

EDUCATION SUPPORT WORKERS — WAGE OFFER

960. Mrs L.M. HARVEY to the Minister for Commerce:

I welcome the year 6 students from St Stephen's School in Carramar, in the member for Wanneroo's electorate, who are in the gallery at the moment.

I have been paying close attention to the dispute with the Liquor, Hospitality and Miscellaneous Union. Could the minister please inform the house of the status of these negotiations?

Mr T.R. BUSWELL replied:

I feel compelled, in response to the question, to update the house on what has transpired over the past 24 hours.

Ms M.M. Quirk: Did you enjoy being frisked? Was it good for you?

The SPEAKER: Member for Girrawheen!

Mr T.R. BUSWELL: It is an offer that I do not want to go near. I appreciate it very much. I am sure it has been captured in *Hansard*. I think I will take a raincheck.

The question related to the ongoing dispute with the miscellaneous workers union. I start by saying that the government is committed to bargaining in good faith with the Liquor, Hospitality and Miscellaneous Union. My view is that we have been respectful of the long-established processes in Western Australia by which we move through an admittedly difficult period of negotiation. Yesterday we received advice from the tom-toms that the union was considering a stop-work meeting today.

Mr M.P. Murray: Is that a new communication system for the bush—tom-toms?

Mr T.R. BUSWELL: That concerned us, as I am sure it concerned the member for Collie-Preston. I will tell him why in a second. The proper process is to do the following. We made an application to the Industrial Relations Commission, and that was heard by Commissioner Harrison yesterday afternoon. This is how it works. We go down to the commission and say that we understand that members of the miscellaneous workers union are going to stop work tomorrow. We give the reasons we do not think they should. The union basically steps up, through its representatives, and gives the reasons it does not think that argument is valid. Commissioner Harrison, whom I am sure most people would argue is a fairly fair-minded commissioner, made a determination. The Department of Education put some arguments to Commissioner Harrison yesterday —

Mr F.M. Logan: Misleading ones.

Mr T.R. BUSWELL: Were they misleading? I will let the member for Cockburn know what they are and he can tell me. For example, the department said —

Mr A.P. O'Gorman interjected.

The SPEAKER: Member for Joondalup!

Mr T.R. BUSWELL: I am assuming that the member supports the illegal industrial action. I will explain why Commissioner Harrison, a fair-minded, independent person, agreed with the government. These are some of the reasons the education department put forward —

A change in routine, such as that caused by a strike, will cause many students with special needs, particularly students with autism, to behave violently to other students and staff. The violent behaviour caused by strike action puts other students and staff at risk of injury.

Mr P.B. Watson: It just shows what a great job they do.

Mr T.R. BUSWELL: Does the member agree that that could be an outcome? It is. Here is another point the department made.

Mr P.B. Watson: It shows what a great job they do.

Mr T.R. BUSWELL: The member might want to listen to this. The education department put this argument to Commissioner Harrison —

For some students with disabilities, not having education assistants at school due to strike action means they can't go to the toilet and have to sit in their own faeces and urine, which is both humiliating and a serious health risk.

The union, in response to that, said —

The applicant is exaggerating the impact.

Mr F.M. Logan: That's right.

Mr T.R. BUSWELL: Is that right? Commissioner Harrison, an independent fair-minded person —

Mr F.M. Logan interjected.

Mr T.R. BUSWELL: The member should listen to what she said.

The SPEAKER: Member for Cockburn, I have warned you a couple of times. I formally call you for the second time.

Mr T.R. BUSWELL: It is important that we understand what she said. It was her view, in relation to the applicant and parents of students who will be affected by the stoppage, that the strike will create difficulties for the respondent in ensuring that its responsibilities towards students, in particular, students with profound disabilities, will not be compromised. Commissioner Harrison listened to the arguments. She accepted the argument put by the Department of Education. Her reason for insisting that no industrial action happened today was to protect students, in particular students with profound disabilities. That is the independent process. She handed down this order. Members can read it online.

Mr A.P. O'Gorman interjected.

The SPEAKER: Member for Joondalup, I know you are interested in this matter. There are other ways, and I will say it again, to demonstrate that rather than by continually interjecting across the chamber. I formally call you for the first time.

Mr T.R. BUSWELL: That was the decision of the commissioner. The government is disappointed about a number of things. We are disappointed that the union chose to deliberately ignore a decision of the independent umpire and take industrial action today. We are disappointed that the union chose to engage in illegal strike action. We are disappointed that Dave Kelly and his union were again prepared to use some of the most vulnerable young people in Western Australia to pursue an industrial outcome. I am disappointed that the Leader of the Opposition went out and supported that today. He thumbed his nose at what Commissioner Harrison said. That is what he did. He does not care about those kids. He should hang his head in shame.

Several members interjected.

The SPEAKER: There are some interesting exchanges in this place on occasions.

Mr B.S. Wyatt: Very rarely.

The SPEAKER: I do not need assistance at this moment, member for Victoria Park. I am sure that Hansard might like to capture some of that intelligence.

Mr T.R. BUSWELL: I will rapidly move to a conclusion. The government negotiated in good faith. We have made an offer that we think is fair in the current climate.

Mr M.P. Murray interjected.

The SPEAKER: Predictably, this might be the last sitting day. I am not sure about that. I do not have those instructions. Member for Collie-Preston, I formally call you for the first time.

Mr T.R. BUSWELL: The workers who stopped work today and refused to attend work for the purpose of participating in illegal strike action will have their pay stopped for the period they were away from work. Last week, in an act of good faith, the Premier ensured that those people had their pays returned. It will not happen.

In conclusion, we have a union that all of a sudden cannot yank the chain of the government. It does not like it. It is not getting bang for buck from us for \$168 000 a year. We also have a union whose leader, Mr Kelly, senior political power player in the Australian Labor Party, has lost contact with the government and he does not like it. The union should stop using vulnerable young Western Australians for industrial purposes.