, I would be a lot better off." Of course they would be better off with regard to their own accounts, but what they do not realise is that if they did not have to pay that impost, be it payroll tax, the latest award increase, or whatever, neither would their competitors, and their competitive position would be the same.

Mr Bloffwitch: Many of the small businesses that compete with me do not pay payroll tax, and I do. Where is the benefit in that?

Mr THOMAS: The member is very noble!

Mr Bloffwitch: It has nothing to do with nobility. It has to do with payroll tax.

Mr THOMAS: I suggest the member talk to his federal member or the Government and have the system of payroll tax amended.

The point I am making is that it can be tempting for people in those circumstances to try to cut corners and cheat, and cheats do exist.

When unionism was first developed in Australia, it became part of the Australian culture. Earlier this evening, I went to the library and looked at the works of Henry Lawson, who wrote about unionism and scabs. The principle of unionism is that people combine together for the common good, and the minority accept the decision of the majority. The song "The Union Boy" was written early this century, when people were thinking about a time when unions would prevail and things would be a lot better than they were then, and it contains the words, "and scabbing in this country will be at an end, and I pray that all of you will be staunch union men" - men, of course, not women. With that exception, that reflects the fine sentiment which was part of Australian culture in the early part of this century; namely, that no-one is lower than a scab, and people such as that are basically people who cheat on their mates.

The Minister for Labour Relations is, as we had explained to us earlier this evening, renowned for cheating. He is known in the industry that he comes from as "Two Bob Graham".

Withdrawal of Remark

Mr KIERATH : Those comments are definitely unparliamentary and should be withdrawn.

The ACTING SPEAKER (Mr Osborne): Order! That was somewhat beyond the pale, and I ask the member to withdraw.

Mr THOMAS: To what does he object?

The ACTING SPEAKER: I presume the Minister was objecting to the statement that he deliberately cheats and that he is well known in the community as being a deliberate cheat. I ask the member to withdraw.

Mr THOMAS: I withdraw.

Debate Resumed

Mr THOMAS: The Minister is known in the industry as Two Bob Graham. That is a statement of fact. The reason that he is known in the industry as Two Bob Graham is that when he went bankrupt, he left his creditors with 20¢ in the dollar. The Minister is the sort of person who cheats on the people with whom he does deals. When the unions went to check his time and wages records to see whether his workers had been paid the right amount of money, he had conveniently had a fire the night before and his time and wages book had been burnt. That is the sort of person whom one would expect to be a scab.

Mr Kierath: That is untrue. You keep repeating untruths.

Mr THOMAS: I will keep repeating these points, because the Minister coincidentally seems to have a fire every time it suits him. When he wants to get his name in the newspaper to get a bit of publicity, he manages to burn down a caravan. When the unions come to look at his time and wages records, they have caught fire the night before. The Minister is a cheat -

Withdrawal of Remark

The ACTING SPEAKER (Mr Osborne): Order! I have already asked the member for Cockburn to withdraw a similar remark, and I ask him to withdraw again.

Mr THOMAS: I withdraw.

Debate Resumed

Mr THOMAS: The use which this Minister is making of this Parliament demonstrates the truth of the point that I just made. The Government is trying to get this legislation through the Parliament in the dying days of a Legislative Council which was elected over four years ago - a lame duck Legislative Council which is no longer representative of the people of this State. The extent to which the Legislative Council can be representative under the current electoral system is limited, but the election which was held most recently is, by definition, the one which is more representative of the community. This lame duck Legislative Council - unrepresentative swill, as it would be described in another jurisdiction - is in its dying days, and this Minister is seeking to get this legislation through the Parliament because he knows that if it went to the Legislative Council which was elected by the Western Australian people two or three months ago, it would not pass.

The reason that it is necessary for this legislation to be put through the Parliament in the dying days of this Legislative Council is that the Government is seeking to undo one of the great institutions of Australian society, in a way which is unacceptable to the broad mass of the Western Australian people.

Let us look at the make up of the Legislative Council that was elected four years ago that will consider this legislation if we pass it in a few weeks' time. Of those members, half a dozen were not elected four years ago: Members have passed away, resigned, received better offers and gone off to strut the national stage. A number of people who are now sitting in the Legislative Council were not elected four years ago. They replaced the members who were originally elected. The current member for Wanneroo replaced Hon Bob Pike who sadly passed away in the middle of his term, so he was not elected. The member for Wanneroo then decided to contest a seat in the Legislative Assembly. He was elected to the Legislative Assembly and he was replaced in the Legislative Council by someone who was so far down the ticket that if there were another vacancy the Liberal Party would run out of nominees. Not only is the current Legislative Council a completely different complexion from the Council that was elected on 14 December 1996, but also half a dozen of those members were not elected to the Council four or so years ago.

The Minister for Labour Relations, who pays his creditors 20¢ in the dollar, who has a fire when a union wants to look at his wages records, and when he is not getting enough sympathy or publicity during the election campaign has a fire in his caravan, always seems to find sneaky ways to get around these things. The Minister has brought this legislation into the Parliament in the dying days of a Legislative Council that is no longer representative of the Western Australian people. That is not to say that the Legislative Council is ever really representative of the Western Australian people. However, under the system of multi-member constituencies and proportional representation, and even with the imbalance of votes between the rural areas and the urban areas, the Legislative Council that was elected on 14 December 1996 is more representative than the one that was elected some four years ago.

Mr Kierath: It has fewer ALP members.

Mr THOMAS: Be that as it may, the Minister is pushing legislation through because he knows that it would not go through the Legislative Council that was elected on 14 December last year. This legislation provides for a fine of $1 000 for people who strike outside its term and then $200 a day. The sort of places that one would have found fines of $1 000 a day for going on strike are the former South Africa, Stalin's Russia and Nazi Germany. Ultimately, if the fines are not paid and the other enforcement mechanisms are not complied with people who go on strike will be put in gaol. That is the bottom line for this Minister. The member for Geraldton is nodding his head: If a worker goes on strike under this legislation he will end up in gaol. Henry Lawson in 1891 said "When they gaol a man for striking it is a rich man's country yet."

MR RIPPER (Belmont - Deputy Leader of the Opposition) [9.54 pm]: This legislation is a straight out attack on working people and the industrial and political organisations they have created to protect and advance their interests. It is full of bias, bile, prejudice and injustice.

It is interesting to examine the recent history and the context of this legislation. Our community is increasing in inequality. It is a difficult time to be an unskilled worker. It is an especially difficult time to be a young unskilled worker. There is an increasing insecurity in the community. People are finding that jobs which they expected would last for the length of their working lives are disappearing. They are being made redundant. They are forced back on to the labour market to seek new employment, to find that the only work available is casual or part time work. It is a difficult time for many people without skills and people on low incomes. It is a time when people need the support of their unions more than ever.

There is less justification for criticism of union behaviour. In the past decade unions in this country have been increasingly moderate in their approach. They have cooperated with Federal and State Governments. Wage outcomes have been moderate; they have fallen behind the rate of inflation. Unions and workers have accepted the need to improve productivity in order to achieve improved incomes. The rate of industrial disputation has fallen. The Minister who introduced this legislation has boasted about the falls in industrial action and on occasion has claimed credit for those falls. There is no recent history of irresponsible union action which would justify the necessity for harsh and draconian legislation like this.

The unions cooperated in a period of wage restraint, possibly to their detriment in terms of the support which they enjoy from rank and file members. They cooperated, nevertheless. The response from the business community during the 1980s was extremely poor. Rather than take advantage of a period of wage restraint for productive investment in the future of the country the business community embarked on a orgy of paper shuffling, empire building and rorting. There were scandals in the eighties in the business community at a time when the unions and the Federal Government were creating the circumstances in which business could prosper and if it had chosen, business could have invested productively in the future of the country. The unions have been poorly rewarded for that period of sophisticated cooperation with other sections of the community and the Government, in the interests of the country. Liberal Governments have come to the fore at the state and federal levels and at all levels and in all jurisdictions have attacked the union movement and sought to weaken it further.

I will look at the flagship of this legislation. I understand that many members opposite find it difficult to understand how members on this side could oppose the idea of secret ballots before people take industrial action. I will examine the circumstances in which we use secret ballots in our community and the circumstances in which we do not. There are some very important organisations and institutions in Western Australia which do not hold secret ballots - for example, in the Cabinet room and the Parliament, except when we elect a Speaker or members of select committees. There are no secret ballots in our party rooms when courses of action are being determined, although I understand all parties have secret ballots when electing people to occupy certain positions. There are no secret ballots in jury rooms, and that example is quite instructive because juries must make decisions which impinge directly on the rights of individual citizens. If they make a wrong decision and they exonerate a serial offender, the decision can have a serious impact on the community. Juries make important decisions which have a serious impact on individuals and potentially on the community, but there are no secret ballots in those circumstances.

Why is it that this device must be used for industrial action? In most other circumstances we are content with representative democracy. When people are elected to fill positions there are secret ballots, but when decisions are made on courses of action we allow those representatives to decide on the action without a secret ballot. That is understandable because those people must be accountable to the people who elected them and with a secret ballot they could not be accountable. There are circumstances in which direct democracy is allowed to apply. There are plenty of clubs, associations and other organisations in the community in which decisions are made on a vote of the entire membership but not by secret ballot. They have an annual general meeting or some other meeting at which people vote in an open way by putting up their hands or saying aye or no, but certainly not by secret ballot. Very few democratic decisions made in this community involve both direct democracy and a secret ballot. I tried hard to think of examples where there might not be representative democracy or direct democracy by open voting, but where there might be direct democracy with a secret ballot. The only example I could think of is changes to the federal Constitution and some parts of the state Constitution. Only when a decision is being made on a course of action involving the federal or state Constitution is there direct democracy and a secret ballot. Every other time a decision is made on a course of action, it is done through a system of representative democracy or direct democracy with open voting.

There is very good reason for doing that because in any democratic system there is a trade off between practicality and full application of the democratic principle. We make that trade off and establish a representative system because it is the only way to make decisions effectively. We cannot convene all the citizens of Western Australia to vote on our laws as may have been done with the citizens of ancient Athens. Representative democracy is adopted because it is a practical way of making decisions while allowing the democratic principle to operate. Representative democracy also allows for the concept of leadership and for the phenomenon whereby some people are better, we hope, at planning for the future. Those people make decisions on their judgment of the interests of the whole community, but they are accountable to that community for the decisions they make.

With this legislation the Minister is making a particularly harsh trade off for so-called strike action and the activities of union members. He is saying the democratic principle will apply in its purest and most stringent form when it comes to union members and strike action. It will apply in a form which applies only to constitutional referendums in this country. Why does he want to do that? It is not because he believes in democracy and wants to promote democratic reform of the unions. It is because he wants to frustrate the exercise of union power. It is not about democracy; it is about reducing the practical effectiveness of unions and undermining the power of unions to offer leadership.

Despite what I have said, I have no objection to the application of the principle of a secret ballot to industrial action. It is not applied to all sorts of other actions and other associations, but nevertheless I could accept it if it were simply and easily applied by unions, and did not frustrate the activities which unions need to engage in to protect workers. I could accept it if, for example, a union held a meeting on site to discuss a problem, there was a motion that industrial action be taken and, rather than a vote on that by a show of hands, ballot papers were distributed, and collected, the count scrutinised and the result announced. I could accept it if, in addition, the industrial action authorised by that secret ballot were protected from legal sanction. I understand that in the United Kingdom if a secret ballot authorises industrial action, that action is protected from legal sanction. The real intention of the Minister is revealed by the practical difficulties he has imposed in this legislation. The Bill contains 17 pages of hoops and hurdles through which unions must jump before they can possibly reach a situation in which they can apply industrial pressure to the employer. In the meantime, all the employer must do is sit back and say no. It is always the case that due to the operation of inflation, unions must take the initiative and take positive action. The employer's interests can be protected simply by saying no and taking no action. There is enormous potential for mischief making in the procedures established for secret ballots in this legislation. All sorts of people can interfere in the operation of a voluntary independent association if it happens to be called a union. An employer can apply for a secret ballot; the Minister can apply for a secret ballot; an employer that might be affected by industrial action but is not the

employer of the people proposing to take action can apply for a secret ballot. How would the Liberal Party or the National Party feel if the Labor Party could apply for a secret ballot to be called inside the Liberal Party or the National Party because the Labor Party thought they might propose to take some action and it wanted to make sure it was done democratically and accountably?

Mr Carpenter: They would be shocked.

Mr RIPPER: Yes, they would be shocked if they thought a rival organisation could do that. That is the sort of action this legislation would enable people to take. It is not just about strikes; it is about any form of industrial action. Any action a union is likely to take will be subject to this legislation. I am particularly concerned about what might happen in moderate unions which are normally reluctant to undertake industrial action. For example, the teachers' union, because of its concern for children, does not like to undertake full scale strikes but if it has an argument with its employer, it imposes a modest ban on extracurricular activity. What will happen to a union that takes action like that? It will be subject to a prestrike ballot because the definition of strike in this legislation includes that sort of modest ban. Great practical difficulties arise because the legislation provides for the authorisation created by a secret ballot to last for only 28 days. Owing to the modest action undertaken by the teachers' union, an industrial dispute in the education system normally lasts a long time, but it is not intense. For instance, a ban will be placed on extra curricular activity for perhaps three or four months. That sort of action will not be possible under this legislation. That places the union in a difficult position. It will either have to undertake no action or undertake a more intense form of industrial action that will impact more severely on children.

All sorts of other difficulties will arise. The legislation is full of opportunity for delay. Speakers on this side of the House have argued that it will take up to seven weeks to get from the initial feeling that industrial action might be necessary through to the conclusion of a ballot and the undertaking of industrial action. It is conceivable that that will be the case because there are numerous procedures by which people can make applications or appeals, or by which documents must be handed over. This legislation contains all sorts of inbuilt delays.

A final, particularly personal, hurdle must be overcome before industrial action can be undertaken. Even when a ballot has authorised the industrial action, even after all the hoops and hurdles have been negotiated, workers must still personally give notice to their employer that they will undertake industrial action. Alternatively, the union must give that notice on behalf of the worker. I imagine that will require the union to consult each worker to see whether he or she is going to undertake the industrial action. In either case, it is made very difficult. We all know the relatively powerless position of individuals in workplaces. How will they be placed if they must personally tell their employer that they intend to undertake industrial action? Alternatively, how will a union be placed to organise industrial action if it must consult each member to find out whether that member will go along with the democratic decision that has been reached, after all the procedures the Minister has imposed have been gone through?

This matter is important for the union and individual members because the legislation imposes draconian fines. An individual who breaches any of these procedures will be subject to a $1 000 fine or a $200 daily fine. An organisation that breaches any of these procedures will be subject to a $5 000 fine. There are plenty of ways people will be tripped up by this legislation and plenty of ways they will be fined.

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

Mr RIPPER: One other aspect of these procedures is particularly disturbing; that is, the requirement for unions to hand over lists of names and addresses of members for the conduct of the ballot. Any organisation that has been party to an application or that has intervened in an application before the Industrial Relations Commission for a secret ballot will be able to appoint a scrutineer for the ballot. All those organisations will have access to the membership lists of the unions involved. They will know whether a person is a union member or not. Let us not be naive about this: Certain industries have black lists. Certain anti-union employers will not employ a person if they know that person has a history of union membership. A person like Len Buckeridge will be able to find out whether people in an industry are union members. After a number of those procedures have been gone through, various employers who want to discriminate against union members will have available to them on a database a list of people who are union members. They will be able to deny those people employment in the industry.

The secret ballot procedures in the legislation purport to deal with the so-called illegitimacy of strikes. They purport to offer some legitimacy to the little industrial action that will eventually be allowed by the application of the democratic principle. However, it is not a practical legitimacy because no legal protection will exist for the workers who are engaged in industrial action. They will still be subject to common law sanctions if companies want to take common law action. This legislation will make the legal peril of engaging in industrial action even worse because the Industrial Relations Commission in certain circumstances can order the resumption of work and that order can be backed by a Supreme Court injunction. Presumably a breach of that injunction would be punishable by action for contempt of court.

Even though a pre-strike ballot will have authorised the industrial action, proposed section 32(11)(d) provides for those circumstances in which the commission can nevertheless order a resumption of work as follows -

> a strike is occurring in which participation is endorsed by a pre-strike ballot and it appears to the Commission that the strike -
>
> (i) is not related to the furtherance of claims relating to the wages and conditions of employment of the employees participating in the strike;
>
> (ii) threatens directly or indirectly the safety or welfare of the employees participating;
>
> (iii) may seriously disrupt the supply of essential services to a significant number of members of the public; or
>
> (iv) may cause undue hardship to any of the parties to the dispute.

Let us consider those subparagraphs in more detail. Subparagraph (i) states that the commission can order a resumption of work even though the employees have voted to strike, because the commission does not like the reason the employees have voted to take strike action. The choice of the people does not matter: If the commission thinks the action is not related to their wages and conditions of employment, they can be ordered to return to work, despite their democratic vote. The second reason the commission can order them to return to work is if it thinks the industrial action will threaten the safety or welfare of the employees participating. These people will have voted to undertake industrial action. Presumably they are good judges of their own safety and welfare, and perhaps they voted to undertake the industrial action because they thought their safety and welfare was under threat. However, the commission can patronise them and say that they do not really know what is good for them, and, therefore, they are ordered to resume work.

The third reason is that the strike may disrupt the supply of essential services to a significant number of members of the public. The term "essential services" is undefined in this legislation. That in itself potentially vitiates the entire purpose of the pre-strike ballot provision in the legislation because even when employees have decided to undertake action, the commission might say that it involves an essential service and they cannot do that. Finally, the commission can order employees back to work because the strike could cause undue hardship to any of the parties to the dispute. In other words, they will be told to go back to work because they might win - and because they can apply sufficient industrial pressure to win, they will not be allowed to.

It is a great irony that this legislation purports to promote democracy in the union movement. It is illegitimate in its conception and the processes that are to be applied in this Parliament to allow its passage. The Minister claims to have received a mandate for this legislation at the last election. He wants us to say that this is the verdict of the electorate and that it must be accepted, but he will not accept the verdict of the electorate in the upper House. He must have this legislation passed in this place and the other place before the verdict of the electorate is revealed by the members sitting in the Legislative Council after 22 May. He cannot have it both ways: If he says this legislation is based on what the electorate said at the last election, it should not be passed until the will of the electorate is fully revealed in the composition of the Parliament. He is having us on and perpetrating a rort.

The legislation is illegitimate because the Minister and the Premier promised the union movement that there would be no further industrial legislation without the agreement of all parties concerned. This legislation is here most assuredly without the agreement of the trade union movement. It is illegitimate because it is so biased, so prejudiced, so ideological, so harsh and so unfair to workers and their organisations. I warn the House: It will not be accepted by workers and the union movement. It is a recipe for serious division and trouble in this community. When it is not accepted by the workers and the unions, when individuals are fined, when they do not pay their fines and are gaoled, there will be more industrial action than the Minister envisages. At a time of historic moderation on the industrial relations front, when unions have become much more sophisticated, more prepared to cooperate in the economic advancement of the country and much more prepared to accept short term losses for their members in order to secure long term gains for the country and therefore their members, this Minister is introducing legislation that will promote discord, disunity and continuing industrial trouble in Western Australia.

This legislation is a threat to the cohesion of the community and to our economy. The industrial trouble that will occur in the next few years in this State will reflect on our investment attractiveness and it is unnecessary. Not one sophisticated employer organisation is enthusiastic about this legislation. I talk to employers and I hear no agitation for this legislation to be introduced.

Mr Carpenter: There isn't any.

Mr RIPPER: The member is correct: There is no serious clamour for this legislation from employer organisations. That is justified because it does not in practical terms do much for the employers in this State who have a

sophisticated, long term or enlightened view of their own interests. It will set the scene for industrial action, community discord and law-breaking that we would rather not have.

I cannot understand why the more moderate members of the Government have been so quiet on this legislation. Last time the Minister wanted to have an ideological go at the union movement, members such as the Leader of the House and the Deputy Premier were active behind the scenes in having the Minister's aims thwarted. This time there has been a very suspicious acquiescence to the Minister's wilder plans. There appears to have been a deal hatched behind the scenes. I hope that is not the case, but we might be seeing the price of the preservation of the deputy leadership of the Liberal Party. The Leader of the House was under threat from the Minister for Labour Relations. The Minister did not quite get there because of the position adopted by the Premier, but this is the quid pro quo and it is very sad for the community.

DR EDWARDS (Maylands) [10.28 pm]: It can be said in general terms that the role of a member of Parliament is to help build communities, to improve the lot of our constituents and generally to make the State a better place. This legislation will not do that. The Opposition is very concerned about the provisions of this legislation. We have taken it extremely seriously and, for that reason, we are all speaking to highlight our concerns.

I will start my contribution by relating a story that was told to me in the mid-1980s. The story is true and it was recounted by one of my friends who is a doctor. This doctor worked in a hospital in the south of England during the height of Thatcherism. Many of the services in the hospital had been contracted out, including the cleaning. The doctor described how over a period the operating theatres became very dirty - there was visible dirt and rubbish on the floor. The doctors and nurses knew they were not operating in an appropriate sterile atmosphere. They complained and tried to do something about it; they even attempted to clean the theatres themselves. Eventually, the doctors went on strike - they refused to operate in the theatres. They did ward rounds and clinics and saw patients, but they would not operate on patients until the theatres were cleaned.

If that were to occur in Australia - and it is possible - the administrators would rush to the operating theatres and wards and ask the doctors whether they were members of a union. I am not sure what would happen when some produced evidence of their Australian Medical Association membership. Obviously, the AMA is recognised as the organisation that negotiates conditions on behalf doctors.

Under this legislation, the definition of a strike is any action by two or more employees. If this action involved only two doctors in an operating theatre and they were members of a union, they would be covered by this legislation. However, the laughable point is that if they were not members of a union they would not be covered. What would the Minister do about someone like me, who performed two roles when employed in a public hospital - as a medical practitioner and for a period as an administrator? I joined a union when I occupied the administrative position. When I joined the union I received a telephone call from the hospital administration asking why on earth I wanted to do so. I was asked whether I realised that there was nothing the union could do for me. The caller went on in rather insulting terms asking why I would join a union. I totally flummoxed him when I said, "Imagine what I could do for the union." He hung up on me and I have heard nothing since.

The whole situation is laughable. The legislation is about penalising members of unions. It makes some dreadful assumptions. First, it assumes that only certain groups of people who are union members actually strike. That is not true. I have given the example of doctors, admittedly in England, going on strike. That story is unusual because doctors are generally very conservative and their socialisation and personal philosophies suggest that they would not strike. However, when the situation struck them as so serious and action was not being taken to address it, they did take strike action. The point about that is that people do not take strike action for no reason. The assumption seems to be that strikes occur over frivolous issues. That is insulting; this legislation is insulting. The pity is that, generally, the community does not realise the seriousness and significance of what we are debating.

When this legislation was first proposed and when we had the previous legislation relating to workplace reform, we were told all sorts of things. We were told that workplace agreements "unshackled our previous straitjacketed employment system". However, the real aim of the previous legislation and this legislation is to undermine unions and the awards that are held by the unions. It is a blatant attack on unions and as a result an attack on unions' ability to protect workers, and it is an attack on the rights of workers.

I want to give the House examples of what has happened with workplace agreements. One of the roles of the Commissioner of Workplace Agreements is to release information about what is happening. So far he has released two reports. I will refer to figures in the second report, released in June last year. Workplace agreements were introduced into the State on 1 December 1993. The second survey covered the period from January to May 1996, during which time nearly 14 000 agreements were lodged. The review indicated that there had been wage increases for 83 per cent of employees on workplace agreements when compared with that which they would have received under the relevant award. Earlier today, the member for Bassendean commented on the methodology and questioned

this statistic. However, I will not comment on that because the real question is at what cost were these increases gained.

Mr Bloffwitch: That is the whole purpose of workplace agreements. Employers have the ability to talk to their work force.

Dr EDWARDS: That is nonsense. What comes through in the statistics is exploitation.

Mr Bloffwitch: How many workplace agreements have you implemented? You have never entered into one, so you wouldn't know.

Dr EDWARDS: People are being exploited. Telling us we would not know is the arrogance of ignorance. This whole Bill is about the arrogance of ignorance. It is about not listening to people or caring about the little people who are affected by it. My party is not scared to stand up for people who are affected by these provisions. We are not scared to examine it and untangle what it really means and tell the Government what we think the impact of the legislation will be. If the member had listened to speeches made by members on this side of the House he would be aware of how we have researched our speeches and of how we do know what we are talking about. We are sounding a warning and it is a pity the member for Geraldton is not listening.

I return to the hours. Fifty per cent of employees worked increased hours, and for 20 per cent of those the hours were not fixed. The other worrying trend was that for 5 per cent of those people the hours were calculated either monthly or over an annual time span; that is, they were not evenly spread. In the face of increased hours, penalty rates for overtime were eliminated for about half these people. In fact, penalty rates for ordinary hours were eliminated altogether. What can be seen from that is that we cannot consider wage rates in isolation. We have to look at the broader picture to see the impact these changes have had on workers, their families, and on the community.

A study was carried out by the Australian Centre for Industrial Relations Research and Training in 1995. It published its findings in 1996. One of its main conclusions was that a superficial comparison of wage rates tends to indicate that wages and individual contracts are the same or sometimes even slightly higher than base rates in awards. It pointed out that that does not mean that workers employed on individual contracts are better off in terms of their pay. It pointed out that they were comprehensive documents with wide-ranging entitlements for protection. The telling point was that individual employment contracts either left out or significantly reduced most of the additional entitlements. The report indicated that the most profound difference between individual contracts and the relevant award provisions was in the approach to regulating the working times of the employees. The research concluded that the contracts did not reward work done at awkward times such as weekends, nights or public holidays. In addition, it pointed out that where individual contracts contained penalty rates for these non-standard hours, it was at a single rate and the rate was lower than it had been in the relevant award.

We have been told that flexibility will make the system work better. However, the Commissioner for Workplace Agreements' statistics and the study I have just quoted indicate that the main areas in which workplace agreements have been taken up are the retail sector and the hospitality and contract cleaning industries. The difficulty is that in those areas wages are already relatively low. Workers in those areas have little or no bargaining power and generally they are unskilled. Workers who are already disadvantaged - migrants, women and young people - are being further disadvantaged by these changes. Another difficulty they have is that often they face high rates of unemployment anyway and so are not in a position to bargain. The only point that can be made about flexibility is that flexibility suits the employer; it does not benefit the employee.

A further problem highlighted in the workplace agreements studies is the trend to convert permanent employment to casual status by way of workplace agreements. In WA, all an employer has to do to call someone "casual" is call them casual. Even if the workplace agreement is for a permanent 40 hours a week, a person can still be labelled casual. For this he or she trade off and can get a 15 per cent loading. However, often this loaded rate is well below the straight hourly rate in the previous award. That has been admitted by no less a person than the Commissioner for Workplace Agreements. He sent a letter to *The West Australian* which was published in February 1996 in which he pointed out that there is a growing trend for employment to be offered on the basis that people sign a workplace agreement. He went on to clarify that in some of these cases the agreement offered was less than award wages and conditions and this trend was increasing in industries that employed casuals on a regular basis. It is all part of that shift towards casual employment and cutting down on what people are paid to do those jobs.

I want to look at the issue of productivity bonuses and incentive schemes. Much has been made of the need for increased productivity. It has been supported by all Governments for the past 10 or 15 years. The Federal Government has identified it as one of its goals and places it high on its priorities when its refers to industrial relations reform. However, the Commissioner for Workplace Agreements said in his report that in 1996, 87 per cent of employees on workplace agreements in this State did not have productivity incentives in their agreements. Where

is this commitment to productivity gains? It is not flowing through in these agreements. It rings alarm bells and makes everyone suspicious about the real intent of the legislation.

Choice is one of the philosophical concepts that is thrown around when we talk about these industrial relations Bills. We have been told that choice is central to any consideration of workplace agreements. The Minister highlighted choice as being fundamental to the changes he has been wanting to make to the industrial relations system. There is no choice for the new employees whose employers require them to sign workplace agreements as a precondition for offering them a job. There is no choice for new employees between an agreement and the relevant award because there is no obligation on the employer to advise an employee about the existence of an award.

I am reminded of a conversation I had recently with a young person who had just found her first job in the fast food industry. She had no idea of what she was entitled to. In some ways she was being exploited because she would be called in to work; she would work if work was available; otherwise she would sit around for a few hours to see if more work became available, and she was being paid a low rate. If it were not so serious, it would be amusing, because the Minister has commented previously that choice related to whether a person applied for a job. The situation is much more serious than that, and it is extremely concerning.

I refer now to an offer of employment letter sent from a large Western Australian company to Western Australian workers. The letter states that the offer of employment is conditional upon a person becoming a party to an agreement by signing it of his or her own free will. That is hardly a choice. Obviously, it refers to a workplace agreement. The letter was referred by a union to the Commissioner for Workplace Agreements, asking whether the commissioner viewed it as constituting intimidation. The response was interesting. The commissioner acknowledged that it was an inducement. Furthermore, he said it was a strong inducement. However, because he did not see any threat of violence or any intimidation of violence, he therefore ruled that it did not constitute a threat or intimidation; so it was acceptable within the framework of the agreement. It is interesting to note that several prosecutions have been undertaken by unions on this point, and that the unions have won those prosecutions. Therefore, there seems to be a divergence of views about what constitutes intimidation.

Choice is a problem for women. Most of the jobs which are created these days and which women take up, are part time, so a larger group of women, not through choice but through availability, are working part time. An area that traditionally employs women is the child care industry. I will go through some cases to highlight examples of what has gone on in that industry to indicate how this law will impact on the workers in that field. The first case was recorded in the Western Australian "Industrial Gazette" and concerned a young woman child care worker who thought she had not received the right amount of holiday pay. She had not been in the job very long; it was her first proper job in the workforce. She mentioned the situation to a friend, and shortly afterwards the union wrote to the child care centre seeking an appointment in order to see the time and wages records. The director of the child care centre became extremely angry and wanted to know which worker had called in the union. She was not sure which worker it was; the director thought it was a senior worker who was on annual leave. The young woman became concerned and although she had not directly called in the union she figured that perhaps her complaint to her friend had led to the union letter. She went to the director and said that she may have been the cause of the union's wanting to inspect the time and wages records. She was subsequently dismissed in the argument that followed. She then made a claim to the Industrial Relations Commission, which was dismissed, but was ultimately upheld on appeal to the Full Bench of the Industrial Relations Commission. That demonstrates two facts: First, that the worker had been paid incorrectly, although she did not receive the money until the union which had expertise in the area uncovered that fact. Secondly, despite what people think, some employers do not want unions entering their premises. They will go to great lengths to make sure that does not happen.

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

Dr EDWARDS: The lesson from all of this is that unions are needed to protect young workers who do not necessarily know their rights and who are being exploited. I was concerned when I read about this case in the "Industrial Gazette" that although the woman was 18 years of age, some of the other workers at the centre were aged 15 or 16. Members of Parliament should be passing legislation to protect those sorts of people, not legislation that will effectively exploit them.

The second case concerns a woman dismissed from work in an out-of-school care centre, probably through an interpersonal dispute, but that reason is not relevant to the case. The issue in this case was the fact that the woman did not receive the correct pay when her services were terminated. Again, she contacted her union; the matter was taken to the Industrial Relations Commission, and ultimately the dismissed worker received $1 300 that had been due to her as her rightful entitlement. The point is that without access by the union to the time and wages records of the employer, the underpayment would not have been calculated. Expertise was needed beyond that which the worker had, to find out the details. It was not only expertise, but also support so that the woman was encouraged to stand up for her rights and to untangle the situation. No-one knows how widespread this problem is in this industry.

However, we know that it disadvantages the workers who, in the main, are women, usually young, and who in this sector work only three or four hours a day. Therefore, they are very much part time workers.

One of the gratifying aspects of my work in the community is discovering the extent to which people have faith in unions. I found this particularly among parents and older people who are worried about the welfare of their children when they first enter the workplace. It appears there is a lot of reliance in the community, with people thinking that unions are there to help protect their children, particularly those just entering the work force. However, once this Bill is passed, much of that will be eroded.

I turn now to another case where a woman was made redundant from a child care centre. This person was working part time in a centre which had been experiencing some financial difficulties. When the worker returned to the centre to collect her pay she discovered her redundancy was not genuine. Her position was advertised on the day she left, and another junior worker had been employed. The new worker was receiving a government subsidy to work at the centre. As one can imagine, the woman was very upset. She had been offered no alternative or different working arrangements; she had just been made redundant. She went to her union and again the case was settled through the Industrial Relations Commission. She could not be reinstated because someone had taken over her position, so she received a settlement on account of the unfair dismissal. Part of the conditions of settlement negotiated by the union was that she receive her settlement in instalments. It was appreciated that the employer was having financial difficulties, and that was taken into account. Again, the role of the union was critical in giving advice, helping work out the truth of the matter, and supporting the woman to take her case to the Industrial Relations Commission. Under this Bill that sort of scenario will change. For example, the onus of proof of unfair dismissal will be placed on the worker. Having considered those three cases, members will have some idea how hard it will be for young women working in part time positions in the wider community.

We have been told that this legislation will create more jobs and choices for Western Australians. We have also been told that it is part of a vision for greater productivity, more competition, and more rewarding, safer and fairer work places. They are laudable sentiments. We all want to see that happen. We would all agree if that were the case, but that will not happen when this Bill is passed. The worrying trend with industrial relations both in this State and Australia-wide is the move towards the American system, towards individualism, and towards saying that we have some minimum conditions when in fact we know they offer little protection. I will give some examples of what is happening in the United States now. Forty million Americans live in poverty; that is, nearly 15 per cent of the population. Of that, one in five American children is said to live in poverty. Only 35 per cent of unemployed people receive health benefits and 40 million Americans have no health insurance at all, a number that has increased by nine million in just over 10 years.

Mr Barnett: It is all very well to say that, but is it relative to Germany or Russia? What point are you making?

Dr EDWARDS: I am comparing this with the situation in Australia. We have a very good system in this country. We have a really good safety net. People know that whatever befalls them, at some level they will be taken care of. However, we are embracing with open arms the American system. We are moving away from the notions we have had in this country. We are turning our back on them and going down the American path. In the long run it will not be healthy for us. For example, in America 18 per cent of full time workers live below the poverty line. There is nothing worse for those people than holding down jobs but being below the poverty line. There is no future in that for them. If we do not watch out, we will also go down that track. The richest one per cent of Americans own 40 per cent of the nation's wealth. Do we want to go down that path as well? I hope not.

Mr Barnett: The poverty line is a relative concept. There will always be employees below the poverty line because it is a relative, not an absolute, concept. It does not matter how prosperous the community is, there will always be a proportion that is below the poverty line. That is the nature of the measure.

Dr EDWARDS: I do not think anyone is arguing about the measures; we are arguing about what we put in place as a Parliament to protect those people and their rights and, what is most essential, about what we put in legislation so that their children are given a leg up out of that poverty. The legislation before us tonight does not give them a leg up; it pulls them back down into hopelessness, into despair, into believing that they have no rights, no power and no place in society.

In the past few days we have seen an appalling number of home invasions in this State. If we continue to go down paths where we alienate groups of people, where we take away their rights, where we tell them that we do not care about them, that we do not think they matter, we will see the fabric of society deteriorate. I do not want to be part of that, and for those reasons I oppose this Bill.

MR McGOWAN (Rockingham) [10.55 pm]: I, too, oppose this Bill. We need to look at what we are doing. The Government should examine its motives in what it is trying to do to us as a nation. We have had a proud history and

it has been based on the simple concept of egalitarianism. That is the doctrine of providing a fair go for all, regardless of race, creed or colour. Our history has also been based upon our standing up for the weak, the poor and those who are unable to stand up for themselves. As part of our national spirit we have scoffed at the class distinctions that exist in the United Kingdom and have decided we will not accept them as the natural order of things.

One of the central features of our nation over the past 100 years has been the existence of the union movement. The simple framework of this nation has been that the union movement will stand up for those who have nothing to sell but their labour. The Australian union movement exists for one simple reason - to look after working people and those who are in a position of disadvantage vis a vis their employers.

Mr Bradshaw: They have failed them miserably, I can assure you.

Mr McGOWAN: It grew out of the shearers' strikes and the wharf strikes of the 1890s. It ensured poorly paid Australians were organised and it stood up for them against those who would oppress them. Prior to that, ordinary Australian working people were poorly paid, worked long hours, had little protection and had very little in the way of workers' compensation or holidays. Some of the greatest moments in our history have been provided by the union movement. In the 1930s the Maritime Union of Australia, or its predecessor, refused to ship iron ore to the Japanese which was supported by the Menzies Government. In the 1970s the Builders Labourers Federation in Sydney stood up against those who would develop the green areas in Sydney; they were the green bans of the 1970s. In essence, the union movement has been a force for good and for equality in our nation.

This Bill is nothing more than an attempt to destroy the union movement. The first wave of industrial reforms of this Government was ostensibly to provide for what the Government deemed to be choice. This system was designed for people who were not members of the unions, to place them on workplace agreements and make them work outside the established industrial relations system. This third wave of industrial relations reform is a very crude attempt to destroy the system as we know it, and those workers who are members of unions and the unions who work within the system. The provisions relating to secret ballots, as the member for Belmont said earlier, show a great deal of hypocrisy on the part of the Government. Not only do we not have secret ballots in this Parliament, but also we do have them in our party rooms. I know the Liberal and National Parties also do not have them in their party rooms. The secret ballot provision will provide a seven-week period -

Dr Hames: We have secret ballots sometimes.

Mr McGOWAN: How often is that?

Dr Hames: Not often.

Mr McGOWAN: According to this Bill secret ballots must be held on every occasion.

Mr Kierath: If you were going on strike, you would have a secret ballot.

Mr Carpenter: It does not take us seven weeks to make a decision.

Mr Kierath: That is absolutely right; it does not take you seven weeks to make a decision. That shows how stupid the advice from the TLC is.

Mr Carpenter: You should check your advice.

Mr Kierath: I have. I have checked with the Parliamentary Counsel. Whom would you check it with? The advice is that it is seven days. It may be less for smaller groups or it could be a little longer for larger groups. What do you believe, seven days, or seven weeks? I know whom I would believe, and it is not what the TLC says.

The DEPUTY SPEAKER: Order! I remind members that the member for Rockingham has the floor.

Mr McGOWAN: The Bill also provides that the Industrial Relations Commission can order workers back to work, despite holding a secret ballot which rules in favour of taking some industrial action.

Mr Kierath: You are not supposed to be reading this speech.

Mr McGOWAN: I thank the Minister, and I will take his advice on notice.

The DEPUTY SPEAKER: Order! I advise the member for Rockingham that the practice is that he does not read his speech; however, he may refer to copious notes.

Mr McGOWAN: I am just going over some of the pernicious aspects of this legislation before I get to the more substantive points. They include that if it is decided by a ballot to hold some sort of industrial action, each employee must confront his or her employer to explain that they are taking industrial action. That provision puts someone who

is in a disadvantaged position in front of an employer who, in effect, can be compared to a school principal, who makes the worker explain why he or she is taking such action. The employee may be taking some industrial action because he or she may have been facing some sort of harassment at work or some serious situation where, for example, the employer is at fault; yet the employee must front up to the boss to explain that he or she is taking industrial action. That is obviously wrong.

The Bill rules out the capacity of the Industrial Relations Commission to order the collection of union dues. It removes the capacity from awards to provide for that. It means that the Industrial Relations Commission will have no capacity to settle disputes over the collection of union dues irrespective of the wishes of the employers and the employees. What will have as great, if not a greater impact, will be attempts to prevent Western Australian workers seeking to move to federal awards. I will deal with that point in greater depth later because it is obviously a provision of this Bill which is unconstitutional and which no doubt will be struck down in the future.

This Bill is no less than an attempt to destroy the Western Australian union movement. It provides such obstacles to the unions that they will no longer be able to fulfil their responsibilities to their members. It is a legislative attempt to crush a free and voluntary system of organisations. The question must be asked: If governments are to get involved in the internal affairs of voluntary organisations such as unions, who will be next? What right does a Government have to be involved in democratic voluntary organisations in such unnecessary and pernicious ways?

This Bill strikes at one of the fundamental bases of our society; that is, pluralism. The basis of democracy is groups that hold different sorts of powers which operate independently and therefore prevent any sort of totalitarianism developing. In this State we have an upper House to supposedly put a brake on the activities of the lower House. We have State Parliaments to balance the Federal Parliament, independently owned newspapers, employer groups and the doctrine of the separation of powers, all of which provide for a breakup of the power of society to ensure that one group does not achieve supreme power.

One of the most central parts of a pluralistic society is the union movement. As the member for Cockburn said earlier societies that are not pluralist are societies such as the Soviet Union, Communist China and the Germany of the Nazi Party.

Mr Kierath: They are all socialists.

Mr McGOWAN: Does the Minister think the Nazis were socialists?

Mr Kierath: They were.

Mr McGOWAN: He would know!

Since World War II we have enjoyed unparalleled industrial peace. Figures from the Australian Bureau of Statistics indicate that in 1981, the second last year of the Fraser Government, 797 working days were lost per 1 000 employees each year. In 1991 that dropped to 265 working days lost per 1 000 employees. In more recent history that record of working days lost dropped in 1993 to 48 and in 1994 to 42; in 1995 the number increased to 150 in response to the much vaunted second wave of industrial reforms.

In recent history there has been a major reduction in industrial disputation. That has come about as a result of the restraint and activities of the Australian union movement which has not prompted industrial disputation. Rather it has acted in a restrained manner to promote economic growth, increases in productivity in Australian businesses and low inflation unparalleled in this country since the Second World War.

The question must be asked: Why are we going down this track? It is a difficult question because if we walk down the street or talk to any employer the big issue in this country that the Government is not willing to address is job security, not niggly things such as how to deduct union dues from employers.

Mr Kierath: We created more jobs than you destroyed in your last term of government.

Mr McGOWAN: The big changes in industrial relations have taken place since 1983 because of the Federal Government, not because of the Minister's policies. In 1995 industrial disputes increased because of the Minister's second wave legislation.

Mr Kierath: It was because of the union blockade. If it were not for that in the past four years we would have had the lowest number of disputes of any State in the country.

Mr McGOWAN: Why is the Minister bringing up this now in order to create so many more disputes? There is no reason for it.

Mr Kierath: We think we can deliver better.

Mr McGOWAN: Does the Minister want to put in jeopardy the great industrial gains such as the Kingstream project for his ideology?

Mr Kierath: Some of the worst examples of union practices of the past are starting to come to the fore again.

Mr McGOWAN: The next question to be asked is about the so called mandate which has been flaunted around in the past few days. The member for Albany said on the radio this morning that the Government had a great mandate for this legislation and that the people voted in the knowledge of what the coalition would do after the election.

Mr Prince: Did you hear it?

Mr McGOWAN: Yes, I did hear the Minister; his remarks were enlightening. Following that I received a copy of the Coalition Statement on Labour Relations dated 27 November 1996, 18 days before the election. It contains absolutely no mention of things such as the blocking of workers going to federal awards. No mention is made of the fettering of the right to strike.

Mr Kierath: It refers to finishing the reforms of the 1992 policy which included rationalisation of state and federal awards. You should read the documents properly.

Mr McGOWAN: Those words stand out in the document! I am sure everyone understood them! No mention is made of the political donations clauses or the effects on workers' annual leave if they are supposedly unlawfully dismissed, whatever that means. The only thing mentioned is secret ballots.

Mr Kierath: Where have you been for the past four years?

Mr McGOWAN: The Minister should read his own document.

Mr Kierath: It refers to the remainder of the reforms from the first policy which were the subject of a Bill before this House. Have you been hiding under a rock?

Mr McGOWAN: I will read the document to the Minister who has difficulty reading. It refers to greater rights for workers, like stopping them from going to federal awards if they wish! It refers to more choices for agreements at work. None of the Minister's third wave legislation reforms relate to that. It refers further to modernising the award system. The only part of the Minister's policy referred to is secret ballots. There is no mention of any other provision of the Bill. I will give the Minister a copy of it.

Mr Kierath: What is the last item on the page?

Mr McGOWAN: It says that the future of labour relations under a coalition Government is to cement the three principals underpinning the reforms over the first term of government - choice, democracy and accountability.

Mr Kierath: That sounds good to me.

Mr McGOWAN: Stopping people from going to federal awards is a good choice, is it? Is it democracy when the Minister tries to ram legislation through the upper House before its membership changes? No accountability has been shown because the coalition policy mentions none of the provisions in this Bill. I will give the Minister a copy of the coalition document afterwards and he can read it. Obviously during the election campaign he did not see his own policy document.

The other point I wish to raise is the provisions relating to federal awards. I refer to the Minister's second reading speech in which he said -

> In practical terms, it means that a union seeking a federal award cannot "double-dip". These amendments will allow the cancellation of such a state union's eligibility to represent employees in the state system and will facilitate the substitution of another union - one with a greater commitment to remaining in the state jurisdiction.

The provisions relating to the federal awards are obviously unconstitutional. The Minister should be made aware of section 109 of the Australian Constitution.

Section 152 of the commonwealth workplace agreements legislation refers specifically to unions leaving the state jurisdiction when there is an interstate dispute to go to the commonwealth jurisdiction.

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

Mr McGOWAN: Sections 152 and 153 of the commonwealth legislation include specific provisions which enable unions to move from the state to the federal system in the case of an interstate dispute. These two sections provide for the federal system to reign supreme over the state system, and I will not go into the exact details. Under the

Howard Government's amendments to section 152 state workplace agreements enacted under the state Workplace Agreements Act have supremacy over the federal provisions. In other words, that applies to workers employed under workplace agreements, not awards. The Minister, by this legislation is trying to prevent workers on state awards from going to the federal arena.

Mr Kierath: It is to give them a choice so that they are not forced into it against their will.

Mr McGOWAN: Is this Bill the Minister's idea of choice? The Minister is trying to prevent working people from going to the federal arena. It is clear that this Bill infringes section 109 of the Constitution which states -

> When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

I have looked at some of the decisions on this issue. In effect, the Minister has chosen to ignore the established case law on section 109 of the Constitution.

Mr Kierath: This is new Statute law.

Mr McGOWAN: The Minister may become aware that the Constitution overrides these things.

Mr Kierath: These provisions relate to the federal Act.

Mr McGOWAN: The state Act overrides the federal legislation in the case of workplace agreements. This legislation applies to workers employed under state awards. The Minister must understand that a series of case law indicates that state awards are subservient to federal awards. I will refer to some of the cases so that the Minister understands the situation.

Mr Kierath: To which provision of the Bill are you referring?

The SPEAKER: Order!

Mr McGOWAN: The first case to which I will refer is Victoria v Commonwealth (1937) S8CLR 618. The Minister must understand that there is such a thing as precedent. The High Court is at the top of the tree and it sets the precedents which develop over time. In the case of Victoria v Commonwealth, Dixon J., as he then was, stated -

> When a State law, if valid, would alter, impair or detract from the operation of a law of the Commonwealth Parliament, then to that extent it is invalid.

That is what this Bill does. By seeking to override the provisions of section 152 of the commonwealth Act this Bill is inconsistent and invalid. The Minister is trying to make the union movement spend a great deal of its members' money to challenge this legislation in the High Court and the Minister will waste a great deal of the taxpayers' money in pursuing that challenge.

Mr Kierath: We won our case.

Mr McGOWAN: The Mabo case?

Mr Kierath: No, the industrial relations case.

The SPEAKER: Order! I indicate to the member for Rockingham that while he is prepared to take interjections I will allow them unless they become unparliamentary or unacceptable. If he wishes to avoid interjections he should address his remarks to the Chair and he will be given the protection of the Chair.

Mr McGOWAN: I will refer to a couple of other cases which reinforce the point I made that this provision is invalid. The Minister should write them down.

The second case is Clyde Engineering v Cowburn (1926) 37CLR 466. It does not mean it is invalid because it was heard in 1926. It states -

> No State law can in the presence of s. 109 of the Constitution be permitted to stand in the way of the settlement so authorised or directed. No State law can prevent that settlement by direct prohibition, either wholly or partly. And what it cannot do directly it cannot do indirectly . . .

Mr Kierath: That was in 1926 and this is 1997.

Mr McGOWAN: The Minister should speak to one of his members who has a law degree because he or she will explain the situation to him. To continue -

> Where, therefore, a federal dispute exists, no existing State law, whatever its terms, can indirectly or to any extent be regarded as presenting a legal bar to the full exercise of the federal arbitral power. . . . In brief, no State law can affect the personal obligations of Australians, with reference to the matters involved in their interstate industrial disputes and awards -

Mr Kierath: Are you aware of complementary legislation?

Mr McGOWAN: This is not complementary legislation. I have indicated to the Minister that in the case of agreements it is complementary - it does line up with the commonwealth Act - but the provisions by which the Minister is attempting to prevent Western Australian workers going to federal awards in the case of an interstate dispute do not line up with the commonwealth Act. The Minister must understand that point.

The third case is more recent and it was known as Magik Markets v Brake and Service Centre Drummoyne (1991) 102 ALR 621. In that case, President Kirby of the New South Wales Court of Appeal held -

> But there may be an inconsistency for this purpose notwithstanding that it be possible to obey both the federal and the State law. Thus, as it has been put, it may be the intention of the federal law to 'cover the field': . . . To take one example, there may be such an inconsistency where the legislative intent in the federal Act is to establish exhaustively the content of the rights and obligations of parties in respect of a particular matter: in such a case, a State law the operation of which was to qualify such rights and obligations would be inconsistent with the federal law within s. 109.

The Minister must understand that this provision is nasty because it tries to take away people's rights which have been in existence since the early 1900s. It does it in such a clumsy manner that it infringes the commonwealth Constitution. I am sure the Minister is fully aware of that. However, he is trying to push one of the state unions into challenging the matter so it will waste its members' funds.

Mr Kierath: It is one of the issues the union raised in 1995. The Government sought Crown Law advice on that, and the advice was that it did not breach the Constitution.

Mr McGOWAN: When the Government pays lawyers to give it the advice it wants, that is the advice it will get.

Mr Kierath: That is your attitude; it is not ours.

Mr Carpenter: The Government had good legal advice on the Mabo issue, too.

Mr McGOWAN: Yes. The Minister must have another look at this provision. This legislation is unnecessary, inflammatory and undemocratic. It comes into effect prior to the changeover in the Legislative Council and following in the great traditions of the Liberal Party in relation to upper Houses, the prostitution of the Senate in the 1970s, and the recent efforts by the Liberal Party in the Senate to bribe other senators for their votes.

Mr Kierath: He was a Labor senator. We saw his true colours.

Mr McGOWAN: There are bad apples in every basket, but the Liberal Party attracts them to its side. This is a poorly drafted Bill. It is unconstitutional and it is one for which the Government has no mandate. It is time for those in the Liberal Party who have some sense of decency, justice and propriety and a view that they want this State to develop as an economic powerhouse and not be caught up in endless industrial disputation to stand up and stop this nasty Bill that is being put forward by the Minister for Labour Relations.

The last question that must be answered is: Why? We have established that the Minister has no respect for working people, for the Constitution, or for the Parliament. The moderates in the Liberal Party, particularly the Deputy Leader of the Liberal Party, should stand up and ensure that some action is taken on this Bill to prevent its passage through Parliament.

Debate adjourned, on motion by Ms Warnock.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Omodei (Minister for Local Government), read a first time.

House adjourned at 11.23 pm

QUESTIONS ON NOTICE

CABINET ACCOMMODATION - ANNUAL RENTAL

5. Mr PENDAL to the Premier:

(1) What is the total annual rental paid by the Western Australian Government to accommodate the members of the Cabinet, including the Premier?

(2) Will the Premier provide rental figures for each member of the Ministry, as well as the Cabinet Secretary?

Mr COURT replied:

(1) $2 155 400

(2)

Minister	Accommodation Cost
Premier; Treasurer; Minister for Public Sector Management; Federal Affairs	$199 100
Deputy Premier; Minister for Commerce & Trade; Regional Development; Small Business	$199 100
Minister for Resources Development; Energy; Education	$174 300
Minister for Primary Industry; Fisheries	$165 500
Minister for Mines; Tourism; Sport & Recreation	$109 000
Minister for Transport	$109 800
Minister for the Environment; Employment & Training	$236 500
Minister for Labour Relations; Planning; Heritage	$93 700
Attorney General; Minister for Justice; the Arts	$128 200
Minister for Finance; Racing and Gaming	$70 800
Minister for Health	$116 500
Minister for Lands; Fair Trading; Parliamentary & Electoral Affairs	$79 200
Minister for Local Government; Disability Services	$97 200
Minister for Family & Children's Services; Seniors; Women's Interests	$91 800
Minister for Housing; Aboriginal Affairs; Water Resources	$57 300
Minister for Police; Emergency Services	$104 400
Minister for Works; Services; Multicultural & Ethnic Affairs; Youth	$123 000
Parliamentary Secretary of Cabinet (includes Cabinet rooms and related services)	$104 900

The accommodation costs are based upon estimated rental outgoings costs for 1996-97.

CONSOLIDATED CONSTITUTION - INTRODUCTION

6. Mr PENDAL to the Premier:

(1) In reference to the public undertaking in 1996 for an early start to implementing a new consolidated, plain-English Constitution for Western Australia, will this document be introduced this year?

(2) Will drafts be circulated in advance for public examination?

(3) If no to (2) above, will the Premier give assurances that adequate time for public comment will be given before debate proceeds?

Mr COURT replied:

(1)-(3) A plain language booklet explaining the workings of the Constitution is in preparation and drafts have been circulated for professional comment. It is anticipated that the booklet will be available for public release during 1997.

PUBLIC SECTOR MANAGEMENT ACT - APPOINTMENTS

13. Dr CONSTABLE to the Minister for Public Sector Management:

On how many occasions has the Minister, or his staff, invoked section 105 of the Public Sector Management Act 1994 in response to communications from -

(a) members of the public; and
(b) members of Parliament,

concerning the selection or appointment of a person to an office, post or position in the public sector?

Mr COURT replied:

(a)-(b) Nil.

GOVERNMENT PROPERTY - SALE

62. Dr CONSTABLE to the Minister representing the Minister for Racing and Gaming:

(1) In relation to all real estate (land and buildings) sold within the Minister's portfolio in the 1995-96 and 1996-97 financial years -

(a) where was the real estate situated (giving the actual address of the land and building);
(b) for what amount was the real estate sold;
(c) when, if ever, was the most recent valuation of the real estate conducted; and
(d) what was the value of the real estate according to the valuation?

(2) What real estate within the Minister's portfolio is currently for sale or in the process of being sold?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following response:

	Address	Net Amount *	Last Valued	Valuation Amount
(1)	(a)	(b)	(c)	(d)
	Totalisator Agency Board			
	52 Benningfield Rd, Bullcreek	$ 260 000	8.12.96	$ 260 000
	Shop 2/432 Safety Bay Road Waikiki	$ 87 100	5.09.95	$ 80 000
	3 Austral Pde, Bunbury	$ 96 647	19.01.96	$ 80 000
	2818 Albany Hwy, Gosnells	$ 176 555	5.09.95	$ 167 000
	4 Nisbet Street, Ascot	$ 129 725	30.07.96	$ 95 000
	3 Maple Street, Burswood	$ 133 845	15.08.96	$ 100 000
	21 Halley Rd, Balcatta	$ 127 437	14.05.96	$ 130 000
	Lots 160/161 Hasler Rd, Osborne Park	$1 233 801	27.08.96	$1 018 000
	93 Flora Tce, North Beach	$ 111 870	25.11.96	$ 110 000
#	6 Webber St, Willagee	$ 145 950	22.11.96	$ 125 000
#	10 Walters Drive, Osborne Park	$1 216 475	Dec 1996	$1 200 000
#	874 Hay Street, Perth	$1 343 975	4.12.96	$1 290 000
#	Lot 17 Spencer Rd, Thornlie	$ 259 583	30.08.96	$ 125 000
	WA Greyhound Racing Association			
x	Lot 99 Nicholson & Acourt Roads, Canning Vale	$ 510 000	28.2.1995	$ 510 000

* Net after agents' commission/fees
\# Contract unconditional but not yet settled
x Sale as at 31.3.97 proceeding but no contracts signed

(2) TAB real estate currently for sale or in the process of being sold:

. 47 Drake Street, Bayswater
. 21 Morris Place, Innaloo
. 145 Claremont Crescent, Swanbourne
. 53 Glyde Street, Mosman Park

WAGRA - Nil (other than "x" in (1) above)

PUBLIC SERVICE - SENIOR LEVELS

Percentage of Women

73. Dr CONSTABLE to the Minister for Public Sector Management:

(1) What percentage of women are represented at level 7 and above in the Western Australian public sector?

(2) How do those figures compare to five and 10 years ago?

Mr COURT replied:

(1) Three per cent of women were employed at a salary equivalent to Level 7 and above at 30 June 1996.

(2) Data for the whole public sector is only available from June 1993. At 30 June 1993, 1 per cent of women were employed at a salary equivalent to Level 7 and above.

TRAFFIC - MOTOR VEHICLES

Pollution

78. Mr PENDAL to the Minister for the Environment:

(1) I refer to the Minister's predecessor's announcement on 12 July 1995, which outlined plans for a special hotline for people to report "smoking" vehicles using public roads and ask how many people used the hotline to report such vehicles?

(2) Does the hotline service still operate?

(3) Was it regarded as a success?

(4) If not, what other initiatives are planned or are in place to deal with vehicles emitting illegal pollutants?

Mrs EDWARDES replied:

(1) There have been 23 682 vehicles reported up to 7 March 1997.

(2) Yes.

(3) Yes, more than 8 000 vehicles have been reported as repaired.

(4) Not applicable.

TAXATION - STATE

Bank Accounts

82. Mr PENDAL to the Treasurer:

(1) I refer to the imposition of the Bank Account Debits imposed by the State Government on withdrawals, and the Financial Institutions Duty imposed by the State Government on deposits and ask, is it legal for a bank to impose such taxes on behalf of the State Government where the account has not recorded any deposits or withdrawals in that monthly period?

(2) If not, will the Treasurer investigate how widespread is the practice of a bank imposing both taxes in these circumstances?

(3) If not, why not?

Mr COURT replied:

(1) Debits tax is not limited to withdrawals but will also be payable on any debit in excess of $1 made to the account, such as a debit for account keeping fees. Similarly, financial institutions duty is not limited to deposits to the account but will also be payable on credits made to the account, such as for interest. Under

the FID legislation, a financial institution (including a bank) is liable for the financial institutions duty but the legislation does not prohibit that financial institution from passing on the cost of the FID to the customer. The debits tax legislation makes the customer and the bank jointly liable for any debits tax charged on debits to the account.

(2)-(3) It is beyond the scope of the legislation to investigate the legality of charges imposed by a bank in its contractual arrangement with the customer. In the circumstances, customers should resolve the matter directly with their bank.

NATIVE TITLE - ACT

Amendment - Wik Case

149. Mr BROWN to the Premier:

(1) Did the Premier issue a media statement on 23 December 1996, concerning the High Court judgment in the Wik case?

(2) In that media statement did the Premier say "The Native Title Act must now be amended to make it clear the rights of all leaseholders prevail over native title rights where there is inconsistency"?

(3) Has the State Government advocated the Native Title Act 1993 (Commonwealth) be amended to -

(a) extinguish Native Title on pastoral leases; or

(b) make Native Title land rights secondary to the rights of pastoral leaseholders so where there is an inconsistency in the law, the law relating to pastoral leaseholders prevails?

(4) If not, in what way does the State Government advocate the Native Title Act 1993 (Commonwealth) be changed?

(5) Does the State Government want the Federal Government to amend the Racial Discrimination Act 1975 (Commonwealth) if that Act is an impediment to implementing the State Government's views on Native Title?

(6) In what way does the State Government advocate the Racial Discrimination Act 1975 (Commonwealth) should be amended?

Mr COURT replied:

(1)-(2) Yes.

(3) (a) Yes, to make all valid pastoral leasehold interests valid as all invalid pastoral leasehold interests were made valid by the Commonwealth Native Title Act 1993.

(b) Yes, the State Government, along with other States, has advocated that the Wik decision can be confirmed by replacing the common law native title on pastoral leases by statutory access rights which would attract the same procedural rights and a right to be compensated as applicable to other title holders. There would be no inconsistency in law under this approach.

(4) Possible options for dealing with the Wik decision have been drafted by States and Territories and given to the Federal Government. These proposals can be made available to the member.

(5) The State Government believes that the proposed amendments do not breach the Racial Discrimination Act and, therefore, no amendments to the Act are necessary.

(6) Should the Commonwealth wish to ensure that there is no conflict between these suggested amendments and the Racial Discrimination Act, then the State believes that section 7(2) of the existing Native Title Act makes this certain.

INSURANCE - THIRD PARTY INSURANCE FUND

Premiums - Reduction

159. Mr BROWN to the Premier:

(1) Did the Premier issue a media statement on 12 December 1996 concerning the Third Party Insurance Fund?

(2) In the media statement did the Premier refer to the third party insurance premiums?

(3) In the media release did the Premier refer to the total amount of claims paid out by the fund?

(4) In the -

(a) 1992-93 financial year;
(b) 1993-94 financial year;
(c) 1994-95 financial year; and
(d) 1995-96 financial year,

what was the total amount of all claims paid out by the fund?

(5) Has a reduction in the amount paid out for all claims resulted from changes introduced by the Government which -

(a) reduced benefits; and
(b) created a threshold under which certain claims are not paid or are paid at a reduced rate?

(6) Has the reduction in insurance premiums come about primarily as a result of either -

(a) certain injured motorists and passengers not being entitled to any compensation as a result of legislative changes introduced by the Government; or

(b) certain injured motorists and passengers being entitled to a lower amount than they would have received prior to the legislative changes introduced by the Government?

(7) Is it true the reduction in insurance premiums has primarily occurred as a direct result of the reduction in the level of compensation payable to injured motorists and/or passengers?

(8) If not, what are the causes of the lower insurance premiums?

Mr COURT replied:

(1) A media statement concerning the Third Party Insurance Fund was issued by the Premier on 10 December 1996.

(2) Yes.

(3) No.

(4) 1992-93 Claims expense: $241 337 000
1993-94 Claims expense: $195 554 000
1994-95 Claims expense: $221 425 000
1995-96 Claims expense: $214 328 000

(5) Yes, it has been a contributing factor.

(6) No, not primarily.

(7) No.

(8) Income from the $50 premium rate increase, effective 1 August 1993, together with excellent underwriting results over the past three years and a one-off payment to the fund of $74.8m on 28 June 1996 by the Western Australian Government, are responsible for early elimination of the fund's $330m deficit. The Third Party Insurance Fund also benefited from income received from investments and abnormal items which, over three years, totalled $153.5m.

As a consequence of the commission's recommendation and the Minister's subsequent approval, all third party insurance premium rates which were subject to the 1993 increase, were reduced by $50 on 1 August 1996, at which time the fund was fully funded.

Amendments to the Motor Vehicle (Third Party Insurance) Act 1943 which introduced an indexed $10 000 threshold/deductible amount to all claims resulting from motor vehicle accidents occurring after 30 June 1993, along with a cap of $204 000 applied during 1995-96, continue to facilitate the improved performance of the fund. The threshold/deductible amount and cap relate only to the non-pecuniary loss portion of a claim settlement while the pecuniary loss component of claims, particularly payment of out of pocket expenses and past and future loss of earning capacity, remains unaffected by the legislative changes. The out of pocket expenses include medical and hospital expenses and the costs of paid-care, travelling, medication, treatment, aids and appliances.

GRAFFITI - LEGISLATION

Retailers

160. Mr BROWN to the Premier:

(1) Did the Premier issue a media statement on 12 December 1996, claiming the Government had reduced graffiti by an estimated 50 per cent?

(2) What information did the Premier take into account in arriving at the 50 per cent estimation?

(3) Does the Government intend to introduce legislation that will make it an offence for graffiti materials to be carried after the hours of darkness?

(4) Does the Government intend to introduce legislation which will compel retailers and others to secure products that can be used to graffiti?

(5) What further legislative measures does the Government intend to introduce to reduce graffiti?

(6) When will these measures be introduced?

Mr COURT replied:

(1) In a media statement of 12 December 1996 I noted that graffiti in Perth had been reduced by approximately 50 per cent, while stressing that a significant amount remains, and that there is no room for complacency.

(2) This information is derived from annual evaluations of sites throughout the metropolitan area, as well as further support information.

(3) The Graffiti Program Steering Committee is exploring the possibility of legislation that may place the onus on young people who are found carrying implements for graffiti to provide a lawful reason. This is currently under consideration, but no decisions have as yet been reached.

(4) An option being explored in relation to retailers' responsibilities is the possibility of legislation based on the current voluntary code of practice.

(5) No further legislative measures are currently under consideration.

(6) Action to reduce graffiti must take place within the context of a comprehensive approach. As it is now more than three years since the start of the Graffiti Program, the Graffiti Program Steering Committee is developing a report for the Government which will review the present situation and advise on any new approaches that might be required. I anticipate that this will be available within three months.

EMPLOYMENT OPPORTUNITIES - GOVERNMENT COMMITMENT

161. Mr BROWN to the Premier:

(1) Did the Premier issue a media statement on 13 December 1996 concerning first-time voters?

(2) In the media statement was the Premier quoted as saying "The Coalition has a clear vision for Western Australia which is underpinned by a commitment to create more employment opportunities for young Western Australians in an increasingly diverse economy"?

(3) How many additional employment opportunities for young Western Australians will the Government create in this term of office?

Mr COURT replied:

(1)-(2) Yes.

(3) The coalition Government is committed to creating employment opportunities for young Western Australians, however, it is ridiculous to expect the Government to predict the number of jobs that will be created in this area over the next four years. It is appropriate, however, to look at what has already occurred.

Since the coalition was first elected in 1993, 116 000 new jobs have been created in Western Australia. Employment has risen to a record level of 857 700 - and last month a further 1 700 jobs were created in this State. Western Australia's youth unemployment rate - although still unacceptably high, is currently seven percentage points below the national average.

CORRECTIVE SERVICES - BUILDING SERVICES DIVISION

Allanson Report - Government Consideration

185. Mr BROWN to the Premier:

(1) Further to question on notice 1303 of 1996, has Mr Allanson completed his report on the Building Services Division of the Corrective Services Department?

(2) On what date was the report or review completed?

(3) What was the total charge by Mr Allanson for the report/review?

(4) Has the report/review been considered by -

(a) the Minister;
(b) Cabinet;
(c) other Ministers;
(d) Commissioner for Public Sector Standards;
(e) Public Sector Management Office; and
(f) other departments or agencies?

(5) Did the report/review make one or more recommendations/observations?

(6) What were the recommendations/observations?

(7) What action does the Government intend to take on the recommendations?

Mr COURT replied:

(1) Yes.

(2) 7 February 1997.

(3) $47 141.

(4)-(7) The report was tabled in Parliament on 11 March 1997. As I indicated at that time in my ministerial statement, the report concluded that the available evidence did not support a finding that the cost increases in the Casuarina project were as a result of financial mismanagement. The Government has considered the report and accepted the recommendation that no further action be taken against any members of the public sector.

JUSTICE, MINISTRY OF - ROWE REPORT

Public Service Commissioner

186. Mr BROWN to the Minister for Public Sector Management:

(1) Further to question on notice 1478 of 1996, has the Public Service Commissioner, Dr N. Michael completed his review of those matters raised by Mr Rowe in his correspondence of June 1994?

(2) Has the Public Service Commissioner reached a conclusion on those matters?

(3) What is his conclusion?

Mr COURT replied:

(1)-(2) Yes.

(3) The Public Service Commissioner concluded that the outstanding matters have been addressed and his investigations completed.

NATIONAL COMPETITION POLICY - RURAL WESTERN AUSTRALIA

Government Approach

192. Mr BROWN to the Premier:

(1) Does the Government intend to enforce national competition policy on rural Australia?

(2) Does the Government intend to adopt a different approach to enforcing national competition in rural Western Australia compared to the metropolitan area?

(3) If so, how will the approach differ?

Mr COURT replied:

(1) The objective of national competition policy is to achieve a more competitive Australia, to the extent it is in the public interest. The ultimate purpose is to enhance the standard of living of Western Australians. Accordingly, competition policy, which is in the public interest, is also relevant to rural Australia.

(2)-(3) National competition policy strives to achieve a more competitive economy where it is in the public interest, regardless of location.

ANTI-CORRUPTION COMMISSION - POWERS

207. Mr RIPPER to the Premier:

(1) Can the Premier explain why the Anti-Corruption Commission is uncertain of its own powers?

(2) Has the Government failed to set up an adequate and effective body to fight corruption?

(3) Will the Government now set up an anticorruption body as per the recommendations of the Royal Commission into the Activities of Government and Other Matters?

Mr COURT replied:

(1) The question appears to be based on an assertion contained in a newspaper article. I am not aware of any facts that support this assertion.

(2)-(3) Not applicable.

STATE BUDGET - GOVERNMENT'S PROPOSALS

208. Dr GALLOP to the Premier:

(1) When does the Premier propose to bring down the 1997-98 state Budget?

(2) Is the Government considering any increases in any taxes or charges and if so which ones?

(3) Can the Premier guarantee not to introduce a gold tax or any other new tax or charge?

(4) If not, why not?

(5) Does the Premier expect to reduce the number of government departments next financial year?

(6) If yes, how many job losses does the Premier expect to occur?

Mr COURT replied:

(1) At this stage, on 10 April 1997.

(2)-(6) It would not be appropriate to provide the information to the Leader of the Opposition until the State Budget has been introduced into the Parliament.

LEGAL AID - FUNDING

Commonwealth Cuts - Compensation

210. Dr GALLOP to the Premier:

(1) Given the Commonwealth's decision to slash legal aid funding by $33 million nationally, has the Premier been advised of any other reductions in funding in any other areas?

(2) If so, what are they?

(3) What steps has the Premier taken to ensure Western Australia's best interests are protected?

(4) What alternative areas of funding will need to be found by the State to compensate for these reductions by the Commonwealth?

(5) Does the Premier guarantee not to increase any state charges or taxes in the forthcoming Budget?

Mr COURT replied:

(1)-(2) Termination of the existing legal aid agreements from 30 June 1997 was announced by the Commonwealth in its 1996-97 Budget. That Commonwealth Budget also advised of cuts to a wide range of other specific purpose payments to the State (including through a 3 per cent efficiency dividend applied to many programs).

(3) I attended the Premier's Conference in Canberra on 21 March 1997 to discuss Commonwealth/State financial matters and to ensure that Western Australia's interests were protected and advanced.

(4)-(5) The Government is considering a range of expenditure and revenue initiatives and these initiatives will be announced when the Budget is introduced into the Parliament.

MINISTERS OF THE CROWN - CODES OF CONDUCT AND ETHICS

Application - Breaches

219. Mr BROWN to the Premier:

(1) Does the Premier require his Ministers to observe the standards, codes of conduct and codes of ethics required of government employees?

(2) If so, will the Premier apply sanctions when Ministers breach such standards, codes of conduct and codes of ethics?

(3) If not, why not?

(4) Has the Premier applied these standards and codes to Ministers to date?

(5) If not, why not?

Mr COURT replied:

(1)-(5) The Standards, Codes of Conduct and the Code of Ethics as established under section 21 of the Public Sector Management Act 1994, are applicable only to public sector bodies and employees. However, certain sections of the Act, such as section 105, provide safeguards against members of Parliament, including Ministers, intervening in public sector employment processes and I would naturally expect Ministers to be aware of and observe these requirements. I also require Ministers acting in their individual and collective capacities to uphold the high standards expected of public officials.

GOVERNMENT INSTRUMENTALITIES - CODES OF CONDUCT AND ETHICS

221. Mr BROWN to the Minister for Public Sector Management:

(1) How many departments or agencies have issued Codes of Conduct and Codes of Ethics under the Public Sector Management Act 1994?

(2) What is the name of each department or agency that issued one or more codes?

(3) What codes have been issued by the departments and agencies referred to in (2) above?

Mr COURT replied:

The Commissioner for Public Sector Standards has advised that:

(1) The Western Australian Code of Ethics which became effective from 1 July 1996, applies to all public sector bodies and employees covered by the Public Sector Management Act 1994. Public sector agencies have been encouraged to provide a copy of the Code of Ethics to each employee. Individual agencies are now being assisted by the Office of the Public Sector Standards Commissioner to develop agency specific codes of conduct which reflect the values and behaviours outlined within the Code of Ethics. Thirteen agencies have developed codes of conduct and another 51 agencies have codes under development. It is expected that many of these will be finalised by 30 June 1997.

(2)-(3) The 13 agencies that have developed codes of conduct are -

Office of the Public Sector Standards Commissioner
Lotteries Commission
Department of Local Government
West Pilbara Health Service
Royal Perth Hospital

Graylands Hospital and Special Care Services
East Pilbara Health Service
Port Hedland Regional Hospital
Government Media Office
Department of Commerce and Trade
Bush Fires Board of WA
Office of the Auditor General
Animal Resources Authority

PRISONS - DRUGS

Security Measures

237. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) In relation to the death on Saturday, 8 March 1997, in Casuarina Prison, of an inmate due to heroin overdose, what steps are being taken to stop the flow of drugs into our prison system?

(2) Are all visitors to prisons who have physical contact with prisoners searched prior to contact?

(3) Are workmen who operate in the prison subject to any searches?

(4) How are food stuffs and general supplies checked for drugs?

(5) What security system is in place to check that prison officers do not bring drugs into our prisons?

(6) Are sniffer dogs used for the detection of drugs in the prison system?

(7) If not, why not?

(8) In the past 10 years how many deaths in Western Australian prisons can be attributed to drugs?

(9) In the past 10 years, how many of the people who died in Western Australian prisons had traces of drugs in their blood?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following answer -

(1) Active participation in the National Drug Strategy.
Seeking best practice measures from other jurisdictions.
Random and targeted strip searches of visitors and refusal of admission to the prison if the visitor refuses to submit to a search.
Random and targeted strip searches of prisoners.
Strip searches of all prisoners on admission.
Surveillance cameras (in major secure prisons) and staff observation in visits areas and other locations to monitor movements and contacts.
Use of information gathering/intelligence processes.
Random searches of staff and checking of all staff bags on entering and exiting prison.
Restriction in the movement of goods into and out of prisons.
Use of drug dogs in cell, workshop and general prison area searches.
Cell, workshop and general area searches by Prison Officers.
Random and targeted urinalysis testing of prisoners.
Installation of a controlled telephone system for prisoners.

(2) No.

(3) Yes.

(4) Various methods are employed including physical checks by staff and the random use of drug detection dogs.

(5) Random searches of staff and checking of staff bags on entering and exiting prison.

(6) Yes.

(7) Not applicable.

(8) Information over the past 10 years is not in readily available form. For the period March 1997 to January 1990 (seven years), 40 prisoners have died in Western Australian prisons. In 12 cases no finding has been made and in a further three cases the information is not readily available. Of the remaining 25 deaths where the coroner's finding is available, one death was attributed to acute opiate toxicity.

(9) Of the 25 deaths where a finding is readily available, chemical analysis of the blood was available in 21 cases. Of these 21, drugs were detected in 17 cases. (NOTE: As the Member's question did not specify illicit drugs, the drugs detected in the 17 cases may well have been prescribed medication).

HOSPITALS - NICKOL BAY

Pharmacy

239. Mr RIEBELING to the Minister for Health:

(1) In relation to the Pharmacist, Level 7 at Nickol Bay Hospital, what accommodation standard applies to the position if the incumbent has two children?

(2) In relation to Robyn Motherway what accommodation was promised and what accommodation was delivered?

(3) Did the accommodation supplied to Robyn Motherway cause any problems?

(4) In September 1994 was there any alternative accommodation available in Karratha of a larger size?

(5) Did Nickol Bay Hospital hold copy keys to staff accommodation and, if so, why?

(6) Is it the practice to give keys for accommodation to maintenance workers without the prior consent of the tenant?

(7) Did the pharmacist Janet Concannon lodge a written complaint about the loss of drugs from the Nickol Bay Hospital in 1994?

(8) What action was taken on the complaints?

(9) Did the monthly statistics show that drugs taken from the pharmacy were not being recorded, and that the volume of loss could not be explained by poor recording?

(10) In 1994-95 was the pharmacy area a serviced area?

(11) Was a memorandum issued on 13 September 1994 about the use of the pharmacy and, if yes -

(a) why was this memorandum needed; and

(b) what was the result of the memorandum on the operation of the pharmacy?

(12) How many pharmacists have been employed at the Nickol Bay Hospital since January 1994?

(13) In the September pharmacy stocktake, was there a stock shortage of $2 093.56 and, if so, what action was taken?

(14) Was there a major theft of Diazepam in January or February 1995 and, if so -

(a) was a suggestion made to put in hidden cameras to catch the person responsible; and

(b) was there a statement made that if the cameras were installed the nursing staff would have to be notified?

(15) What action did take place?

(16) After the theft of Diazepam in 1995, was the pharmacist ordered to give the narcotics key to the nurses by the general manager?

(17) What action has been taken to solve the above problem?

Mr PRINCE replied:

(1) There is no specific accommodation standard attached to the pharmacist level 7 position. Allocation of accommodation occurs once the position is filled and is dependent on family size. If the incumbent has two children then a two bedroom unit or house is provided.

(2) Robyn Motherway was advised that a two bedroom duplex would be available. She was provided with a two bedroom duplex.

(3) Yes. Robyn Motherway indicated she felt the two bedroom duplex was inadequate due to lack of room when her second daughter visited Karratha and her quantity of furniture. In early 1995 a three bedroom house was provided.

(4) No.

(5) Yes. The maintenance department holds copies of keys of Health Department housing for maintenance purposes.

(6) No.

(7) There is no record of a written complaint by Janet Concannon about loss of drugs from Nickol Bay Hospital in 1994.

(8) Not applicable.

(9) The August and September Nickol Bay Hospital pharmacy monthly reports indicated that items were issued from the pharmacy without appropriate recording. There was no indication that discrepancies were due to anything but poor recording.

(10) Yes.

(11) (a) Yes. Memorandum issued by Director of Nursing. Memorandum needed due to concerns raised by Robyn Motherway about nursing access to the pharmacy. The memorandum reinforced existing policy regarding access to the pharmacy.

(b) The result of the memorandum was that while appropriate policy was reinforced with staff, there were further concerns raised about access and stock levels. These concerns were subsequently addressed ultimately leading to action described in (15).

(12) Six.

(13) In the September Nickol Bay Hospital pharmacy monthly report, a stock shortage of $2 093.56 was reported. Action taken following this report was a review of systems by the pharmacist and a reinforcement of policy to staff regarding access to the pharmacy.

(14) Two packets of Diazepam were reported as missing. This was not a major discrepancy, as confirmed in the report by Coordinator of Pharmacy Services, as indicated in (15).

(a) No documents were found containing this suggestion.

(b) No documents were found containing this statement.

(15) The following actions were taken -

Meetings were held between the pharmacist, the Allied Health Manager, the Director of Nursing Services to address the reported stock shortage.

Provision of a part time pharmacy assistant in February 1995 for one month.

Initiation of a daily stocktake 13 February - 27 February 1995 between the pharmacist and the clinical nurse specialist on a daily basis over two weeks of items nominated by the pharmacist - no evidence of any discrepancies.

Review of pharmacy services by the WA Coordinator of Pharmacy Services; the report indicated that security of the pharmacy at Nickol Bay Hospital found to meet legislative requirements; and the cost of the missing drugs was not significant in terms of the overall budget and the ongoing pharmacy service in terms of its supply system.

Police were contacted - investigation did not locate any missing property or offender.

Introduction of the Drug and Therapeutics Committee.

Relocation of pharmacy and implementation of an electronic security system.

(16) Diazepam was reported as missing and investigated as described in (15). The policy for access to the pharmacy continued to be that the key be held by the pharmacist during business hours, and with the senior nurse on duty after hours.

(17) As per answer to (15). There has been no recurrence of discrepancies previously reported since actions as described in (15) were implemented.

DOMESTIC VIOLENCE - MINISTERIAL PORTFOLIOS

240. Ms ANWYL to the Minister for Family and Children's Services:

(1) Does the Minister retain responsibility for the area of domestic violence within the Family and Children's Services portfolio?

(2) If not, which Minister under which portfolio has responsibility for the Domestic Violence Prevention Unit?

(3) Which portfolios have had responsibility for domestic violence since 6 February 1993?

(4) What is the rationale behind such changes?

(5) Is it intended to move responsibility for the Domestic Violence Prevention Unit in the future?

Mrs PARKER replied:

(1)-(2) I retain responsibility for the area of domestic violence within the Women's Interests portfolio.

(3) Family and Children's Services, Attorney General and Women's Interests.

(4) Portfolio responsibility was transferred to the former Attorney General and Minister for Women's Interests in 1995 in order to reinforce the criminal nature of domestic violence. When the portfolio responsibilities for Attorney General and Women's Interests were separated in December 1995, the responsibility for domestic violence remained with the Minister for Women's Interests. This was because without reducing the Government's commitment to treating domestic violence as a crime, domestic violence and women's interests both affect a range of agencies across government.

(5) No.

DOMESTIC VIOLENCE - ARMADALE INTERVENTION PROJECT

Resources

242. Ms ANWYL to the Minister for Family and Children's Services:

(1) I refer to the Armadale Domestic Violence Intervention Project and ask -

  (a) does the Minister acknowledge the need to provide further resources to enable an extension of the existing perpetrator programs; and

  (b) what action will the Minister take; will further funds be made available and, if so, when?

(2) Does the Minister support the extension of the intervention project to other areas and, if so, will she state what steps are being taken to further the Duluth Minnesota model?

(3) If not, why not?

Mrs PARKER replied:

(1) (a) Yes. Regions where there are no perpetrator programs will be given priority. Funding for a perpetrator program was given a low priority - at No 6 - in the Armadale regional domestic violence plan by the community based committee which developed it.

  (b) Based upon the 16 regional plans, the Government has developed an integrated resource plan to guide funding for domestic violence. The integrated resource plan anticipates that further funds will be made available for domestic violence in line with commitments made by the coalition during the election campaign.

(2) No.

(3) It is not considered appropriate to impose one model of responding to domestic violence across Western Australia.

FAMILY AND CHILDREN'S SERVICES - MARKET RESEARCH

243. Ms ANWYL to the Minister for Family and Children's Services:

(1) Is the Minister aware of the engagement of market research, or opinion polling, consultants named NTS Mills or similar?

(2) If so, what are the terms of engagement and purpose of such research and can results be made available to me?

(3) Is it intended to make the results of the research available to the public?

Mrs PARKER replied:

(1) Yes. Family and Children's Services has used NCS Australasia Pty Ltd (NCS Wells) to conduct surveys.

(2) NCS Australasia was recently engaged to conduct a brief telephone survey of a random sample of 400 Western Australian adults. The survey covered a range of issues including community awareness of Family and Children's Services and the range of services provided, usage and source of awareness. The information provided by the survey will be used for evaluation and planning. Data from the survey is still being analysed and results are not currently available.

(3) The findings from the research will be reported in the department's annual report.

HEALTH - LEAD TOXICITY

Children - Derby and Wyndham

304. Dr EDWARDS to the Minister for Health:

(1) Is environmental lead exposure a preventable cause of lead toxicity in young children?

(2) If not, why not?

(3) What response protocols currently exist for children with elevated blood lead levels?

(4) Are these protocols distributed to health professionals?

(5) If not, why not?

(6) What resources currently exist for counselling services for parents of children with elevated blood lead levels?

(7) What programs are currently in practice for the blood testing of children at risk of elevated blood lead levels?

(8) Are children in communities exposed to the mining, processing, transportation and export of lead at risk of elevated blood lead levels?

(9) What monitoring programs for children in Wyndham are to be implemented to determine blood lead levels after 12 years of transporting and exporting lead and zinc ore through the town?

(10) If no monitoring programs are to be implemented, why is 'no action' the preferred policy?

(11) What public education programs have been formulated to provide parents in Wyndham with information on diffuse and point source environmental lead pathways, health effects of elevated blood lead levels and risk reduction strategies?

(12) If no public education programs are to be implemented, why is 'no action' the preferred policy?

(13) What public monitoring program will be implemented prior to the commencement of the Derby export facility in order to determine existing blood lead levels in children?

(14) What public education programs have been instituted to provide parents in Derby with information on diffuse and point source environmental lead pathways, health effects of elevated blood lead levels and risk reduction strategies?

(15) What intervention strategies have been developed in the event of elevated blood lead levels in children in Derby over the possible 40 year life of the Derby export facility?

Mr PRINCE replied:

(1) Yes.

(2) Not applicable.

(3) Response protocols for children with elevated blood lead levels have been established by the National Health and Medical Research Council. These indicate the need for action when blood levels exceed 10 g/dL, involving further monitoring, assessment of exposure sources, and advice on behavioural changes to reduce further exposure. Clinical intervention through chelation therapy may be necessary if blood lead levels exceed 55 g/dL.

(4) Yes. A national program of the Commonwealth Environmental Protection Agency, in cooperation with health and medical bodies, made all this information available to health professionals in the 1994 publication, 'Lead Alert'.

(5) Not applicable.

(6) No specific resources are available but parents may discuss and be counselled by their GPs or paediatricians if their children have high blood lead levels. Information and advice are also available from specialists within the Health Department in Perth.

(7) A program has been developed by the Kimberley Public Health Unit for blood testing. Other programs have been carried out nationally, funded by the NHMRC, and in various regions across the country where lead exposure has been a problem, including, for example, Port Pirie in South Australia and Broken Hill in New South Wales.

(8) Yes.

(9) None.

(10) Firstly, there is no evidence, clinical or otherwise, which would indicate that there has been a risk of lead poisoning in Wyndham. Secondly, retrospective studies of this nature are unlikely to be of value since it would be difficult to interpret the results of blood testing without also knowing the full exposure history of each individual. Nevertheless, any parent (in Wyndham or elsewhere) who is concerned that their child has been exposed excessively to lead should discuss this with their GP to determine the need for a blood test.

(11) None.

(12) Targeting a specific program in the absence of any strong evidence that people in the region are at special risk may cause unnecessary alarm. The people of Wyndham have the same information on lead and lead exposure as other people in WA.

(13) A long term prospective public health monitoring program has been established in Derby by the Public Health Unit with support from the Shire of Derby-West Kimberley and Western Metals. This will measure blood lead levels prior to transportation of lead through Derby and will continue sampling periodically after transportation begins.

(14) The Kimberley Public Health Unit has prepared an information sheet for distribution to the public. It has also contributed to local coverage by the media.

(15) If children are found with high blood lead levels, parents will be advised by public health professionals and may also be asked to consult with resident and visiting paediatricians. Measures will be taken to identify the sources of exposure, any behavioural activities leading to exposure, and other interventions required to reduce further exposure.

FAUNA AND FLORA - D'ENTRECASTEAUX NATIONAL PARK

310. Dr EDWARDS to the Minister representing the Minister for the Arts:

(1) Have -

(a) quokkas;
(b) bandicoots;
(c) ring tailed possums;
(d) other rare or endangered fauna; or
(e) other unnamed species,

been reported to the Western Australian Museum as found in the D'Entrecasteaux National Park or nearby environs in 1996 or 1997?

(2) If so, what animals and from which area?

(3) Who reported these finds?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response -

(1) Searches of the Western Australian Museum's collection databases for specimens found in or near the D'Entrecasteaux National Park in 1996 or 1997 revealed that only a single specimen of the Quenda or Southern Brown Bandicoot - *Isoodon obesulus fusciventer* - which is listed as "declared threatened fauna", had been lodged with the Museum. No other mammals - including Quokkas and Ring Tailed Possums - or gazetted reptiles, frogs or invertebrates were lodged in the collections from this area in 1996 or 1997.

(2) The Bandicoot specimen was collected in December 1996 from the Lake Jasper area.

(3) The Bandicoot specimen was lodged in the Museum collection by Mr Roy Teale of the consulting firm Halpern Glick Maunsell.

MUSEUMS - MARITIME

Batavia Portico

325. Mr McGINTY to the Minister representing the Minister for the Arts:

(1) In reference to the Batavia Portico at the Fremantle Maritime Museum -

(a) has a decision been taken to move the portico to Geraldton; and

(b) if so, when was that decision made?

(2) What is the estimated cost of removal?.

(3) Is private sponsorship being sought for the removal?

(4) Have potential sponsors been told of a likely public outcry over its removal from Fremantle?

(5) Is the Minister concerned about the effect of fragmentation on the integrity of this historic exhibition?

(6) What are the most recent attendance figures for a twelve monthly period for each of the Fremantle and Geraldton museums?

(7) Has the Minister sought the advice of the Heritage Council about the removal of such a significant item from a registered building?

(8) If not, does the Minister intend to seek its advice?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following answer -

(1) (a) A decision has been made to move the portico to Geraldton.

(b) A report of the select committee on the *Batavia* recommended (3 viii) "that the stone portico . . . be exhibited at Geraldton Museum, providing a new facility is built and security and environmental conditions are guaranteed." Both the Premier and the Minister for the Arts subsequently stated publicly that the select committee recommendations would be implemented. The board of the Maritime Museum resolved in May 1993 to accept the select committee's decision that the *Batavia* facade go to Geraldton.

(2) The estimated cost of removal is $100 600 - including salary costs.

(3) Private sponsorship is being sought for the removal.

(4) Potential sponsors are aware of sensitivities regarding removal from Fremantle.

(5) The Minister is aware that historic exhibition material from the *Batavia* wreck has been located in both Fremantle and Geraldton for many years and that a philosophy of rotating material between the two venues has been in effect and will be continued. The Minister believes that rotation of material does not amount to fragmentation of the collection, given that all the material is registered with and curated by the WA Maritime Museum.

(6) The most recent 12 month period attendance figure for the WA Maritime Museum is 214 184 and for the Geraldton Museum 42 354.

(7) The Minister for the Arts has not sought the advice of the Heritage Council about the removal of shipwreck materials from one exhibition to another. The responsibility for historic shipwreck material lies with the Western Australian Museum rather than with the Heritage Council.

(8) The Minister for the Arts does not intend to seek the advice of the Heritage Council.

GRAFFITI - SWAN RIVER RAILWAY BRIDGE

Removal

339. Mr BROWN to the Premier:

(1) Did the Premier issue a media release about graffiti during the election campaign?

(2) Have the Government's attempts to remove graffiti from building structures being applied to the Swan River railway bridge?

(3) What attempts have been made to remove graffiti from the Swan River railway bridge?

(4) When was the last occasion graffiti was removed from the bridge?

(5) What attempts will be made to remove graffiti from the bridge?

Mr COURT replied:

(1) Yes, on 12 December 1996.

(2) There is a regular maintenance and graffiti clean up on all Westrail property and bridges.

(3) Fremantle rail bridge rarely sustains graffiti damage. Goongoongup bridge, Claisebrook sustains graffiti damage on a regular basis. The graffiti is removed at least weekly on a regular maintenance and removal contract. The Guildford bridge over the Swan River is subject to regular graffiti attacks owing to its secluded nature. Graffiti on the piers and abutments is removed on the basis of a regular maintenance schedule. Graffiti on the spans requires planned removal.

(4) Fremantle bridge - graffiti was last removed prior to Christmas. Goongoongup bridge - graffiti was last removed on Thursday, 13 March. Guildford bridge - graffiti was removed from the piers and abutments on 18 February.

(5) Fremantle bridge - graffiti will be removed as soon as possible after the event. Goongoongup bridge - graffiti will be removed as soon as possible after the event. Guildford bridge - graffiti removal is scheduled to occur by the middle of next month, owing to the cost of erecting scaffolding over the water to remove graffiti between the spans.

PUBLIC TRUSTEE OFFICE - LEGAL ACTIONS

349. Mr KOBELKE to the Minister representing the Attorney General:

(1) What was the total expenditure by the Public Trustee Office in the 1995-96 financial year for legal advice, or representation, from legal firms or independent lawyers?

(2) In the 1995-96 financial year, how many cases of legal action were instigated against the Public Trustee?

(3) In the 1995-96 financial year, how many legal actions were instigated by the Public Trustee against other parties?

(4) How many lawyers are employed by the Public Trustee?

(5) What was the expenditure of the Public Trustee Office in the 1995-96 financial year for "in house" legal advice?

Mr PRINCE replied:

The Attorney General has provided the following answer -

(1) The Public Trustee refers all matters to the Crown Solicitor.

(2)-(3) Nil.

(4) 4.4 FTEs.

(5) $458 000 - including support services - or $42 per hour.

COURTS - EXECUTION OF WARRANTS

Contracts

351. Mr RIEBELING to the Parliamentary Secretary to the Minister for Justice:

(1) Has the firm Nationwide Mercantile Services been given the contract to service the eastern region and central region in relation to execution of warrants in accordance with the Fines, Penalties and Infringement Notices Enforcement Act 1994?

(2) Does Nationwide Mercantile Services receive $140 per warrant for execution within the eastern region?

(3) Does Insight Mercantile receive $50 per warrant for execution within the south west region?

(4) What was the cost of execution of warrants under the old system?

(5) Have there been any instructions that fines under a certain amount will not be enforced?

(6) If a lower limit has been set, what is that limit?

(7) Is the business Nationwide Mercantile Services currently owned by Capalaba Pty Ltd?

(8) Are the current directors of Capalaba Pty Ltd Noeleen Wilma Marriott and Sharon Leanne Marriott?

(9) Was the previous director of the above company Kenneth Joseph Marriott?

(10) When did the directors change to remove Kenneth Joseph Marriott?

(11) What role within Nationwide Mercantile Services does Kenneth Joseph Marriott currently have?

(12) Was a police report obtained into the operations of Nationwide Mercantile Services?

(13) If there was a police report completed, was Kenneth Joseph Marriott subject to police scrutiny in that report?

(14) What role does Kenneth Joseph Marriott have within the company?

(15) Has the Minister been made aware of a letter from the Debt Recovery and Financial Consultative Council to the Premier expressing concern that some people within the new system have criminal records?

(16) Do any employees within companies that operate the system have criminal records?

(17) Are debt collectors who are now appointed under the Fines, Penalties and Infringement Notices Enforcement Act 1994 permitted to use their Justice Department identification for normal debt collecting work?

(18) Have any complaints been received that identification is being misused?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following response -

(1) Yes.

(2) Yes, $140 for full satisfaction of a warrant. Eighty per cent for part satisfaction or service of a notice to attend for work and development - maximum three warrants per offender. Sixty per cent for attempted execution - maximum three warrants per offender.

(3) Yes, $50 for full satisfaction of a warrant. Eighty per cent for part satisfaction or service of a notice to attend for work and development - maximum three warrants per offender. Sixty per cent for attempted execution - maximum three warrants per offender.

(4) Warrants executed by police in previous system. Refer to Minister for Police.

(5) Yes.

(6) There are a range of criteria, including a lower monetary unit. I do not believe it is appropriate to disclose that limit.

(7) The business is recorded on Ministry of Justice files as - Capalaba Pty Ltd as Trustee for the Kenneth J Marriott Family Trust Trading as Nationwide Mercantile Services.

(8) Yes, according to documents tendered to the Ministry of Justice.

(9) Unknown.

(10) Not applicable.

(11) From information supplied to the Ministry of Justice Kenneth J. Marriott is the Accounts Manager of Nationwide Mercantile Services.

(12) No.

(13) Not applicable.

(14) See (11).

(15) Yes.

(16) For appointed Sheriff's Officers, no. Other company employees unknown.

(17) No. There is a written undertaking by contractors not to use Ministry of Justice identification in debt collection work.

(18) Yes, one complaint has been made. After investigation the complaint was found to have no substance.

FAMILY AND CHILDREN'S SERVICES - EMPLOYEES

Child Abuse

355. Dr CONSTABLE to the Minister for Family and Children's Services:

(1) Are any procedures in place to ascertain whether -

(a) employees of the Department of Family and Children's Services who work with children; or

(b) those applying for a position in the department,

(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 last five years, how many employees in Western Australia have been identified?

(3) Does the department 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 employees are on the list?

Mrs PARKER replied:

(1) (a)-(b) Yes.

(2) (a) The procedure since 1989 requires that a criminal record check be carried out on all applicants for both fixed term contract and permanent positions. This includes existing officers not currently employed in a position requiring a check, who move temporarily or permanently to a position for which a criminal record check must be undertaken. Applicants for identified positions requiring a check are advised there is a need to undergo an Australia wide criminal record check prior to appointment. Those persons who have migrated to Australia within the last 10 years and persons who have lived overseas in that period, are required to provide a criminal clearance certificate obtained from their country of origin, or country(ies) of residence.

(b) Since 1989. Prior to this a 1987 policy required applicants to disclose prior criminal convictions on an application for employment.

(c) Nine.

(3) Yes.

(4) (a) Employees are included on the list if a criminal or departmental record check indicates that the person has a criminal record involving abuse of children, or has a previous record of service with the department where circumstances surrounding their termination renders the individual unsuitable for re-employment.

(b) Seventeen.

COMMITTEES AND BOARDS - REGIONAL DEVELOPMENT

Membership

359. Dr CONSTABLE to the Minister for Regional Development:

(1) With reference to the Minister's answer to question on notice 27 of 1997, who are the current members and chairpersons of the Regional Development Council and the Rural Women's Network Advisory Committee?

(2) When was each member appointed and for what period of time?

(3) How much remuneration is each member paid?

Mr COWAN replied:

Department of Commerce and Trade

(1) Regional Development Council:

Chairman:	Mr Stuart Morgan - Chairman, South West Development Commission
Members:	Mr Ron Allen - Chairman, Mid West Development Commission
	Mr Harry Butler - Chairman, Pilbara Development Commission
	Mr Terry Cahill - Chairman, Gascoyne Development Commission
	Cr Kathy Finlayson - Chairman, Goldfields-Esperance Development Commission
	Cr Peter McCumstie - Chairman, Kimberley Development Commission
	Dr John Parry - Chairman, Wheatbelt Development Commission
	Mr John Simpson - Chairman, Great Southern Development Commission
	Mr Owen Tuckey - Chairman, Peel Development Commission
	Mr Chris Fitzhardinge - Department of Commerce and Trade

Rural Women's Network Reference Group:

Chairperson:	Marg Agnew, Esperance
Members:	Sr Pat Rhatigan, Broome
	Ms Maree Arnason, Newman
	Ms Tanya Pannell, Yuna
	Ms Sheenagh Collins, Hyden
	Mr Mark Metternick-Jones, Bunbury
	Ms Felicity Peterson, Fremantle
	Ms Alison Woodman, Merredin
	Ms Beverley Gilbert, Kendenup
	Ms Annette Sellers, Northampton
	Ms Liz Guidera, East Katanning
	(Two additional members resigned in recent weeks)

(2) Regional Development Council

Mr Stuart Morgan	Appointed May 1995 for 3 years
Mr Ron Allen	Appointed April 1994 for 3 years
Mr Harry Butler	Appointed July 1996 for 1 year
Mr Terry Cahill	Appointed April 1994 for 3 years
Cr Kathy Finlayson	Appointed August 1995 for 1 year term- Reappointed for a further year in July 1996
Cr Peter McCumstie	Appointed April 1994 for 3 years
Dr John Parry	Appointed April 1994 for 3 years
Mr John Simpson	Appointed April 1994 for 3 years
Mr Owen Tuckey	Appointed April 1994 for 3 years
Mr Chris Fitzhardinge	Ministerial Appointment August 1996 for 1 year

Rural Women's Network Reference Group:

All members were appointed for a two year period commencing 1 May 1996.

(3) Regional Development Council:

The Regional Development Council Chairman receives an additional $2 500 per annum to his Regional Development Commission stipend.
The members who are on the Regional Development Council receive a sitting fee of $280 per day or $185 per half day.

Rural Women's Network Reference Group:

The members receive a sitting fee of $131 per day or $86 per half day. The Chairperson receives a sitting fee of $196 per day or $130 per half day.

HEALTH - MEDICAL BOARD

Appointments

368. Mr McGINTY to the Minister for Health:

(1) Who are the members of the Medical Board?

(2) Has the Minister appointed members to replace those whose terms expired in the last three months?

(3) If not, when will those people be appointed to enable the Medical Board to deliver its findings in matters before it?

Mr PRINCE replied:

(1) Members:
Dr Con Michael, Chairperson
Dr Lewis Blake
Professor James Paterson
Hon Margaret McAleer
Dr Bryant Stokes
Dr Mary Surveyor
Dr Michael McCall
Dr Pam Quatermass
Mr Eric Heenan, QC
Professor Geoff Riley

(2) Yes.

(3) Not applicable.

STATE SETTLEMENT PLAN - STRATEGIES

Minister for Works

385. Ms WARNOCK to the Minister for Works; Services; Multicultural and Ethnic Affairs; Youth:

(1) What are the objectives of the Minister's departments' 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 BOARD replied:

OFFICE OF YOUTH AFFAIRS:

Not relevant to the Office of Youth Affairs.

OFFICE OF MULTICULTURAL INTERESTS:

(1) The aim of the Western Australia State Settlement Plan is that migrants are able to participate fully as soon as possible in the community through the provision of necessary settlement services for the community to reap the economic and social benefits of the immigration program.

(2) As part of the continuing evaluation and review of the plan, a range of internal and external access strategies has been developed and implemented appropriate to the agency delivering the service. These include:

(a) Internal Strategies:
Collection of ethnicity data
Cross-cultural training including Interpreter and Translator Awareness
Consultative mechanisms

(b) External Strategies:
Language Services Policy
Provision of information to the community
Use of ethnic media

(3) (a) Agencies allocate resources for services to migrants as part of their annual budget planning process.

(b) Each government agency represented on the State Settlement Planning Committee has allocated an officer with responsibility for state settlement planning issues.

(4) The ethnic community is represented on the State Settlement Planning Committee and wider agency-specific consultations are undertaken by agency working parties to establish issues, and evaluate the strategies developed to address those issues.

(5) (a) Ethnic Communities Council Inc.
Migrant Resource Centres
Non-government service providers
Migrant clients
Migrant Women's Interests Committee
Western Australian Council of Social Services

(b) Not applicable.

(c) Edith Cowan University
Research related agencies: Bureau of Immigration, Multicultural and Population Research
Australian Bureau of Statistics

STATE SUPPLY COMMISSION:

Not relevant to the State Supply Commission

DEPARTMENT OF CONTRACT AND MANAGEMENT SERVICES:

Not relevant to the Department of Contract and Management Services.

GOVERNMENT PROPERTY - SALE

411. Mr BROWN to the Deputy Premier; Minister for Commerce and Trade; Regional Development; Small Business:

(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 Deputy Premier'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 COWAN replied:

Department of Commerce and Trade:

(1) 1996/97 - 2 assets
1995/96 - 1 asset
1994/95 - 1 asset
1993/94 - 3 assets

(2) $3 427 825.

(3) In 1993/94, $1 047 316 received from the sale of a developed site at Technology Park was paid to LandCorp in accordance with a construction agreement. All other moneys received from the sale of these assets were used for funding the ongoing operations of the department. The department's annual appropriation is reduced by predicted revenue from these sales.

Small Business Development Corporation:

(1) Nil.

(2)-(3) Not applicable.

CASE:

(1) Nil.

(2)-(3) Not applicable.

TIAC:

(1) Nil.

(2)-(3) Not applicable.

Gascoyne Development Commission:

(1) Nil.

(2)-(3) Not applicable.

Goldfields Esperance Development Commission:

(1) Nil.

(2) $42 000 over the last four financial years.

(3) Replacement vehicle and replacement IT equipment.

Great Southern Development Commission:

(1) Nil.

(2)-(3) Not applicable.

Kimberley Development Commission:

(1) Nil.

(2)-(3) Not applicable.

Mid West Development Commission:

(1) Portion of the Geraldton Foreshore and Marina land was sold in 1993/94.

(2) Sale of the asset realised $515 000.

(3) The moneys realised from the asset sale were used to retire debt associated with the Geraldton Foreshore and Marina Development.

Peel Development Commission:

(1) Nil.

(2)-(3) Not applicable.

Pilbara Development Commission:

(1) Nil.

(2)-(3) Not applicable.

South West Development Commission:

(1) 1992/93 - Nil
1993/94 - Nil
1995/96 - One
1996/97 - Nil

(2) $365 670.69.

(3) Capital works expenditure approved in 1995/96 budget.

Wheatbelt Development Commission:

(1) Nil.

(2)-(3) Not applicable.

GOVERNMENT PROPERTY - SALE

415. Mr BROWN to the Minister for Family and Children's Services; Seniors; Women's Interests:

(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?

Mrs PARKER replied:

(1)

	1993-94	1994-95	1995-96	1996-97
Family and Children's Services	0	0	1	2
Seniors	0	0	0	0
Women's Interests	0	0	0	0

(2) $1 096 000.

(3) The moneys have been returned to consolidated revenue as offsets against the cost of the proposed Adolescent and Child Support Centre.

GOVERNMENT PROPERTY - SALE

420. Mr BROWN to the Minister for Health:

(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 PRINCE replied:

(1) Three.

(2) $1 020 348.

(3) $205 005 intended to be credited to a proposed health trust account to be held in trust for use in the development of appropriate health service facilities in the future. $750 000 was refunded to consolidated revenue. $740 343 was the written down value of an MRI unit and was traded in against the replacement unit.

GOVERNMENT PROPERTY - SALE

423. Mr BROWN to the Minister representing the Minister for Racing and Gaming:

(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 COWAN replied:

The Minister for Racing and Gaming has provided the following response -

Office of Racing, Gaming and Liquor, Burswood Park Board, WA Greyhound Racing Association:

(1) Nil.

(2)-(3) Not applicable.

Totalisator Agency Board:

(1)

1993-94	0
1994-95	6
1995-96	1
1996-97	5
Total	12

(2) $10 855 500.

(3) Terminal replacement; debt repayment; capital grant to metropolitan racing clubs; TAB agency developments/upgrades and other TAB capital projects.

Lotteries Commission:

(1) (a) No individual assets with a value greater than $200 000 have been sold in the last four years by the Lotteries Commission.

(b) However, the motor vehicle fleet was sold and leased back as part of a whole of government initiative in the current financial year.

(2) (a) Not applicable.

(b) $315 000 for motor vehicle fleet in the current financial year.

(3) Moneys from the sale of motor vehicle fleet is aggregated into the total "funds for distribution" as per section 24 of the Lotteries Commission Act 1990. This is distributed to eligible organisations as the commission thinks fit and the Minister approves or for such approved purposes as the commission thinks fit and the Minister approves.

GOVERNMENT PROPERTY - SALE

425. Mr BROWN to the Minister representing the Minister for the Arts:

(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?

Mrs EDWARDES replied:

The Minister for the Arts has provided the following response -

(1) Neither the Department for the Arts nor any authority within the Arts portfolio has sold any assets in excess of the value of $200 000 in the last four financial years.

(2)-(3) Not applicable.

GOVERNMENT PROPERTY - SALE

427. Mr BROWN to the Minister representing the Attorney General:

(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 Attorney General'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 PRINCE replied:

The Attorney General has provided the following reply -

(1) None, however, the former St Brigid's Convent - crown reserve 40197 - John Street, Northbridge, is in the process of being sold.

(2)-(3) Not applicable.

GOVERNMENT PROPERTY - SALE

429. Mr BROWN to the Parliamentary Secretary to the Minister for Justice:

(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?

Mrs van de KLASHORST replied:

The Minister for Justice has provided the following reply -

(1) None, however the former St Brigid's Convent (crown reserve 40197) John Street, Northbridge is in the process of being sold.

(2)-(3) Not applicable.

EMPLOYMENT - ABORIGINES

Federal Government

434. Mr BROWN to the Minister for Public Sector Management:

(1) Has the Federal Government approached the State Government about Aboriginal employment in the State public sector?

(2) What requests, submissions or demands has the Federal Government made on the State Government?

Mr COURT replied:

(1) No. The State Government through the Public Sector Management Office has contacted the Commonwealth Government (the Department of Employment, Education, Training and Youth Affairs) to obtain funding towards employment initiatives to recruit Aboriginal people to the State public sector.

(2) As a result of the approach by the Public Sector Management Office, an agreement was reached to provide the Commonwealth with a schedule of proposed employment and the level of funding sought from the Commonwealth.

COMMITTEES AND BOARDS - PASTORAL BOARD

Membership

452. Dr CONSTABLE to the Minister for Lands:

(1) Who are the current members of the Pastoral Board?

(2) When was each member appointed and for what period of time?

(3) How much remuneration is each member paid?

Mr SHAVE replied:

(1)-(2)

Mr L.M. Kelly	Chairman, appointed 1 July 1996, for a term of 3 years.
Dr G.A. Robertson	Ex-officio Member (CEO Agriculture WA).
Mr J.A. de Pledge	Member, appointed 1 July 1996, for a term of 3 years.
Mr H.M. Foulkes Taylor	Deputy Member for Mr de Pledge, appointed 1 July 1996, for a term of 3 years.
Mr D. Halleen	Member, appointed 28 March 1996, term expires 28 February 1998.
Mr E.A. Officer	Deputy Member for Mr Halleen, appointed 1 July 1996, for a term of 3 years.
Mr W. Rose	Member, appointed 28 March 1995, term expires 28 February 1998.

(3) Non-government members are paid in accordance with circulars to Ministers 2/88. The half daily rate is $73 and the full daily rate is $108. The government members receive no remuneration for attending pastoral meetings.

PLANNING - WESTERN AUSTRALIAN PLANNING COMMISSION

Ellenbrook

483. Dr EDWARDS to the Minister for Planning:

(1) With respect to the Western Australian Planning Commission's 1996 Annual Report it is noted the Western Australian Planning Commission received $2m in 1994-95, which is shown under Contributions to Studies and Projects in relation to Improvement Plan 27 - Ellenbrook, and $1m was also shown under expenditure on the same item -

(a) where did the $2m come from, and for what purpose;

(b) how, to whom and for what purpose was the $1m expended;

(c) does the Western Australian Planning Commission still hold $1m; and

(d) if not, what has happened to the remaining $1m?

(2) What are the items making up the income listed on page 66 of the WAPC 1996 Annual Report as "general contributions"?

Mr KIERATH replied:

(1) (a) $2m represented the first instalment by the Ellenbrook Joint Venture partners as part of a land exchange agreement.

(b) $1m paid to CALM to provide alternative pine forest resources to replace the portion of the Gnangara pine plantation included in the Ellenbrook project.

(c)-(d) Yes in part, $400 000 held at item 18 (page 67 of the WAPC 1996 annual report) with $600 000 paid to the Department of Land Administration (item 23(i) page 69) for the purchase of two properties nominated by the Water Corporation over the Gnangara water mound in the Shire of Gingin to replace in part groundwater source protection zone land subsumed by the Ellenbrook project.

(2) General contributions of $703 970 are represented by $330 000 paid by TVW enterprises and $373 970 paid by the City of Stirling toward the purchase by the Western Australian Planning Commission of Lot 50 Cottonwood Crescent, Dianella.

WORKSAFE WESTERN AUSTRALIA - INSPECTORS

Notices Issued

487. Mr KOBELKE to the Minister for Labour Relations:

(1) What are the names of all the WorkSafe inspectors and for each inspector during the 1996-97 financial year -

(a) how many prohibition notices has that inspector issued;

(b) how many improvement notices has that inspector issued; and

(c) how many prosecutions have been initiated by that inspector?

(2) As of what date do the above numbers apply?

Mr KIERATH replied:

(1)-(2) WorkSafe Western Australia currently has 84 inspectors authorised under the Occupational Safety and Health Act 1984. I do not believe it is appropriate to provide their names. During 1996-97, between 1 July 1996 and 28 February 1997, inspectors have -

(a) issued 2 690 improvement notices;
(b) issued 384 prohibition notices; and
(c) initiated 77 prosecution actions.

WORKSAFE WESTERN AUSTRALIA - INSPECTORS

Workplace Inspections Branch

488. Mr KOBELKE to the Minister for Labour Relations:

(1) How many inspectors are employed within the Workplace Inspections Branch of WorkSafe?

(2) How many of these officers are employed at each substantive level?

(3) How many years of experience, as inspectors, do each of these officers have?

(4) How many officers, at each level, are involved on a full time basis in workplace safety inspections?

(5) What is the number of inspectors who have resigned from WorkSafe and the Workplace Inspections Branch during the current 1996-97 financial year?

(6) How many years of experience, in workplace safety and inspection, did each of the retired officers have?

(7) How many new officers have been appointed as workplace inspectors during the 1996-97 financial year?

(8) For each of these new appointments, what is their current level of employment and what was their level prior to being appointed as a workplace inspector?

(9) What is the relevant experience and qualifications of each of these new inspectors?

Mr KIERATH replied:

(1) Forty-five.

(2)

Class 2.5	1
Class 1.5	1
Level 8 -	1
Level 7 -	1
Level 6 -	6
Level 5 -	13
Level 4 -	20
Level 3 -	1
Level 2 -	1

(3) The years of experience of inspectors within the Workplace Branch varies considerably. All have considerable experience.

(4) Forty-three inspectors within the Workplace Branch are involved full time on duties associated with the role of an inspector.

(5) Five inspectors have resigned from WorkSafe Western Australia during 1996-97. Three of these resignations were from the Workplace Branch.

(6) Because of experience gained in workplace safety prior to commencing with WorkSafe Western Australia, it is not possible to quantify each officer's years of experience.

(7) One.

(8) Current level of employment - Trainee Level 3.
Level prior to employment - Level 2.

(9) The trainee inspector is pursuing career development following considerable experience in a technical area of the department.

WORKSAFE WESTERN AUSTRALIA - INSPECTORS

Construction and Engineering Inspections Branch

489. Mr KOBELKE to the Minister for Labour Relations:

(1) How many inspectors are employed within the Construction and Engineering Inspections Branch of WorkSafe?

(2) How many of these officers are employed at each substantive level?

(3) How many years of experience, as inspectors, do each of these officers have?

(4) How many officers, at each level, are involved on a full time basis in workplace safety inspections?

(5) What is the number of inspectors who have resigned from WorkSafe and the Construction and Engineering Inspections Branch during the current 1996-97 financial year?

(6) How many years of experience, in workplace safety and inspection, did each of the retired officers have?

(7) How many new officers have been appointed as workplace inspectors during the 1996-97 financial year?

(8) For each of these new appointments, what is their current level of employment and what was their level prior to being appointed as a workplace inspector?

(9) What is the relevant experience and qualifications of each of these new inspectors?

Mr KIERATH replied:

(1) Thirty-two.

(2) Level 8 - 1
Level 6 - 6
Level 5 - 12
Level 4 - 12
Level 3 - 1

(3) The years of experience of inspectors within the Construction and Engineering Branch vary considerably. All have considerable experience.

(4) All inspectors within the Construction and Engineering Branch are involved full time on duties associated with the role of an inspector.

(5) Five inspectors have resigned from WorkSafe Western Australia during 1996-97. Two of these resignations were from the Construction and Engineering Branch.

(6) Because of experience gained in workplace safety prior to commencing with WorkSafe Western Australia, it is not possible to quantify each officer's years of experience. Each had considerable experience.

(7) Four.

(8) Current level of employment: - 1 Trainee at Level 3
3 at Level 4
Level prior to employment: - 1 Trainee was Level 2
3 were from the private sector

(9) Inspectors recruited from the private sector satisfied the selection criteria in respect of experience, qualifications and knowledge. The trainee inspector is pursuing career development following considerable experience within the Construction and Engineering Branch.

WORKSAFE WESTERN AUSTRALIA - INSPECTORS

Fatalities and Special Investigations Branch

490. Mr KOBELKE to the Minister for Labour Relations:

(1) How many inspectors are employed within the Fatalities and Special Investigations Branch of WorkSafe?

(2) How many of these officers are employed at each substantive level?

(3) How many years of experience, as inspectors, do each of these officers have?

(4) How many officers, at each level, are involved on a full time basis in workplace safety inspections?

(5) What is the number of inspectors who have resigned from WorkSafe and the Fatalities and Special Investigations Branch during the current 1996-97 financial year?

(6) How many years of experience, in workplace safety and inspection, did each of the retired officers have?

(7) How many new officers have been appointed as workplace inspectors during the 1996-97 financial year?

(8) For each of these new appointments, what is their current level of employment and what was their level prior to being appointed as a workplace inspector?

(9) What is the relevant experience and qualifications of each of these new inspectors?

Mr KIERATH replied:

(1) Five.

(2) Level 8 - 1
Level 6 - 3
Level 5 - 1

(3) All inspectors have considerable years of experience.

(4) Inspectors within this Branch investigate fatalities and serious accidents on a full time basis.

(5) Five inspectors have resigned from WorkSafe Western Australia during 1996-97. None of these resignations was from the Fatalities and Special Investigations Branch.

(6) Because of experience gained in workplace safety prior to commencing with WorkSafe Western Australia, it is not possible to quantify each officer's years of experience. Each had considerable experience.

(7)-(9) No new inspectors have been appointed to the Fatalities and Special Investigations Branch during 1996-97.

MURPHY'S PLANT HIRE - REPORT TO WORKSAFE WA

Mr B. Jeakings

493. Ms MacTIERNAN to the Minister for Labour Relations:

(1) Did Murphy’s Demolition report a serious fall of an employee, Barry Jeakings, in February 1995, to WorkSafe WA?

(2) Under what circumstances is an employer obliged to report to WorkSafe WA a fall which results in injury?

Mr KIERATH replied:

(1) Yes. On 15 February 1995, Murphy's Plant Hire reported an injury to Mr Barry Jeakings resulting from a fall from a scaffold which occurred on 6 February. Mr Jeakings suffered bruising to the lower back.

(2) The Occupational Health, Safety and Welfare Regulations 1988 in force at the time required all injuries resulting in specified amputations, fractures and loss of sight, together with any injury that results, or is likely to result, in the employee being absent from work for 10 or more working days, to be notified to WorkSafe Western Australia.

COMMITTEES AND BOARDS - TOTALISATOR AGENCY BOARD

Membership

524. Ms WARNOCK to the Minister representing the Minister for Racing and Gaming:

(1) Who are the members of the present Totalisator Agency Board and what qualifications do they have in the field of racing and gaming?

(2) What have been the financial results of the first six months of the TAB's operations in this financial year?

(3) Is it better or worse than the results expected at the start of the financial year?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

(1) Mr Roger Hussey (Chairman)
Mr Raymond R.D. Walker (Deputy Chairman)
Mr Peter C. Hawkins
Mr Reginald P. Webb
Mr Ian McFarlane
Ms Maureen McDaniell
Mr Barry A. Sargeant

All appointments have been made in accordance with section 6(2) of the Totalisator Agency Board Betting Act, that is;

(a) expertise relevant to the functions of the TAB and its operations, including expertise in management, finance, business or commerce; or
(b) knowledge of, and experience in, the racing industry.

(2) Turnover - $349 978 000
Net profit - $ 21 351 000

(3) Below budget, but as at 30 January 1997 turnover was 1.09 per cent above last year's turnover.

OFFICE OF MULTICULTURAL INTERESTS - DIRECTOR

Appointment

533. Ms WARNOCK to the Minister for Multicultural and Ethnic Affairs:

(1) When will the Minister appoint a permanent Director of the Office of Multicultural Interests?

(2) When will -

(a) the review;
(b) restructuring,

of the Office of Multicultural Interests be completed?

(3) Which ethnic organisations have been consulted regarding -

(a) the review;
(b) restructuring?

Mr BOARD replied:

(1)-(3) The Office of Multicultural Interests is reviewing its current structure internally to organise a revised structure for 7 FTEs. It does not require community input.

TOTALISATOR AGENCY BOARD - TABFORM

Cost

534. Ms WARNOCK to the Minister representing the Minister for Racing and Gaming:

(1) What is the total cost of the "TABForm" campaign being run in newspapers - for example, *The West Australian* - at present?

(2) For how long will the campaign run?

(3) What is the purpose of the campaign?

(4) Does it consist of radio and television advertisements as well?

Mr COWAN replied:

The Minister for Racing and Gaming has provided the following reply -

(1) The Western Australian TAB has contributed $2 000 towards an 'early bird' subscription promotion. All other promotion costs are being met by West Australian Newspapers Ltd.

(2) The *The West Australian* and TAB intend to run a pre-launch campaign until the launch date of 9 April 1997. A post-launch campaign will then be introduced. The campaign is anticipated to run for six weeks.

(3) Essentially punter and public education and awareness regarding the launch of the new WA form guide. A secondary objective is to encourage as many customers of the TAB and *The West Australian* to subscribe for home delivery prior to the launch date.

(4) Thirty second radio advertisements have been scheduled for Racing Radio 1206AM and to a limited extent on the TAB sponsored 6PR-IX Saturday morning Football Show.

LOCAL GOVERNMENT - CLAREMONT TOWN COUNCIL

Underground Parking

545. Dr EDWARDS to the Minister for Planning:

I refer to Claremont Town Council's refusal to permit the use of underground parking adjacent to the Continental Hotel and Club Bay View on the grounds that it would be unsafe at night -

(a) why did the Minister overturn the Council's decision and approve use of the underground park;

(b) what reason could possibly be more important than the safety of people; and

(c) is there any way the Minister's decision can be reconsidered, particularly in light of a third woman disappearing?

Mr KIERATH replied:

(a) The Claremont Town Council's decision with regard to the use of parking facilities on land adjoining the Continental Hotel was not overturned. The council actually approved the conversion of the first floor of the hotel building for bar space on condition that the parking accommodation on the adjoining shopping centre site be made available for use by the hotel.

(b)-(c) Not applicable.

QUESTIONS WITHOUT NOTICE

STATE BUDGET - 1996-97

Balanced

138. Dr GALLOP to the Premier

(1) Will the 1996-97 state Budget balance?

(2) If yes, have any adjustments been made to expenditure in order to achieve this result and, if so, which areas have been increased or decreased?

Mr COURT replied:

(1)-(2) It is our intention that it be balanced, but there are some months to go before it is finalised.

Dr Gallop: You must have forecasts.

Mr COURT: The forecasts show that everything is on track.

INDUSTRIAL RELATIONS - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

Negotiations with Employers and Unions

139. Mr BLOFFWITCH to the Minister for Labour Relations:

(1) Did the Minister negotiate with either the unions or employers, or both, before the introduction of the Labour Relations Legislation Amendment Bill?

(2) If so, what was the nature of this consultation?

(3) When did the consultation take place?

(4) If not, will he now begin consultation with unions and employers on this legislation and try to avoid industrial action which runs the risk of financially damaging this State?

Mr KIERATH replied:

(1)-(4) I have offered to negotiate with both unions and employer bodies on the Labour Relations Legislation Amendment Bill. I have a number of forums for doing that, the first of which is the WA Labour Relations Advisory Council chaired by me which meets quarterly and on which both the Trades and Labor Council and employers hold four positions each. In addition I meet the TLC on a monthly basis. People in the union movement have probably seen more of me as Minister for Labour Relations than they did of Labor Ministers when the Labor Government was in power. I have continued to meet them monthly regardless of any publicity campaigns they have run.

Earlier this year I outlined my legislative agenda during one of those meetings at which the TLC said that if legislation was similar in any shape or form to labour relations Bills previously before this House, it was not prepared to negotiate because it was totally opposed to those Bills and it did not want to compromise its position by talking to the Minister. In stark contrast, I indicated that two major labour relations Bills were in process. One in particular, the TLC indicated it would be prepared to discuss that with the Government. I congratulate it for that.

Obviously, the TLC cannot paint me as the person refusing to negotiate. The TLC is the peak representative of the union movement, and it has allowed its ideology to obstruct that path by refusing to do it. I can understand why, because it indicated that in the first wave of industrial relations legislation it made a detailed submission containing approximately 40 points, of which the Government accepted one-third and amended the legislation accordingly. The TLC tells me privately that that action hurt its public campaign and it does not want to be seen to be associated with the legislation in any shape or form this time around. I am still prepared to negotiate with the TLC.

I put that in writing because I knew a verbal response might not be serious enough. I received a reply from the TLC indicating that it had made a detailed submission on the Bill in 1995, and if this Bill bore any resemblance to that Bill, I could take that submission as its position today. That was done before the TLC saw the provisions and conditions of the current Bill. Quite obviously, the TLC does not want to consult the Government. I am still ready to consult the TLC on the provisions, even though it is late in the day. The TLC cannot blame this Minister and this Government for its own shortcomings.

STATE FINANCE - FORWARD ESTIMATES

Revenue Growth

140. Dr GALLOP to the Treasurer:

(1) Does the Treasurer stand by the forecast revenue growth for the 1997-98 financial year, as outlined in the revised forward estimates document released last year?

(2) If so, why is he telling journalists there will be no growth in revenue in 1997-98, and that taxes and charges will need to be increased?

Mr COURT replied:

(1)-(2) There will be a very small growth in recurrent revenues, similar to that set out in the forward estimates. However, there will be a real decline in the overall revenue in the Budget. As far as the actual figures in the forward estimates and the Budget are concerned, I will give that answer on Thursday.

STATE FINANCE - FORWARD ESTIMATES

Revenue Growth

141. Dr GALLOP to the Treasurer:

When was the Treasurer informed that the forward estimates for revenue in 1997-98 would have to be altered from the figures released in November 1996?

Mr COURT replied:

I do not want to upset the Leader of the Opposition, but the forward estimates on revenue change on a weekly basis.

TOTALISATOR AGENCY BOARD - *TABFORM*

Subscribers

142. Mr MARSHALL to the Minister representing the Minister for Racing and Gaming:

The new Totalisator Agency Board racing paper to be launched tomorrow is a publication much needed in the racing fraternity. Will the Minister advise how many Western Australians have subscribed to this new publication?

Mr COWAN replied:

Given the number of people involved in the equine industry in the member's area, I am not surprised that he has asked this question. I am advised by the Minister for Racing and Gaming as follows: There have been 73 000 copies of "TABform" ordered on a weekly basis compared with the previous 35 000 copies of "Goodform", which the Totalisator Agency Board printed weekly.

PARLIAMENT - SENATE VACANCY

Joint Sitting

143. Mr RIPPER to the Premier:

When will the Government convene the joint sitting of State Parliament to ensure that Western Australia has its full complement of senators in Federal Parliament?

Mr COURT replied:

We will be notified by the Liberal Party, and the matter will go to Cabinet.

Several members interjected.

Mr Ripper: Will the joint sitting be held after 22 May?

Mr COURT: The cut-off date is 22 May. We are seeking advice on the replacement for Hon Ross Lightfoot. As we understand it, the replacement must come from the election most recently held. A timing issue is involved in the replacement of Hon Ross Lightfoot. I am told that the Senate will resume sitting on 6 May. Therefore, if Hon Ross Lightfoot fills his position in this Parliament until 21 May, a two week period will occur in which there will not be a representative in that seat in the Senate.

PARLIAMENT - SENATE VACANCY

Joint Sitting

144. Mr RIPPER to the Premier:

(1) Is the real reason for the delay the Premier's desire to maximise the superannuation entitlements of his colleague in the Legislative Council?

(2) Is the Premier aware that by delaying the joint sitting of Parliament until after 22 May the senator-elect will qualify for a lifetime pension of approximately $40 000 a year?

Mr COURT replied:

(1)-(2) No, I am not aware of any superannuation effects. The member for Belmont can find out for himself what Hon Ross Lightfoot's entitlements are.

Mr Ripper: I just want to know what the motivation is for the Government's thinking.

Mr COURT: That is certainly not the motivation for it. I am not aware of what his entitlements will be at whatever time he retires. The member for Belmont could have asked me the same question when Carmen Lawrence went to Federal Parliament and I could not have told him what those entitlements were.

QUARANTINE - FLOWER BULBS

Eastern States

145. Mr NICHOLLS to the Minister for Primary Industry:

(1) Do any quarantine requirements apply to the transportation of flower bulbs from the Eastern States to Western Australia?

(2) If so, who enforces those requirements and where does that take place?

(3) Are any fees or charges payable for quarantine requirements?

(4) If so, what are they and do they apply to both businesses and private individuals who purchase them?

(5) How are those fees or charges recovered from businesses and private individuals?

Mr HOUSE replied:

(1)-(5) I thank the member for some notice of this question. Flower bulbs are regarded as a potential carrier of disease and an inspection service is carried out by officers of the quarantine section of Agriculture Western Australia. A schedule of fees applies. Western Australia has a series of inspection points of entry, including airports and a number of barrier quarantine places. The fee is charged to people who present the product by invoice after the inspection is carried out. People who import those bulbs are usually aware that the inspection service requires them to pay a fee. I table a list of those fees.

[See paper No 327.]

POLICE - BURGLARIES

Non-attendance Policy

146. Mrs ROBERTS to the Minister for Police:

I refer to the increasing number of home invasions and particularly to recent incidents in which people have been threatened and intimidated in their homes.

(1) Will the Minister commit to review the Government's policy of police non-attendance at home security alarms?

(2) Is it not the case that the non-attendance policy introduced by the Government just weeks ago will give criminals a free rein and place families in danger?

(3) Will the Minister table a copy of the recently adopted police policy paper on non-attendance at home alarms?

(4) Is the Minister aware that local government community patrols have achieved a substantial reduction in crime in some suburbs? If so, why are police not providing this kind of service?

Mr DAY replied:

(1)-(4) The member has asked a long and detailed question. The home invasions which have occurred in the last couple of weeks with increasing frequency, and which appear to be almost a fad, are absolutely despicable and of great concern to all members of the community, including me as the Minister for Police. I share entirely the concerns expressed by the opposition spokesman as well as by other members of the community.

With respect to the issue of non-attendance by police when home electronic security alarms are triggered, the police have a policy of not attending most instances unless other advice is given to confirm an intrusion. It is not a hard and fast policy, but it is a matter of allocating police resources where the need is greatest. As a result of this policy the police are able to respond more quickly to a home invasion where the presence of an intruder has been confirmed. I will take up the matter with the Commissioner of Police. With respect to tabling a copy of the police policy, I will ask the commissioner for a copy of it.

SPORT AND RECREATION - SWIMMING POOL

Joondalup

147. Mr BAKER to the Parliamentary Secretary representing the Minister for Sport and Recreation:

I refer to the proposed Olympic size training pool to be constructed at the Arena Joondalup sporting complex.

(1) When is the said construction due to commence and what is the estimated date of completion?

(2) What is the expected total cost of the pool?

(3) What will be the benefits of the Olympic size training pool to the residents of the Joondalup electorate and to aspiring Olympic swimmers?

(4) Has the City of Wanneroo agreed to contribute moneys towards the construction costs of an associated recreational pool at the Arena sporting complex and, if so, how much?

(5) What is the expected date of completion of the proposed recreational swimming pool?

Mr MARSHALL replied:

I thank the member for some notice of this question.

(1) The Western Australian Sports Centre Trust, the agency responsible for the operation of Arena Joondalup, did examine the possibility of constructing the 10 lane, 50 metre pool as stage one of the total project prior to the Eighth World Swimming Championships to be held in January 1998 to enable the pool to be used for training purposes. However, the tightness of the construction program precluded this option. The proposed aquatic facility at Arena Joondalup has two major components. Firstly, a 10 lane, 50 metre Olympic size training and competition pool and, secondly, a recreational swimming area comprising a 25 metre shallow pool and free form leisure water area.

(2) The estimated cost of the total project is $9m, with approximately $4.5m being attributed to the training and competition pool and $4.5m for the recreational pool areas.

(3) When completed these aquatic facilities will provide the residents of the Joondalup electorate with a world class training and competition pool, assist in the development of young children aspiring to reach the top level of swimming in Western Australia and provide the much needed recreation and leisure facilities for the fast growing community of Joondalup.

(4) The City of Wanneroo, at its meeting on 26 February, agreed to contribute $3m towards the construction of the recreation swimming facilities.

(5) State Government funding for the project is currently allocated on 1999-2000 and 2000-01 capital works forward estimate. However, the trust is currently examining strategies to bring this construction program forward.

ALINTAGAS - KINGSTREAM PROJECT

Epic Energy - Conflict of Interest

148. Mr GRILL to the Minister for Resources Development:

(1) Is the Minister aware that Epic Energy Pty Ltd, which is a potential partner with AlintaGas for the supply of gas to the Kingstream project, has acquired an equity interest in the Mt Gibson iron ore project?

(2) Will the Minister require the company to divest itself of one of the interests prior to approving the Epic-AlintaGas deal or the Mt Gibson project, or is the Minister prepared to have blatant conflict of interest in the Western Australian gas industry?

Mr BARNETT replied:

(1)-(2) I thank the member for his question. I was not aware that Epic Energy had taken a position in the Mt Gibson project, but I do not see in any sense that a blatant conflict of interest is involved.

Mr Grill: Come on! Surely?

Mr BARNETT: That is something I am prepared to look at, but it is not at all obvious to me. For example, BHP Petroleum runs gas pipelines to service BHP plants, and WMC Resources is an owner in the goldfields gas transmission project which services WMC projects.

Mr Grill: Of course there is a blatant conflict of interest - this is ludicrous!

Mr BARNETT: The feigned indignation by the member for Eyre is because he has drawn to my attention that Epic, which is an entity with a commercial relationship with AlintaGas to make a bid for the Kingstream project, will have a conflict of interest if Epic also takes a share in Mt Gibson, but I do not believe it will be a conflict of interest. If the Mt Gibson project goes ahead, it may well relocate to the Oakajee estate; I hope it does as we will then have a strong industrial development.

If the member for Eyre cares to inform me where he thinks the conflict of interest resides, I will certainly look at it. However, I cannot see an obvious conflict of interest in that ownership.

EDUCATION - TEACHERS

Staffing Formula

149. Mr WIESE to the Minister for Education:

Will the Minister inform the House when the Government will introduce a new teacher staffing formula for Western Australian government schools to address the somewhat inflexible approach to staffing within schools which can result in schools losing a disproportionately large number of staff following a small drop in student enrolments? That situation has caused great concern in some communities in my electorate, especially at Yealering and Broomehill.

The SPEAKER: Order! I remind members to look at standing orders in relation to questions.

Mr BARNETT replied:

I thank the member for his question. This issue was debated several times last year when a number of situations arose in which relatively small reductions in student numbers resulted in disproportionately large changes to the number of staff in schools. I indicated on those occasions that a review of staffing levels and the relevant formula would be conducted. This was also part of the enterprise bargaining agreement with the teachers' union concluded in 1995-96. It was intended to have a new formula in place by the start of the new school year, but the necessary consultation had not been concluded at that time. However, the new formula will be put on trial in 92 schools by the start of second term in four education districts; namely, Willetton, Bunbury north, Geraldton north, and Geraldton south.

The formula will ensure that any changes in student enrolments will be reflected in only small incremental changes in staffing levels. Therefore, large sudden swings in staffing numbers will not occur. The formula is relatively complicated as it tries to take into account a range of factors, such as the proportion of students with intellectual disabilities in a school; the social disadvantage of an area; the location of a school; the subject options available; where special programs, such as languages other than English, are in place; and whether a school has a preprimary facility on a separate site.

The new formula is cost neutral, but it will favour smaller schools, particularly small country schools such as Yealering and Broomehill. The trial is under way, and it will allow a range of schools to assess the new formula. I expect it to be well received within education communities and, on that basis, it will be extended to all schools for the beginning of the 1998 school year.

MINING - GOLD ROYALTY

Cabinet Discussions

150. Dr GALLOP to the Premier:

(1) Did a proposal recently go to Cabinet that would see the introduction of a gold royalty delayed until 1 July next year?

(2) If yes, what was the outcome of that proposal?

(3) Did Cabinet also agree to a public inquiry as proposed by the Opposition and the goldmining industry?

Mr COURT replied:

(1)-(2) No, not to my knowledge.

(3) No, not to my knowledge, but I will double check.

AUSTRALIND HIGH SCHOOL

Demountable Classrooms

151. Mr RIPPER to the Minister for Education:

(1) Is the Department of Education considering the construction of up to 20 demountable classrooms at Australind High School?

(2) Will the Minister confirm that currently 13 demountables are on the high school site and that it was planned to remove these when the new $3m extensions are completed this year?

(3) Will he explain why plans are being drawn up for the demountables to be placed at this school?

Mr BARNETT replied:

(1)-(3) I thank the member for this question, but I would have appreciated some notice, particularly as it relates to a specific school. I am conscious that Australind High School has a large number of demountables and that there are plans for further expansion of the school. I am concerned about schools that have disproportionately large numbers of transportable accommodation units. However, this Government has a good record - in fact, an outstanding record - in building new schools and replacing schools. If the member would like, I will provide a more detailed answer in relation to that school as I do not have the details in my head.

PARLIAMENT HOUSE - UPGRADE

Mr Digby Blight

152. Dr CONSTABLE to the Premier:

(1) Has the Government before it a proposal to appoint Mr Digby Blight to carry out a study of the requirements of an upgrade of Parliament House?

(2) If yes, what are the terms of reference for this study and when will Mr Blight report?

Mr COURT replied:

(1)-(2) The member must know something I do not know. To my knowledge, there is no such proposal before Cabinet.

EATON HIGH SCHOOL

Site and Construction Date

153. Mr RIPPER to the Minister for Education:

(1) Has a site been earmarked for a new high school at Eaton?

(2) If yes, when does the Minister expect construction to commence?

Mr BARNETT replied:

(1)-(2) I am not aware of a proposal for a new high school at Eaton. However, it is an area of rapidly growing population and all options are kept open. As the member will know, the Education Department is proposing local area planning for education, which I fully endorse. That process will take in the broader Bunbury, Australind and Eaton area. There are differing views - indeed, also on this side of the House - about how secondary education should be developed in that area.

I have said on a number of occasions that my preference is to see the progressive emergence of middle schools and senior colleges, but it is a matter of horses for courses in different areas. Again, I am happy to provide further details in respect of an Eaton site. I do not know whether a site is reserved at this stage; it is traditional to reserve high school sites as new subdivisions are developed. I can provide more information if the member wishes.

WASTE DISPOSAL

Levy on Local Government

154. Mrs ROBERTS to the Minister for Local Government:

(1) Does the Minister support the proposal to amend the Environmental Protection Act to charge local councils a levy of about $3 for every tonne of waste dumped at municipal rubbish sites?

(2) Will the Minister give a commitment that any such levy will not be swallowed up by the consolidated revenue fund or result in reduced grants to local government?

(3) Is the Minister aware that a similarly small levy was introduced in New South Wales several years ago and that it has now been increased to $15 a tonne?

(4) Is this not simply another tax on local government - more cost shifting from State Government to local government?

Mr OMODEI replied:

(1)-(4) I am aware of discussions about an environmental levy during the election campaign, but there is no proposal along those lines before the Government at the moment. However, should any such legislation come forward, I undertake to work with the Minister for the Environment to ensure that, if there is to be a levy - no decision has been made - it is spent appropriately. I have a close association with the Western Australian Municipal Association. I will take on board its comments.

Mrs Roberts: I am told it is very concerned about the proposal.

Mr OMODEI: The proposal has not yet been before government. No decisions have been made. I understand discussions with the Office of Waste Management have taken place behind the scenes. They have not involved me. Any proposal coming before government will have to go through the appropriate Minister, whom I expect to discuss the matter with me.

CATS - SHIRES OF CARNARVON AND SHARK BAY

Control Measures

155. Mr SWEETMAN to the Minister for Local Government:

(1) Is the Minister aware of the Shire of Carnarvon's moves to control cats through the local law-making provisions of the Local Government Act and the initiative of the Shire of Shark Bay to provide free sterilisation and identification of domestic cats on the Peron Peninsula?

(2) If so, does the Minister support -

(a) the status quo;

(b) the councils in their initiatives; and

(c) the proposal that the best moggy is squashed flat and soggy?

Mr OMODEI replied:

(1)-(2) I thought this question might come from the member for Peel. I thank the member for some notice of it. The Shire of Carnarvon, like many other councils in Western Australia, has sought to address the problems of urban and stray cats. The legislation appropriately allows some flexibility with different approaches by different councils rather than having specific local government legislation or a cat Act. I understand that the council's proposal limits the number of cats per premises to three, without council approval, and requires that all cats aged over three months must be identified and that no health problems should occur. The council is seeking until 21 April community comment on the proposal. As with all local laws, parliamentary scrutiny will occur.

The Shark Bay sterilisation and identification program is being conducted in conjunction with the Department of Conservation and Land Management. It will assist the current feral cat trapping program as part of project Eden on the Shark Bay peninsula. It is high time that local government addressed the issue of cats. They have the ability to do so through their local law-making powers. I congratulate the two councils on their initiative.

LIGHTFOOT, HON ROSS

Views on Evolution

156. Dr GALLOP to the Minister for Aboriginal Affairs:

Will the Minister indicate to the House whether the views of the senator-elect from Western Australia, Hon Ross Lightfoot, on the evolution of human kind and the place that Aboriginal people have in that chain is the view of the Government of Western Australia?

Dr HAMES replied:

I am not aware of the detail of the views of the senator-elect.

Dr Gallop: They have been in the paper two or three times in the past few weeks.

Dr HAMES: They may well have been in the paper but I have not acquainted myself with all of the member's views. I prefer to have my own views on issues relating to Aboriginal affairs. I intend to continue that process.

The SPEAKER: That concludes question time. We had 17 questions and two supplementaries, which perhaps for some time is a record.
