

OCCUPATIONAL SAFETY AND HEALTH LAWS — NATIONAL HARMONISATION

Motion

HON KATE DOUST (South Metropolitan — Deputy Leader of the Opposition) [10.27 am] — without notice: I move —

That this house calls on the Liberal–National government to pass the national harmonisation of occupational health and safety laws by 1 January 2012 as committed to by Queensland, New South Wales, the Australian Capital Territory and Tasmania.

Since the 1970s, across Australia we are seen a proliferation of occupational safety and health legislation, regulations and codes of practice come into play. In fact, I understand that about 10 principal acts, and more than 400 different sets of regulations and codes of practice, are currently in operation. It has been a long held view over that period across the various parts of this country that it would be much easier to have one single piece of legislation and a set of regulations that would cover all workplaces across Australia. Over time, work has been done through different governments to try to bring that into play. In fact, under the Howard government, if I recall correctly, the then minister responsible, Hon Tony Abbott, also supported the harmonisation of occupational safety and health legislation.

In 2008, there was a national review of all occupational safety and health laws across the country. In about August 2008, a formal Council of Australian Governments agreement was signed by the leaders of all the states and territories to indeed move forward and harmonise occupational safety and health legislation across Australia. In fact, at that time they agreed that that was a top priority. In Western Australia, not long after that there was a change in government and a change in approach. The new minister responsible, Hon Troy Buswell, put out a press release saying that the government would support the model legislation—or would support the bulk of the model legislation at the time. I say that because I know the Minister for Commerce is looking at me. I know there are key parts of the model legislation that this government has made it quite clear that it will not support, and I will go through those shortly.

Hon Simon O'Brien: You do not need to go through those. That has already been decided and agreed.

Hon KATE DOUST: We have that agreement. That was back in 2008 and there was a series of meetings over that time. In 2009 the Workplace Relations Ministers' Council agreed to the occupational safety and health model act. Therefore, over an extended period of time extensive consultation and discussions have occurred amongst all states and territories and all the responsible parties to come to an agreement about what that model legislation would look like. This is not an issue that has happened overnight and therefore had no time for consideration. This is what has led to this motion. I understand that things were happening and that the legislation was meant to come into Parliament before January 2012, as has happened already in a couple of other states. In fact, Queensland has introduced the legislation, and in New South Wales, where there was a change in government, it was the Liberal coalition in opposition that fully supported the national harmonisation of occupational safety and health laws. It was elected in March this year and in May it introduced its legislation into Parliament and had it passed within two months. So, if a Liberal government in New South Wales can do it, we ask: why can that not happen here? The legislation has been introduced in South Australia and the bill is currently going through the processes. The legislation has been passed and is awaiting notification in the Australian Capital Territory. What prompted this motion was that about a week or so ago the minister responsible in our state, Hon Simon O'Brien, put out a press release headed "State stands up to Canberra on National OSH".

The PRESIDENT: Order! There are quite a few audible conversations, which is making it hard for Hansard and some members to pick up the debate. So, can we keep the noise down to a dull roar; thank you.

Hon KATE DOUST: The minister responsible put out a press release headed "State stands up to Canberra on National OSH". He states in his press release —

WA not given enough time to analyse impact of harmonised regulations

He goes on —

"WA has been left with an impossibly short period of time in which to analyse the impact on businesses of introducing a new set of laws, and this could have a devastating impact on our small business sector in particular," ...

He goes on —

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“The bottom line is that the time remaining before the proposed implementation date of January 1, 2012 is far too short to enable WA businesses to understand the new laws and to conduct training.

He then states —

“I have requested Senator Evans consult with all jurisdictions and delay implementation of the new laws, and I await his response.”

I thought that was very interesting. Very quickly after that, the Chamber of Commerce and Industry of Western Australia came out in support of the minister's call to delay the legislation, because of course it has vested interests. If we look back at the history of occupational safety and health in Western Australia, we can point to the parts of the occupational safety and health legislation that Liberal governments of the day have deliberately watered down or removed protections for workers in this state.

The PRESIDENT: Order! If members want to have a conversation, I suggest they go elsewhere outside, if it is a conversation not related to the matter and not involving the chamber.

Hon KATE DOUST: One would perhaps say that this indicates the Liberal Party's total lack of interest in occupational safety and health and the protection of workers in WA.

We can go back and actually point out the various parts of legislation on which Liberal governments of the day have acted on behalf of their primary benefactors in big business to water down the protections afforded to workers. I would hope that when we get to deal with this type of legislation, we can go through it and point out those things. The key issues that this government has already moved to not deal with actually pick up on some of those things. This government wants to deny unions the right of entry to deal with safety and health issues on behalf of workers. It wants to deny safety representatives the opportunity to act on behalf of workers when it comes to using section 26 of the Occupational Safety and Health Act, which is the right to stop work. Ultimately that is a common law issue anyway. Workers, no matter which role they have, do have the right to stop work if they believe that they are in imminent or serious danger in their workplaces. This government wants to prevent workers from being able to prosecute an employer when a worker has been seriously injured or when a death has occurred. It also wants to hold back on the issues in relation to discrimination. I know that at some point we will have the opportunity to canvass those types of issues in more depth and I look forward to that occasion.

However, it is of real concern that all states and territories have agreed to this national legislation and have agreed to this historic change. The legislation is supported by business players across the country. It is a piece of legislation that will provide for the cutting of red tape. It will assist with compliance with legislation. It will make it easier for those organisations that operate across jurisdictions to deal with, rather than them having to deal with 10 different pieces of legislation and 400 sets of regulations and codes of practice. It is therefore about simplifying the process for those organisations. For the vast bulk of our employers in this state that are small businesses—I am sure the minister would agree—on a day-to-day basis it will not have a major or significant change for how they run their business.

Hon Simon O'Brien: How do you know that?

Hon KATE DOUST: The minister would probably remember that over my working life I have had a lot of work involvement in dealing with occupational safety and health issues and a lot of that involvement was dealing with small business in this area. So, from practical experience, I do have that level of knowledge.

Given that there has been a long lead-up time—going back to 2008, a period of more than two years now—and there has been ample opportunity in the discussion to look at the detail of the bill and the regulations, it has come as a surprise at this late point that all of a sudden the government has decided to put the brakes on and not introduce this legislation. I would have thought that if it had already been agreed that this legislation is a priority—we all know that it is a priority in workplaces to make sure that workers are looked after and that they can work in a safe and healthy environment—the government would say, “This is a priority for us. Let's get this bill into our house. Let's get it passed.” We know when it is introduced into this chamber that because it is uniform legislation it will be referred to a committee for a period anyway, and that will probably delay things as well. However, the imperative is to get the bill into the house. We deal constantly with many pieces of legislation in this place that do not have regulations finalised, and we are always told, “Don't worry about that. It'll all be fine. The regulations will be resolved at a later date.” I therefore do not understand why the bill could not have been introduced and dealt with so that it was ready to kick off at the date required.

Hon Simon O'Brien: Talk to the uniform legislation committee about what it thinks about passing bills without regulations.

Hon KATE DOUST: If the government is really serious about protecting workers in their workplaces in WA and about affording the best set of regulations and legislation for employers to operate under, I would have

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thought that it would move this legislation up the pecking order. We are dealing with other legislation today, such as the Cat Bill. I would have thought that dealing with workers' safety was a far higher priority than dealing with the Cat Bill.

Because I was curious about why this decision was made to delay the legislation, I contacted federal Senator Chris Evans' office; he is the minister responsible.

Hon Simon O'Brien: That's where this motion is coming from!

Hon KATE DOUST: No, this is not where this motion has come from. I decided I would follow up and find out from the federal end what was happening there. I understand that in July this year there was a meeting of Safe Work Australia and that the Western Australian health and safety regulator was at that meeting.

Hon Simon O'Brien interjected.

Hon KATE DOUST: I understand that they agreed with all industry state workers to continue to support this legislation, that the minister had been provided with a detailed analysis of the legislation—that would be you, Minister O'Brien, as I understand it—and that there was no reason for WA to delay its processes.

Hon Simon O'Brien: Who told you that?

Hon KATE DOUST: This is advice I have from Minister Evans' office.

Hon Simon O'Brien: You want to rethink the value of the advice you get from Minister Evans.

Hon KATE DOUST: I have full faith in the advice I have from Minister Evans. He is a very competent minister.

Hon Simon O'Brien: That shows how dopey you are then; as you will see!

Hon KATE DOUST: No.

The PRESIDENT: Order! Look, members know there is limited time for this debate, so please give the member on their feet the opportunity to make their comments without interruption.

Hon KATE DOUST: Currently, five out of nine jurisdictions have already passed the legislation, and I have already alluded to the comments about the progressiveness of the New South Wales Liberal government that got that legislation up and going. I applaud that government for being different. If it could get through whatever it saw as the hoops and barriers to get its legislation in after having been in government for only a couple of months, why has this Liberal–National government not been able to get itself organised and get its legislation in order after more than two years of constant consultation and negotiation? We have put a raft of other bills through this place that have applied an increase in penalties. I know that that is a concern the minister has raised in this legislation; he has said that an increase in penalties will put severe pressure on small businesses. We have put through this place a range of bills in which there have been significant increases in penalties, and those bills have been pushed through very swiftly. The government has had plenty of time. It has delayed. I think that this bill has been delayed because of the pressure that has come from the big end of town. The Chamber of Commerce and Industry of Western Australia has a history of being opposed to these types of bills; it has a history of wanting to water down workers' rights in the workplace. I am sure that the CCI would have been the architect of having the key issues that we have already identified deleted from the WA legislation. Given the CCI's current involvement, I am sure that it would be actively putting pressure on this minister to put the bill off. The minister needs to articulate exactly why he needs to have another six to 12 months to deal with this bill. My great fear is that if the minister delays this bill for that period, as we head into an election, this type of legislation will slip even further down the government's priority list, and the workers of Western Australia will be left behind. They will be significantly treated as second-class citizens in comparison with their colleagues who work in the eastern states.

Hon Simon O'Brien: We have a better system now.

Hon KATE DOUST: We do have a very good system, and I have always thought that we did. In fact, when our legislation was first introduced in 1984, it was a fantastic document. It was very worker friendly and very user friendly, with lovely simple language.

Hon Simon O'Brien: And we have built on it since.

Hon KATE DOUST: Not necessarily in a positive way in all aspects. I am happy to talk about that at another time. I am happy to go back through some of the changes made by former minister Kierath, which were very negative and had quite a disastrous impact upon how this has worked at —

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Hon Simon O'Brien: Well, you've just had two terms in government yourself.

Hon KATE DOUST: If the minister goes back over history, he will see that at the time I was quite critical of some of the changes that we made. The minister should feel free to go back through *Hansard* to see the comments I made when we dealt with that legislation.

I do not have much more time left. This government has made a comment about how it is concerned about the impact on business. I have not seen the government make too many comments about its concern about the impact of not having this legislation—the impact that would occur then for workers. Its whole focus has been about business. Although I acknowledge the importance of that, I think the government's focus needs to come back to how this delay will impact upon the workers of this state. Minister Evans' office has said to me that, across the board, the industries that support this legislation are, of course, a lot of the peak bodies from both the business and the trade union sides. So we have the Australian Chamber of Commerce and Industry, the Australian Council of Trade Unions, the Australian Constructors Association, the Business Council of Australia—I understand it has been a very strong advocate in support of the harmonisation of this legislation—and the Australian Federation of Employers and Industries. This array of different associations has talked about the benefits of this type of legislation for their members, be they workers or employers. They see it as reducing regulatory barriers, and they see that as being fundamental to driving through productivity improvements.

At the end of the day, we all know that if there is an effective and efficient health and safety regime in a workplace, it affords the appropriate protections not only to workers, but also to employers. It provides for proper training for those workers and for those employers. At the end of the day, health and safety are all about building upon effective communication, consultation and cooperation in the workplace, so that everything that can possibly be done to reduce the number of incidents or potential fatalities is done. That is the core principle behind health and safety legislation. Therefore, one would think that a state government would want to make sure that it had the best possible vehicle in place and that it was singing from the same hymn sheet, if you like, as the rest of the country, because we are not an isolated place; we are part of one country. We have companies that operate in every state represented here in Western Australia, and they want to have one single document. They want to be able to work with one document that will make it easier to operate their businesses.

I asked Senator Evans' office what sort of contact it had had with Minister O'Brien's office about this matter, because I was concerned that perhaps the minister was saying that nobody had been talking to him and that the necessary level of detail had not been provided to him. I was advised that Minister Evans wrote to all state workplace relations ministers seeking their approval of the new occupational safety and health regulations, and in a letter to Minister O'Brien, Senator Evans indicated that he was disappointed that Minister O'Brien had not even introduced the bill into the Western Australian Parliament.

Hon Simon O'Brien: And what date was that letter?

Hon KATE DOUST: I do not know. The minister can tell me. I do not have that date.

Hon Simon O'Brien: Haven't you got a copy of it?

Hon KATE DOUST: No, I do not have that letter.

Hon Simon O'Brien: I'll give you a copy of it. I'll table a copy of it.

Hon KATE DOUST: I am happy to see that letter.

Minister O'Brien wrote back to say that he did not have enough time to assess the regulatory impact of the new regulations and that the WA Regulatory Gatekeeping Unit would need to make its own assessment. Minister O'Brien also indicated to Senator Evans, as I am advised, that he was unhappy that the mining regulations had not been finalised and he had therefore sought a delay in the implementation of the regulations. I think the key thing here is that the minister has to explain why it is that he cannot get the legislation introduced. The legislation has been agreed to. We already understand the parts of the legislation that WA will not pick up on in maintaining synchronisation with the rest of the country. Why can we not have the legislation read into this place, the debate commence and the legislation passed, hopefully, by January? A number of other states have already done that. I do not understand why we have the hold-up here. If other states are perfectly capable, in the same time period, of going through the same consultation process, what is the hold-up here?

Hon Sue Ellery: It's not that we've got lots of legislation to deal with.

Hon KATE DOUST: That is exactly right. What is the hold-up? Is it political? Is it simply the same types of drivers that we have experienced in the past whereby the government gets pressure on it from business, which does not like certain aspects and which wants to tweak it —

Hon Simon O'Brien: I don't buckle to pressure from business.

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Hon KATE DOUST: I hope the minister does not. I know that the minister wants to take these matters seriously, so all I say to the minister is: provide us with the reason; provide us with a proper time line. The minister should explain to us clearly why we cannot have the bill in this place. Why can we not have the bill? We deal with lots of legislation. We have a bill in this place and we pass it; it is proclaimed and regulations are dealt with later. I know that Hon Simon O'Brien has not been the minister for the whole of that time; I know that other ministers have been in that role.

Hon Simon O'Brien: I take full responsibility for this matter.

Hon KATE DOUST: That is fine; on the minister's shoulders be it then. If the minister takes full responsibility, why is the minister's department dragging its feet in dealing with this legislation? Why is the minister dragging his feet in dealing with this legislation? If other states can deliver this legislation for their workers by the due date, why is it that the minister's department cannot do that? What are the things holding up the minister from delivering on this new legislation for the workers of Western Australia? I hope that the minister does not turn this into a political football; I hope that he does not buy into the traditional arguments of big business. I hope that the minister starts to focus on the needs of the working people in this state to ensure that they have the best health and safety conditions in their workplaces. I look forward to the minister providing to us a detailed explanation and a definite date, or an indication that before the end of this sitting year, he will introduce this legislation so that we can commence the discussion on, and an analysis of, this vital legislation. I do not know about the minister, but I have always seen health and safety in the workplace as being the number one priority, not just for workers, but also for employers. I hope that this government will take this matter as seriously as we do and stop playing politics.

HON SIMON O'BRIEN (South Metropolitan — Minister for Commerce) [10.48 am]: The motives behind this motion are based on false premises. If the honourable member had taken the trouble to ask me for a briefing on this matter, I would have provided it, as I always do when requested, and it would have answered all the questions that she has raised. It would also have stopped her from bringing her fallacious arguments to this place at this time.

Let me make a couple of points absolutely clear right up-front. This government does support workplace safety. It does place the safety of our workers in the working environment and elsewhere at the top of the priority list. I do not want to hear any nonsense that says that we are somehow neglecting the safety of workers in this matter. We have occupational health and safety laws in place now, and there is nothing wrong with them. What we are not going to do is have a race to the bottom to some lowest common denominator. It is simply wrong to say that we do not have adequate workplace health and safety measures in place at the moment—right now.

Hon Kate Doust: I didn't say they were inadequate, I said there are some issues that are not as good.

Hon SIMON O'BRIEN: The member said we were neglecting the safety of workers; that is what she said, and she was wrong. She also asked me to give details, in the very limited time I have available, about why I have publicly announced what I said to Senator Evans about why we would not be able to introduce a new, national harmonised workplace health and safety regime on 1 January 2012, and why he should again consider a matter that I raised with him many months ago—that this time frame needs to be extended, for very good reasons. I made that matter public in light of Senator Evans' attack on me in the Senate via a dorothy dixer, although it went completely unreported. In moving this motion, the honourable member does not want to politicise this matter, and neither do I. I want to make sure that Western Australia and Western Australians get the best outcomes from these processes. The Labor Party, through Hon Kate Doust's motion and her words, is demanding that we just abandon all the other necessary considerations and embrace the package that has been put up by the federal government, without inquiring into it and without regard for the impacts it could have on Western Australian businesses; to embrace it without regard for the negative impacts it could have on Western Australian workers; and to embrace it, sight unseen, without regard to the impacts it could have on the mining industry.

The facts of the matter are these: the national partnership agreement to deliver a seamless national economy included an implementation plan for this matter, which has not been met by the commonwealth government. That is the simple answer to Hon Kate Doust's question. The commonwealth government has failed in its undertakings, and that is why we cannot meet the deadline of 1 January 2012. That is why. A model workplace health and safety bill was to have been agreed to by September 2009, but despite in-principle endorsement by the Workplace Relations Ministerial Council in December 2009, the final, technically correct version was not available until 14 June 2011. The model workplace health and safety regulations were to have been finalised by Safe Work Australia by May 2011, but these were not made available to the Workplace Relations Ministerial Council until 10 August 2011, and have not yet been approved by the ministerial council.

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The final version of a decision regulation impact statement for the model workplace health and safety regulations was not made available until 13 September 2011. That is the date that Senator Chris Evans wrote to me. He wanted Western Australia to just sign off on this, sight unseen, by last Friday, 23 September. It gets worse, because we have a parallel system in Western Australia. The mining sector has its own OHS system, and there is separate legislation that works in partnership with it for the general sector, if you like. It is absolutely imperative that we preserve the system of twinned acts of Parliament for those sectors. That is something that needs to be understood, because the feds have not provided the mining regulations that we need.

Indeed, having been asked on 13 September to sign off on matters that we have not had time to consult the sector about, we still have not received them. Without having had the time to analyse the material that was put up by the commonwealth government, we were expected to tick off on it by Friday, 23 September—that is, last Friday. Guess what? On that day we received some further draft regulations for the mining sector that had not been included at that time. This is the sort of shemozzle that the federal government is running in trying to establish a harmonised occupational health and safety system. Does any of this give the house any confidence in, much less any sense of commitment to, embracing this legislation, sight unseen, immediately?

Hon Michael Mischin: That's their way of doing things, though, isn't it? The federal government's way is consistent with that.

Hon SIMON O'BRIEN: It has been doing a few things. I will tell members, in the limited time I have, what is wrong with the process—the issues that have not been addressed by the federal government, and the issues that apparently, according to the Labor Party, we should just ignore and go ahead and legislate.

Putting to one side the practicality—there might be a member who will talk later about this—that this is uniform legislation and we do not have time to actually get it through even if we were to proceed from 23 September, I will go through the issues the state government has with the process as it has been presented to us. The mover of the motion might want to consider them. With regard to the demand sent to us on 13 September requesting a 23 September response to all the documents that had been presented and, apparently, some that had yet to be presented, the time for analysis was grossly insufficient. It was also exacerbated by significant changes to the draft documents, without consultation. I do not think that that is acceptable. All previous drafts indicated that compliance costs would be higher in Western Australia than in all other jurisdictions; however, all the figures provided with the documents—I am referring to the regulatory impact statement provided by the commonwealth government—had been arbitrarily adjusted down, but no information was provided as to why this was the case. Do members think that that is good enough for Western Australians to accept? I certainly do not.

WorkSafe—my agency—is concerned that information in the regulatory impact statement is incorrect and not reflective of the costs in Western Australia, particularly for small business. Does that give us confidence that we should charge ahead with this legislation? It does not give me confidence. As I have already indicated, the mining regulations have not been included in the package that was provided to us; therefore the package is incomplete. Should we charge ahead and legislate? I do not think so. Approximately 50 codes of practice are still under development, which will have an impact on the manner in which the laws are to be implemented. Our regulatory gatekeeping unit here in Western Australia has also indicated that, in the absence of a full examination of the national RIS, there is a strong possibility that a local regulatory impact assessment and statement would have to take place. That, of course, takes time. Again, we do not have the information the commonwealth government undertook to give us months and, in some cases, years ago, and it still has not provided it.

The core of the issue is probably fourfold. Let me summarise it. Firstly, the federal government has not met the timelines it set for providing information about the regulations and the RIS, resulting in insufficient time to undertake appropriate analysis of the impact of the legislation within Western Australia. That is not our fault; it is the commonwealth government's fault. Secondly, Western Australia has a significant proportion of businesses that are small businesses, and businesses that operate only in Western Australia, all of which will incur significant costs without any of the purported benefits associated with national harmonisation. Moreover, the costs for small business are indicated to be much higher than those for large businesses, particularly with respect to training in the first instance. Thirdly, the time remaining before the proposed implementation date is far too short to enable businesses to understand the new regime and conduct training; I think Hon Michael Mischin might make some comments about that in a moment. Lastly, the RIS does not present a credible business case to support the benefits of such harmonisation over the cost.

What sort of a leap in the dark are we proposing to take? Can Hon Kate Doust assure me that this is not going to unnecessarily visit hundreds of millions of dollars in costs to small businesses in Western Australia? She needs to assure me of that before we take this leap in the dark. She should not rely on the commonwealth government's

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RIS to justify it, because it is completely deficient. Again, the offer of a briefing is open to Hon Kate Doust if she has the courage to accept it.

Hon Kate Doust: I will take you up on that.

Hon SIMON O'BRIEN: Well, good for you!

The delay in the provision of all this information to this state—our state, I have to remind members opposite—has meant that the opportunity has been missed to submit legislation to the house in a timely fashion and go through the parliamentary processes. Again, I say it is the commonwealth that has failed in these respects, not the state. What have we done? Have we got a draft bill? Yes, I have a draft bill; but I know what happens when a national harmonisation bill is before this house and goes to the uniform legislation committee with the bare bones that says, “There’s all these regulations that will come; most of them have not been written yet, but pass it anyway”. The committee will say to us, quite rightly, that the bill should not be passed. It did that with another bill recently, the Occupational Licensing National Law (WA) Bill. I have made statements to this house about that. Do members know what—the committee is right! That is why I came back and made a statement to the house about the way we would progress that bill in the light of what that committee said. This is a similar situation.

Another major item of concern, before Hon Kate Doust and her colleagues give themselves over completely to their federal counterparts—they might have a lot of faith in the Gillard government; I do not know —

Hon Michael Mischin: The Brown government.

Hon SIMON O'BRIEN: The Brown–Gillard government. Before they do so, they need to look at this regulatory impact statement which has been dished up to us at very short notice.

Hon Helen Bullock: Three years.

Hon SIMON O'BRIEN: On 13 September; with a demand that it be signed off by 23 September. That is what we got. Members opposite, obviously, have not had a look at it, so I suggest they do. Then, if members opposite want to tell the state of Western Australia through this Parliament that they have confidence in that and we should legislate on the basis of that flawed document, the people of Western Australia would be very interested to hear that. That is the concern I raise. A commonwealth RIS has been prepared without the full package of information. It has been served up to us with a demand that we accept it. Sorry, that is not how we do business in Western Australia. That is not how this government does it. We do not just accept regulatory impact statements that appear to have been arbitrarily tweaked to fix the figures, to hide the hundreds of millions of dollars in costs that, up to now, we have been led to believe might be visited on businesses. We object to the fact that there were only 10 or so industry participants, or unions in Western Australia, involved in the entire RIS process nationwide. We do not think that is a valid sample. It certainly does not have the respect that Western Australia needs for its future.

In conclusion, we support workplace safety but we are not as a state going to be pushed around by the federal Labor Party.

HON MATT BENSON-LIDHOLM (Agricultural) [11.03 am]: I rise to make a few observations regarding this non–government business motion. I start with a couple of quick observations regarding what Hon Kate Doust just said. I have two particular points that, to my way of thinking, very much sum up the intent of this motion. The intent of the motion is basically to pose the question: why does this government need another six to 12 months to come to the same sort of situation that Queensland, New South Wales, Tasmania and the Australian Capital Territory have managed to achieve? To me, that is the question that members need to give serious consideration to. Hon Kate Doust, in putting her points of view, certainly talked a lot about the historical perspective surrounding this situation of nationally harmonised occupational health and safety laws going back to the 1970s and the need to have these particular laws now given some sort of national perspective. She also commented on the significance of the 2008 Council of Australian Governments agreement in terms of underpinning the genesis and the history behind this national harmonisation push. That is not to say of course in Western Australia successive governments over the years have not put useful pieces of legislation in place. Of course we have—one would be foolish to deny that. This is all about national harmonisation, though. I certainly believe this non–government business motion is a very timely motion on behalf of the opposition. It is something we definitely need to debate given the particularly strong industrial, construction, mining and associated industry developments in this state in relatively recent times. The 2008 COAG agreement would tend to suggest that there has been momentum across the entire country for this to occur. In this fly in, fly out environment we operate under, in which workers tend to be very much mobile—we have flights moving workers from the eastern states to Western Australia and back constantly, and workers move across boundaries with a degree of regularity—the question then is: why do we want to retain the many different safety rules that currently apply across the

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continent? We have to look beyond Western Australia. Although this is our backyard, I quite agree with that, if we have federal laws that encompass the entire nation, that is the way we need to go.

Also to be noted is that the nationally harmonised health and safety laws should result in WA workers enjoying, along with the rest of the country, the strongest possible health and safety laws to protect people while they work. I would simply say: is this too much to ask? The answer has obviously got to be no. Do our workers deserve anything less? Fairly obviously, the answer to that is no. Let us not lose sight of the compelling reasons for the need to better address health and safety issues in the workplace in Western Australia. This is something the statistics certainly do not lie about. In WA on average, sadly, one worker is killed every 17 days, and every 30 minutes there is some sort of serious injury at work. If those statistics were repeated across the country—that would certainly appear to be the case particularly in states where there is a significant industrial, construction and mining pattern—what a tragic situation we would have in this country. In Western Australia, the high-risk nature of work carried out, especially in the mining and associated sectors, means that we are likely to have a higher incidence of work-related injury and even death. If members opposite need any convincing—I am sure they do not—as to the need to move with greater haste on occupational health and safety harmonisation reform, I suggest they view figures put out recently by the WorkSafe Operations Directorate. They are quite compelling. WorkSafe has identified injury and death statistics resulting from incidents associated with, for instance, electricity, falls from heights, body stressing, mobile plant, machine guarding, hazardous substances and a number of other circumstances that prevail in the workplace. These are regarded as being of significant concern in Western Australia.

WA's fatalities, particularly in relation to, as an example, electricity, falls from heights, and mobile plants—the figures there, probably aggregate-wise, are in excess of 20 workers in the past five years—are unacceptable, as are the figures in relation to amputations from machine guarding incidents. They all give cause to highlight the concerns that the opposition has in respect of the need to better harmonise occupational health and safety laws across Australia. The state government, rather than seeking to slow the process and dismiss the concerns of unions and workers, needs to work even harder to implement the agreed upon national health and safety laws because the longer we wait, the worse these figures —

Hon Simon O'Brien: But they haven't been agreed on. Didn't you hear what I just said? They have not been agreed upon by the relevant ministers.

Hon MATT BENSON-LIDHOLM: Minister, I have only three minutes. I will certainly take up the offer the minister made to Hon Kate Doust, but I would have thought—again, I know that the minister has only recently been given this portfolio—in the spirit of cooperation with the federal government, perhaps the state government should have been more proactive in seeking that sort of information and encouraging a spirit of cooperation.

Hon Simon O'Brien: You just don't know what is going on; you don't get it.

Hon MATT BENSON-LIDHOLM: No, as I said, the situation is that Queensland, New South Wales, the Australian Capital Territory and Tasmania, minister, are a long way in front of Western Australia.

Hon Simon O'Brien: Have the feds passed their own legislation?

Hon MATT BENSON-LIDHOLM: The point I make is that those four states —

Hon Simon O'Brien: No, they haven't.

Hon MATT BENSON-LIDHOLM: Those four states are significantly in front of Western Australia. Western Australia stands to lose another six to 12 months, which I do not believe we can afford.

It is interesting to note that an Access Economics study—Access Economics being the pre-eminent economics advisory practice in Australia—shows that a single harmonised occupational health and safety regime would save businesses something in the order of \$180 million and would replace 400 regulations with nine regulations. If that is not compelling evidence for the government, I do not know what is. A \$180 million saving and a reduction in the number of regulations from 400 to nine, we would think, are compelling reasons to get on with the job of putting in place a national scheme. The question obviously then is: why would the government not do that?

I also make the point that the recently elected New South Wales government, as Hon Kate Doust indicated, quickly moved to support and implement the principles agreed to by the Council of Australian Governments in 2008.

Hon Kate Doust: And passed the bill.

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Hon MATT BENSON-LIDHOLM: And it passed the bill. I quote the New South Wales Attorney General, Greg Smith, from the 5 May 2011 edition of *The Australian Financial Review* in which he is reported to have said that the COAG changes would simplify corporate fault laws and —

“make it easier for companies and executives to understand and comply with their legal obligations”.

It is a pity that the same was not the case in Western Australia.

I will sum up fairly briefly because I have only about a minute remaining. Just quickly, as many as 7 000 Australian workers die each year as a result of workplace injury or illness, according to Safe Work Australia. In the 2010–11 financial year, WorkSafe WA was notified of 45 deaths at workplaces in the state, and on average 51 workers are injured at work each day. Mr Barnett must sign up to the harmonised laws either now or as soon as some sort of expedited arrangement can be put in place. He needs to work with employees and employers to make workplaces safe. Unions must be able to enter worksites at which there have been significant breaches of safety laws. Workers cannot be robbed of important advice, which this government seems quite intent on putting in place, and the 24 hours notice requirement is totally inappropriate. It is the opposition alone that will stand up for the workers of Western Australia.

HON MICHAEL MISCHIN (North Metropolitan — Parliamentary Secretary) [11.13 am]: I think we have now started to get a glimpse of where all this is coming from. The commonwealth government, as usual, failed in its extravagant promises and because the responsible minister, or perhaps the irresponsible minister, at the federal level cannot actually get the job done in a timely fashion and persuade this state to compromise the safety of its workers and the viability of its commerce, industry and mining sectors, small businesses and even non-profit organisations, it has instructed its hand puppets in Western Australia to start making some comments to urge us along.

Hon Kate Doust: Is that the best you can do?

Hon MICHAEL MISCHIN: I will get better!

The right of entry into workplaces; unions need to barge into every workplace nationally —

Several members interjected.

Hon MICHAEL MISCHIN: That is what they need to do. UnionsWA is complaining and saying that it gets —

Several members interjected.

The DEPUTY PRESIDENT (Hon Brian Ellis): Order, members! Hon Michael Mischin has the call.

Hon MICHAEL MISCHIN: Thank you, Mr Deputy President; clearly, I have struck a nerve!

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon MICHAEL MISCHIN: It seems to be that the idea of harmonisation and having a one-size-fits-all set of laws across Australia is the ultimate goal as if that is somehow a virtue in itself. I would rather that Western Australia went out on its own and maximised the level of safety in our workplaces for our workers rather than simply compromised because the federal government wants to show that it is doing something on a national level and get itself involved in areas that it really cannot handle appropriately. I am sure that Hon Adele Farina will say something in due course about the inappropriateness of rushing through legislation and passing it in this house. It might be suitable for New South Wales, Tasmania, the Australian Capital Territory and Queensland, which is a unicameral legislature, to take legislation and adopt it without even knowing what that legislation is going to say —

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon MICHAEL MISCHIN: But that is not suitable for Western Australia, and members do not have to take only the minister's word for this. The Master Builders Association of Western Australia wrote to the minister on 26 September. It noted and welcomed the minister's 23 September announcement to delay the introduction of the federal safety harmonisation laws “from the woefully inadequate start date of 1 January 2012”. The letter also stated —

Master Builders sees this as a commonsense decision given the undue haste and lack of meaningful and proper consultation by Safe Work Australia ... in what is a major undertaking.

The Master Builders Association commented that it welcomes a greater level of consistency and the like, and the letter stated —

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Regrettably, our experience with this federal exercise has been disappointing, with the proposed outcomes falling well short of what was touted as the end result of this federal government initiative. Our concerns about this exercise are not recent with us writing to the Premier in late 2010 expressing our serious reservations about the inadequate time lines provided by SWA in issuing some 1200 pages of draft safety procedures with only 4 days for industry practitioners to assess and make informed comments.

Four days! The Standing Committee on Uniform Legislation and Statutes Review requires 45 days and says that that is sometimes not enough.

Hon Adele Farina: Your committee requires six months or longer!

Hon MICHAEL MISCHIN: The letter continues —

This is a practice SWA continues to deploy to meet the 1 January 2012 deadline despite strong criticism by all stakeholders involved.

...

Our understanding is some other states are now reviewing their position —

The Master Builders Association is right —

on the federal safety harmonisation exercise and, despite what some parties like Unions WA may say, those states are looking at the Western Australian government position as more balanced and likely to be adopted in their respective jurisdictions for the same reasons as you —

That is, the minister —

and your government.

That is what the Master Builders Association said.

Hon Ljiljanna Ravlich interjected.

Hon MICHAEL MISCHIN: Of course, the big end of town—is that going to be the argument?

Several members interjected.

Hon MICHAEL MISCHIN: Is that the argument?

Hon Ljiljanna Ravlich: Are they donors to the Liberal Party? It's just an interesting question.

Hon MICHAEL MISCHIN: The Combined Small Business Alliance of Western Australia in a letter dated 26 September stated —

We wish to convey to you our total support for the stance you have taken in responding to the unions' demand, in particular your support for small business, for which the unions by their past behaviour have no consideration whatsoever.

Talking about the big end of town, National Disability Services Western Australia advised of the concerns the not-for-profit disability sector has about the potential implications of the proposed model work health and safety regulations. It wants a transition period of two to three years so that it can work out the implications for that sector. One implication is what householders might have to do under these proposed regulations in regard to workers for non-government organisations, not-for-profit service organisations, when they help people with disabilities. It would be a wonderful thing for the unions to get this stuff through—a one-size-fits-all, lowest common denominator piece of legislation—with regulations that have not been adequately considered, and we end up causing a burden to the very people whom these disability services organisations are trying to assist by making it impossible for them to provide the services that they currently provide at the level that they provide. That would be a great victory for Unions WA, something that they could be duly proud of.

Hon Adele Farina: There is no evidence that the legislation would do that. There is concern that there is no evidence. I do not know what the state has done to assist the process, but it seems to me that it is dragging its feet.

Hon MICHAEL MISCHIN: Is there? There is a concern and no time to assess that concern, Hon Adele Farina. What we are being urged to do is to rush this stuff through so that it gets through on 1 January 2012.

Several members interjected.

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Hon MICHAEL MISCHIN: Read the motion that has been put forward. It is so that the legislation can get through and be in place by 1 January 2012. All those concerns are going to be addressed. The Master Builders Association could not even consider all that stuff in four days, but disability services are expected to.

This is a letter from CME of 12 August —

It is extremely difficult for industry to evaluate the new regime due to the piecemeal nature on which components of the regime are being released. When CME was providing comments in relation to the Model Regulations it had to do so before the mining specific regulations (or core regulations) had been finalised and the non core regulations were at a drafting instruction phase.

That is the way that Labor government likes to approach legislation—expect everyone to hold up their hands and agree without actually having in front of them the final form of what is being proposed. The letter continues —

Even at this late stage it is therefore impossible to assess the impact of the full regulatory package on our operations.

Our mine safety regulations are world-class. We are the leaders in that because of our dependence on the mining industry. Every death and every injury is regrettable, but the federal government thinks it can improve on that and expects us to comment and to pass regulations with a few days' notice.

Obviously the Labor Party has not even listened to its bosses. A press statement released by the CFMEU on 25 August states —

Consultation time on new national safety laws has been slashed from six months to eight weeks, exposing mineworkers to the likelihood that some state safety regulations will be watered down unnoticed.

It continues —

Andrew Vickers, General Secretary of the CFMEU Mining Union, said the drafting and implementation of the National Mining Safety Framework (NMSF) is being rushed through without due care and consultation, putting the lives of miners and the current high safety standards in Australian mines at risk.

He goes on to say —

“... our Governments are being careless and trying to rush through safety laws without proper checks and balances just to meet a politically expedient deadline, risking the safety of hardworking miners for political brownie points.”

This is what the ALP in this house is supporting: political brownie points to rescue its federal counterpart. The statement goes on —

The national standards are due to be enforced from 1 January 2012, and were due to be completed ...

Instead, incomplete and previously unseen codes were released for public comment in July for just eight weeks, in an attempt not to miss the 1 January deadline.

This ALP opposition in this house is complicit in that recklessness. These are their union bosses; they have not talked to their union masters lately. Furthermore —

“It's impossible for anyone to adequately review about a thousand pages of regulations and codes of practice and properly address and find solutions for their concerns in just eight weeks,” Mr Vickers said.

That is what the general secretary of the CFMEU says. Does the opposition want to answer any of those specifics? Finally, the press release states —

The Australian Workers Union, the Australian Council of Trade Unions and the Mineral Councils of NSW, Queensland and Western Australia all have given their support to postpone the implementation of the NMSF to ensure a thorough review of the document can occur.

So answer that.

HON ALISON XAMON (East Metropolitan) [11.23 am]: I rise to make some comments on this motion, because I recognise that it is quite timely and important that we are discussing the issue of where the uniform legislation is at. As members of this place should be aware, the issue of workers' safety is a very important one to the Greens (WA) and a very important one to me personally, so much so that I was motivated to put together a

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private member's bill pertaining to the issues of workers' safety and the need to strengthen our laws around worker safety.

I have to say that one fundamental on which I disagree with the Minister for Commerce is that I do not accept that the current legislation and regulations surrounding workers' safety are adequate. I think they are woefully inadequate and have been for a long time. Unfortunately, I have to say that I am concerned about the regulator, WorkSafe, in this regard. WorkSafe has a history of being under-resourced. That is not a slight on the good people who are working there, who are trying to go out and deal with on-site issues of worker safety, but I think we have a genuine problem with the fact that we have an agency that is severely under-resourced and not able to perform to the capacity that I think the community would rightfully expect it to. When we are talking about the need to improve our legislation around issues of workers' safety, it is important that we are also very mindful that we need to ensure that we are also adequately resourcing the regulator so that that legislation can be appropriately upheld.

As I mentioned, I currently have a bill before Parliament that seeks to include into our occupational safety and health legislation many of the provisions that are part of the uniform legislation. It also goes further and seeks to make additional amendments to the Occupational Safety and Health Act and to the Criminal Code to incorporate the crime of industrial manslaughter. There were a few reasons I went about putting together that private member's bill in the first place. Principally, it was because it is really important that we recognise that when workers lose their lives at work or are seriously injured or even just injured, that is extremely serious and something that governments need to play a very key role in addressing. I am someone in this chamber who has worked in the union movement—proudly so. I think that spending one's time and life committed to upholding the human rights of workers and ensuring that one is doing everything one can to make sure that workers arrive home alive and intact is an honourable way to earn a living. I am very proud of the work that I did in the union movement. Through that work I was exposed to cases of members who were killed and I dealt with their families. I have found that experience to be irreparably on my mind. I have been led into the lives of these families, and that has very much driven the way that I choose to approach the issue of worker safety, particularly in this job.

It is important to recognise when we are talking about workers losing their lives that sometimes it is a genuine accident. Sometimes accidents occur that are not foreseeable, but we need to remember that we are talking here about legislation that affects the minority of employers who engage in practices at work or omissions at work that result in people's lives being lost or being seriously affected because of long-term injury. That is where government has a very critical role to play in providing a legislative framework to protect these workers.

I introduced my bill early last year, having spent about nine months drafting it. My other motivation was that at that point the harmonisation process and the discussion around the harmonisation process had effectively stalled in this state. I was particularly perturbed by comments by the then Minister for Commerce, Minister Buswell, who was talking about WA needing to deviate from some key provisions within the harmonised laws.

We know that agreement was made by the previous state government as part of the Council of Australian Governments process back in July 2008 and that all states have been working towards a harmonised process ever since. I note the comment just made by one of the members opposite that this has been put up by the federal government. No; this is something that has been agreed to by all states and is also being driven federally. Please remember that this is meant to be a collaborative arrangement.

I note that since that agreement in July 2008, 57 people have died in workplaces and numerous workers have been injured, some seriously. That means that we need to get cracking on this sooner rather than later.

When I brought my bill on for debate, I was told by the current Minister for Commerce that he deemed it unnecessary because we were on the cusp of having harmonised legislation. That was one of the arguments that were put forward. This has certainly not come out of the blue. The government indicated at the time that my legislation was unnecessary because some changes would happen immediately. I would like to comment on my concerns about the deviations that were proposed. I know that we will discuss this legislation at length when it finally comes on for debate, but I think it is important to express my concerns about it now. I know that the Chamber of Commerce and Industry of Western Australia has been consistently opposed to any increase in penalties around occupational safety and health. It refers a lot to the need for carrot provisions rather than stick provisions. My response to that is that occupational safety and health regulation should always be about a carrot-and-stick approach. I support carrot strategies, such as the delivery of training, enforceable undertakings and the like, which were also in my bill. But we need to recognise that we always need strong penalties around occupational safety and health, because there will always be some rogue employers, and they are the ones we are trying to target. Their desire to make more money will always be at the expense of people's lives. That is not the majority of employers, but it does not matter; all it takes is a small number of them. They are the employers who

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are responsible for people dying. That is unacceptable. They need to be dealt with, and they need to be dealt with as harshly as possible because it is effectively industrial manslaughter, and we need to address that.

Western Australia already has the lowest penalties in Australia for occupational safety and health breaches, yet this government has proposed that there will be deviations from the harmonised occupational safety and health laws to keep them the lowest in Australia. I think that is absolutely appalling. We are seeing a rise in the number of people working in the mining industry and a correlating rise in the number of people working in the construction industry. We need to remember that the construction industry in particular is where the majority of deaths occur. Very serious injuries tend to be suffered in this industry. It is absolutely unacceptable that we would ever consider going down this path. The reality is that the majority of employers will never be affected by increased penalties for occupational safety and health breaches because they do the right thing, they are committed to their workers and they recognise that a healthy workforce is desirable. But that means that it is all the more important that we be tough on those people who are basically undercutting the good employers under occupational safety and health provisions. They should be subject to the most serious penalties possibly available. I cannot for the life of me understand how any moral, or even legal, argument can be put forward by this government that it should deviate from those key provisions when the penalties in this state are already well and truly at the bottom of the pile.

In my remaining few seconds, I want to say that unions have a really critical role to play in upholding occupational safety and health laws. I am really glad that they are here in this state. I am glad that they are able to enter sites and can call a stop to work when their workers are at risk. I encourage their presence on sites; I think it is absolutely critical. If it turns out that they do the wrong thing, they will get called on that; there is no question about that, because industrial relations laws are well and truly already weighted in favour of employers.

HON LIZ BEHJAT (North Metropolitan) [11.33 am]: It is my turn to have a say on this matter. It is interesting that the words in the motion are about the “national harmonisation of occupational health and safety laws”, because there does not seem to be too much harmony in this place today. Not one word that has been spoken by anybody on either side of this house in this debate will keep people safe at work. They are just words that we say. It is just legislation that is put in place. It is the actions of people in the workplace that keep people safe. Are we in some sort of race to see how many pieces of legislation we can put in place by the end of the first term of the many terms of government that we will enjoy?

Several members interjected.

Hon LIZ BEHJAT: Before I go any further, I am going to adopt Hon Linda Savage’s rule: I will not entertain interjections.

Hon Donna Faragher: Talk to the hand!

Hon LIZ BEHJAT: Remember that: talk to the hand.

We do not want to put in place legislation just for the sake of legislation. As a proud member of the Standing Committee on Uniform Legislation and Statutes Review, I can tell members that, although the motion seeks to have the laws in place by 1 January 2012, it is not physically possible. If the bill were introduced on 18 October, which is the next sitting day for the Council, the legislation would automatically stand referred under standing order 230A to the uniform legislation committee, which would then have 45 days to look at the legislation, if it were able to get through that workload in that time—given that the committee has in front of it a fair number of other bills, it may have to seek an extension of time. I know that the Leader of the House, who has just joined us after having been away from the house on urgent parliamentary business, is always accommodating when the uniform legislation committee seeks those extensions to do the good work that it does.

We talk about the fact that it is necessary to get these things right. We are talking about workplace safety. There is one rule about good workmen and what they do that we should always remember—that is, measure twice and cut once. Let us get it right from the outset. Let us not bring into this house legislation which is not ready to be put in place and which does not have regulations attached to it.

Several members interjected.

Hon LIZ BEHJAT: What did I say? Talk to the hand.

The DEPUTY PRESIDENT (Hon Brian Ellis): Order, members! Hon Liz Behjat has the call.

Hon LIZ BEHJAT: Let us get it right from the outset. There is no denying that people’s safety at work is very important. I have lived in the Pilbara, and I am well aware that it does not matter what legislation is in place or what the regulations provide, all good companies and employers put every person who goes onto any work site in Australia through the safety regime.

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Several members interjected.

Hon LIZ BEHJAT: What is it with these people opposite? As soon as I start talking, they sound like they are debating the Cat Bill. I note that they do not interject when Hon Alison Xamon speaks. They just do not like to hear what I have to say.

Several members interjected.

Hon LIZ BEHJAT: I broke my own rule; I took an interjection.

The DEPUTY PRESIDENT: Order, members! There is limited time. One speaker at a time. Hon Liz Behjat is speaking. That will also make it easier for Hansard.

Hon LIZ BEHJAT: We know that people who go onto sites throughout the north west in particular are put through safety inductions. The level of safety induction that they go through will depend on what they will be doing on the site. For instance, my husband, who has just recently commenced work as an apprentice pastry chef at the Perth Convention and Exhibition Centre, had to go through a very rigorous occupational health and safety induction. The rules do not change very much around Australia. There are some parts of this legislation that we will agree to and have already put on the record. Our minister has told the federal minister in writing that we do not agree to certain parts of the bill. That has been on the table for ages. Model bills are just that; they are the model that states can look at and adopt in whole or in part. One thing that we should always remember is that Western Australia is the only jurisdiction in Australia that has put in place a special uniform legislation committee to scrutinise these sorts of bills. It is an incredibly important committee. The work that we do is recognised throughout Australia. Recently, at the scrutiny of legislation conference in Brisbane, our committee and the work of this jurisdiction was held up as being very good because we are very thorough in what we do.

Quite often it is said that one of the reasons that we should bring in harmonised legislation is that it makes it easier for people to cross borders and carry out their work. The differences between the states in work practices are not that great. It is not hard for a person who has gone from one state to another to work to learn what those work practices are. It is also said that one of the reasons that we should bring in uniform schemes is that it lowers costs for people. However, that is not held out by what happens in practice. A good example is the national health practitioners' legislation. There were some problems with that national scheme. The uniform legislation committee, in its scrutiny of that legislation, pointed out that there was a big issue with the regulations under that legislation, and, because of that, other changes to that legislation were brought in around Australia. One of the reasons that was given for why we should implement that legislation was that it would make it easier and less expensive for people in the medical field to get registration. In fact, I was told by someone the other day that the practical effect of that legislation is that registration fees for doctors have doubled, and the time it takes to get registration has tripled. Therefore, I cannot see how the harmonisation of that legislation has provided any real benefit.

This government holds the safety of workers absolutely paramount in everything that we do. But we have not saved the life of one person today by spending an hour and a half talking about when this legislation should be brought in. Under the Industrial Relations Act, unions already have the right of entry. Workers already have the right to determine whether it is safe for them to continue in their work practice. They do not need an occupational health and safety officer to make that determination for them.

Hon Kate Doust: Sometimes they do, honourable member.

Hon LIZ BEHJAT: There are things in the legislation that we will adopt, and there are things in the legislation that we will not adopt. What this government is doing, and is doing very well, is taking on board the changes that need to be made. But we are going to do that in the right way. When we were talking about the national occupational licensing laws, which the minister referred to earlier, I made a comment about skeletal legislation. When the uniform legislation committee looked at that legislation, we said that that bill was not ready to be brought before this Parliament. We said that this is not the right time for us to be debating this piece of legislation, because the legislation is far too skeletal. In fact, the comment I made was that it was so skeletal that it was missing its leg bone, its ribs and half its skull. That is the sort of thing that happens when we do not take the time to put legislation together properly in the first place. We should measure twice and cut once. I cannot stress often enough that that is what we need to do.

As to whether this legislation may be the only Council of Australian Governments agreement that has not been put in place, many COAG agreements sit there for years before they are put in place. One such agreement is the national censorship laws for classification of video games. That legislation has been going backwards and forwards for years. The fact that five out of nine jurisdictions have already adopted this agreement is no great shakes. That is only just over 50 per cent. What about Victoria? Victoria has not adopted the legislation either.

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Yes, it is important that we do have good occupational health and safety laws. Is it absolutely vital that we have a national scheme in place?

Hon Kate Doust: Yes, it is.

Hon LIZ BEHJAT: It is probably not absolutely vital. But we have agreed that we will do that. However, when we do that, we will get it right. We will do it once.

Hon Kate Doust: Will it be in this decade or this century?

Hon LIZ BEHJAT: We will bring to this house a very good piece of legislation, together with the regulations when they are ready to be looked at. It will be a piece of legislation that will stand the test of time. It will not be legislation that we will need to keep bringing back to this place to be amended because we did not get it right the first time. We will make sure that we look at the regulatory impact statement, and we will get it right.

HON LJILJANNA RAVLICH (East Metropolitan) [11.44 am]: Just for the record, Mr Deputy President, I will not be taking interjections either today.

I rise to support this motion. I must admit that I am very, very disappointed by the response of the government and government members to this motion. I believe that the national harmonisation of occupational health and safety laws is at risk because of the deliberate actions by this government, in particular the Minister for Commerce, Hon Simon O'Brien. He quite clearly is not interested in the health, welfare and safety of Western Australian workers.

Hon Simon O'Brien: That is a stupid and offensive remark.

Hon LJILJANNA RAVLICH: It is not a stupid thing to say.

Hon Simon O'Brien: I clarified this in my opening remarks.

Hon LJILJANNA RAVLICH: The minister's statements were very political. The minister's statements were more about the politics of this issue than they were about the interests of Western Australian workers.

The review of national occupational health and safety laws has been in the pipeline for quite some time. It has not come from a national government making the decision. The lack of uniformity in occupational health and safety provisions around this country has been a major issue for some time. States have been advocating that there should be a uniform system, and for good reason. The only argument that I have heard today for why this government has not been able to sign up to the harmonisation of occupational health and safety laws is that it has not had enough time.

Hon Simon O'Brien: No; we have not been provided with the information the feds have undertaken to provide.

Hon LJILJANNA RAVLICH: Three years should be sufficient time for anybody. The point has been made time and again that when —

Hon Norman Moore: This is all about your preselection!

Hon LJILJANNA RAVLICH: Do not worry about my preselection, Hon Norman Moore! Do not worry about me at all!

Hon Norman Moore: I'm terribly worried! I hope you do get preselected! You're one of our greatest assets!

The DEPUTY PRESIDENT: Order, members!

Hon LJILJANNA RAVLICH: There is a clear difference between the two sides of this chamber. The first priority of members on the government side of the chamber is to look after the big end of town. When it comes to looking after the health, welfare and safety of workers, it is the Labor Party and the Greens that stand united in making sure that we provide those protections.

Hon Simon O'Brien: We are concerned about small business.

Hon LJILJANNA RAVLICH: The minister has been an abject failure as Minister for Small Business. The minister should not hide. The minister should not use small business as an excuse for not progressing and agreeing to this legislation.

Motion lapsed, pursuant to temporary orders.