

SERVICE STATIONS - CONSOLE OPERATORS

689. Mr P. PAPALIA to the Minister for Employment Protection:

I note that it has recently been reported that service station owners in Western Australia have been charging console operators for the cost of fuel when customers drive off without paying. Can the minister inform the house whether this is true; and, if so, what is being done about it?

Mrs M.H. ROBERTS replied:

I thank the member for Peel for his excellent question. It is sadly true, and this is a serious issue, that some unscrupulous service station owners are unfairly forcing their staff to pay for the cost of fuel when customers leave without paying. Not only is it blatantly unfair, but also, in most cases, it is illegal. Most console operators are casual employees on Australian workplace agreements. Console operators are vulnerable employees with little job security.

Several members interjected.

The SPEAKER: I call the member for Roe and the Deputy Leader of the Opposition to order.

Mrs M.H. ROBERTS: I gather from the level of interjections that members opposite have little concern for those low-paid people in our community. A console operator earns between \$15 and \$20 an hour and in the course of a normal eight-hour shift would expect to earn about \$150. If the fuel drive-off is for \$70, it means that their take-home pay for that shift is reduced to about \$70. To completely refuel a vehicle costs between \$70 and \$200, depending on the capacity of the tank. Potentially the console operator could end a shift owing their employer money. A fuel drive-off is an offence that is punishable by law.

Mr R.F. Johnson: What garage has done this?

The SPEAKER: Order! The member for Hillarys.

Mrs M.H. ROBERTS: It is not fair that employees have to pay for what is potentially theft by customers. It is also illegal to make an unauthorised deduction from an employee's wage under the state Minimum Conditions of Employment Act 1993.

Several members interjected.

The SPEAKER: Members! I call the member for South Perth to order for the first time.

Mrs M.H. ROBERTS: The maximum penalty for that is \$2 000. Members opposite may suggest that I am slurring the whole industry; far from it. When I finish answering this question I will table a report that members opposite can look at and draw their own conclusions.

The Fair Employment Advocate for Western Australia wrote to the federal Workplace Authority asking it to provide her with a copy of any clauses -

Several members interjected.

The SPEAKER: Order! The Deputy Leader of the Opposition.

Mrs M.H. ROBERTS: - from AWAs operating in Western Australia that provide or authorise an employer to make that deduction. Sadly, on 2 November a Manuel Radic, the acting general manager of government relations and reporting, replied indicating that it would be inappropriate to divert from its key priorities the resources necessary to accommodate that request. The letter also indicated that the Workplaces Authority's key priority had been the successful implementation of the fairness test. It would be laughable if it was not so disturbing and serious.

Last week, the Howard government's Workplace Authority revealed that out of a total of 54 436 AWAs it had assessed since May, it had rejected 26 833 as not meeting the minimum standards required in the fairness test. That is, half the agreements assessed exploited working people, removed conditions and entitlements and even reduced pay rates.

Several members interjected.

Mrs M.H. ROBERTS: I will get to that. I can say with some certainty that, because of the Fair Employment Advocate's report last week, 33 AWAs -

Several members interjected.

The SPEAKER: Order! I call to order the Deputy Leader of the Opposition for the third and final time, and the member for Dawesville.

Mrs M.H. ROBERTS: Members opposite do not like hearing this because it is something about which they are incredibly vulnerable with the Western Australian community.

We know from what the federal government's bureaucrats have said that over half of the AWAs assessed do not meet those minimum standards. Of the 33 AWAs that were brought to the Fair Employment Advocate's attention here, we noted that a whole range of conditions had been denied employees - a flat rate of pay lower than the minimum wage and the complete removal of entitlements for paid public holidays and penalty rates were a couple of about a dozen penalties provided. They compare to the unfair penalty that applies to console operators in service stations. These conditions are being imposed on young Western Australians today. Why does it happen? It happens because WorkChoices lets it happen.

The member for Darling Range would be interested to know that an AWA applies from the day it is signed. We know that there are still some 142 000 agreements waiting to be checked; that is, nearly 80 per cent of the agreements that have been lodged since July. Guess what? They all apply here and now in Australia today. If the federal government's figures are in any way reliable we know that about 50 000 of them will be dodgy and will remove minimum conditions of employment. It is not often that I quote from *The West Australian*, but it made a prescient comment in the opening of an editorial in 2001 when it said -

No one should be expected to accept a compulsory pay cut just to keep his or her job. Any industrial relations system that allows that to happen . . . as flawed.

That is WorkChoices and it is fatally and fundamentally flawed. I look forward to the election of a Rudd government so that we move forward with fairness to reintroduce a system that is just for both Australian workers and employers.

[See paper 3441.]