

**Extract from Hansard**

[ASSEMBLY — Thursday, 21 November 2013]

p6441b-6462a

Mr Dave Kelly; Mr Peter Tinley; Mr Jan Norberger; Mr Sean L'Estrange; Mr Vincent Catania; Acting Speaker;  
Mr Roger Cook; Mr Paul Papalia; Mrs Michelle Roberts

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**WORKFORCE REFORM BILL 2013**

*Second Reading*

Resumed from 20 November.

**MR D.J. KELLY (Bassendean)** [10.32 am]: I rise to continue my remarks on this bill. First, I will deal with the question of involuntary severance, which is the key to this bill. The second reading speech of the Premier states —

It is for this reason that the government, through this bill, puts forward amendments to the Public Sector Management Act to allow the application of involuntary severance as a means of last resort.

Involuntary severance is not an option that the government currently has in the public sector. This bill will put that in place, and it will be done through clause 13 of the bill that amends section 94 of the Public Sector Management Act 1994. It refers specifically to termination of employment as one option for people who have been made redundant. The bill goes one step further. Clause 14 will insert new section 95B, which has the effect of overriding the terms of existing awards, agreements and contracts of employment. This will mean that the state will have the ability to make someone involuntarily redundant, notwithstanding existing awards, agreements and contracts of employment. I find that remarkable in a general sense. Take the example of an employee who has a contract of employment that presently precludes involuntary severance. They have entered into that contract with the state as the employer in good faith. They would expect their employer to honour their contract of employment. This bill will allow the government to introduce regulations to enable the government to make a government employee involuntary redundant even if that is contrary to their current employment contract.

This government and this Parliament is supposed to respect contracts freely entered into, yet this bill, at clause 14, will specifically allow the government to override a contract of employment. Premier, I find that remarkable. The government could have introduced a bill that provided for all new contracts of employment to have provision for involuntary severance. The government did not do that. The government is overriding existing contracts of employment. I find that remarkable. The government would not do that in a contract with, say, Chevron. The government would not enter into a contract with Chevron and then walk into this Parliament and override that contract by using its legislative power, but the government is prepared to do that to public sector workers—not only for new contracts of employment, but also with existing awards and agreements.

For those who do not know, an agreement is a reference to enterprise bargaining agreements entered into in the public sector. Through this bill, the government will be able to override existing enterprise agreements entered into by the government freely with sections of its own employees. I find that incredible. It is of particular interest to me, because, as the Premier knows, prior to coming to this place I was secretary of United Voice. Leading up to the state election, United Voice entered into enterprise agreements with the Premier that had provisions in them to preclude people from being made involuntarily redundant. People on behalf of the Premier's government negotiated those agreements, and the government is now, some six months later, coming into this place to use its numbers in the house to override those agreements.

The Premier got pretty steamed up last week when we questioned his integrity over the Chevron matter concerning Barrow Island and Elizabeth Quay, because he said that the opposition was questioning his integrity. To paraphrase the Premier, he said that he values his integrity, and that when that integrity gets challenged, people should be sure of what they are doing. In this bill I read that the Premier is preparing to override the agreements that the union negotiated with him just before the election. I think that is a question of the Premier's integrity. The Premier could introduce to this place a bill that provides for any new agreement from now on to have a provision for involuntary severance, and the toss could be argued on that. But the Premier has gone further and is allowing existing agreements, regardless of when they were entered into, to be overridden. I believe that is a question of the Premier's integrity. People from schools and hospitals sat across the table and negotiated those agreements in good faith, and it now seems that the Premier is getting ready to trample all over those agreements.

I will refer to some of the specifics of those agreements. I go first to the Education Assistants (Government) General Agreement 2013—that is this year—which covers 12 290 education assistants. Members have heard before in this place that there are 7 000 education assistants—that is, 7 000 full-time equivalents. According to this agreement, there are actually more than 12 000 education assistants, because most of them do not work full time. The term of this agreement runs from January 2013 to December 2015, so it is a current agreement that the Premier signed off on as part of his re-election strategy. Clause 17 of the current education assistants' agreement is headed "Redeployment and Redundancy". I draw the Premier's attention to clause 17.4. I know that the

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Premier is busy and has other work to do, but I draw his attention to it because he may not be aware of what he is doing with this bill. Clause 17.4 states —

No Employee will be required to accept a redundancy.

There is therefore no involuntary redundancy under this agreement. “Involuntary redundancy” is another phrase for “involuntary severance”. Our members negotiated that agreement in good faith with the Premier. On my reading of this bill, the Premier is now preparing to disregard that agreement. I believe that this is a question of the Premier’s integrity. The Premier may say, “Oh well, it was just an agreement with the union.” The Premier has never been particularly fond of unions. I challenge the Premier to say one nice thing in this industrial relations debate about United Voice. He said a lot of things in Parliament before I was a member of this place. I challenge him to say one nice thing in this debate about United Voice, the union that I am a part of.

**Mrs G.J. Godfrey:** They have a place.

**Mr D.J. KELLY:** “They have a place”! Is that the best from in the corner, behind the cupboard?

**Mrs G.J. Godfrey:** You said you wanted a comment; that’s a comment.

**Mr D.J. KELLY:** All right. I would like to hear something positive from the Premier.

The Premier may not hold unions in high regard, but the people who negotiated that agreement on behalf of the wider union membership are the Premier’s employees. I have with me a list of the people on the negotiating committee who negotiated that agreement. One person on the list is Terry Milligan, a cleaner from Melville Senior High School. He is an absolutely fantastic bloke. He loves his work. He loves being part of the school community. He is really proud that one of the things we negotiated in a previous enterprise bargaining agreement was for the cleaners to get uniforms so that they can be looked up to in the school and not just be seen as some Joe Blow who has flown in to do the cleaning. He is actually part of the school community. He worked really hard on that committee. Christie Powers is a fantastic woman. She is a special needs education assistant at Durham Road School. Christie was stabbed by one of the pupils during the course of her work. She deals with people who have serious behavioural problems. She struggles on her income but she is really proud of the work she does at Durham Road special school. She is on that committee. Kim Prescott-Brown, Mr Acting Speaker (Mr P. Abetz), is at Southern River College. She is really proud of the work that she does. Linda Little is an Aboriginal and Islander education officer. She is really proud of the work that she does. She negotiated that agreement on behalf of the wider membership. That no-forced-redundancy provision was really high in her mind and in the minds of other committee members when they negotiated this deal. The wage offer that the Premier offered them and that they accepted, in their view, would not enable them to keep up with the cost of living. But they regarded the no-forced-redundancy provision they negotiated in their agreement as of high value to them because if they would not get rich on the pay they received, at least they would have job security for the next three years.

I ask the Premier: will he use the provisions he is bringing in with this bill to override the no-forced-redundancy provisions in the education assistants’ agreement that he ticked off on? I want the Premier to say in this debate, “Don’t worry, members of United Voice employed in schools, we are going to amend this bill so that it specifically does not apply to your existing agreement.” That is the first thing I would like the Premier to clarify.

The second agreement that the Premier is seeking to override is the “WA Health–United Voice–Hospital Support Workers Industrial Agreement 2012”. That agreement covers 5 144 employees who do some of the less glamorous work in our public hospitals and runs until 31 July 2015. Clause 11B.4 of that agreement, under the heading “Redundancy and Redeployment”, states —

No employee will be required to accept a redundancy.

Again, the Premier’s employees employed as support staff in public hospitals signed up to an agreement that contained a no-forced-redundancy provision. I cannot believe that a man who values his standing in the community as someone whose word can be trusted will now override that agreement. I will not refer to all the 25 people involved in negotiating that agreement. Brenda Regan—actually one of my constituents—a cleaner at Royal Perth Hospital, is very passionate about being part of the public health system. She is mortified that she sat down to negotiate this agreement in good faith.

The Premier has not looked up once in this debate. I know that he is busy —

**Mr C.J. Barnett:** No. I am listening to what you are saying.

**Mr D.J. KELLY:** These people are working hard in the Premier’s hospitals. They negotiated the agreements in good faith, which contain no-forced-redundancy provisions and which, on my reading of this bill, the Premier will be able to override. If the Premier thinks that being able to make people compulsorily redundant is such an

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issue, he should have 'fessed up to it in the negotiations; either that or acknowledged the issue by saying, "Look, it's not my intention to override existing agreements; I will move to amend this bill", so that the good people who negotiated these agreements with the Premier can at least say that he is a man of his word.

I said yesterday that when I got involved in industrial relations and started employment with a union over 20 years ago, one of the first things the secretary of the union at the time said to me was, "Whatever else you do, if you make an agreement, stick to it. Because if you don't, if you get known as a person who will enter into an agreement and then walk all over it, you're nothing. No-one will ever talk to you, no-one will ever honour the negotiations that you have and in effect you become ineffectual at settling industrial disputes. Because if you're in a dispute and you're trying to negotiate an agreement, if the person across the table from you can't take your word as your bond, how can you settle a dispute?"

As a union official, I often have to go out to members and say, "Look, we haven't got everything we wanted, but this is what we've got, and you can accept that your employer will honour it because they are honourable people." I do not want to labour the point because there is a bit of debate to go on this bill and there will be plenty of opportunity to discuss this issue in that future debate. However, I invite the Premier to clarify the position on those existing agreements that I referred to.

**Mr C.J. Barnett:** And I will do that. Can I say that as Premier I have been willing to meet with various union groups, and I very much respect people who work in the government sector, and almost without exception I have found my discussions with union leadership to be very proper and orderly.

**Mr D.J. KELLY:** Sure; all right. I look forward to having the Premier clarify that this bill will not enable him to override our existing agreements.

I want to touch on one other issue. The public justification for this involuntary severance is that there are loads of people in the public sector who are there with no job to do. My experience is that that is exactly not the case.

**Mr C.J. Barnett:** There are loads.

**Mr D.J. KELLY:** In my experience, certainly of the people I used to represent, if they did not have a job, the government worked overtime to make sure they were redeployed into something worthwhile, and if they did not take it they were dealt with in a disciplinary fashion. I believe the government's main motivation for this is not the army of people —

[Member's time extended.]

**Mr D.J. KELLY:** I believe it is a smokescreen to say that there are loads of people in the public sector without a proper job; that is the public justification for why this bill is necessary. This bill, and specifically the provision to allow people to be made involuntarily redundant, is necessary because widespread change is being implemented in the public sector. The government wants to be able to wave the threat of involuntary severance in front of people's faces to facilitate the reorganisation that the Premier says is needed.

I will refer specifically to two areas in health. Swan District Hospital Campus will close and be replaced by the new Midland Health Campus. Swan District Hospital Campus is an old facility and it is good that it is being replaced. The staff at Swan District Hospital Campus were overjoyed when the previous Labor government announced, as part of the Reid review, that there would be a new Midland hospital. They could not wait for that to happen and they would have happily transferred to the new Midland hospital. Unfortunately, this government has decided that the new Midland hospital will be privatised and run by St John of God Health Care.

**Mr C.J. Barnett:** It won't be privatised. Privatisation is when you sell something.

**Mr D.J. KELLY:** The Premier has just told me that the new Midland hospital will not be privatised. The website that is up there now shows that the new Midland hospital will be a private hospital that will admit public patients under contract from the government. The Premier is shaking his head.

**Mr C.J. Barnett:** It will be called Midland public hospital.

**Mr D.J. KELLY:** It will be called Midland public hospital.

**Mr C.J. Barnett:** That is what it will be.

**Mr D.J. KELLY:** Mr Acting Speaker, if you can protect me from the savage interjections from the Premier for one minute, I will deal with that issue. When the decision was first announced, it was to be called Midland Health Campus. The commonwealth government is funding half of this hospital. The implementation agreement between the state and commonwealth governments states that the agreement is for a hospital that is to be called Midland Health Campus, not Midland public hospital. Given that the community raised some issues about the government's decision —

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Several members interjected.

**Mr D.J. KELLY:** Sorry, I am being savaged by the cheap seats! Given that the community raised —

Several members interjected.

**Mr D.J. KELLY:** Members opposite should listen to this; they might learn something.

Several members interjected.

**The ACTING SPEAKER (Mr P. Abetz):** Members!

**Mr D.J. KELLY:** Given that there was some community disquiet that the hospital was to be privately operated, the state government decided to change the name from Midland Health Campus to Midland public hospital.

**Mr C.J. Barnett:** I think it is “public hospital” or it’s “public health campus”.

**Mr D.J. KELLY:** If the Premier goes to the website, he will see that it will be a private hospital that will admit public patients under contract with the state. The Premier can argue that it is not privatised. I question why the Premier changed the name —

**Ms S.F. McGurk:** If it walks like a duck, talks like a duck —

**Mr D.J. KELLY:** And quacks like a duck. It will be run by the Catholic Church. My point is that many of the staff at Swan District Hospital do not want to work at the new public hospital because they will have to quit their jobs with the Department of Health. In all likelihood, they will lose their long-service leave, their sick leave and any seniority they hold, and they will have to apply for a job with the new provider. A whole bunch of staff at Swan District Hospital do not want to leave the public system, which is what they signed up for, so they will need to be redeployed under the existing legislation. The Premier is bringing in an industrial relations bill so that he can hang over the heads of those staff the spectre of involuntary severance to get them to go from Swan District Hospital.

**Mr C.J. Barnett:** Can I just refer to what my colleague has —

**Mr D.J. KELLY:** I am being savaged again! Is this my time or the Premier’s time?

**Mr C.J. Barnett:** I will just read to you the following information on the Department of Health’s website —

The 307 bed Midland Public Hospital at the new Midland Health Campus ...

**Mr D.J. KELLY:** All right. The Premier has read from the website. It is up there. It is a public hospital. Go to the frequently asked questions section on that website. One of the first questions is about whether it will be privatised, and the answer is no. It states —

The Midland Public Hospital will be a private hospital for public patients.

That is what it says.

**Mr C.J. Barnett:** It will have “public” on its side; that is what it is.

**Mr D.J. KELLY:** The Premier will have his chance to deal with this in another debate. The Premier wants this bill passed so that he can wave the spectre of involuntary severance over the heads of the staff at Swan District Hospital so that they will go and work at the new Midland campus.

The same applies to Royal Perth Rehabilitation Hospital at Shenton Park. The staff there do an amazing job. A chap called Mark Hayward is a patient care assistant at Shenton Park rehab. He, together with the staff there, work with members of the public who have the most horrific injuries. They work as a team and Mark is very dedicated to the work he does. Shenton Park rehab will be moved holus-bolus to the new Fiona Stanley Hospital. The people who work there would think that is a great idea. The problem for Mark and the other support workers at Shenton Park rehab is that they would be employees of Serco at Fiona Stanley Hospital. The doctors and nurses, who Mark works with on a day-to-day basis at Shenton Park, will be able to keep their jobs, but if Mark wants to continue to work with patients as part of the rehab team, he will have to quit his job in the public health system and apply for a job with Serco. People do not want to do that. In case members have not heard, Serco is not the most popular company around. Anyone in their right mind who had to decide between working for a public hospital or working for Serco would take a job in the public hospital system. A whole bunch of support staff at Royal Perth, particularly in the rehab unit at Shenton Park, do not want to transfer across. I believe that the IR bill the Premier has introduced will allow him to wave the threat of involuntary severance in front of the faces of the support staff at Shenton Park rehab and they will apply to work with Serco for fear that if they do not, they will be given an involuntary severance package. The Premier might say that the severance package is generous, but these are low-paid workers, most of whom earn less than \$50 000 a year. A severance package in

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12 months is not what they need; they need a job. I do not believe that the Premier's real motivation for introducing this bill is that there are loads of people in the public sector who do not have a job to do.

**Mr C.J. Barnett:** There aren't loads. We've estimated it is between 100 and 200.

**Mr D.J. KELLY:** Sure. I believe the Premier is bringing this bill into the house so that he can wave the threat of involuntary severance over people's heads as he reorganises and largely privatises public services. I have mentioned Swan District Hospital and the workers at Royal Perth Hospital. The same applies to people at Fremantle Hospital; some of their services will close when Fiona Stanley Hospital opens. This is a threat that the Premier wants to use against them as well. The Premier is in the process of moving some of the disability sector services from the Disability Services Commission to the not-for-profit groups. He wants managers to say, "Well, you know, there's a very attractive job. You may not think so, but at least it's a job in the private sector. If you don't accept it, you face the prospect of involuntary severance." That is what I think is the Premier's real motivation. His argument is a fallacy that this is all about the ability to use this legislation as a last resort, as the Premier said in his second reading speech, to move people who have passed their use-by date and do not have a job to do. If he stood outside this place in front of the TV cameras and said that the real reason that we need this legislation is that the government intends to transfer a whole bunch of public services into the hands of the private sector and the government wants to be able to make staff in the public sector involuntarily redundant —

**Mr C.J. Barnett:** That's not the motivation.

**Mr D.J. KELLY:** — or at least threaten them with it, he would get a whole different reaction.

The Premier says that is not the motivation. When he responds, I ask him to guarantee that when the managers put out the human resource plan, the staff at Swan District Hospital who do not want to work at the new Midland hospital will be told categorically that involuntary severance will not be an option for them, that their agreements will be honoured and that if they do not wish to work at the new Midland hospital, they will be redeployed elsewhere in the public sector. Can he give those guarantees? I have joined the dots and come to the conclusion that one of the Premier's motivations for this legislation is to do precisely that—wave the threat of involuntary severance over the head of many public sector workers.

In closing, the other part of this bill is trying to keep the clamp on public sector wages by restricting what the WA Industrial Relations Commission can do. In the last few minutes in which I have to speak, I want to draw members' attention to that fact that education assistants, even the ones with the highest skills who are dealing with people with disabilities, earn only \$26 or \$27 an hour at the most. In fact, they are struggling just to make ends meet on a day-to-day basis. I do not think the history of wage fixing for many workers in the public sector is out of hand. There is no need to further hamstring the Industrial Relations Commission to deal with wage claims for them.

**MR P.C. TINLEY (Willagee)** [11.01 am]: I would like to add my hopefully short contribution to the Workforce Reform Bill 2013. I will address the substantive matter of the bill, as oppositions are required to do, and the accountability of the government and the scrutiny of government legislation. One of the most important things that we as an opposition can do from this side of chamber is try to understand the motivations of government and the rationale for certain policy movements and directions in the government's agenda and the effect they will have on the community of Western Australia. This bill is really only looking at a cross-section within the employment force of Western Australia—some 130 000 public employees. In looking at the government's motivation for its agenda and its motivation for the implementation of this bill, I should also follow-up the member for Bassendean's comments about singling out the public sector. I wholeheartedly endorse his defence of the public sector. I have not heard any commentary on the demonisation of the public service but I would hate to hear even a dog whistle on that.

It is absolutely essential that we maintain and contribute to public confidence in our systems and support public sector employees within the economy of Western Australia, just as we do when we support police, who are not covered by this bill, because public confidence in our public officers is absolutely essential. It is beholden to each and every one of us who occupies a seat in this house, having been elected by the people of Western Australia, to ensure that we are at least modest when we criticise any part of the public sector and that we do not generalise and demonise an entire strata of our community that does essential work. It is too easy to use the words public servant, civil servant or public service with reference to some sort of laziness by employees or the idea that they are somehow rent-seeking, non-productive or that the contribution they make is ineffective. Modern management systems around the world, in Australia and certainly in Western Australia preclude any of those sorts of caricatures that we might associate with the public sector if we were to demonise it. Long gone are the tea ladies, the cardigans, the smoking rooms and the long breaks. That is a caricature of the 1950s, potentially something more related to the United Kingdom, and certainly not to a vibrant, deliberately motivated and dedicated public sector that we have in Western Australia. It is really important that we understand that in this

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debate. Each of us should ensure that we defend—not blindly defend, but understand with open eyes—the fact that the public sector performs an absolutely essential role. In some cases, it forms the backbone of a civil society. It forms an essential component of a civil society that allows us to self-identify as having a progressive, developed and developing social conscience and economic awareness, and that positions us in the world, particularly in South-East Asia, which I will come back to in a moment, to look at the counterpoise to the motivation that might be the government's agenda in this bill.

The idea of forced redundancies in this bill is most alarming to the public sector workers that I have spoken to. Basically, it means losing one's job and being made redundant. The Premier said in the introductory statement of his second reading speech when introducing this bill that it does not limit but complements the government's current policies. I refer specifically to the temporary freeze on advertising, the cap on general government budgets at 2012–13 estimated out-turn levels, the introduction of a new public sector wages policy and enhanced voluntary severance packages available until the end of next month for about 1 000 employees.

This bill is not about what has happened. Whenever we look at legislation, we look for unintended consequences or what might happen. What we look for in government legislation, as the opposition should, are the things that it could be used for that are not declared in this place. We look for the hidden agenda, if we want to be conspiratorial, but I far from want to be that. We know that this bill has been introduced as one of two things: either an ideological bent that is more consistent with conservative governments—I have long been on my feet querying this government about where it stands and what it believes in—or simply a kneejerk reaction to attempt to get out of a budget black hole that this government and this Premier in his centralist command role have dived into. When we look at it in a fiscal context, we look at the circumstances of the state's economy and the state's finances that require us to suddenly dump the easiest group of people. Why are we now moving on our own public sector employees? It is because they are simply the easiest, lowest hanging fruit to point to, to get public sympathy for—if we choose to go down the demonising route—and to get an immediate return from in terms of fiscal stimulus or fiscal response to payments we might be able to cut.

I remind the house that this state has enjoyed the biggest single set of revenue in its entire history. Whilst we have had expense growth, and the Premier and those in government will be very quick to talk about expense growth, I counter that with: how much of that has been controlled? I refer to the politically wedged debate around nurses' pay right in the middle of an election that had no relevance whatsoever to the government's wages policy; it was completely over the top. The revenue of this state has been nothing short of extraordinary. We keep going back to this idea that somehow the goods and services tax is taking more than it is giving. It is a complete fallacy that the state finances are somehow burdened by a plughole of GST that is draining back to the east coast at the great expense of this state. It does not stand up to scrutiny. I refer to an article written by the economics editor of *The West Australian* on 23 September this year —

The Government forecast GST revenues that year of \$3.3 billion. It got \$3.6 billion.

That is a further \$300 million. The government could not even forecast the GST revenue intake. I continue to quote —

That Budget also forecast almost \$2.6 billion in royalties but just \$2.3 billion came in.

That is a direct offset. Overall the interaction between GST and royalties as a key example is all square. Revenues from other sources, such as the state's own taxes, pushed up total revenue by \$1.3 billion. We got an immediate one-for-one offset in GST, which put paid to the argument that somehow the GST is a sponge on the state. We had an increase in revenue inflows of \$1.3 billion. Moving on from 2009–10, in the 2010–11 year \$100 million more in GST revenue flowed through the doors than was expected. Increased royalty payments were also greater than forecast. Between the original forecast of 2009–10 and the final tallying of cash in 2014–15, overall government revenue will have increased by \$13.5 billion. I will say that again slowly. We will have received \$13.5 billion more between the years 2009–10 and 2014–15 than forecast. We have never had more; this state has never been richer, yet expenses growth has climbed by 36 per cent since 2009–10. The government has highlighted health as one of the three big areas, and spending in that area is up almost 45 per cent. Education spending has climbed a modest 15.4 per cent. Members should not forget the period we are talking about. Expenses growth is the one thing this government has not been able to control.

We cannot blame 1 000 people coming into this state as the only cause of our expenses growth; they need to be educated, they need medical assistance, and they need additional policing and services. However, there is a limit to it, which is mitigated by the fact that the government knew they were coming. We have known since 2005. The population statements by the Department of Planning have indicated an upward trend and that in excess of 800 people a week would move to this state since that time. The facts do not support the argument that this is somehow simply a motivation of this government to move down an ideological line. Perhaps it is both; it is

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either ideology around industrial reform or it is a requirement to stem the bleeding of expense growth in this state. I probably have to explore both of those as potential motivations when we scrutinise this legislation.

I have talked about the fact that we do not want to demonise public servants. We have talked about the role they have played and continue to play in providing a civil service and delivering the essential services that make this state such a great place to live.

**Mr C.J. Barnett:** You will not agree, but this government has a good record on respect for public servants. The Public Sector Commission and a range of things that have been done —

**Mr P.C. TINLEY:** I note the Premier's interjection.

**Mr D.J. Kelly:** Except the ones you privatise.

**Ms S.F. McGurk:** It's a strange way of showing it.

**Mr C.J. Barnett:** Look at the record in settling wage disputes. We have been very generous in our wage settlements. We have given independence to the public service by creating a Public Sector Commissioner. We have developed professional training programs across the board. We have a policy of more Aboriginal employment and so on. I am not saying we are perfect, but I think we have given a great deal of attention to the independence and professionalism of the public service.

**Mr P.C. TINLEY:** The Premier is by no means perfect; I completely agree with him on that. I would have a far more risible dissertation about this government's role in leadership in the public service if the Premier had not been doing those things and attending to Indigenous employment and had done nothing around professional development. All ministers, the Premier included, have seen the benefit of professional development of the executive in particular. When the Premier turns around with a problem, he can ask them for solutions and they can come up with innovative well-thought-out, well-articulated solutions to the state's problems. I would be completely dismayed if the Premier could not point to a record of, in this case, five years in which he has not attended to those.

As I said in my opening remarks, this bill is not about what it is doing now; it is about what it can do in the future. I again support other members who have been on their feet, particularly the member for Bassendean, and talked about the potential threat of forced redundancies on the public sector simply for the overarching policy or ideology of this government. It is something that a lot of the people in the seat of Willagee who work in the public sector fear. It is the implied threat. We cannot have the Premier say in this place that we need to trust him that the government will use this act not for the forces of evil, but only for the forces of good. They are very subjective terms.

A public sector worker, a teacher, for example, in one of my schools, may look at the savage education cuts that will come down next year that will result in Melville Senior High School losing 13 teachers and Hamilton Senior High School, a low socioeconomic school, losing seven or eight teachers when it can least afford it. It will lose 30 per cent in school support program resource allocation funding for programs that deliver some of the best outcomes for some of the most vulnerable people in our community. It is not good enough for the Premier to ask us to trust him. The Premier is one person sitting in a seat. The role remains the same, and when the person changes, we have no guarantees that somebody with a more ideological bent around industrial relations reform, who more consistently fits a conservative style of government and the Liberal Party mantra of free market, will not occupy the chair in which the Premier is sitting. If the man who sits to the Premier's left should occupy the chair in the future, that is what the people of Western Australia need to fear the most. That is the man that this state and its public servants and the beneficiaries of the great work of the public service need to worry about. The member for Vasse is no lightweight when it comes to the adherence of the Liberal Party mantra of cut, slash and burn; support the western suburbs elite; support big business over small business; and support business over worker. The worker will be the one who will suffer. The people of Western Australia will not be delivered a fair outcome from the absolute boom in the natural endowment of the state that has come through the doors. We have had a \$13.5 billion increase in revenue over anything this government forecasts. That is a once-in-a-lifetime fiscal bonus that this government has frittered away on pet and legacy projects that benefit the vanity of a few and not the service of many, such as the people in the seat of Willagee who need teachers, teacher assistants, language and speech therapy, and ear buses. They need it all, Premier, and that is not something that fits the legacy of someone's vanity. That is simply what state governments ought to do. That is what responsible leadership is all about.

**Mr C.J. Barnett:** What projects would you abandon? What projects don't you like?

**Mr P.C. TINLEY:** It is not a question of whether I like or dislike any of the Premier's projects. I do not like or dislike any of the Premier's projects. What I dislike is the fact that the Premier has his priorities completely

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wrong. In one of the biggest single uplifts in fiscal bonus that this state has ever had, the Premier is cutting the number of teachers. The Premier has taken police officers out of police and community youth centres. I will give one example. I know the police are not subject to this bill, but let us look at the second and third-order effect.

**Mr P. Papalia:** They are subject to this. The police minister misled the Parliament.

**Mr P.C. TINLEY:** That is right. Sorry, police officers—you are in it, too.

The Fremantle PCYC has had its police officer pulled out. One of the things I did last week, as I am on the guiding committee for the PCYC in Fremantle—it is actually physically located in Hilton—was bring to that committee the representations of the Hilton Primary School P&C, and Hilton Harvest Community Garden, which sit adjacent to that PCYC. The complaint that I had to bring—which had never been heard of before in anyone's living memory—was that since the police have been pulled out of that PCYC, there has been a sudden increase in petty vandalism and antisocial behaviour on the streets. I tracked it down and tried to work out why there would be a link between the absence of police in PCYCs and an increase in petty vandalism and antisocial behaviour.

[Member's time extended.]

**Mr P.C. TINLEY:** That linkage is simply that when we take away from the at-risk youth that sit in my electorate the positive interaction that they would ordinarily have with a police officer, we leave them free to make choices that they would not ordinarily be allowed to make. The drop-in centre at the PCYC in Fremantle in the seat of Willagee provided a great opportunity for the most at-risk youth in the suburb of Hilton to have a positive interaction with a police officer. However, those police officers are no longer at that drop-in centre. What do the young youth workers do as they try to modify behaviour in the drop-in centre at the PCYC? They simply close the drop-in centre. The youth workers have tried to incentivise these kids to be better behaved by closing the drop-in centre. The centre has had to be shut several times because of unruly behaviour. However, when they shut the door of the drop-in centre, 30 or 40 kids pour out of the centre and up the road, through the Hilton Primary School grounds and the community garden, and they make poor choices—petty vandalism and antisocial behaviour the likes of which have never been seen before. Hilton Harvest Community Garden has no fence around it. That garden has been in existence since 2009, and not one incidence of vandalism has occurred to its gardens, the chook shed, the containers and the sheds, until this year when the police were removed from the PCYC.

The government cannot tell me that when it cuts public servants and takes the services they provide out of the equation, it will not have a detrimental impact on the ability to provide to some of the most disadvantaged persons in this state equity of opportunity and quality of education to enable them to achieve what we need them to achieve.

I contend, Premier, that this bill is just about trying to get some value out of the consultancy fees paid for the Amendola review in 2009. The cost of that review was quoted by Mr Amendola as being \$500 000, but unfortunately it was \$850 000. That review made it very clear that the public sector was specifically in the sights of this government. I believe this bill is just a method to extract some value from that review. The fear is not what the Premier does now; it is what Mr Amendola would have the Premier do. The Premier will not use this report. The Premier will tell us to trust him. But the man who sits to the Premier's left, the Treasurer, absolutely loves the Amendola review. He is the one who paid the \$850 000 for that report. He is the one who will use that report. I say to the public servants in Western Australia: stand by, because this is the thin end of the wedge. This is Amendola-light, and I will tell members why. In 2009, when Mr Amendola was appointed to conduct a review of the Western Australian industrial relations system, his terms of reference were very specific. The terms of reference state that the review of the state industrial relations system should take into account the federal government's Fair Work Act 2009 and identify—I am quoting the terms of reference that concern me the most —

- (b) employment agreements, to ensure they meet the genuine needs of employers and employees, whether individually or collectively, provide sufficient flexibility, and are administratively simple;
- (c) State awards, to ensure State awards meet the genuine needs of industry, provide individual employers and employees with sufficient flexibility and are simple to understand;

I will go on to quote, for the benefit of anyone who might want to give lip-service to the fact that they believe there is a useful position for the union movement within the industrial relations framework in the economy of Western Australia, the next term of reference that was given by the government and the now Treasurer to Mr Amendola —



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- (d) union right of entry, to ensure that right of entry provisions appropriately balance the interests of the industrial parties including the basis of entry and its exercise;

That is what concerns members on this side of the Parliament. It is the proper business of the opposition to provide scrutiny of this bill. Our concern is not what the Premier wants to do with this bill now, but what he will do in the future. That is very important. I have made the point about whether the Premier is about ideology or about filling the fiscal black hole. I know that the Premier is about filling the fiscal black hole. The Premier needs to pay for what he cannot pay for. He needs to find the cash to pay for what he cannot pay for. Our concern is that the man who would occupy the Premier's seat if he had the opportunity—if the Premier gave him an inch—will take this Amendola review, and he will give us Amendola-heavy. He will give us the absolute —

**Ms S.F. McGurk:** WorkChoices in WA!

**Mr P.C. TINLEY:** Yes. I was not going to raise that spectre, because it makes a lot of Liberals cringe. It makes a lot of the backbench members—those people who are sitting on margins of less than five per cent—blanch. If we say WorkChoices, they go white. I know that the member for Joondalup is about to stand. I know he will talk about his small business experience and unfair dismissal. But wait one moment, please. Tell us the truth, member for Joondalup. Is the member for Joondalup an ideology man? Is he a Liberal?

**Mr J. Norberger:** Wait and see!

**Mr P.C. TINLEY:** Is the member for Joondalup about free markets? Is he about workers' rights and where they fit into the industrial relations scheme? Is he about giving people the right to work and the opportunity to benefit from the endowment of the state of Western Australia? The member for Joondalup should tell us whether he is a true Liberal and believes in the power of the market and that if workers are not good enough, employees should just sack them and dump them, with no excuses and no report.

I want to finish on the concept that, according to natural justice, there is always an opportunity for review or appeal. This bill gives people no appeal. This bill gives people no right of reply and no opportunity to state a case and to be represented.

**Mr C.J. Barnett:** If someone is involuntarily made redundant, they can go to the Industrial Relations Commission.

**Mr P.C. TINLEY:** Certainly they can, Premier. But I will —  
Several members interjected.

**Mr P.C. TINLEY:** So what is an appeal, Premier? In the Premier's own words from his second reading speech —

For an employee who has been the subject of an involuntary severance decision, a right of review to the commission will also exist within a specified time limit. However, —

There is always the "however". "However" is a very strong word; "however" gives us the opportunity to say however! The Premier's speech continues —

the commission will then be confined to determining whether the employee has been allowed the benefits of pay et cetera to which they are entitled under the regulations. The commission will not have the jurisdiction to reinstate or otherwise compensate the employee.

So, once someone is gone, they are gone!

**Mr C.J. Barnett:** That is what I just said. That is right; I just said that.

**Mr P.C. TINLEY:** How is that a genuine appeal? How is that looking at the circumstances around the relationship between the manager, the leadership and those who are the victims of this particular act? Premier, this is just the beginning. From this side, I encourage my members, the members in the gallery who are interested and the public out there who might be listening to this, to recognise that this is a watershed moment for industrial relations and the way we treat people and their employment rights in this state. The public service is the first. The public service is easy. The public service is motivated by love not money. The public service is motivated by providing a social benefit; people in the public service believe what they do is right. What is next? We saw it this morning in *The West Australian* in which Mr Francis, the minister himself, was talking about penalty rates on Sunday and flat rates. Then we will go down the unfair dismissal route —

[Member's time expired.]

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p6441b-6462a

Mr Dave Kelly; Mr Peter Tinley; Mr Jan Norberger; Mr Sean L'Estrange; Mr Vincent Catania; Acting Speaker;  
Mr Roger Cook; Mr Paul Papalia; Mrs Michelle Roberts

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**MR J. NORBERGER (Joondalup)** [11.31 am]: Before I begin my contribution to the debate on the Workforce Reform Bill 2013, for the benefit of the member for Willagee, I am a proud Liberal. If he listens, he will hear exactly where my values lie. I have no shame in talking about them this morning.

Where to begin? I heard the Leader of the Opposition deliver his contribution to the second reading debate and I sat through the whole lot. I did not interject and I listened to what he had to say. However, it was a little like watching an episode of *Dancing with the Stars*. The Leader of the Opposition danced around all the aspects of this bill in an awkward-looking tango for one, trying to convincingly explain why the ALP could not possibly support this bill. Superficial —

**Mr P. Papalia:** Are you reading?

**Mr J. NORBERGER:** No, I have my notes here.

Superficial would be the best way to describe the Leader of the Opposition's performance, and decidedly squirmy. I also noted that one after another, members opposite speaking on the bill cited unfairness as a reason for not being able to support this bill. That is a theme that I will come back to later.

Before we explore the rationale behind some of the objections that members opposite have to the bill, I will quote from the explanatory memorandum. The Workforce Reform Bill 2013 seeks —

... to amend the *Industrial Relations Act 1979*, *Public Sector Management Act 1994*, and *Salaries and Allowances Act 1975* as follows:

...

... to ensure that decisions made by the Western Australian Industrial Relations Commission ... and the Salaries and Allowances Tribunal have appropriate regard to the Public Sector Wages Policy Statement, the State's financial position and fiscal strategy, and in relation to the WAIRC, the financial position of the relevant public sector agency.

It also states —

... to provide the capacity to implement enhanced and more flexible redeployment arrangements that may ultimately —

I emphasise “may ultimately” —

end with the involuntary severance of employees that are surplus to an agency's requirements or whose post, office or position has been abolished and cannot effectively be redeployed ...

That is the framework through which we look at this bill and the arguments that have been presented to us.

Let me begin with the Western Australian Industrial Relations Commission. In relation to the Industrial Relations Commission having appropriate regard to the public sector wages policy, the state's financial position and its fiscal strategies, why on earth would this not be supported? That is just plain commonsense. That, members, is business management 101. I have had the opportunity to hold several senior management positions in various companies over the years and in each one there was a wages policy that guided any negotiations with staff. As a senior manager, departmental managers would come to me seeking guidance about what leeway they could have in upcoming wage negotiations. I advised them of the company's fiscal position, budget outlook and strategic wages policy and they took that on board. This bill ensures that the WAIRC benefits from that same kind of guidance. If fiscal or budgetary circumstances were tight in the businesses that I managed, we simply could not be in a position to offer as much as staff perhaps hoped to get. That is just the reality of running a business. To not have due regard for an organisation's fiscal and budgetary position, as well as its strategic wages policy, is foolhardy. It leads to unsustainable wage increases that jeopardise the whole organisation. Therefore, remembering the key argument, repeated time and again, that this bill is unfair, let me put it to members: it is fair for the WAIRC to receive such guidance. Indeed, it would be unfair on the taxpaying public of Western Australia for the WAIRC not to receive and give regard to it. This bill is actually about fairness.

I will also comment on some of the thoughts expressed by members opposite about consumer price index increases to wages. We know that CPI measures relative changes in the price of goods and services covering a broad range of day-to-day things such as food, clothing, alcohol, housing, transportation, communication, recreation, education and so forth. It is a broad basket of our day-to-day living costs. It is therefore fair and equitable to give due regard to increasing wages by the rate of inflation, or CPI, to ensure that the same basket of goods people could purchase on their income last year can continue to be purchased this year. However, members opposite have made it known that they believe that that is not good enough. Wages should rise at a rate greater than inflation, irrespective, therefore progressively improving people's standard of living. Although that is a noble concept, it is dangerously flawed. An example can be given of an employee in a licensing centre who, after doing the same job for more than 20 years, is still classified as a level 1. Without implying anything against

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the worker in that example, my thoughts are that if the job role has not changed and the worker is doing the same role for 20 years, and assuming the wage for that role has at least kept up with inflation, what is the problem? I grew up believing that if I wanted to earn more, I needed to get a promotion or to take on more responsibility. From time to time, this required me to seek further education. It may have required me to do some voluntary work to gain some more experience. Whatever it was, there was an incentive for me to improve myself and seek advancement. If I could have simply stayed in my first entry-level job and been guaranteed that my wage would grow in excess of inflation without any need for more productivity, where would the incentive have been? I would now still be weeding pot plants at a nursery at the back of Wanneroo and members would all be deprived of my wisdom today! More importantly, where would that have left my employer? Australia needs to be very careful. We have recently heard from significant companies such as Woodside, Chevron, Shell and others that Australia's workforce is becoming ever less competitive globally. Our quality of workmanship is high; there is no doubt about that. However, if unions continue to push for significantly higher wage increases, much higher than the rate of inflation, with no gains at all in productivity, it is a gain with an unfortunate ending and that is unfair.

I turn to the second major part of this bill, the ability to implement involuntary redundancies. This provision is also absolutely about fairness. Do not get me wrong: I am not trying to be cute about this issue. It is not nice to be made redundant. I have had it happen to me twice. I have also had the unfortunate task of making others redundant over the years. Redundancy provisions are not pleasant, but they are an absolutely necessary tool for a modern workforce. Not only is Western Australia the only state that does not have involuntary redundancy provisions in place, but it would be fair to say that WA public sector employees are the only employees in Australia to whom involuntary redundancies are not applicable, and that is simply not fair. It is not fair on the taxpayers of Western Australia, who rightly expect the government of the day to be a good steward of their taxes, particularly when it comes to managing our public workforce. The ability of an employer to make staff redundant is key to providing the confidence to grow and expand when demand is strong, and having a lawful mechanism to respond when demand is poor. Without such provisions there would be no incentive to take risks, grow and ultimately employ more people. A lack of such provisions would also put the entire workforce at risk in a downturn.

The general public of Western Australia gets this. It makes perfect sense to them. For WA's public servants to be exempt from redundancies while the rest of Australia is not is simply not fair. Despite what members opposite would have people believe, this bill in no way belittles the valuable and critical service that our public servants provide. I have many friends who are public servants, and their professionalism and dedication to this state is to be admired. That, however, does not change the need for the state to have the capability to appropriately respond to changing demand and technological factors, just like any other employer. The state government does not have an axe to grind with the public service, as members opposite imply. Indeed, our voluntary redundancy program has been broadly accepted as very generous, but we need a fair, equitable and appropriately flexible regulatory framework within which to manage our public workforce. The WA public demands no less and to do anything else would be unfair.

Having been a tad astounded at the views expressed opposite thus far, I decided to see how their views stacked up to the beliefs of the Australian Labor Party, so off I went to the ALP website. I was not sure whether my Liberal laptop would crash upon entering this foreign territory, so I proceeded with trepidation! What I found seemed to run contrary to the sentiments expressed by members opposite, and in fact seemed to support the government's efforts in passing this bill. I will share some of my findings on the ALP website, for the benefit of members opposite, so that they may perhaps contemplate their position prior to voting on this bill.

On the homepage of the ALP website it says, "We're for a stronger, smarter and fairer Australia". So is the Liberal Party; fairness is equality. Then there is a link headed, "What We're For", and a subheading underneath, "Fairness". That link goes to a page headed, "Labor is for Fairness", and the section below it states, in part, that "fairness goes to the very core of Labor's being." Another page on the website is headed, "Labor is for Workers", and the first line underneath that heading states, "We are working together to build the fair workplaces of the future...".

To summarise, this bill is absolutely about fairness. It is fair to have a level playing field; it is fair to take due regard of the fiscal and budgetary position when setting wages; and it is fair to have the appropriate human resource management tools available to effectively and fairly manage the state's public workforce. This is what the WA public expects. As I see it, Labor has two choices: it can support this bill and in so doing support fairness; or it can vote against it and put it on the public record that Labor is economically backward and that it cannot be trusted to run this state fairly, equitably or efficiently.

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**MR S.K. L'ESTRANGE (Churchlands)** [11.43 am]: I rise to speak in support of the Workforce Reform Bill 2013, and in so doing I would like to address three areas. First, I will highlight the mediocrity of the opposition in arguing against this bill and bring attention to the trauma faced by WA Labor, which has lost direction, particularly in relation to labour market economics. Second, I will bring members' attention to the need for workforce labour market reform as it pertains to a more efficient and effective economy and public sector. I will finish by reiterating this Liberal–National government's commitment to sound economic management and the need for effective budgetary measures.

To my first point: I really would not want to be a member of the Western Australian Labor Party today. It is clearly torn between its democratic socialist ideals and its desire to appeal to middle Australia.

**Ms J.M. Freeman:** We really don't want you, member, so don't worry about that.

[Interruption from the gallery.]

**THE ACTING SPEAKER (Ms L.L. Baker):** I would just like to take this opportunity to welcome those in the public gallery and remind them that they need to be quiet; applause is not allowed in the gallery. Thank you.

**Mr S.K. L'ESTRANGE:** I thank the member for Mirrabooka for letting me know where I stand, but members opposite cannot have it both ways. They cannot, on one hand, claim to be the party for the working poor while ignoring them, yet on the other hand fight for the vote of middle Australia. Labor's opposition to workforce reform is nothing more than a party political opportunistic stunt designed to appease the unions, unsettle middle Australia's working professionals in the public sector, and grab a headline in the local paper. Members opposite should have a good, hard look at themselves. They have turned their backs on their base, the working poor, and they are arguing a case in support of mediocrity in the public sector.

**Mr P. Papalia:** How about Dixie's pay increase of 52 per cent—was that worthwhile?

**Mr S.K. L'ESTRANGE:** The member for Warnbro interjects, but he is trying to present a pseudo-socialist argument to appease the public sector vote and the argument simply does not fit.

Several members interjected.

**Mr S.K. L'ESTRANGE:** Members opposite would do well to understand that as this government works to reform the public sector, the opposition will find itself stuck between a rock and a hard place. It wants us to apply sound fiscal management; it mentions the need for sound fiscal management all the time, and we are doing that, but the opposition's arguments support the continuation of an inefficient labour market, particularly in the public sector. That does not stack up.

Let us take a closer look at how this works. I refer to Public Sector Commission document "State of the sector 2012". It states on page 27 —

Since 2007, the WA public sector has collected occupation data based on the Australian and New Zealand Standard Classification of Occupations (ANZSCO).

Further along on the same page, it states —

When compared with the WA workforce as a whole, the WA public sector workforce has a higher proportion of 'Professionals', 'Community and Personal Service Workers', and 'Clerical and Administrative Workers'.

Nurses, teachers and police are the top occupational groups in this listing. There are no surprises there, but as we have heard in this place on several occasions, a large number of this cohort of workers are the highest paid for their profession in Australia under this government.

**Ms J.M. Freeman:** Under ours as well.

**Mr S.K. L'ESTRANGE:** Under this government. Members opposite cannot cry foul while ignoring their own ideological base. It was interesting to hear the member for Joondalup talk about the ALP website, because I also did a bit of research to try to find out where members opposite are at. It is interesting that the ALP's socialist objectives of the 1920s are confused in today's talk. I read a definition that describes today's Labor Party as a coalition including reformers, radicals, progressives and social democrats united by a critique of the inequalities in society. It is no wonder members opposite are confused; they are out there fighting to support professionals who are actually in jobs where there is no work, but they are not looking after the base that their party was established to try to look after.

**Ms S.F. McGurk:** We're not confused. Fairness is not that difficult to understand. People understand that.

**Mr S.K. L'ESTRANGE:** That does not surprise me, member for Fremantle. Let us look at the Labor Party's form on this issue when it was in government. I refer to an article that appeared in *The West Australian* of

Saturday, 30 September 2006. The headline reads, "State fat cats total up 20pc in past year". The article reads, in part —

The public service salary and superannuation bill was \$6.25 billion last financial year and is expected to grow to \$6.48 billion by June 2007.

"This increase in senior salaries is one of the main reasons there has been an explosion in the public sector wage bill in WA," Mr Buswell said.

There were 36 employees in the Attorney-General's department earning more than \$200,000, not including judges and magistrates, and 497 employees in the Health Department on more than \$150,000.

The number of public servants earning more than \$100,000 swelled from 1158 to 1545, up more than 33 per cent. The biggest jump was in education and training, going from 54 to 185.

**Ms J.M. Freeman:** Do you promise it will be just level 8 and above that will be made redundant? Is that what you are going to promise us—that it is just level 8s and above?

**Mr S.K. L'ESTRANGE:** I will leave it to the member for Mirrabooka to reflect on the mismatch between whom the opposition's ideology supports and whom it spends all of its time and money trying to impress. Right now it seems as though the opposition is trying to support people who are in professional positions and who have no work. The opposition is trying to espouse some value of: let us keep paying people who do not need a job. Let us have a look at the "Public Sector Commission Annual report 2012–13".

Several members interjected.

**Mr S.K. L'ESTRANGE:** I am happy to listen, but if members would just let me finish and then I will take members' interjections. Under a heading "Redeployment and Redundancy Activity 1 July 2012 to 30 June 2013" it lists: new redeployees registered in that year, 34; number of redeployees at 30 June 2013, 71. Therefore, 37 people were sitting, waiting for work in the financial year just gone.

**Ms J.M. Freeman:** I think you will find them working, member.

**Mr S.K. L'ESTRANGE:** I accept that they are probably doing temporary work while waiting for something more permanent.

**Ms J.M. Freeman:** They are probably doing work because it is so lean in the public sector and they are actually adding value to certain departments.

**Mr S.K. L'ESTRANGE:** Imagine a professional, working in the public sector, and two of those 71 people were registered in 2005 and 2007. Imagine being one of those workers and doing work that is not designed for them. They are not being valued as an employee. Surely the opposition must agree with the whole premise of what the government is trying to achieve—that is, to make sure that people are valued for the work they do by redeploying them to where they are needed. Surely that is commonsense.

**Ms S.F. McGurk:** If that were a general definition, you would allow that to be appealed to the Industrial Relations Commission.

**Mr S.K. L'ESTRANGE:** Yes, but the second point I want to move on to concerns labour market economics. I ask members to reflect on the ministerial media statement released by the Premier and Treasurer on 13 June this year, which states —

Mr Barnett said that the State Government would also amend the Public Sector Management Act to give agencies the ability to, as a last resort, pay out and retrench surplus employees who could not — or would not — be redeployed.

How can you argue against that? It is commonsense.

Mr Barnett goes on to say—

"It is important that the WA Government agencies have the ability to run their organisations in the most efficient way, in line with contemporary management practice," ...

The Premier said the measures would help deliver a more accountable, flexible and responsive public sector.

"There are many reason why the nature of the government department's activities might alter, changing its staff requirements. For example, there could be changing demand for services, certain programs might end, or there could be advances in technology that see some services delivered differently or more effectively," ...

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That is interesting. I ask members to think about the example of the production of an old-fashioned LP vinyl record. If the production of LP vinyl records existed as a government entity today, members opposite would vote to keep a government LP vinyl record manufacturing industry group employed. They would say that is okay; they cannot be moved into a sector that needs them. They have a job for life. They have to stay here producing these records.

**Mr M. McGowan:** Do you understand what the current laws are? The existing laws allow for positions to be abolished. Do you know who put those laws in and continued with them? Richard Court put them in and Labor continued with them. Do you understand that?

**Mr S.K. L'ESTRANGE:** I am listening to the Leader of the Opposition's interjection, but I still want to bring his attention to what I am talking about here—that is, labour market economics 101, which enables the labour force to be redirected to where it is needed. That is what the government is trying to do. It is trying to free up the workforce so that it can flow to where it is needed.

**Ms J.M. Freeman:** Why don't you give us a real example instead of a hypothetical, non-real example?

**Mr S.K. L'ESTRANGE:** There are enough real examples. I refer members also to an article in *The Weekend West* of 12 October by Gareth Parker, titled "Rusty public servants won't exit without a fight". I am not suggesting for one moment that we should not be supportive of people working in our public sector. I am arguing that we need to make sure that they are redeployed into positions that are needed. There is no point in having people work in positions that are not needed. I will read what Mr Parker says.

**Mr M. McGowan:** You know that is the law now. You can read the 1994 act; it's there. The Public Sector Management Act—that is what it is.

**Mr S.K. L'ESTRANGE:** I will have a look at that. Gareth Parker states in his article —

The most contentious piece of law making on the Barnett Government's agenda will be its planned changes to the Public Sector Management Act that will allow agencies to make public servants redundant, whether they like it or not. It's curious that WA remains the only Australian jurisdiction without those provisions and so it is true that presently a public service job here is a job for life.

This is a protection no other class of employees enjoys and on these grounds alone, the Government is banking on a broad degree of community support ...

I am confident that Mr Parker is right. Why keep a valued and skilled member of our community employed in a job that is not needed, does not add value to our community, wastes the employee's time and wastes the taxpayers' hard-earned contribution to our economy? If I were working in the public sector, I would prefer to be in a job that was challenging, needed and necessary and was delivering a service that was helping with our front-line services.

**Ms S.F. McGurk:** You have narrowed the definition when people can go to appeal whether it's a genuine redundancy. There is a flaw in the argument that narrows the right of appeal.

**Mr S.K. L'ESTRANGE:** I look forward to hearing members opposite get up to explain why it is flawed, because it seems fundamentally important that we have the provisions in place to make a more flexible and effective labour market in our public sector.

**Ms S.F. McGurk:** You need to have a close look, because that is what it says.

**Mr S.K. L'ESTRANGE:** I will tell members why.

**Mr F.M. Logan:** You would say that because you have never worked in it.

**Mr S.K. L'ESTRANGE:** Members opposite seem to want to thrive off wasteful spending to appease some weird sense of socialist ideals versus the appeal to middle Australia. It is almost like a guilt complex. The opposition wants to keep trying to prop up the middle sector to try to get votes, but it has turned its back on its support base.

**Mr C.J. Tallentire:** You do not understand what aggressive politics is about, do you?

**Mr S.K. L'ESTRANGE:** I refer the member for Gosnells to an article, from the time the Labor Party was in government, in *The West Australian* of 4 December 2006, titled "Numbers should reflect service in public sector", which states —

... figures reveal that of 14,000 public servants added to the State's payroll since 2001, just 3400 joined the services nominated as being most in need of bolstering.

And of that number, half were much-needed nurses.

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Of course it is simplistic to suggest that all government employees should be frontline officers visible to the public. But at the same time, the public has the right to expect that an increase in public servants should bring a corresponding increase in the level of service.

The article goes on to state —

Certainly there seems to be a disproportionate number of middle and upper-level bureaucrats, all well paid, joining the public service to do jobs which have little to do with the public.

All the government is saying is that it values public sector employees, but, for goodness sake, let us make—

**Mr M.P. Murray:** Rubbish! Absolute Rubbish!

**Mr S.K. L'ESTRANGE:** The government is saying that. Let us make sure they are employed in positions that are necessary.

**Mr F.M. Logan** interjected.

**Mr S.K. L'ESTRANGE:** I am absolutely convinced that the member for Cockburn would agree with me.

**Mr F.M. Logan:** I do not!

**Mr S.K. L'ESTRANGE:** He should.

**Mr F.M. Logan:** It undermines the public service and undermines the value you should show them.

**Mr S.K. L'ESTRANGE:** Member for Cockburn, the evidence is compelling. Why would any member of this place not want a more efficient and effective public sector?

I will now move on to my third and final point in this debate—that is, to highlight this government's effort to apply prudent fiscal management in our public sector. I will reference the media statement by the Premier and the Treasurer dated 13 June 2013, which states —

Premier Colin Barnett said the reforms would provide for the voluntary redundancy of up to 1,000 full-time staff or equivalent, potentially saving about \$75million a year.

...

Treasurer Troy Buswell said the salaries budget had grown by an average of 8.6 per cent every year since 2008–09 and this could not be sustained.

These additional measures had the potential to generate savings in excess of \$2billion over the next four years.

“The WA public sector's salaries budget represents about 45 per cent of WA Government spending ...

Compare this sound fiscal management measure with how the Labor Party managed the public sector back in 2006. It was not pretty and it led our Treasurer back then, when he was Deputy Leader of the Opposition, to seek to debate as a matter of public interest the motion that this house condemns the then Labor government —

**Ms R. Saffioti:** Should we debate your loss of the AAA rating again?

**Mr S.K. L'ESTRANGE:** It is lovely to have the member for West Swan here; I always enjoy her interjections. Let us just focus on what was going on when the Labor Party was in government back in 2006.

[Member's time extended.]

**Mr S.K. L'ESTRANGE:** Back in 2006 our then Deputy Leader of the Opposition, Troy Buswell, condemned the then Labor government for its failure to control the growth of the state's public sector expenditure and its ongoing failure to cap recurrent public sector increases at the real per capita growth rate.

Several members interjected.

**Mr S.K. L'ESTRANGE:** That has got to get members opposite excited. Of course it does because it demonstrates a failure of governance; whereas this government, under the Premier and the Treasurer, is making a concerted effort to improve and reform the public sector —

**Mr F.M. Logan** interjected.

**The ACTING SPEAKER:** Member for Cockburn, I would appreciate being able to hear the member in silence, please.

**Mr S.K. L'ESTRANGE:** — so that the people who are working in it are working in it for the right reasons so that they are effective in providing the services to the community that they serve.

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There really is no debating the fact that this Premier and this Treasurer are doers and not dreamers, and that this government is acting in the best interests of all Western Australians. It is interesting to look at Western Australia's economic profile of September 2013 to note that on one hand the Premier and the Treasurer —

**Ms J.M. Freeman** interjected.

**Mr S.K. L'ESTRANGE:** I will accept that interjection from the member for Mirrabooka, if I could just get this quote out for one moment.

**Ms J.M. Freeman:** They certainly did get the AAA rating right down to a lesser rating!

**Mr S.K. L'ESTRANGE:** I thank the member for Mirrabooka for that enthralling interjection.

Western Australia's gross state product rose 6.7 per cent in 2011–12, up from four per cent growth in 2010–11. In 2011–12, the growth rate was above its annual average growth of 4.8 per cent over the past 10 years, and it was the highest growth since 1989–90. GSP is forecast to rise 5.75 per cent in 2012–13 and 3.25 per cent in 2013–14. Economic growth is therefore continuing while this government is acting in the best interests of the public sector to reform the public sector.

**Mr M.P. Murray:** By sending us broke!

**Mr S.K. L'ESTRANGE:** Oh, goodness, member for Collie–Preston!

Several members interjected.

*Point of Order*

**Mr V.A. CATANIA:** I am finding it very difficult to listen to the member on his feet.

**The ACTING SPEAKER (Mr I.C. Blayney):** Thank you, member, for your point of order. Members, I will have to start naming people if the interjections get too loud. Carry on, member.

*Debate Resumed*

**Mr S.K. L'ESTRANGE:** I loved hearing the interjection from the member for Collie–Preston because he is the one member on that side of the chamber who I believe actually has a vested and genuine interest in his constituents. I do not think that he has let go of his base. I think he is one person who has been true to the likes of John Scaddan, WA's most successful Labor leader. The member for Collie–Preston is not confused about the need to appease middle Australia by trying to argue that a middle Australian public servant on a professional salary should be doing a job that is not motivating them, that is not needed and that is not adding value to the public sector.

**Mr M.P. Murray:** So are you going to get rid of them all?

**Mr S.K. L'ESTRANGE:** No, we are not saying that we will get rid of them.

**Ms S.F. McGurk:** That is less than the standard in the private sector.

**Mr S.K. L'ESTRANGE:** To both of you, to the member for Collie–Preston —

**Mr F.M. Logan:** They believe they can get double what they get in the public sector.

**Mr S.K. L'ESTRANGE:** Okay, I will try to cover all three interjections at once. Here we go! The average number of vacant positions referred for redeployment consideration each month is 662. Currently, there are 71 on the books, so there is no shortage of work to redirect people into. How can opposition members possibly argue against redirecting someone in the public service to a job where they are needed?

**Mr F.M. Logan:** Why did you get rid of 1 100 then?

**Mr S.K. L'ESTRANGE:** I do not have that data in front of me. Notwithstanding the interjections, which on their own may or may not be interesting, the basis of my argument today—I will wrap it up—has been to simply articulate the need for reform. WA is the only jurisdiction in Australia that does not have the capacity to redirect employees in the public sector to where they are most needed. I support the Premier and the Treasurer in their efforts to reform the sector and I commend this bill to the house.

**MR R.H. COOK (Kwinana — Deputy Leader of the Opposition)** [12.06 pm]: In rising to speak on the Workforce Reform Bill 2013, I have to say that I am heartily sick and tired of Liberal Party members standing in this place to speak about the public sector as if it were some sort of Dickensian factory floor where the rules of law that perhaps applied last century somehow apply to our modern public service. They do not. It is totally false to argue that the public sector is stuck in some sort of socialist utopia and that people are tenured like some aged



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academic who cannot be touched. It is so far from reality and so far from what this bill is about that it almost belies belief.

**Mr F.M. Logan:** Or that they don't do any work.

**Mr R.H. COOK:** Or that they do not do any work or that they are not committed professionals and do not care about the services that they provide. One would think that the Liberal Party to a man and a woman believes that public servants are sitting around with their feet on the desks, doing nothing, watching their clocks, waiting to get home —

**Ms M.M. Quirk:** And waiting for their tea.

**Mr R.H. COOK:** And waiting for the tea lady.

It is totally apocryphal, but it is not surprising that they are trying to weave this confusing tapestry of nonsense because they know that this is not about labour market economics or modern workforce laws; this is about honesty. This is about the honesty of this government and this is about fairness—the fairness of the laws that we put in place that govern the lives of our quality public servants.

Let us go to the point of honesty. On 27 September 2012, the member for Cottesloe, the Premier, said —

No-one is going to be losing their job, no-one is going to be laid off, ...

He made it quite clear in the lead-up to the election earlier this year that the last thing on the Liberals' agenda was the provision for forced redundancy, as these sorts of laws have. The Premier made it quite clear that he should be trusted with another term in office to undertake his role as a benevolent and caring public sector minister. We roll forward to now, as we have done on so many occasions, to see that the Premier's word is not worth a jot. He went to the last election with policies that he has since repudiated and run away from. He kept covered up other policies that he thought would be unpalatable only to reveal them after the election. This bill is not a test of members on this side of this place; this is a test of the Premier's honesty to stick to the commitments he made to the people of Western Australia in the lead-up to the last election.

This legislation does three things. Firstly, it enshrines the wages policy of the government in relation to the public sector, and it does so dishonestly. Secondly, it provides for forced redundancy, and it does so unfairly. Thirdly, it shackles the Industrial Relations Commission in the way it goes about its considerations, which further undermines our public sector. There was a time when to work as a public servant in the government was to work for the employer of choice. We were able to put in place modern workplace practices that continued to bring about reforms and institutions for people's public service employment so that the government was a leader in engaging the labour force in the provision of community services.

Several members interjected.

**The ACTING SPEAKER (Mr I.C. Blayney):** Members! The member for Kwinana has the floor, so I would like to hear from him.

**Mr C.J. Barnett:** There is a big difference between Liberal and Labor.

**Mr R.H. COOK:** There is a big difference between Liberal and Labor. I was brought up to believe that the Tories were those who respected the institutions and traditions of government. As I became more and more politically aware, I saw this was less and less the case. Do members remember the Kierath legislation? It hit the upper house and people said that that was all right because there are particular customs and protocols in the upper house and surely the Liberal government of the day will not trash 100-year traditions in the way the Legislative Council conducts itself and it will make sure that the bill is given appropriate scrutiny. We saw the way they slipped and slid.

**Mr F.M. Logan:** They used the guillotine.

**Mr R.H. COOK:** They used the guillotine for the first time in the Legislative Council's history. These guys are a bunch of wreckers. We saw that in the Kierath legislation and we see it creeping ever so gently into this legislation. I thought the observations that the member for Willagee made were quite instructive. He said that it is not so much this legislation or what this particular Premier will do; it is what will happen when the member for Vasse gets the numbers in the Liberal party room and knocks off the Premier. Then we will see the full wreckage that this legislation can bring about.

This legislation is also an attack on the culture of the public sector worker. We will see a continuation of that great Tory tradition that we see time and again. Each time the Liberal Party comes into government, it pulls apart the public sector piece by piece because it hates government. An exercise of self-loathing must go on when

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Liberal Party members become ministers because they have the capacity to do some good but all they want to do is rip down and tear apart those institutions that can make such a positive difference to people's lives.

**Mr C.J. Barnett:** Give us just one example of where we've mistreated public servants.

**Mr R.H. COOK:** The greatest example of the mistreatment of public servants is what the government is currently doing to a lot of the staff in Fremantle Hospital, who will now be forced to apply for their jobs with a private operator whether they like it or not. That is the impact of privatisation.

**Mr C.J. Barnett:** You can't give an example.

**Mr R.H. COOK:** I just gave an example. Does the Premier want another example? Let us talk about the poor old staff at Swan District Hospital, whose jobs will ultimately disappear at the end of 2015. They are public servants who are performing a great service for the people in the Swan districts and up into Northam and so forth, providing care for their community, many having done so in excess of 20 years. Thanks to the Premier's privatisation policies, their jobs will disappear. They are very real examples of the way people's lives are impacted by the way he manages the public sector.

Earlier today the Public Sector Commissioner published the "State of the sector report 2013". One of the observations that the Public Sector Commissioner makes in the context of the annual agency survey states —

public sector bodies were asked to nominate the workforce risks facing their organisation in the next five years.

Of the top three workforce risks, the second highest risk that the public sector bodies identified as being a risk to their agencies was the loss of corporate knowledge or talent due to retirement and the third highest was recruiting appropriately skilled people. The agency heads identified the problem in our public sector. It is an ageing workforce in a changing business environment in a public sector that is struggling to recruit people to services because time and again their wages and conditions and the culture they work under are being undermined by the government. Therefore, they struggle to attract the sort of people they need to provide community services. We see that all the time, particularly in the health sector where we are required to recruit a lot of highly professional people but, unfortunately, because of the pressure that the public sector workforce is under, it is struggling to attract those sorts of people.

I want to look at the wages policy for a moment, which is a key component of this legislation. As we know, the wages policy is not a wages policy; it is a discrimination policy. It provides an arbitrary date for the government—chock-full of political convenience for the government to implement one or two little political quick fixes but persecute other members of the public sector. We are not just talking here about the Premier's favoured staff in his offices and the extraordinary wages outcomes that they have experienced—a process that really gives lie to the whole concept of a wages policy and a government wanting to lead the public service with integrity. During the last election we saw these extraordinary manoeuvres during the caretaker period in which we had a public servant, Mr Peter Conran, the director general of the Department of the Premier and Cabinet, effectively negotiating on behalf of the Liberal Party. Again, I return to the contempt that the other side showed for the traditions and conventions that govern our democracy. We saw the director general of the Department of the Premier and Cabinet conclude a wage agreement with the nurses' union at 14 per cent. At the time a lot of people thought it was an ambit claim. I suspect that a lot of people inside the nurses' union thought it was an ambit claim as well.

**Ms S.F. McGurk:** They were desperate.

**Mr R.H. COOK:** Such was the desperation of this government to get as many votes as it could, as we have described in this place on many occasions, many were off the back of a lie. What we saw in that context was a 14 per cent wage increase to nurses. As the shadow Minister for Health and a member of the Labor Party, I say bravo to the nurses and well done for getting such a good wages outcome. It has often been overlooked that that is just the beginning of the discussion as far as the nurses are concerned. That settles the wages component of the discussions but it has not concluded the discussions on the conditions they work under. As the Treasurer observed during the estimates hearing, we still have not seen the full quantum of the overall impact of the nurses' enterprise bargaining agreement discussion; that will essentially go beyond simply a wages outcome of 14 per cent. Then we see the doctors' EBA, which conveniently expired on 30 September. We also see—what was of great convenience to the government—the opportunity to conclude a 12 per cent wages outcome for the doctors via the negotiations with the Australian Medical Association. Again, I say bravo to the doctors and other members of our public sector health workforce for securing such a good outcome for their members, for had they not actually secured a 12 per cent outcome and simply looked at the government wages policy, they would have been pegged at 7.7 per cent!

**Extract from Hansard**

[ASSEMBLY — Thursday, 21 November 2013]

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Mr Dave Kelly; Mr Peter Tinley; Mr Jan Norberger; Mr Sean L'Estrange; Mr Vincent Catania; Acting Speaker;  
Mr Roger Cook; Mr Paul Papalia; Mrs Michelle Roberts

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I am sure, Mr Acting Speaker (Mr I.C. Blayney), you would appreciate that, given the demands in attracting doctors to hospitals such as Geraldton, that outcome was also a very good one for those members. Of course, everyone whose EBA falls silent or concludes from 1 November onwards will now be caught under this new wages policy. There is no reason why it should start on 1 November, except for reasons based entirely on political convenience. The government has not introduced a wages policy; it has introduced a wages discrimination policy. The government has undertaken good old-fashioned class warfare. It is saying, "We're going to treat the professionals one way because the professionals are nice people, they wear white, and we're going to treat other semi-professionals and award workers inside the health system, who probably do not wear white, entirely differently." What they are saying is, "If you're a nurse or doctor, we'll look after you; but if you're a ward clerk, important though your job is to the functioning of our overall health workforce, you're in trouble."

There can be no justification for this decision. This is a nasty, class-infected attack upon semi-professional and unskilled workers in our health sector. There is no reason at all why other members of the health workforce should not be given the opportunity to also achieve a good wages outcome. Of course, we saw the member for Churchlands get up, trying to lecture us on labour market economics. If it is labour market economics, what have we got a wages policy for? If it is labour market economics, surely workers can go out there and test the marketplace. They should be able to go out there and say, "No, I'm not going to turn up for work at Geraldton Hospital today. See how you get on!" They should be able to get up and let rip! They should be able to negotiate higher than the consumer price index, as is written in the wages policy. That is good old-fashioned labour market economics. This, of course, is not an exercise in implementing the principles that the Liberal Party stands for; this is an exercise in attacking semi-professional and unskilled workers in our public sector because these guys stuffed up the public finances.

[Member's time extended.]

**Mr R.H. COOK:** The member for Churchlands said that the Treasurer is a can-do person, but we know what he did: he lost the AAA credit rating. We know what he is also about to do—namely, make public sector workers pay for his stuff-ups. Given that the Premier was incapable of exercising any fiscal discipline in his first term, we will now see the Premier make workers inside the public sector pay for it this time around. That is what we will see; that is the can-do attitude of the other side. The can-do attitude of the other side is that we will spend like drunken sailors when it suits us, and we will make workers' pay for it when our mistakes, accidents and stuff-ups are revealed to the public. That is not labour market economics, member for Churchlands! That is pure-bred, big "L" class warfare Liberal Party policy writ large!

Earlier in this debate following one of the Premier's interjections about how we treated our public sector workers poorly, I pointed to the plight of hospital workers at Swan District Hospital, many of whom have worked for many years in that hospital providing care to the community. Because of the government's privatisation policies, many of those people will now be forced out of the public service; they will lose their jobs. When the Premier says that no-one will lose their jobs, we know that is a lie.

We have asked the health minister, "If these people want to continue to work for the Department of Health, will they be able to do so?" On 12 October 2010, the Minister for Health said that the government will commit to retaining staff in the public sector, if they so wish. Here is the test: if none of those workers are being required to leave the public sector, will the Minister for Health make a commitment that he will not allow those staff to be impacted by the forced redundancy provisions of this legislation? Will the health minister stick by his word to make sure that those people will be able to continue their careers in the public sector? Because we know those workers will be losing their jobs; we know that hospital workers at Fremantle will be losing their jobs. Let me paint a picture for members of how those particular hospitals workers are being treated. As members would be aware, a number of the services at Fremantle Hospital are being transferred from that hospital in whole to the new Fiona Stanley Hospital. Many of those units have been working together for some time. Many of those are workers playing particular roles inside those units. They have been seeking to keep those units as a whole. It might be someone who is doing administration for a particular ward or outpatient clinic in Fremantle Hospital, and they want to take that entire unit—that is, every worker—across to Fiona Stanley Hospital to continue to provide the outstanding service they have been providing from Fremantle Hospital. Of course, what those workers have been told is, "No, you can't. All you can do is apply for a job to be part of the Serco health workforce pool. We won't make a commitment that you will be able to continue to work with those people you have been working with as part of a coordinated unit inside Fremantle Hospital. You will simply go into a pool of workers and Serco will decide where you go." Not the health administrators; not the health managers; but Serco. We will see not only workers whose jobs are under attack, but also workers who go across to Fiona Stanley Hospital having to be, maybe, transferred to entirely different sections of the hospital. Therefore, we will

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see this ongoing dysfunction and attack on people's workplaces simply because this government has got its privatisation agenda and it wants to make those people, as a result of those policies, pay.

As I have said, this legislation is not about good management of the public sector. Under the laws passed by the Court government in 1994, the previous government managed to work with the public sector; it managed to continue to provide good community services. It did not need this slash-and-burn legislation. This legislation is not about creating a modern public sector workforce; it is about continuing to carve into our public sector, undermining the public sector as an employer of choice and making sure that all public sector workers are continuing to look over their shoulders and are put under stress in their workplaces. This government will remove a lot of institutions of fairness that we know have worked well for many years and with capable public sector management should continue to work in years to come.

**Mr C.J. Barnett:** How do you reckon they felt under your government when ministers were regularly under investigation by the Corruption and Crime Commission? Talk about rewriting history. One of the biggest jobs this government had to do was to restore some pride and confidence in the public service.

**Mr R.H. COOK:** These are the same people whom the Premier later described as good and honest people and great members of the government's backbench. The Premier cannot on the one hand condemn someone for being corrupt and then on the other invite them onto his benches. The Premier accepted the former member for Eyre's vote. I do not think he should be so precious about this. On the one hand the Premier is happy to call the former member for Eyre corrupt, but on the other hand he is happy to invite the member onto the back bench. That is very typical of the Premier. On any occasion, the Premier is happy to do and say anything to get into government. That is why the Premier is the leader of such a small-minded, sad and unprincipled government. The Liberal Party presents all manner of policies. The Premier said that the election commitments were fully costed and fully funded. He never mentioned a word about forced redundancies in the public sector. In fact, in September last year the Premier said that no-one would lose their job, yet now we are debating legislation that will do that very thing. The Premier is some sort of obsessive; he will say and do anything to achieve power. He is quite incapable of reflecting on his own actions and words.

**Mr C.J. Barnett:** You have never really explained your dealings with Ashton Foley, have you?

**Mr R.H. COOK:** What is it about a man who is so incapable of reflecting on his own words and actions to achieve power that has him come into this place and simply try to reinvent history? The Premier brings extraordinary characteristics to this place, which must make his backbenchers—certainly those with any integrity—cringe, as he simply gets up and repudiates any statements he made yesterday to justify his position today. That is why people will judge the Premier's government harshly; it is because of the dishonesty he brought into the election process. They will judge him more harshly for the way he has wrecked the state's public finances and lost the AAA credit rating, and now he will make public sector workers pay for his mistakes and dishonesty.

**MR P. PAPALIA (Warnbro)** [12.34 pm]: I was under the impression that I would be making a contribution today to oppose the Workforce Reform Bill 2013 on the grounds that it is unfair, inconsistent, inequitable and ultimately completely unnecessary, but then I was enlightened by my good friend and colleague the member for Churchlands, a man whom I admire greatly and who I feel is greatly undervalued and under-utilised by the Premier. He represents an opportunity for the Premier. There is not much in the talent pool on the other side of the chamber and certainly not much talent in the cabinet, but if the Premier is looking for someone to elevate, there is a man who could be worthy of consideration.

**Mrs M.H. Roberts:** I think his speech was his application to join the cabinet.

**Mr P. PAPALIA:** Maybe he sold out some of his principles on those grounds. The member for Churchlands informed me that I was acting in a socialist manner by opposing this bill. Apparently, we on this side of the chamber are closet communists because we oppose the Workforce Reform Bill 2013. That was an interesting observation. When he made that suggestion, I reflected a little on my life story and wondered whether, during all those 26 years in the military—serving the counterterrorist squadron, the Special Air Service regiment, deploying twice to Iraq with the clearance divers, and commanding in the military—I was a closet communist! I was not aware of it. The fact escaped me. Perhaps the tie was the giveaway. Perhaps the red tie I am wearing today confirms the member for Churchlands' suggestions that, in opposing this ridiculous bill, I am acting as a socialist.

**Mr S.K. L'Estrange:** That is not what I said. I said that you were torn between the ideals and the values of the socialist Labor Party and your need to appease middle Australia. That is what I said.

**Mr P. PAPALIA:** I was being motivated by my need to appease middle Australia! I thought it was simply because the bill is unfair. It is changing the rules for some people in the public sector and not for others. I

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thought it was because it completely ignored the fact that this change to impose consumer price index increases to the pay of some public sector workers does not apply to the Premier's office, where it is okay to get a 52 per cent pay rise. I thought it was about the dishonesty of the Liberal Party going to an election and promising the people of Western Australia who work in the public sector—those people who provide essential services, the vast majority of whom are not on level 8 earning well over \$150 000, or whatever it is —

**Mr M.H. Taylor** interjected.

**Mr P. PAPALIA:** Maybe they will not next time, member. The vast majority struggle to deal with the massive cost-of-living increases that have been imposed on them by this government and its policies. Those people are wondering why they are being subjected to an unfair wage freeze, effectively, and why the Premier did not tell them about it before the election. In fact, what they are really wondering is why they were told a lie. Why were they subjected to completely misleading propaganda from the Liberal Party in its policy document? I have the policy document. Fortunately, it is one thing members opposite have not been able to erase from public history. There is no mention in it of restricting the public sector to CPI pay increases. There is nothing about that in the Liberal Party's public sector management policy. Had those thousands of public sector workers been aware that it even existed, they would not have been able to read anything in there about this law that the Premier is introducing, the Workforce Reform Bill 2013. They would have read that the policy of the Liberals was to —

- Maintain a wages policy that provides public sector employees with fair and reasonable remuneration and benefits and safe working conditions

I doubt that the vast majority of the public sector workforce would have read this, because most of the government's policies were kept fairly deep and silent for most of the election campaign.

**Mr C.J. Barnett:** I do not think so. We had a vast number of policies.

**Mr P. PAPALIA:** Rubbish! The government kept its policies as quiet as possible so that it would not be subject to any scrutiny about them. The vast majority have been abandoned and have been revealed to be broken promises immediately after the election. Invariably, any policies that government members talked about during the election campaign were in response to Labor's policies. We said that congestion was a major problem in the metropolitan area and that we had a solution, so the Premier scrambled around trying to cobble together something that looked like our policy so that he could pretend the Liberal Party had a policy on it. We found out subsequently that none of it was costed and none of it was funded; and it was not real, anyway. That is what actually happened during the election campaign.

In the case of this bill, the Premier kept it buried. In fact, the Premier deceived the public sector workforce of Western Australia, because he told them that this was not going to happen. That is on the public record. I want to put on the record what the Premier said in this place on 27 September 2012 in response to a question from the Leader of the Opposition about whether public sector jobs were under threat. The reason the Leader of the Opposition asked that question is that we had an inkling that the Premier would do something like this. We knew that, on form, the Premier would say one thing prior to the election, and, immediately after the election, when it was revealed just how badly the Premier had messed up the finances of this state, the Premier would be desperately trying to cobble together a way of making other people pay for his mistakes. In response to that question from the Leader of the Opposition, the Premier said —

I make it very clear —

*Point of Order*

**Mr J. NORBERGER:** Mr Acting Speaker, it looks as though the member is reading from an uncorrected proof—that is what it looks like from here.

**Mr P. PAPALIA:** The actual part that I am quoting is from a corrected proof, but this note is from an uncorrected speech. It is the *Hansard* of 27 September 2012. That is what I am quoting from.

**Ms L.L. Baker:** That will be in *Hansard*.

**Mr P. PAPALIA:** It is in *Hansard*.

**Mr J. Norberger:** So why does it have the words "Uncorrected Proof"?

**The ACTING SPEAKER (Mr I.C. Blayney):** Thank you for the point of order, member. I remind the member for Warnbro that members are not allowed to read from an uncorrected proof.

*Debate Resumed*

**Mr P. PAPALIA:** Thank you, Mr Acting Speaker.

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I refer to the *Hansard* of 27 September 2012. This is what the Premier said —

I make it very clear that there are no cuts, proposed or planned, for staffing within the public sector—none at all, and that was made very clear by the Treasurer —

People in Western Australia who work in the public sector now know that what the Premier told them before the election was not true. They know categorically that the Premier of this state said one thing before the election to the public sector workforce of this state and that he has completely abandoned that post the election. That is deceitful. That is dishonest. That is misleading. That is inappropriate. It is unbecoming of the Premier, and it has completely undermined any credibility and any sense of integrity that the person who holds that office might have had. Anyone in this state who is not yet completely convinced that the Premier cannot be trusted when it comes to public statements should look no further than that debate.

What we have today that we did not have in 2008 is that we have lost our AAA credit rating. What we have today that we did not have in 2008 is an incompetent state government. This state government has trashed the finances of this state to such an extent that it is making the people who can least afford it pay for it. We are seeing education cuts whereby Aboriginal and islander education officers are being sacked. People in the Kimberley who are responsible for translating for children who do not speak English at home are losing their jobs.

*Point of Order*

**Mr S.K. L'ESTRANGE:** Mr Acting Speaker, my point of order is relevance.

**Mrs M.H. ROBERTS:** Further to that point of order, the Premier interjected on the member for Warnbro and asked him some questions. The member for Warnbro is merely responding to the Premier.

**The ACTING SPEAKER:** Member, this is a second reading debate, and there is a bit of latitude in where members can go.

*Debate Resumed*

**Mr P. PAPALIA:** Thank you, Mr Acting Speaker.

Thanks to the dishonesty that was exhibited prior to the election, which led to a dishonest and incompetent government being re-elected, the people in this state who can least afford it—lowly paid workers in the public sector, who do vital jobs—are having to pay for the incompetence of this government. People in education—the people who can least afford it, and the people who most deserve support from the state—are having to pay for it. If members want an example of that, they need look no further than the 30 per cent cut to the school support program resource allocation funding in schools. The most disadvantaged schools desperately need that funding. Children who have difficulty getting to school in the first place, have trouble behaving in the classroom and have incredible difficulty with literacy and numeracy are supported through that SSPRA funding. The government has cut that funding by 30 per cent because it has an incompetent as a minister. A bloke who lost \$1 billion of taxpayers' money in his other portfolio has been elevated to the education portfolio, and he is now being allowed to trash the future of our children. The children who are most desperately in need of a good education, supported and funded by the state, are vulnerable and at risk as a direct result of the Premier putting that incompetent in charge of our education system. It is incredible that anyone on that side of the chamber who has any sort of social conscience—I know a lot of members opposite do, and I certainly know the member for Churchlands does—would not be asking who is responsible for what is going on at the moment in this state.

The Premier has trashed the state economy and he has trashed the state budget. That is why this bill has been introduced. The Premier is now going to trash the public sector workforce and cut the number of essential public servants. The members of this government cannot keep the Premier in check. The Premier has put forward some incredible priorities, I have to say. However, he has never proposed a business case for those priorities. Where have we seen a business case for the Premier's multibillion dollar expenditure across this state? We did not see a business case for the stadium. We did not see a business case for the \$320 million that has been wasted on Ord stage 2. There was no business case for that. That is an incredible waste of money that could have been used to resolve literacy, school attendance, behaviour and medical problems for Aboriginal children across the Kimberley. Instead, we got a road and a drain. The Premier did not even bother to find out whether there was ever going to be a crop that could be grown up there. The Premier failed with rice. The Premier then told us before the election that it was going to be sugar. The Premier said that there would be 400 jobs in the sugar refinery. Immediately after the election, we found out they are going to grow grass—sorghum. That will be used for biofuel for China. The Premier gave that to the Chinese for nothing. It is a joke that the Premier did that without a business case. The Premier allowed the fellow who has just resigned to do that. I like him, and I wish him well. But that was an appalling act on behalf of the Western Australian taxpayers.

**Extract from Hansard**

[ASSEMBLY — Thursday, 21 November 2013]

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Mr Dave Kelly; Mr Peter Tinley; Mr Jan Norberger; Mr Sean L'Estrange; Mr Vincent Catania; Acting Speaker;  
Mr Roger Cook; Mr Paul Papalia; Mrs Michelle Roberts

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The Premier is doing that all over the place. What is happening at James Point? Is there a business case for that? The Premier has not even done a valuation. If I did that, the Premier would say that it was outrageous. If I were a Labor Party minister and I mixed conversations about Chevron buying land at Elizabeth Quay in the same phone call as conversations about Chevron's expansion on Barrow Island, members opposite would call me corrupt. We did not call the Premier corrupt. We just said that it was inappropriate. The Premier is doing that all over the place. The Premier is behaving in a bizarre, irresponsible and unreliable fashion. That is undermining confidence in the public sector. It must also be undermining confidence in the private sector. How can people in private enterprise and looking to invest in this state rely on this Premier? They cannot say that they can rely on any decision that the Premier makes and announces, because the Premier is just as likely to look at an opinion poll five minutes before an election and change his decision, and then do another backflip when he gets into power. How can anyone rely on this Premier? The Premier is the epitome of sovereign risk—he is a two-legged sovereign risk, walking around. It is really difficult to track the Premier and hold him down, because he is moving all the time. He does not move only with his decisions; he also moves physically. All it takes is for the Premier to drive past a site, look out the window of the car and decide that is the place for the stadium. But he then drives back the other way and says, "No; we do not actually own that land, so we will put it on the other side." That is the extent of the Premier's business case. It is appalling.

What is going on with this Workforce Reform Bill is shocking. The only reason for this bill is that the Premier has stuffed up the finances of this state. This bill is not required. We know that the member for Churchlands has not read the current bill. I sought advice from a person who is very knowledgeable about these matters, the member for Nollamara —

**The ACTING SPEAKER (Ms J.M. Freeman):** Mirrabooka.

**Mr P. PAPALIA:** Member for Mirrabooka; sorry! It used to be Nollamara.

The member for Mirrabooka pointed me to the appropriate part of the bill, and the government can already get rid of the people it is talking about. The "North Korean" act that was introduced by Richard Court in 1994 allows the government to get rid of people whose positions become redundant and who will not accept repositioning. If there are people out there sitting on their backsides not doing work, it is the fault of members opposite because they are the government and they have not taken appropriate action under the current act to get rid of them.

Debate interrupted, pursuant to standing orders.

[Continued on page 6474.]