

Legislative Council

Tuesday, 9 November 1993

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

MOTION - SELECT COMMITTEE OF PRIVILEGE APPOINTMENT

Minister for Transport, Breach of Privileges

HON JOHN HALDEN (South Metropolitan) [3.32 pm]: I move -

That -

- (1) a Select Committee of Privilege, consisting of five members, any three of whom constitute a quorum, be appointed to inquire into and report, not later than Thursday, 25 November 1993, on whether the Minister for Transport has breached the privileges of this House by giving inconsistent answers to similar questions relating to the 1993-94 budget for the Department of Marine and Harbours, put to him before the Estimates Committee and again on Wednesday and Thursday, 3 and 4 November;
- (2) the committee have power to send for persons, papers and records and to require the attendance of any member of this House.

In the Estimates Committee of the Legislative Council on 20 October this year, Hon Tom Stephens asked the Minister for Transport a series of questions of which some notice was given. On the cover sheet of the answers provided by the Minister we were advised that the responses were prepared by the Department of Transport and the Department of Marine and Harbours. The answers on which we will concentrate in this debate are contained in pages 4 to 6 of the document tabled by the Minister for Transport in the Estimates Committee.

I subsequently asked the Minister for Transport one question on 3 November last week and six questions on 4 November last week. I will contend that the answers from the Minister to those questions, and the replies to the questions asked by Hon Tom Stephens, are diametrically opposed. Therefore, I and the Opposition believe the House has been misled on one occasion or the other. I am sorry, Mr President, that this will take some time, but I must be quite specific about where the questions came from, in what order they were asked and which questions I asked last Wednesday and Thursday.

In the Estimates Committee Hon Tom Stephens asked the Minister what programs or functions would be reduced or discounted as a result of the 1993-94 Budget. On page 4 of the reply, in the area of coastal management, the answer was that that program had been limited to match the available resources, resulting in necessary beach protection work being deferred.

On page 5, Hon Tom Stephens asked what steps would be taken to minimise the impact of these changes on the community. The reply was that, where possible, activities would be prioritised to minimise the impact of resource limitations on the community.

On page 6, Hon Tom Stephens asked what particular problems would the community experience as a result of this year's Budget allocation to the Minister's department. The answer was that the lowering in the standard of facilities and partially dredged channels would have a social and economic effect on regional communities.

On 3 November, in question without notice 619, I asked -

Will the Minister confirm that the cutback to the Department of Marine and Harbours' coastal management program is likely to cause considerable social and economic hardship to a number of coastal communities throughout the State? I refer specifically to the dredging of the river mouths.

The response from Mr Charlton was, "No". Having considered this question as seriously as I could, there may be some ability, at the edge, to argue that I have asked about

considerable social and economic hardship and the response by the Minister refers only to social and economic effect on regional communities. However, that was the first question I asked and I had no idea of what would transpire the following day. Having received an answer which was not consistent with the answer given to the question during the Estimates Committee, on 4 November I asked the Minister, in question without notice 632 -

Will he confirm that safety patrols by the Department of Marine and Harbours will be curtailed as a result of this year's Budget?

The Minister replied -

There is certainly no intention to curtail the safety aspects of Department of Marine and Harbours patrols. A rearrangement has occurred in the operations to ensure greater efficiency, and in some areas that will result from patrolling done by new vessels.

The Minister had previously responded in the Estimates Committee that it had been necessary to restrict the planned program of safety patrols carried out by the department, and that there would be difficulty in fully meeting marine safety program objectives in part due to lack of staff and in part due to lack of funds. Those two answers are in contradiction. In question without notice 633 I asked -

Will he confirm that safety patrol maintenance will be curtailed as a result of this year's Budget?

His response was, "No". However, on page 4 of the document tabled by the Minister in the Estimates Committee he said that the patrol vessel maintenance program had also been restricted. In question 634, I asked the Minister -

Will he confirm that necessary protection programs which would normally be carried out by the coastal management section of the Department of Marine and Harbours has been deferred because of this year's Budget?

The Minister responded -

I make it clear to the member that no aspects of the operations of the Department of Marine and Harbours will be curtailed as a result of this year's Budget . . .

Specifically in regard to this point, at pages 4 and 5 of the document that he presented to the Estimates Committee, he said in regard to the coastal management section -

This program has been limited to match the available resources resulting in necessary beach protection work being deferred. Less work will be undertaken towards the achievement of program objectives.

In question 635, I asked the Minister -

Will he confirm that the level of customer services and maintenance of marine facilities by the Department of Marine and Harbours will decrease as a result of this year's Budget?

The Minister responded -

The benefits will increase rather than decrease.

Yet in the document tabled by the Minister in the Estimates Committee, at page 4, it states -

The level of customer service will drop and some maintenance will not be carried out.

Again I suggest, as I have with the five previous questions and answers, that all five of them are direct negatives or directly opposed to the answers that he gave the Estimates Committee on 20 October.

In question 636, I asked the Minister for Transport -

Will he confirm that the lack of recurrent funding for the marine facilities

program at the Department of Marine and Harbours for maintenance will lead to higher maintenance costs for the Government to support in future years?

The Minister answered -

No. Definitely no! Absolutely no!

Unless that means something other than no - and I do not think in one's wildest dreams one could believe that it means yes -

Hon E.J. Charlton: Read out the rest of the answer. Get on with it. Tell the truth for a change.

Hon JOHN HALDEN: I am happy to read out the answer. I should have said at the beginning that I am referring only to the pertinent comments of the Minister. However, if the Minister so wants, I will read out the attached drivel that goes with the pertinent bits. But that will not in any way diminish the impact of the Minister's answer.

Hon E.J. Charlton: The drivel was in the question, not in the answer.

Hon JOHN HALDEN: The drivel may well have been in the question -

Hon E.J. Charlton: The drivel is on the other side of the House.

Hon JOHN HALDEN: The drivel may well have been in the question, but the unfortunate thing is that the Minister cannot answer the same question right twice.

Hon E.J. Charlton: Can't you?

Hon JOHN HALDEN: The Minister cannot. I will quote that answer again -

No. Definitely no! Absolutely no!

Yet on page 5 of the document to which I referred which was tabled by the Minister in the Estimates Committee, it says -

The lack of recurrent funding available to maintain marine facilities at an appropriate level will lead to higher maintenance costs for the Government to support in future years?

By way of interjection, the Minister has stated that the questions were drivel. In fact, the question was taken directly from the Minister's answer. All I required of the Minister was for him to confirm an answer that he had given a fortnight earlier. His response was -

No. Definitely no! Absolutely no!

I will continue, because by way of interjection the Minister wants me to read out the whole of his answer. I propose to do that for the sake of clarity and fairness in this debate. He said -

No. Definitely no! Absolutely no! The amalgamation, as part of the new legislation, will be a progressive development. I am sure Hon John Halden will totally support the legislation as he is a progressive man and will see the progressive developments. The member will fully endorse the legislation which will result in greater benefits. Also, the concerns the member raises which result from decisions made by his party when in Government will be alleviated.

Nothing in that alleviates the problem of the Minister on 20 October saying -

The lack of recurrent funding available to maintain marine facilities at an appropriate level will lead to higher maintenance costs for the Government to support in future years.

Again, so I make the point to members opposite, I asked -

Will he confirm that the lack of recurrent funding for the marine facilities program at the Department of Marine and Harbours for maintenance will lead to higher maintenance costs for the Government to support in future years.

That may not be the smartest question that has ever been asked in this House. It may not

be the trickiest question ever asked in this House. But we do have two different answers to the same question. That is not the only direct negative that we have.

I now draw the House's attention to question 638 on Thursday, 4 November. I asked the Minister -

Will he confirm that cuts to the marine safety program at the Department of Marine and Harbours will lead to delays in responding to complaints and emergency situations?

On page 6 of the document tabled by the Minister in the Estimates Committee reference was made to possible delays in responding to complaints and emergency situations. The document said -

Some delay is anticipated in meeting the demands of ships in the boat building industry and when commercial operators (fishermen, charter operators etc) request attendance by the department's surveyors.

But, having acknowledged that there was a potential for delay, the Minister said that he would not confirm it.

I do not believe that it is a fair interpretation of those seven questions to say that any of them are tricky questions or that they required of the Minister for Transport any more than a fundamental acknowledgment of the answer that he gave on 20 October to the Estimates Committee. All the questions and the answers are straightforward, but the Minister did not provide to this House an answer that was consistent on either occasion.

I am not in a position to establish which answer is correct. However, I believe that the answers given to the Estimates Committee on 20 October are accurate and that the answers given by the Minister in question time last Wednesday and Thursday are not accurate.

Mr President, you said that one of the forums of this House is question time. Members do not have to agree with the answer or like the answer that they receive, but surely there is an obligation on Ministers of the Crown, when they give an answer, that it is accurate.

Hon Tom Helm: Or consistently wrong.

Hon JOHN HALDEN: Or consistently right; but preferably consistently right. I do not believe that question time is enhanced by a Minister who gives during questions without notice diametrically opposed information to what was tabled by him during the Estimates Committee.

The only wavering comment I might have about those questions and answers relates to the first one about considerable social and economic hardship compared with a statement "will have a social and economic effect on regional communities". One could also, if one were of that mind, become pedantic, which could happen in a debate such as this.

I have used words such as "restrict", "curtail" and "limit" rather than some of the words that the Minister used. On referring to the Oxford dictionary prior to the debate, I note that all three words basically have interlocutory meaning. "Restrict" means "confine, bound, limit". "Curtail" means "cut down, shorten, reduce". And "limit" means, to some extent only, "restrict, scanty, deficient in some quantity". But all words that I may have substituted to elicit an answer from the Minister are consistent with one another and consistent with the words used in the answers. Even if the word usage can be questioned, the intent of question time, as I have always understood it, has been for Ministers to provide, as far as practicable, answers that are accurate and within the parameters laid down by this House. However, I think any objective assessment of the seven questions can lead to only one conclusion; that is, that on one occasion or another, this House was provided with inaccurate information and no effort was made to correct the record. That was not an isolated event. However, I believe that one of the important functions of this House is to have questions without notice answered as accurately as possible.

Mr President, I understand that you wrote about question time recently. I also understand that you wrote about different matters. However, question time is an opportunity for the

Opposition to elicit accurate information from the Government. If the Government does not want to provide accurate information or does not want to provide the Opposition with the information it requires, why do we go through the farce of having question time, because my asking these seven questions was absolutely pointless? The answers are totally contradictory. They do not clarify any concerns that I may or may not have. All they have done is create concerns about the Minister's ability to answer questions accurately. It is incumbent upon Ministers to respond to questions accurately. If, by some chance, Ministers make a mistake - Ministers on both sides have made mistakes - they should come into the House and correct the record. I have never had a problem with that. However, in this instance the record has not been corrected even though the Minister had an opportunity of doing that.

I understand the limitations of a debate such as this. However, the Opposition has been concerned for some time about the standard of information provided by this Minister. That is not the point I want to make. On the last occasion that I raised a matter relating to the Minister providing inaccurate information, I had asked a question relating to the metropolitan fuel tax levy. The Minister denied that such a proposal had been discussed in Cabinet or was under consideration by the Government. I remember at that time that the Minister for Health came to the Minister's defence. He said - I did not agree with him for one moment but I thought it was a particularly novel line for him to run - that my difficulty was that the Minister for Transport gave particularly clear, concise answers and I interpreted them wrongly. How could the answer to question without notice 636, which was "No. Definitely no! Absolutely no!" be interpreted wrongly when I asked the Minister whether he would confirm "that the lack of current funding for the marine and facilities program at the Department of Marine and Harbours for maintenance will lead to higher maintenance costs for the Government to support in future years?" and he had advised the House on 20 October that the lack of current funding available to maintain marine facilities at an appropriate level would lead to higher maintenance costs for the Government to support in future years? I do not think there is any scope for a misinterpretation of that answer by anybody. The answer was "No. Definitely no! Absolutely no!" and then he spoke some other waffle which I will not read. The salient point in that answer is those five words. They directly contradict what was previously said by the Minister. Again, how could anyone say that I misinterpreted the answer to the question? I also asked in question without notice 635 -

Will he confirm that the level of customer services and maintenance of marine facilities by the Department of Marine and Harbours will decrease as a result of this year's Budget?

The Minister replied -

The benefits will increase rather than decrease.

However, on 20 October he said that the level of customer service would drop and some maintenance would not be carried out. I do not believe that there is any scope in those answers for an interpretation other than the obvious interpretation, which is that the benefits will increase rather than decrease. I do not want to be unfair to the Minister. There was more to the answer and I would like to read it, with the House's indulgence, so that it is on the record and so that it could never be said that I misquoted the Minister. It states -

We have had a number of discussions with people around the coast who want to take over a greater managerial role within their own region in these operations. This may involve the local government authorities or changes implemented through the Department of Marine and Harbours. Last week, a decision was made regarding the Irwin Shire and the operations in Dongara, which was in response to local community initiatives. The same thing has happened on the south coast. When the member sees the legislation, he will see even more progressive decisions being made which will result in greater efficiencies and more money being spent around the coastline by the organisation currently known as the Department of Marine and Harbours.

Whatever that bit on the end meant, the pertinent bit -

Hon E.J. Charlton: That is the pertinent bit, which you are not interested in because you are on a political run and not interested in anything to do with coastal management. That does not interest you at all. None of the issues about the people interests you. This is about your political game to get your current leader's seat.

The PRESIDENT: Order!

Hon JOHN HALDEN: I do not want to be unkind to the Minister; however, the answer in *Hansard* is, "The benefits will increase rather than decrease." They are the benefits from the marine facilities program of the Department of Marine and Harbours. Yet, previously the Minister said that the level of customer service would drop and so maintenance would not be carried out. We can go through all of the contortions and distortions that I feel we will go through today; however, at the end of the day it is incumbent upon Ministers to respond to questions reasonably. I have gathered through the interjection that the Minister will attempt to justify his answers - the answers that are diametrically opposed to answers he gave on 20 October.

Hon Bob Thomas: At least he gave answers then. Hon Nick Griffiths has about 20 questions on notice which he will not answer.

Hon JOHN HALDEN: That may well be the case. I have always considered myself to be reasonably tolerant. If the Minister takes it upon himself to explain - I hope he does - or apologise to the House for making a mistake, the Opposition will have to reconsider this motion. I hope that the Minister will not in some way try to distort the matter by saying that "No. Definitely no! Absolutely no!" is a yes answer. Perhaps Hon Derrick Tomlinson will say it was a double negative and, therefore, means yes. Unfortunately, it was a triple negative, and I am not sure what that means.

Hon Bob Thomas: It means no.

Hon JOHN HALDEN: Presumably and logically it means no. I do not believe there can be any doubt that when a member says "No. Definitely no! Absolutely no!" he really means no. I do not think that is an unreasonable premise on which to base this proposition with regard to the questions. When the information supplied by the Minister on two separate occasions is in total conflict, how does one relate that to "No. Definitely no! Absolutely no!"?

Hon T.G. Butler: With a little imagination.

Hon JOHN HALDEN: I do not think this House should tolerate that use of imagination. Ministers of the Crown have a responsibility to provide the House with accurate information; on this occasion that has not happened. It is not just one isolated case; this happened in answer to seven questions in the space of two question times. It related to six consecutive questions. How can a Minister of the Crown give replies to six questions which contradict advice he tabled in the House on 20 October this year? I do not believe it is an accident. It cannot be said that the Minister was confused about every question and thought I was talking about something else. The answers were so concise and clear as to convince any reasonable person that the Minister was giving deliberate answers to questions which he understood and was responding to. To six consecutive questions the Minister provided six answers diametrically opposed to answers given in the House not very long ago.

It has been said in other debates with regard to this Minister and similar issues, that the Minister would not mislead the House because he is basically a nice bloke. I do not doubt that, but if this Minister is such a nice bloke who would not deliberately mislead the House, why did he provide seven answers diametrically opposed to previous information supplied? One could proffer that the Minister is not familiar with the issues under his responsibility. However, it is my belief that in all these areas he has been competent to give the answers. There are no grounds for suggesting that this Minister has any affliction which in some way prevents him from giving accurate answers to questions. If members believe that, it can lead to only one conclusion; that is, the Minister on seven occasions - six consecutively - deliberately gave inaccurate information to this House. What other conclusion can one reasonably reach when provided with the facts I have put to the House? What can one say or do?

I have discussed this matter with my colleagues and it was put to me, with regard to this issue and the Minister for Transport, that I must put up or shut up. Was it serious enough? Did I want to pursue the issue? Was I prepared to pursue it? At the end of the day, based on the events prior to this and bearing in mind these matters, there was no choice for me and the Opposition other than to reasonably ask what this Minister is doing. I will not go into those other matters at great length, but I remind the House of the metropolitan fuel tax levy, the debt on Westrail versus Transperth, debt levels and the withdrawal of multi-rider tickets for Transperth. On those issues the Minister gave information which at a later date proved to be inaccurate. I will not pursue them because that might be a problem for both of us, Mr President.

The PRESIDENT: It will not be a problem for me.

Hon JOHN HALDEN: But it could be a problem for me and I understand that. With that history, bearing in mind other matters which have not been drawn to the attention of the House but which the Opposition has discussed, and when confronted with this answering pattern, it is very difficult not to become annoyed or angry or, in my case, bemused. I do not know how this Minister can do it so regularly and get it wrong. I was once accused of asking this Minister tricky questions. However, the seven questions I asked him came from answers he had previously given and which I wanted him to confirm. In all honesty, that is not being terribly tricky. The words are not changed or framed in such a way as to trap or trickily make this poor Minister run contrary to the rules of the House. If members wanted to run down that line, I would be quite happy to respond to those sorts of allegations.

However, in this instance, the questions are fairly much taken from the Minister's own answers. I stress that it was not being tricky. How could it be? It might be tricky enough to catch the Minister for Transport, but I do not think it was tricky. The obvious conclusion one is left with is that the Minister gave inaccurate information so that the Opposition could not pursue this issue in a reasonable way. If that is correct, why have an Opposition? On that basis one could ask why have a Government and question time, and why bother with the Opposition? As I understand the Westminster tradition, Oppositions exist to ensure the accountability of Government decision making. If we cannot even get the most fundamental, reasonable questions answered accurately what hope is there for the Opposition, the Government, or for question time? To take it one step further, what hope is there for a House of Review? We may have differing assessments of the merits of the Legislative Council but, in my view, it is the same as for any House of Parliament; that is, it has a governmental role and an opposition role. The role of the Opposition is to inquire and to ensure that the Government is on its toes, that it is accountable and doing things which ultimately will benefit the community. My dilemma is that with this Minister I never know what is fact and what is fantasy. In all fairness, no-one could criticise me for making that statement. I never know which of his answers on any day are accurate. Realistically, it is very difficult for the Government to expect an Opposition not to pursue a Minister when these sorts of things are happening time and again, and particularly when they are happening sequentially, as they did the other day.

By way of interjection, the Minister for Transport said that the issue does not necessarily involve significant amounts of money or significant distress for the community. I accept that, but historically, whether answers did have a significant impact on people, or could have, based on a situation where the Minister cannot seemingly give the same answer twice, in any number of days - whether 14 or 15 - it is not unreasonable for an Opposition to bring up this matter in this way and with such importance attached to it. Where do we stop the Minister? Where do we make him accountable? When will we receive accurate answers? Raising a matter of privilege is a severe step to take in this House but I ask you, Mr President, when does it stop? When and where will we receive accurate answers? I have been through the notices of motion, adjournment debates, urgency debates, and a previous matter of privilege relating to this Minister, but it does not help. Eventually, we came to last Wednesday and Thursday. Surely enough notice was given to the Minister that if he did not provide accurate information I would become very

annoyed. I am very annoyed about the situation. I have taken the appropriate course of action. The issue may not be causing great devastation for people, but the role of Governments and Oppositions is dependent on a number of primary matters, one of which is that Ministers provide accurate information both in answer to questions on notice and during question time in this place. However, we do not get that! When will it stop? When will someone - presumably on the Government side - require that the Minister must provide reasonable answers for the Opposition?

I do not even know whether this instrument that is available to members will make the Minister reasonable with the answers he provides to this House. What options are left? Where can one turn? I am aware that the Government can use its numbers, as it has done in the past, regarding these matters and regarding this Minister, but at the end of the day the loser will not be the Government or the Opposition - although the Opposition will be silenced - the loser will be this House. The question becomes: Why do we have this place? Why are we allowed the opportunity to ask questions of Ministers of the Crown?

Hon Tom Helm: What is the point of the Westminster system?

Hon JOHN HALDEN: I do not want to go over the top. There is little one can do except use the forum of this House. We are not prepared to continue to go through the niceties of adjournment debates, notices of motion, urgency debates, and we finally come to a debate on privilege. It was put to me by a member not belonging to a major political party that debate on privilege can be seen as counterproductive, it can be seen as a move by the Opposition to drag out the issue. It is not my intention to drag out the issue. My intention is to require the Minister to answer questions consistently and accurately.

In an attempt to show our bona fides, we have skipped all the normal devices through which we have previously been prepared to go in order to show fairness and to allow the Minister to correct the situation. That process has not worked. The only solution remaining to me was to take this action today because the situation is intolerable. The Minister for Transport will have an opportunity to indicate that my logic or my reading of his answers is incorrect. I will be delighted to see him do that. This is not a frivolous action to take because based on the answers I have received and read to the House - and I am confident that I have read the pertinent pieces - in essence, there is little one can do but go down this path. Any attempt by the Minister to convince us we have made a grave error of judgment about his answering capabilities will be interesting. If intellectual and mental gymnastics are a trait of the Minister or a hallmark of his personality and abilities, he will be able to show us that; but I do not believe that can be the case.

To summarise, seven questions have been asked over two days - six consecutively on one day; the Minister has given answers on two separate occasions - both on that occasion and on 20 August - which are diametrically opposed. I think the evidence is before the House. I am quite happy to table for the consideration of the House my analysis on which I base my conclusion which may assist members opposite, if they are interested. It may assist the Minister for Transport, if he is interested. The situation still remains that the answers are diametrically opposed. We have gone through a logical process. Some of the answers are not long, wordy responses. In fact, as I recall, three of the responses are one word statements: "No." I do not know how people can make anything else out of the word "no", but I would be interested to hear that. That answer "No" to those questions contradicts previous answers given by the Minister to this House. On this occasion the House is duty bound to support the motion before it.

HON N.D. GRIFFITHS (East Metropolitan) [4.21 pm]: I regret that I am in the position where I am obliged to second a motion as serious as the one moved by Hon John Halden. Hon John Halden has raised, as he puts it, a matter of privilege relating to an apparent conflict between answers given by the Minister for Transport before the Estimates Committee and answers given by the Minister to questions without notice asked subsequently in the House. Hon John Halden has gone through the questions and the answers that the Minister provided, and I do not propose to go through those questions and answers again. I suggest that, at the very least, Hon John Halden has

disclosed an apparent conflict. Given that an apparent conflict exists, the matter becomes very serious. Page 119 of the twenty-first edition of Erskine May's *Parliamentary Practice* refers to a matter which came before the House of Commons in 1963. It refers to a former Minister for War in the McMillan Cabinet, the Right Hon John Profumo. I suggest that the extract is on point not because of the historical connection but because it relates to the seriousness of misleading a House of Parliament.

Hon E.J. Charlton: Are you suggesting that John Halden is a bit of a girl?

Hon N.D. GRIFFITHS: The extract states -

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963 the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt.

That former Minister was the Right Hon John Profumo. This is a very serious issue for any House in any Parliament under the Westminster system. It is particularly serious when that House is the House of Review. For this House to carry out its function as a House of Parliament and, particularly, as a House of Review, it is necessary that the information given to it be given in a non-misleading manner, with a sense of bona fides, with a sense of duty. Members of this House of Review have a very high duty when they answer questions put to them. Of course, they do not have to answer questions. It is up to them. But if they do so, they must take proper steps to make sure that the answers are accurate.

Hon John Halden has pointed out that from time to time people make mistakes - and that is accepted. But when people do, they should acknowledge their mistakes. If the Minister has done the wrong thing, it is up to the Minister to acknowledge it. The Minister has been given an opportunity to do so. The Minister has, as Hon John Halden pointed out, given conflicting answers on successive days. At the very least that indicates a cavalier approach to duty. I have no desire to prejudge this matter. The motion refers to an apparent conflict, and I will not deal with the suggested areas of conflict to which Hon John Halden referred.

The matter raised by Hon John Halden is very serious, more serious than recent examples where the House, in its wisdom, has chosen to set up a select committee to deal with matters of privilege. I propose to refer to a number of recent examples where the House has considered a matter to be serious enough to set up a select committee to inquire whether there had been a breach of privilege. I ask members to consider that the matter before the House today is of greater concern than the relatively recent examples to which I propose to refer. In doing so, I am not reflecting in any way, shape or form on previous decisions of the House. Those decisions were proper. I am respectfully pointing out that the matter before the House today is of greater importance, greater seriousness than those examples.

The first example is a select committee that was set up on a motion of Hon Tom McNeil on 18 October 1983. When Hon Tom McNeil moved to set up that select committee he pointed out - I refer to *Hansard* of 18 October 1983 on page 3196 -

That the advertisement published in *The Geraldton Guardian* on October 11, 1983 under the authority of the Australian Council on Smoking and Health be referred to a Select Committee of Privilege to inquire into and report as to whether or not the content of that advertisement constitutes a contempt of this House.

Among other things, on page 3197 of *Hansard* Hon Tom McNeil went on to say -

I raise this matter because I believe a breach of privilege has occurred. The issue referred to in the advertisement, which will be debated either tonight or some time this week in this place, has become very emotive.

He went on to say that obviously it was designed to encourage people in the member's electorate to approach their member because they would be voting on what was called a

life or death issue. The House in its wisdom decided to set up a select committee. The fourth conclusion of the committee's report was -

It is the view of the Committee the advertisement did not constitute such impropriety and accordingly did not constitute a breach of the privileges of this House.

The decision of the House to set up a select committee on that occasion was proper; however, I suggest that the issue before it then pales into insignificance when compared with the issue Hon John Halden has raised today. The next occurrence that has been brought to my attention concerns a motion moved by Hon Joe Berinson on 16 June 1988. At page 1231 of *Hansard* of that year the following motion appears -

A Select Committee of privilege of four members be appointed to inquire into and report, not later than Friday 24 June 1988, on -

- (a) whether material or evidence supplied to the Chairman of the Select Committee on Burswood Management Ltd and referred to in the special report of that committee presented on Tuesday 14 June, discloses an improper attempt on the part of the person or persons who compiled or supplied that material or evidence to influence or intimidate the committee, or any of its members, in contravention of the privileges of the House.

The motion contained several other words, particularly machinery clauses. Hon Gordon Masters, who is one of my constituents, said about the motion -

I simply say that the events of recent days have caused a great deal of concern to people both inside and outside Parliament, and the sooner that is put to rest one way or another the better. I support the motion.

The House decided to set up a Select Committee of Privilege. That select committee provided a report dated June 1988 which deals with a number of matters. As serious as those matters were - no doubt they appeared to be very serious at the time - they pale into insignificance when compared with the matter brought to the House today by Hon John Halden. The next precedent arose from a motion moved by Hon Sam Piantadosi on 26 September 1991, reported on page 5172 of *Hansard* that year, that a select committee be set up. The report from that select committee states that -

On Wednesday October 16 1991 the House ordered:

That the matter of privilege arising from statements contained in a newsletter in which Hon Sam Piantadosi was attacked in his capacity as a member of this House be referred to a select committee of Privilege for consideration and report, the committee to report no later than Thursday, November 7 1991.

That was a period of three weeks. The report of the select committee deals with the matter the subject of the complaint. It states -

The Hon Sam Piantadosi (the "member") submitted to the committee that assertions in the newsletter (appended), as well as the overall effect of the newsletter, was an interference with his capacity to function as, and is a reflection on his standing as, a member of Parliament.

Specifically, it was said that the newsletter was but a part of a series of attacks on the member by elements within the WA Soccer Federation because of differences among soccer clubs and officials as to the way in which soccer administration should be structured.

The report further states -

The committee finds:

- (a) the newsletter constitutes defamation of a member;
- (b) the newsletter's publication was not calculated to interfere with,

nor has it interfered with, the performance of the member's functions as a member of Parliament; and

recommends: that no action be taken by the House in relation to this matter.

However, the House moved to set up a select committee. It was a matter which had to be investigated through the proper forms of this House with the greatest of respect. That matter pales into insignificance when compared with the matter raised by Hon John Halden in his motion before the House today.

On 20 October 1992 at page 5462 of *Hansard* of that year Hon Graham Edwards moved -

That a Select Committee of Privilege of five members be appointed, any three of whom constitute a quorum, to inquire into, and report on, concerns raised by Hon Reg Davies, MLC and reported in *The West Australian* on Saturday, 17 October that "his telephones were being tapped and he was under surveillance after he called for an inquiry to investigate the Police Force".

Hon Graham Edwards pointed out that he had two reasons for moving the motion -

... the first of which is that, as Minister for Police, I obviously view with great concern any suggestion that members of the Police Force may have been involved in some activity designed to put pressure on a member of Parliament who has a motion in the Parliament which does not reflect favourably on the Police Force. My second reason for moving the motion is that, as a member of Parliament, I greatly appreciate and understand the privilege that we are granted as members, and view most seriously any suggestion that that privilege is being threatened, especially if by members of the Police Force.

A select committee was duly set up and reported in December 1992. I note that the chairman of that select committee was Hon George Cash. The report refers to the terms of reference and refers to the matters complained of by Hon Reg Davies. The report came to a number of conclusions, including -

As to the question of whether or not the Hon Reg Davies' Electorate Office or home were subject to telephone tapping and or under surveillance the Committee found no evidence to substantiate Mr Davies' belief that his telephone was tapped or that he was under surveillance.

It is the Committee's decision that both the journalist and the newspaper contributed to the contempt of Parliament.

That was a matter of great seriousness, but I suggest to members that it was not as important as the matter Hon John Halden has raised today.

The last example of recent decisions is a motion by Hon Peter Foss moved on 10 November 1992 that a committee be established to inquire whether there had been any breach of the privilege of the House in the preparation, presentation, use and information of the petition presented to this House by Hon John Halden on behalf of Brian Easton on Thursday 5 November 1992. Pursuant to that motion the House agreed to set up a select committee. Serious as that matter no doubt was in the mind of the House at that time, and quite properly so, I suggest to the House that that again pales into insignificance when compared with the matter that is before the House today.

Hon Peter Foss: "Into insignificance"?

Hon N.D. GRIFFITHS: If Hon Peter Foss would agree to listen to what is being said in this debate -

Hon Peter Foss: A woman died as a result of that.

Hon N.D. GRIFFITHS: If Hon Peter Foss would listen to what is said in this debate, he would understand the import of my words.

Hon Peter Foss: I do not understand them, because a woman died.

Hon N.D. GRIFFITHS: I return now to the provisions of the motion and what has been said about the number of members, which is nothing unusual. The time suggested to

inquire into and report was not later than Thursday, 25 November 1993, which reflects the urgency and the seriousness of the matter raised by Hon John Halden.

Debate adjourned, on motion by Hon Muriel Patterson.

MINISTERIAL STATEMENT - BY THE MINISTER FOR HEALTH

Metropolitan Region Scheme, Major Amendments

HON PETER FOSS (East Metropolitan - Minister for Health) [4.42 pm]: I wish to make a short ministerial statement regarding some metropolitan region scheme amendments.

The PRESIDENT: The Minister must seek leave to make a ministerial statement.

Hon JOHN HALDEN: Mr President, it is not the intention of the Opposition to deny the Minister leave. However, it has been the practice for a Minister to circulate a copy of his ministerial speech. I draw that to your attention, Mr President, and certainly to the attention of the Minister.

The PRESIDENT: The Minister has got the message. It is not my place to organise it; that is up to the Minister. The Minister wants leave to make a statement to the effect that he just announced. Leave is granted.

Hon PETER FOSS: I did have it faxed to the Leader of the Opposition's office and I asked for a copy to be supplied to him.

Hon John Halden: Neither has happened.

Hon PETER FOSS: I am not surprised.

[Leave granted.]

Hon PETER FOSS: On 8 July, the Minister for Planning informed the Parliament that the State Planning Commission was to begin the first stage of a series of major amendments to the metropolitan region scheme. This was part of a strategy aimed at guaranteeing future housing land supplies for the next 10 years.

The first stage of this program included the rezoning of land in the foothills suburbs of Hazelmere, Helena Valley, High Wycombe, Forrestfield and Wattle Grove. Central to the proposal was the rezoning of more than 800 hectares for housing, a further 210 hectares for conservation and 189 hectares for light industrial use. Over the past four months the commission has consulted widely with affected landowners, local authorities and interest groups in line with the proper consultative mechanisms contained within the major amendment statutory process. The commissioner received 176 public submissions. Of that number, 60 people and organisations requested and were granted formal hearings to air their views on the amendment. After considering the written and verbal submissions, the commission made a number of recommendations which have been submitted to the Governor and of which he has approved. These include changes to the original proposal which I believe reflect the wishes of the local communities affected by the amendment.

The original proposal included the rezoning from rural to urban deferred of an area commonly known as Bushmead in Helena Valley - an area many conservation groups believe is worthy of protection. Accordingly, the Government, on the recommendation of the SPC, has removed the Bushmead and adjacent Helena Valley rezoning from the amendment. Furthermore, the Government has agreed to remove from the amendment an area described as M53, in Forrestfield, which is currently the subject of a consultative environmental review. This was done at the request of concerned environmentalists and landowners.

Although the amendment has been altered from its original form it still fulfils the Government's desire to see enough zoned urban land made available to help meet the future housing needs of Perth's growing population. The amendment will include 397 hectares for future housing, which is expected to produce more than 3 500 housing lots

with the potential to provide homes for more than 10 700 people. Although the amount of land that will be set aside for conservation has fallen from 210 to 117 hectares, this reflects the decision to remove the M53 area from inclusion.

I would also like to present to the Parliament today a further major amendment which will allow the Shire of Mundaring to proceed with its town planning scheme No 3. Within five short months the coalition Government has finalised and presented to the Parliament two major amendments to the metropolitan region scheme. The speed and the efficiency with which these amendments have been prepared and submissions processed shows that the statutory process - when properly followed - works to the benefit of the whole community. It should be noted that these amendments have been prepared in accordance with the Statutes and with virtually no public controversy. By proceeding this way, the Government has reinstated the integrity of the system and, as a result, public confidence in the planning process. The major amendment program being followed by the Government further highlights a desire to see a greater degree of public scrutiny in planning for Perth's future than was demonstrated by the previous Government.

Finally, I now seek leave to table these major amendments to the metropolitan region scheme.

Leave granted. [See papers Nos 788-791.]

Consideration of the statement made an order of the day for the next sitting.

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Peter Foss (Minister for Health), read a first time.

Second Reading

HON PETER FOSS (East Metropolitan - Minister for Health) [4.48 pm]: I move -

That the Bill be now read a second time.

Since being elected, one of the Government's first priorities has been to review this State's workers' compensation scheme to ensure it is efficient and effective for both workers and employers alike. My colleague in the other place, the Minister for Labour Relations, recently introduced a Bill to implement the Government's policies on workers' compensation.

The main objectives of this Bill are: First, to address escalating common law costs and associated legal expenses by permitting only workers who have a serious disability to access common law; second, to provide for significantly improved statutory benefits for injured workers, including an increase in the maximum amount payable in weekly benefits; third, to simplify the dispute resolution procedure by introducing a conciliation and review process; fourth, to provide for the appointment of a workers' compensation magistrate; fifth, to establish a medical assessment panel which will be empowered to make determinations on the medical aspects of disputes; sixth, to provide that journey accidents while travelling to or from work will not be compensable under the Act; seventh, to clarify the definition of disability to reinforce the requirement that a workers' employment must be a significant contributing factor to a disability for it to be compensable.

The reforms in this Bill are based on the major recommendations of three reviews initiated by the Government: One, Max Trenorden MLA reviewed the interface between common law and workers' compensation benefits; two, the Chapman inquiry made recommendations on dispute resolution; three, a general review of statutory benefits and other issues was carried out by the Workers' Compensation and Rehabilitation Commission. Submissions received from numerous organisations and individuals have been carefully reviewed and have contributed to the development of strategies to provide

assured benefits for workers without having to resort to costly legal processes; improve return to work rates; reduce the costs for business; and generate employment opportunities.

I refer now to the major features of this Bill: In 1991, Hon Yvonne Henderson, former Minister for Productivity and Labour Relations, authorised the appointment of an independent actuary, Trowbridge Consulting, to assess the effect of restricting common law to claimants whose injuries exceed a defined level of impairment. This was being considered by the former Government because common law claims had been increasing dramatically in recent years. In fact, over a 10 year period total claims have increased from \$111.4m in 1982-83 to \$290.3m in 1992-93, a substantial growth of 161 per cent. During the same period common law pay-outs increased by an unsustainable 1 314 per cent from \$5.7m to \$80.6m. For the year ended June 1993, legal expenses alone were \$22.4m which does not include those solicitor-client costs not met by the insurers.

The Trowbridge report was used by the Tripartite Labour Consultative Council working party, which was formulating recommendations to the Labor Government, to examine restricting common law to injured workers whose level of impairment exceeds a prescribed threshold. As an alternative, the working party was considering measures to compel injured workers with impairment below a prescribed threshold to make an early and irreversible election either to accept statutory benefits or to pursue a common law action.

The present Government commissioned Mr Max Trenorden MLA to seek and coordinate comments from interested parties and individuals on the interface between common law damages and workers' compensation benefits. Based on the actuarial report and the results of the Trenorden review, the Government acted to address the spiralling costs of common law and associated legal expenses. On 30 June 1993 the Minister for Labour Relations informed the Parliament that with effect from 4.00 pm that day common law proceedings could not be commenced unless a worker had a serious disability of at least 30 per cent of the whole body, as measured by the American Medical Association guides to permanent impairment. The Australian Medical Association played a constructive and helpful role by providing expert advice in relation to the American guides. As a result of this advice it was decided that instead of using the American guides, a person assessed under schedule 2 of the Act as having an entitlement to receive 30 per cent of the prescribed amount would be allowed to proceed to common law. For disabilities not listed on schedule 2 the Australian Medical Association - WA Branch - is formulating an assessment of disability guide to cover those disabilities not listed under schedule 2. The amendments to the Bill moved in Committee in the other place reflect this intent.

The Government was also made aware of cases where workers who were not otherwise seriously disabled might suffer a disproportionately high loss of earning capacity due to the nature of their disability and not have access to common law. The Government has acknowledged this concern by providing an alternative gateway to common law based on future economic loss at the date of determination greater than or equal to the prescribed amount - \$100 000. Workers who can satisfy either the 30 per cent disability threshold or the future economic loss criterion will be classified as seriously disabled and will be entitled to proceed to common law, subject, of course, to establishing negligence on the part of their employer.

Common law register of interest: The Government's 30 June announcement precluded some workers from instituting common law proceedings. However, these workers have been able to register in accordance with widely published guidelines and their claims will be processed in the following manner: All workers who applied for registration before 30 July will receive a certificate of registration. Late registrations will be accepted where good reason exists; for example, the worker may have been out of the State at the time. Negotiations between the insurer and the worker may then take place. If the worker and insurer cannot agree on a settlement figure, the worker may commence common law proceedings. An insurer may then apply to a District Court judge for a declaration as to certain preliminary questions which are -

- (i) whether the worker is likely to be able to prove negligence; and

- (ii) whether significant damages are likely to be proved. Significant damages are deemed to accrue when either non-pecuniary loss or future economic loss separately equal or exceed \$25 000.

Where the judge declares negligence is likely to be proved but damages are not significant, the worker is entitled to receive improved statutory benefits. Where negligence and significant damages are both likely to be proved, the insurer must make a final settlement offer. If this offer is not accepted the worker may proceed to a common law trial. If the judgment of the court exceeds the insurer's final settlement offer by more than 20 per cent the insurer must pay the worker's legal costs, otherwise the worker must pay the insurer's legal costs. The purpose of this provision is to encourage parties to negotiate realistically and avoid the cost of an unnecessary trial. Workers who cannot prove either negligence or significant damages will be entitled to receive the current statutory benefits, as would have been the case prior to the changes announced by the Government.

Improvements in workers' compensation statutory benefits: More equitable benefits for workers will apply as a result of changes to common law. The new benefit structure will provide a stronger incentive to return to work for those who are able to work, and realistic levels of compensation for those whose injuries prevent a return to work.

Weekly payments of compensation: The Bill provides that for the first four weeks of incapacity workers will receive their pre-injury weekly earnings averaged over the 13 weeks prior to disablement, up to a maximum of the average adult weekly earnings in the State, as determined by the Australian Bureau of Statistics. Pre-injury weekly earnings during these first four weeks consist of the award rate of pay, plus regular over award and service payments and any overtime, bonuses and allowances. Currently, weekly payments exclude overtime, bonuses and allowances. Because of this many workers suffer a large reduction in income when injured. Where workers would be better off under the existing definition of "weekly earnings", this will continue to apply from the date of incapacity. As 90 per cent of injured workers are incapacitated for less than four weeks many will now be protected against a major loss of earnings when injured.

Maximum amount payable - prescribed amount: The prescribed amount currently is \$88 232 and has not been fully indexed since the Act was proclaimed in 1982. This has resulted in a substantial erosion of workers' entitlements in real terms. The Bill provides for an increase in the prescribed amount to \$100 000 and a method of adjustment which will ensure full indexation, as against the partial indexation which currently exists. The new prescribed amount will apply from 1 July 1993 and will provide workers suffering long term injuries with the financial support they need over an extended period.

Expansion of schedule 2 - the table of permanent injuries: The schedule 2 table of permanent injuries provides for specified lump sum compensation to be paid to workers who suffer a loss of any body function listed on the schedule. This list will be expanded to provide for workers suffering back, neck or pelvic injuries. Seventy five per cent of common law actions for damages are associated with manual handling injuries. The expansion of schedule 2 provides workers with the opportunity to turn to a specified lump sum payment of up to \$60 000 for back, neck or pelvic injuries where previously they had to take their chances and try to prove employer negligence at common law or demonstrate future economic loss and negotiate a redemption under schedule 1. This amendment will apply from 1 July 1993.

Payment of compensation to the spouse of a deceased worker: Dependent spouses of deceased workers currently are entitled to receive maximum compensation of 85 per cent of the prescribed amount, after deduction of any weekly payments which may already have been paid. The Bill increases the maximum amount payable to a deceased worker's dependent spouse to \$100 000 or 100 per cent of the prescribed amount, less any weekly payments received by the worker prior to death.

Medical and vocational rehabilitation allowances: The increased prescribed amount automatically results in increased allowances for medical and vocational rehabilitation services to assist workers to return to work which, of course, is the philosophy of the workers' compensation system.

Dispute resolution: The Trenorden report advised that restricting access to common law without addressing the issue of dispute resolution would not resolve the problems inherent in the system and would not achieve the Government's goal of a fair and efficient workers' compensation scheme. The Government acknowledged Mr Trenorden's concerns and appointed Mr Rod Chapman to conduct an inquiry into dispute resolution systems and, in particular, to assess the operation of conciliation and review schemes in other States in Australia. The Chapman review indicated that the current Workers' Compensation Board procedures are highly legalised and adversarial in nature and contrary to the intent of section 118 of the Act. The complex administration of the system has meant procedures are time consuming, leading to delays and high legal costs. This has resulted in many workers being unable to pursue their entitlements due to the need to seek legal representation and pay associated legal fees. Even at the Chambers level, the complexity of the procedures requires legal expertise. The proposed conciliation and review system will be more accessible to workers as it is not a judicial system bound by legal forms and technicality. The main features of the new system are as follows -

Conciliation officers will seek to resolve disputes by agreement between the parties. Conciliation officers must have regard to the need to be fair, economical, informal and quick in bringing the parties in dispute to agreement.

Review officers will hear and determine disputes unable to be resolved by conciliation and will review any orders made by conciliation officers.

A compensation magistrate appointed by the Governor on the recommendation of the chief stipendiary magistrate will hear appeals on questions of law against review officers' decisions and any matter referred by a review officer.

The magistrate will also be empowered to enforce orders of the review officers and convict persons who have committed offences under the Act.

The magistrate's decision can be appealed on questions of law to the Supreme Court.

Questions of a medical nature may be referred to a medical assessment panel for a final and binding decision. This will minimise the problem of doctor shopping by parties to disputes.

The model of dispute resolution is in line with the recent industry commission report on workers' compensation and is based on the Chapman report which was unanimously endorsed by the commissioners of the Workers' Compensation and Rehabilitation Commission. The introduction of a system based on conciliation, medical assessment panels and operating with minimum formality, will reduce costs and speed up the dispute resolution process to the benefit of workers and employers.

Miscellaneous amendments: As part of the commission's review of statutory benefits, the commission recommended various amendments to improve the operation of the workers' compensation system.

Definition of disability: The Act currently requires that diseases be compensated where work contributes to a "recognisable" degree. The courts have ruled that "recognisable" can be interpreted as simply the belief that work contributed to the disability. This interpretation goes beyond the intent of the Act, which is to provide compensation for work-caused injuries and diseases.

[Continued next page.]

STATEMENT - BY THE LEADER OF THE HOUSE

Smith, Wayne, \$570 000 Loan, Premier Misleading Parliament Report

HON GEORGE CASH (North Metropolitan - Leader of the House) [5.00 pm] - by leave: On Wednesday, 3 November 1993, Hon A.J.G. MacTiernan asked me a question without notice in my capacity as Leader of the House representing the Premier. In view of an article published in the *Sunday Times* of 7 November 1993, I sought some

additional information and now provide that to the House. The allegation printed in the *Sunday Times* was that -

Premier Richard Court has misled Parliament over a controversial financial deal involving Liberal back-bencher Wayne Smith.

This allegation relates to the answer given in response to question without notice 605. Part (2) of that question was answered -

The \$570 000 loan was not made in relation to the units developed by the member at 15 Courageous Place.

This answer was provided with reference to the source and application of funds, which noted the 15 Courageous Place development as sourced by a \$65 000 bank loan and a \$200 000 without-interest loan from Dr Wayne Bradshaw to the member for Wanneroo. The \$570 000 loan provided by Custom Credit appears to have been related to development of six units at three separate locations, one of which was 15 Courageous Place. Therefore, although the ultimate source of funds for the 15 Courageous Place units was not the \$570 000 from Custom Credit, at some period in time a portion of the \$570 000 could be said to be "in relation to" the 15 Courageous Place units. The fine details of these transactions are in the process of being verified by Mr Stephen Mann, managing partner of Bentleys. I bring that information to the House in response to a letter that I received from the Premier today.

Consideration of the statement made an order of the day for the next sitting.

STATEMENT - BY THE PRESIDENT

Questions asked only of Ministers in Legislative Council

THE PRESIDENT: I intended to raise this matter at a different time, because I read the same article in the *Sunday Times*. For the benefit of members who have not been here in previous sittings, and if I have said it once I have said it a dozen times, and I will say it again, members in this Chamber do not ask questions of members in the other House. Therefore, any response they get is the responsibility not of the member in the other House but of the member in this House. The article in the *Sunday Times* suggested that the Premier misled the Parliament. The Premier did not answer the question. The Premier was not asked the question, because no member in this House can ask a question of the Premier. That may seem finicky, but it is a fundamental principle that members in this place who answer questions take responsibility for those answers.

[Questions without notice taken.]

WORKERS' COMPENSATION AND REHABILITATION AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON PETER FOSS (East Metropolitan - Minister for Health) [5.33 pm]: The definition of disability is to be amended so that a worker's employment must now be a "significant" contributing factor to a disease, or the recurrence, aggravation or acceleration of any pre-existing injury or disease. The word "significant" has been included in the definition of disability and elsewhere in the Bill to require a strong connection between work and the disability for workplace injuries to be compensable.

Workers travelling to and from work: To maintain consistency with the new definition of disability, if a worker is involved in an accident while travelling to or from work, the injury will not be compensable under the Act. In these circumstances, work is not a significant contributing factor. The employer, after all, cannot have control over, nor responsibility for, accidents which occur while not at work. This is consistent with Commonwealth taxation legislation which does not provide for travelling to or from work as part of earning an income and does not, therefore, allow taxation deductions for

train, bus or car expenses for travelling to or from work. The Federal Labor Government's Industry Commission endorses removal of journey claims from workers' compensation legislation. The commission considered that "these kinds of situations should not be covered by workers' compensation". Workers travelling in the course of their employment and under the direction and control of their employer who sustain a disability will not be affected by this amendment.

Payments beyond the prescribed amount: A worker's weekly compensation and lump sum entitlements are normally limited to the prescribed amount. However, the Bill allows a worker who is totally and permanently incapacitated to seek an award of up to \$50 000 in additional weekly payments. The previous Government severely restricted access to this amount with the result that few, if any, injured workers obtained these additional funds. This Bill will make available an additional amount having regard to the social and financial circumstances of the worker and the worker's reasonable financial needs - but their capacity to meet those needs from any source available to them will no longer be taken into consideration. This corrects an inequitable situation where a totally and permanently incapacitated worker can be denied further weekly payments if the worker possesses liquid assets, such as a deposit on a house.

Summary: This Bill returns the focus of attention of workers' compensation to where it rightfully belongs - in the workplace, where injured workers and employers can work together to overcome the unfortunate consequences of workplace injuries. Both injured workers and employers win.

This Bill provides injured workers with improved benefits and a speedy conciliation and review process if disputes arise. Western Australian employers will also benefit because early return to work of injured workers minimises disruption and costs arising from workplace injuries. Furthermore, I expect that workers' premiums will be reduced by insurers to reflect the cessation of the common law cost spiral which these provisions will achieve.

Unlike the previous Labor Government, the coalition has the courage of its convictions. The decisive measures reflected in the Bill fulfil the Government's pre-election and ongoing commitment to review our workers' compensation system to make it fairer and more cost efficient. I commend the Bill to the House.

Debate adjourned, on motion by Hon Tom Helm.

SITTINGS OF THE HOUSE - EXTENDED AFTER 11.00 PM

Tuesday, 9 November

On motion by Hon Peter Foss (Minister for Health), resolved -

That the House continue to sit and transact business beyond 11.00 pm.

MINIMUM CONDITIONS OF EMPLOYMENT BILL

Third Reading

HON PETER FOSS (East Metropolitan - Minister for Health) [5.36]: I move -

That the Bill be now read a third time.

HON JOHN HALDEN (South Metropolitan) [5.37 pm]: As members will be aware, throughout this debate the Opposition has strenuously opposed the Bill. While trying to restrain myself to the issues of a third reading debate I draw to the attention of the House a discussion I had on Saturday with the Assistant Secretary of the Trades and Labor Council, Mr Tony Cooke. He pointed out that the TLC has seen prolific examples of employers trying to enforce the provisions of this Bill prior to its being proclaimed. The Opposition raised these concerns in the House during the Committee stage of this Bill. The problem is that already employers are trying to not adhere to things such as long service leave provisions that currently exist either for the public sector or under the general order. Although I know that the Bill was quite clear about where it stood on

those matters, it is yet again indicative that there are employers who will use this legislation - the Minimum Conditions of Employment Bill on this occasion - to try to erode not only working conditions that apply under the award but conditions that are not even covered by this Bill.

Employees are ringing the Trades and Labor Council saying that their employer is now saying that no long service leave provision is applicable to them under the Minimum Conditions of Employment Bill. I understand quite clearly that that is not the case - and I am not suggesting for one moment that it is - but one would have presumed that the Government was required to put out that message clearly in terms of literature. The Trades and Labor Council has found that employers are attempting to erode not only those sorts of conditions but also the minimum wage of \$275.50 per week. Employers are saying that they will negotiate for a lesser amount than the \$275.50 that is applicable under this Bill. I do not know how many times we had to say to the Government that this would happen, but it is happening already. It is unfortunate that the Government's message in terms of the so-called safety net is not out in the community. People do not see this as a safety net. The Opposition has indicated on many occasions that this is not a safety net.

Even the most meagre provisions of the Bill are not being adhered to. As the Trades and Labor Council assistant secretary pointed out to me, not long ago the vast majority of phone calls received by the Trades and Labor Council were about award conditions and non-compliance with those. That is now being far and away superseded by the number of people who are ringing daily complaining that their employer is demanding of them that they take minimum conditions and that those minimum conditions that we are about to bring into law are not even being complied with.

I referred to the issue of the minimum wage of \$275.50 per week. Efforts are being made to cut down annual leave from four weeks per annum. Employers are saying to their employees that there is no requirement for four weeks' annual leave. Additionally in terms of loading, the same sorts of outside of the Bill arrangements that we have talked about in terms of 15 per cent of the base rate are not being adhered to.

Hon Reg Davies: So they are better off on the dole.

Hon JOHN HALDEN: I hate to say it, but at the end of the day people would be better off. Why would they work 40 hours a week on the basis -

Hon Reg Davies: Why would they work?

Hon JOHN HALDEN: The travesty of this is that the member is correct.

Hon Reg Davies: I know. A fellow came into my office this morning -

Hon JOHN HALDEN: When one considers the associated benefits with being on the dole, one realises that people are far better off on the dole.

I referred to the erosion of the annual leave. There is also erosion of the leave loading requirements. As well, in terms of the effect of this Bill already, employers are going to the base minimum, which the Opposition said would happen. People are being dragged down to that level. Additional to that, the concern is that employers do not even know what we are enacting and are attempting to take it below that.

I understand that the Minister may well say that provisions of the Bill will safeguard this particular issue. However, the difficulty at the end of the day is being able to have access to those provisions which we have said in this debate are well and truly beyond many base paid workers. In terms of legal access to arbitrators and issues of unfair dismissal, unless employees have designated the arbitrator as being the commission, they will have difficulties in being able to secure for themselves any form of justice.

This issue must be one of the most concerning aspects for employees in the workplace at the moment. The Government's assurance to us that everything would be hunky-dory, that we would not be dragging down wages to the base level, is just not happening. When this sort of Bill was introduced in New Zealand, that is exactly what happened. Rates of pay were dragged down to the minimum.

It is unfortunate that the Government chose not to accept an array of amendments on this issue. At the third reading stage of this Bill the opportunity is before the House to consider the implications that this Bill is already having in the wider society. It is incumbent upon the Opposition to put forward as cogent a position of what is happening as is possible. Most members of this House and those on the other side - I do not mean this offensively - would not be aware of what is actually happening out there.

Hon B.K. Donaldson: Rubbish.

Hon JOHN HALDEN: I do not think the member would be.

Hon B.K. Donaldson: I have been an employer; have you? Are you an employer?

Hon JOHN HALDEN: Yes, I have been an employer.

Hon B.K. Donaldson: There are three on the other side of this House who have been employers. Great stuff! You are speaking from experience - what a load of rubbish! Check your facts about New Zealand, too.

Hon JOHN HALDEN: What has that got to do with the price of eggs?

The DEPUTY PRESIDENT (Hon Barry House): Order! Let us proceed with the debate without interjections. Members will be aware that the debate is centred on arguments only as to why this Bill should not be read a third time.

Hon JOHN HALDEN: I do not believe those members are aware. They may well have been employers. I am sure that they have been particularly good employers. I do not wish to cast aspersions on their role as employers. If that is what the member is taking objection to, I assure him that I never meant to do that. The reality is that those organisations that are out there to discuss with employees their concerns are receiving complaints about things that in the Committee stage of this Bill we stated would occur.

When was the last time that Hon Bruce Donaldson spoke to the Trades and Labor Council about what was happening? I do not think that he ever would have. When did he ask them about these particular provisions? I do not think he ever would have.

Hon B.K. Donaldson: We talk to employees, though.

Hon JOHN HALDEN: I am not being offensive in that. I am saying that the latest information as of Saturday, when I spoke for an hour and a half with the assistant secretary of the Trades and Labor Council, was that these things are already happening. They are not happening merely as isolated instances; there are now more inquiries about the Workplace Agreements Bill and the Minimum Conditions of Employment Bill and their implications for workers than there are about the award system and any injustices that might occur in that area.

More than 25 to 30 complaints a day are being received. These pieces of legislation have not even been enacted and it seems to me that the writing is on the wall for those most disadvantaged groups in the work force. Hon Bruce Donaldson might be a little tetchy today.

Hon B.K. Donaldson: I am the same every day. I never alter.

Hon JOHN HALDEN: I have some good medicine that will make the member feel better.

When those particularly pertinent remarks are made about a piece of legislation that we have debated at length and to which we have put forward amendments in good faith, all I can say is that the Opposition's concern about it are coming to pass. I was disappointed that one of the minimum conditions was not accepted by the Minister responsible for the legislation in this House. His refusal to accept it reflects upon the Government because it is one that it could easily have accepted. The minimum condition was that which relates to the transferring of pregnant women to safe working environments. I cannot believe that any reasonable, caring Government could not put in the legislation a minimum condition relating to the transfer of pregnant women to a safe working environment. I believe that condition would be in most awards.

Hon Cheryl Davenport: It is in the building trades award.

Hon JOHN HALDEN: I can think of a hundred more dangerous employment practices than those in the building trades in which pregnant woman participate. It is beyond my understanding why that minimum condition was not accepted. It would not have been of great cost to the employer if it were accepted. However, again we saw a Government that is committed to the most narrow range of minimum conditions possible. There is in the award now an array of what must be considered minimum conditions. Many of those minimum conditions are not only about rates of pay; they are also about working conditions. I cannot for the life of me understand why the Government would have opposed all of the propositions that we attempted to put forward. The one that I referred to was moved by Hon Cheryl Davenport and is one that I presumed would be acceptable to the Government. As I said, I do not think - I may be wrong - that it would have incurred any great cost to the employer. I am perplexed beyond belief that the Government could not accept such a commitment to work safety, particularly as it is quite an emotive issue, which is why I raised it - I do not hide behind that. However, I guess we all agreed in the early stages of the debate that this would always be a philosophical debate. I guess the thing I have to put to the House in the third reading debate is that the minimum conditions that have been adhered to by the Minister are so few that they do not provide any protection for workers.

Hon Peter Foss: Are you suggesting that we defeat this Bill?

Hon JOHN HALDEN: I am, indeed.

Hon Peter Foss: That would have a drastic effect on the workers, wouldn't it?

Hon JOHN HALDEN: No, I do not think it would.

Hon Peter Foss: Given that the Bill is now in the form it is, are you suggesting that we should not have it in law?

Hon JOHN HALDEN: I am suggesting that we should defeat this Bill.

Hon Peter Foss: That is an interesting approach.

Hon JOHN HALDEN: I have always suggested that we should defeat this Bill in spite of the fact that in the Committee stage, we attempted to ameliorate the lack of minimum conditions in the Bill.

Hon Peter Foss: Do you think there should not be any minimum conditions? That is the effect of defeating the Bill.

Hon JOHN HALDEN: My belief is that the current system is reasonable. If the Minister brought in a minimum conditions Bill that did not have as a consequence such an effect on the award system but was genuine about providing true minimum conditions supplemented into the existing provisions, he would have had my support and I suggest the support of all members on this side. However, that was not what he was about. This is a sop to the Workplace Agreements Bill and to the Industrial Relations Amendment Bill.

Hon Peter Foss: What you are saying is that there should be no minimum conditions now.

Hon JOHN HALDEN: I thought I made it clear. I said that if the Minister introduced a Bill about minimum conditions that did not imply all of the other consequential bits - that is, the destruction of the awards system and other standard minimum conditions - I am sure we would support him. He can have it on the record that I and, I am sure, my colleagues do not, never have and never will support this Bill, for the very reasons that were put to me by the Trades and Labor Council on Saturday; that is, that workers are already being dragged down to the barest minimum and efforts are being made by employers to take them below that minimum. If the Minister did not recognise that that is what we were concerned about during the Committee stage and it is that which we want to re-emphasise at this point of the Bill, the Minister has missed the thrust of our discussion.

Hon Peter Foss: As we progressed through the stages of the Bill, firstly you opposed the principle when the House agreed to the principle, secondly you opposed the detail when the House agreed with the detail and now you are saying there should be no minimum conditions.

Hon JOHN HALDEN: I am quite sure that if I went down that path I would be out of order and I would incur your wrath, Mr Deputy President. We are saying that there are already examples in the community of employers applying this Bill which has not been enacted -

Hon T.G. Butler: And creating a great deal of uncertainty amongst all workers.

Hon JOHN HALDEN: Hon Tom Butler is correct. He spoke to me about a group of workers who work for a local government authority. There is no need to mention its name. The issue was not one of what draconian things may happen, but the great uncertainty of the administration and the workers about minimum conditions, workplace agreements and what the relationship with the minimum conditions means. I am confident that that local government authority will act responsibly. However, many employers will not act that way. We do not accept the comments made by the members opposite that all employers act responsibly. We have never accepted that. The actions of those who are already discussing this Bill and using it as an intimidatory tactic with their work force demonstrates that what we said is true.

As we are about to vote on the third reading, I call on members opposite to think about the propositions that we have put forward, and to recognise that the premonition that we had about the effect of this legislation is already coming to pass. It is quite clear that workers are beginning to be exploited. I remember well the discussions I had with the Minister about a meeting of minds. There is no meeting of minds in the complaints referred to the Trades and Labor Council. Workers are being told that they will accept it or they will be dismissed and the employers will find somebody who will accept the terms and conditions they are offering.

Sitting suspended from 6.01 to 7.30 pm

Hon JOHN HALDEN: Before the dinner suspension I indicated two reasons that this Bill should not be passed at the third reading: Firstly, that the minimum conditions contained in this Bill are already being pushed on employees by employers, and are lower than those provided for in the Bill; and, secondly, the Opposition's concern that the impact of this legislation in reducing the pay and conditions of workers has likewise already started. It is not my intention to take a great deal more time debating the third reading, but I will highlight a couple of new reasons that this Bill should not be passed.

The Opposition strenuously opposes the inclusion in clause 3 of the definition of "employee" in that it gives the Minister unbridled power. Although the Opposition advocated that certain people should be listed in the Bill, the provision in clause 3 remains open-ended and will allow the Minister, for whatever reason he chooses as long as it conforms to this clause, to decide that a person does not belong to a class of persons prescribed by the regulations. The Opposition is horrified that such unbridled power should be given to a Minister. If Hon Peter Foss were on this side of the House, I doubt that he would have accepted a Government proposition such as that. Additionally, the Opposition is not convinced that a safety net applies when workers under the age of 21 years will have their pay and conditions established by the Minister, with no guarantee about rates of pay. The Opposition has consistently pointed out the difficulties that could create for many people who currently receive an adult wage at 18 years of age. It will severely reduce their incomes if, in accordance with the provisions of this Bill, they are paid juvenile rates at ages 19, 20 and 21 years.

The provision in clause 14 for the political process to determine the minimum wage is a dangerous precedent. The Opposition produced a number of examples to illustrate this, including the United States of America. Workers in that country are granted wage rises not on the basis of industrial justice, but purely on political considerations. The Opposition's proposal that this process be more open was rejected by the Government,

and that leads the Opposition to the inevitable conclusion that this Bill should not be supported. It is not my intention to go through the Bill clause by clause and detail the Opposition's concern, nor is it my intention by stealth or verbosity to convince the Government of the problems this Bill has already created and those it will undoubtedly create. I hope my comments fall on ears that are receptive to the difficulties inherent in this legislation. The Opposition will not support the third reading of this Bill.

HON KIM CHANCE (Agricultural) [7.37 pm]: This Bill should not be read a third time. I will not say a great deal in support of that statement, but I will raise two points. I thank Hon John Halden for his detailed assessment of the Bill, and for giving the reasons that the Opposition will not support the third reading. Hon John Halden brought forward a number of points in a manner which was understandable and clearly expressed the reasons that the Opposition will not support the Bill. The two reasons that I personally do not support the Bill are: Firstly, that the effect of the Bill is contrary to its expressed intention; and, secondly, the amendments which were proposed by the Opposition, and which the Opposition believed would make it workable and a better Bill, have been rejected out of hand by the Government. That is the same reason I did not support the third reading of the Workplace Agreements Bill.

With regard to the first reason that the effect of this Bill is contrary to its stated intention, the Minimum Conditions of Employment Bill purports to provide a safety net. It is a complementary Bill to the Workplace Agreements Bill, which is probably the primary of the three industrial relations Bills. The Bill sets itself up as an alternative to the Industrial Relations Act in respect of workers and employers who opt eventually to be covered by contracts determined under the Workplace Agreements Bill. In purporting to offer a safety net the Bill provides a level to which the current award minimum conditions and rates of pay will ultimately fall. The evidence is that some employers are clearly waiting for this triad of industrial relations Bills to become law to use the powers provided by the Workplace Agreements Bill particularly, but also this Bill and the amendments to the Industrial Relations Act, to cut wages and conditions down to the level specified. Therefore, this legislation does not provide necessarily the means for coverage of workers who are not covered by awards or coverage for people for whom a decision has been made to remove award conditions by their entering into a contract. Rather, it is a Bill that will determine wages and conditions for a great number of Western Australian workers who are not on Federal awards, and presuming that all three Bills become law it will provide a new starting block for those wages and conditions. As such, the Opposition cannot support it.

This is cynical legislation. The cynical nature of the Bill is the expression of its intent. Workers are currently covered by awards in which the minimums specify wages as much as \$100 or \$150 a week higher than the minimum set down in this Bill - but to call that a minimum and to portray that as some kind of safety net for workers defies any description other than cynical. To have thrown out the amendments put forward by the Opposition in trying to improve the legislation, the Government has indicated it is not in the least bit interested in ensuring that this Bill performs its stated purposes. Hon John Halden made clear the point when he raised the matter of the amendment proposed by the Opposition to provide that an employer shall provide a safer work environment for pregnant women. For the Government not to have considered that amendment -

Hon Peter Foss: That was at four o'clock in the morning.

Hon KIM CHANCE: It had a much higher profile than that. I may be wrong. If that is not an amendment worth supporting to a Bill purporting to establish minimum conditions of employment, the Government has a great deal to learn about humanity, democracy, good faith and trust in the workplace. The absence of those qualities makes these three Bills - not necessarily this Bill, although that was definitely an amendment to this Bill -

Hon Peter Foss: At four o'clock in the morning.

Hon KIM CHANCE: That absence means that the three Bills cannot be supported by people who have a genuine interest in better industrial relations in Western Australia.

My final point relates to the Bill's potential for misuse, an issue I raised at the second reading stage. The Minister did not seem all that impressed by my referring to the capacity of a future Minister and future Government to misuse the power provided for the Minister to set minimum conditions. Other opportunities exist for Ministers to misuse power to a greater extent than in this case. Nonetheless, with the granting of that power to the Minister this Bill overturns a principle which has been established in industrial relations for many years. That is, the principle shall be established by an unbiased third party, not by the Government. Wage levels, minimum levels and conditions are not and have not been set by a Government anywhere in this country for a long time, and for good reason. One of the reasons that Australia has been a world leader in industrial relations is simply that those determinations have been made by an unbiased third party - the Industrial Relations Commission.

I do not support the third reading of this Bill. I thank Hon John Halden for the manner in which he put the argument on behalf of the Opposition.

HON N.D. GRIFFITHS (East Metropolitan) [7.47 pm]: I am very disappointed that I have not heard members of the Government explain why they support this Bill. So far we have heard only from the Minister for Health.

Hon Peter Foss: What more can you ask for?

Hon N.D. GRIFFITHS: I very much regret that members of the Government have not engaged in this debate. They have not said where they stand or why they stand where they do. I very much regret that members of the Government have not stood and said why they believe in this Bill.

The PRESIDENT: Order! You may be disappointed about that, but the time to tell us is not during the third reading debate. The third reading debate provides an opportunity for you to tell us why you think the Bill should or should not be read a third time.

Hon N.D. GRIFFITHS: Thank you, Mr President. I was leading to the point that there are reasons why this Bill should be read a third time. It is relevant that I state them. They are to fulfil the Liberal Party's promise to its masters, the people in the Chamber of Commerce and Industry Western Australia, so that the Liberal Party's friends in that organisation will know that members of the Liberal Party are people of their word - at least to their master in the organisation; to repay that organisation for its support in the recent State election campaign. The people of Western Australia know very well that it must have cost that organisation a lot of money; and that sort of support deserves to be repaid, if one is a member of the Liberal Party.

The reasons one could argue that the Bill should be supported include enabling the people of Western Australia to consider carefully and precisely the Liberal Party program compared with the benefits they have enjoyed over many decades; enabling the democratic processes to be enhanced by giving the Australian Labor Party a kick-start into the next election; enabling the people of Western Australia to compare a good Federal Government with a disgraceful State coalition Government; enabling the people of Western Australia to see exactly what the Liberal Party is offering in Western Australia and other parts of Australia; and encouraging the people of Western Australia, if they are so able, to move quickly to a more just Federal system. Notwithstanding those reasons, I am of the view that the Bill should be rejected because it is part of that awful trifecta of Bills which give us that awful, brave new world of contract as distinct from award.

HON J.A. COWDELL (South West) [7.51 pm]: I oppose the third reading of the Bill. That is not to say that I do not see the need for a Minimum Conditions of Employment Bill. I do see a need for such a Bill particularly in light of the other pieces of industrial legislation that this Government is passing through this Parliament at the moment; however, there is a need for a better Minimum Conditions of Employment Bill than that which we have before us.

As I have commented previously, this Bill is lacking with respect to all of the necessary minimums that the public of Western Australia might, and should, expect. It is a Bill that

contains sham minimums; that is, assurances of conditions that are not real guarantees when it comes to the crunch. It is a Bill that has almost as many non-minimums or constraints on minimums as it has listed guarantees of minimums.

It completes the creation of a third world industrial sector: If we see the first world as that applying to the Commonwealth award and industrial relations system, the second world being that applying to the State award system, this is the new slum sector in creation. Nothing exemplifies this more - I will use but one example - than that of public holidays. Under the State award system a set of 10 public holidays a year is outlined in the schedule to the Public and Bank Holidays Act. Under this Minimum Conditions of Employment Bill a new schedule specifies a new set of public holidays which is inferior to the set of public holidays which prevail in the award system. Under the schedule contained in this Bill, in the 1993 calendar year there would be a guarantee of only seven public holidays by virtue of where Anzac Day, Christmas Day and Boxing Day fall, as opposed to the 10 public holidays that are guaranteed to those covered by awards under the Public and Bank Holidays Act.

Then there is the mention of the public holidays, such as they are, reduced from 10 to seven for those who are lucky enough to be in the private workplace agreements sector. Those people may enjoy a public holiday on the seven days that are left, if their employer does not require them to work. If the employer does require them to work, there is no guarantee of two other essentials that people might expect as minimums; that is, the concept that those people, firstly, get a day off in lieu if their employer requires them to work the seven days that are left, nominally, as public holidays and, secondly, are paid a public holiday rate. Therefore, those in the new slum sector are not even guaranteed seven days which is a reduction from 10 days available to those in the award sector. Those people are not even guaranteed to get a day off in lieu or a special allowance - it would be a disincentive to the employer to have people work on Christmas Day, Good Friday or whatever - in respect of the seven days specified in the new schedule.

Hon Peter Foss: Are you refuting my Committee interpretation?

Hon J.A. COWDELL: Indeed.

Hon Peter Foss: That is interesting because it might lead to that.

Hon J.A. COWDELL: If the Minister tells members that his view is the case, no doubt his assurances will have more chance of prevailing in the courts. To conclude, I will simply bring to the attention of the House that we need a Minimum Conditions of Employment Bill, but not the one that is progressing through the third reading at the moment.

HON J.A. SCOTT (South Metropolitan) [7.56 pm]: I register my Opposition to the third reading of this Bill. I do not think this Bill should have been read a first or second time, let alone a third time. The principal problem with this Bill is that its relationship to the uncolourful triptych being set up makes it not a good Bill. Had it been put to us with an award system or with an independent arbiter, it may have had my support; however, as it has been drafted it is totally unfair to the working people. It puts them in a position which will cause an erosion of their living standards. It goes against the principles of good management according to people like Edward Demming who sees this sort of new right move as going backwards, not forwards. It is the sort of policy that was recently rejected in New Zealand and in Canada.

The major problem with this Bill, as I said, is its positioning with two other Bills which have no provision for an independent arbiter. Until an independent person is put in place to give judgment on what is a fair day's pay, this Bill will not succeed, and it will not be popular with the people who have to live with it. I take up no more time of the House, other than to register my Opposition to the Bill and my hope that it is not read a third time.

HON PETER FOSS (East Metropolitan - Minister for Health) [7.59 pm]: The process of a Bill passing through the House is rather like stock moving down a chute. The opportunities to deal with the various parts of the Bill become narrower and narrower.

The second reading is to set the policy of the Bill; the Committee stage to set the contents of the Bill, and the third reading to say whether, having arrived at that situation, there should be such a Bill or not. Whereas I can understand the Opposition being opposed to the policy of the three Bills we have put together - and I mentioned before I thought the three should be debated together - and I can understand it may wish to change some of the content of the Bill, what I fail to understand is, the House having decided the content of the Bill, how the Opposition, supposedly the defender of the workers, can oppose there being minimum conditions of employment in Western Australia. That is what members opposite are doing. They are saying virtually, "We would rather these three Bills go ahead without there being minimum conditions", because that is what it is when they oppose the third reading of the Bill.

Several members interjected.

The PRESIDENT: Order!

Hon PETER FOSS: They are not objecting to the policy or the content; what they are virtually saying is that, the House having decided this is the policy of the Bill and the content of the Bill, they do not believe there should be minimum conditions of employment for Western Australians. They are effectively saying they do not believe that those people who are currently under no award should have minimum conditions and that those people who enter into workplace agreements should not have a minimum. By maintaining their opposition to the third reading, members opposite are saying that they do not believe in minimum conditions of employment for Western Australians. That is their attitude. Until now they may have had some credibility on the basis of saying that they do not wish the three to go together because of their wish to have some of the content changed.

Opposition members have totally lost credibility, because all they want to do is obstruct on all counts, irrespective of what the results will be to the workers of Western Australia. They are trying to justify saying that they do not believe there should be a set of minimum conditions by saying that the Bill does not contain things like better conditions for pregnant women. That is one of the pile of very shoddily prepared amendments of about 14 pages brought in very hastily about four o'clock in the morning. If the Opposition genuinely believes that great wad of amendments was something it wanted in this Bill, it would have put more preparation into it. Look at the way members opposite criticised us in the early instance for not having their amendments. They said they wanted to amend about one-third of the Bill. They turned up with this great wad in the middle of the night and expected us to give it serious consideration.

Several members interjected.

The PRESIDENT: Order! I was about to tell the Minister that, as I have always said and repeated over the last few days, there is a very narrow path that honourable members can traverse when speaking on the third reading. The rules do not vary according to which side of the House you sit on; the rules are the same. I wanted to try to get in an interjection above the 46 other interjections, and the only way I could do it was to stand up, which I normally do not do. I mention to the Minister that the comments he is making now are comments which, if he wanted to make them, should have been made when he was moving that the Bill be read a third time. What he is doing is closing the debate on the third reading and he should be responding only to the comments that have been raised by the other members in the very limited scope that they have to speak on the third reading. If the Minister conforms with my request two things will happen: The most important of the two is that we will quickly get to the vote on this third reading and be able to get on to the next Order of the Day.

Hon PETER FOSS: I find that the excuses put forward by the members of the Opposition for their now continuing opposition to this Bill at this stage are flimsy in the extreme and that their references to the amendments we failed to accept are by no means at this stage of the Bill a reason for continuing to oppose it. Stripped of all the rhetoric, all they are saying now is, "We do not like the content, and because we do not like the content, we do not want Western Australians to have any minimum conditions of

employment as contained in this Bill." For that reason they maintain their opposition. That is no reason for this Bill to be defeated on the third reading. They should accept the decision of the House that that is what the content is and on behalf of all Western Australians ensure that there is a Minimum Conditions of Employment Bill and that minimum conditions are protected in the way this Bill protects them. I commend the Bill to the House.

Division

Question put and a division taken with the following result.

Ayes (15)		
Hon George Cash	Hon Peter Foss	Hon M.D. Nixon
Hon E.J. Charlton	Hon Barry House	Hon B.M. Scott
Hon M.J. Criddle	Hon P.H. Lockyer	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)
Noes (13)		
Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Tom Helm (<i>Teller</i>)
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon Graham Edwards	Hon J.A. Scott	
Pairs		
Hon P.R. Lightfoot		Hon Mark Nevill
Hon R.G. Pike		Hon Doug Wenn

Question thus passed.

Bill read a third time, and returned to the Assembly with amendments.

INDUSTRIAL RELATIONS AMENDMENT BILL

Committee

Resumed from 4 November. The Chairman of Committees (Hon Barry House) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

Clause 1: Short title -

Progress was reported after the clause had been partly considered.

Hon JOHN HALDEN: In my closing remarks about the short title I will go over a few clauses in this Bill which the Opposition finds particularly objectionable, and to which the Opposition will not be doing anything else but vigorously opposing. There is no doubt that clauses 4 and 5 of this Bill seek to limit the jurisdiction of the Industrial Relations Commission. They do not allow the Industrial Relations Commission to exercise any jurisdiction or power to employees who are party to a workplace agreement. I know that was the policy in the previous Bill and our opposition to this clause is the same as it was with that previous Bill. I believe it is appropriate to point out the sort of jurisdiction that the commission will have under this Bill and the sorts of efforts it will make in ensuring that there is a fair and an equitable industrial process which is approachable by and applicable to workers.

The commission has always been able to ratify awards, to certify industrial agreements and to alter industrial agreements. It has always had the power to call conferences between parties in dispute; and, importantly, it has had the ability to issue an order out of that conference. Basically the situation has always been that parties came to the award - employers and employees or employee representatives - and were able to put their views to an umpire who, for a century, has been perceived as being independent. I do not propose to relate how industrial relations commissioners were appointed, but it is a

tripartite system. Except for the most rabid and vicious of people who have attacked the commission, it is fair to say that those people have been able through that process to issue orders in a fairly reasonable and, most importantly, acceptable way to the parties involved. Not everyone won on every occasion, but at least there was a perception that there was - to quote the often overused words - access and equity in the system. Clearly what is proposed in the other two Bills and in this Bill is for that access and equity that would normally apply to workers, not having the same power as employers, to be curtailed. The Opposition will not accept that this is not a deliberate move and considers this a most calculated attack upon employees in the community. The unfair dismissal procedures that are contained within previous Bills, and now in this Bill to accommodate those Bills that we have passed in this Chamber, are not fair and do not give equity to employees.

I will not deal in great detail with clause 11 because the Government must explain certain issues relating to the mechanics of how it will work. It deals with the ability of the Minister to suspend a State award where a Commonwealth award applies. From when is that to apply? A number of industries exist where both State and Federal awards apply. Is it now to be the situation that the Minister, once these Bills are passed - assuming they are - can suspend a union because it has Commonwealth coverage as well as State coverage?

Hon Peter Foss: Yes.

Hon JOHN HALDEN: The Minister says yes, he can. When I read this Bill on the weekend I was hoping that that was not going to be the answer because, in essence, that was the most outrageous position to apply in legislation yet put forward in this little package of thrills and surprises. Why would the Minister want the power to suspend a State award where the Federal award already applies?

Hon Cheryl Davenport: For punishment.

Hon JOHN HALDEN: Is it causing any industrial problems or disharmony? No, it is not. The answer by way of interjection from Hon Cheryl Davenport is that it is all about punishment; it is all about holding them over the box and if they move the wrong way, the Government will chop off their heads. It is clearly the intention of this Government to ensure it holds the union movement over the biggest barrel it can find. It will use this particularly nasty clause to do that. I give members an example to highlight my concerns. In the area of geriatric care - I do not know the precise term - many people are not well paid and are not particularly well skilled. I am not referring to nurses, but to workers such as cleaners and gardeners. In geriatric care, the Homes of Peace (Inc) - it does not matter if this is not correct; it is only an example - has institutions throughout the nation and could cover them by a Federal award. At the same time, the many smaller community or religion-based homes which care for geriatric people would be covered by the State award. Again, those people are particularly vulnerable, not because of their level of skill but because they are committed to caring for geriatric people. If they withdraw their labour the consequences to those old people will be significant. The Homes of Peace has Federal coverage and a range of smaller organisations have State coverage, but under clause 11 of the Bill the Minister will have the ability to decide to do away with the State award. However, the State award will cover the most vulnerable of those people in the example I have given. Thousands of workers would be affected by the example I have given - it is not something I made up off the top of my head - yet overnight and at the Minister's whim there will no longer be award coverage at the State level. Of course, we will have the marvellous provisions of the Minimum Conditions of Employment Bill; that is, \$275.50 a week. What meeting of the minds was involved in this process? None. This Bill includes the nastiest and meanest provisions of all the industrial relations Bills.

I want to make it clear that under this Bill no party in an industry has to do anything wrong, be on strike or threaten strike action. I will give the example of the Miscellaneous Workers Union: I understand that under this legislation the workers at CSBP - nothing to do with geriatric care - could strike and the Minister could, under

clause 11, take his revenge on all the members of the union. I would not like Hon Graham Kierath to have the opportunity to do that.

Hon Peter Foss: You would be happy with me having it, of course?

Hon Cheryl Davenport: There may be some fairness in that proposal.

Hon JOHN HALDEN: I would prefer that Hon Peter Foss did not have that power either. However, in all honesty, as Hon Cheryl Davenport said by way of interjection, there may be some fairness in that proposal. I do not see Hon Peter Foss as the gung ho Genghis Khan of industrial relations like I see the Minister in the other place.

Several members interjected.

Hon JOHN HALDEN: This clause gives unbridled power to the Minister for Labour Relations to punish people for something which is entirely unrelated to them. If that is considered fair and reasonable by members opposite they should have a good, long and hard look at how they define those words of the clause, because they do not match up. I have outlined the Opposition's view to clause 11 because it is an outrageous provision.

Clause 18 is the general order provision. This clause deals with a whole array of minimum conditions that accrue to people who are non-award or award employees. Members can recall the huff, puff and bluster that they heard during the third reading stage of the minimum conditions legislation, but it was all about something that has existed for many years; that is, general orders. Clause 18 of this Bill will leave in place for people covered by workplace agreements one general order; that is, long service leave. The general orders under the minimum conditions Bill which Hon Peter Foss said would protect the workers are already in existence and they are much better than the provisions in this Bill. The workers can go to an independent umpire who can assess the arguments and decide whether there should be a general order.

Hon Kim Chance: Provided freely.

Hon JOHN HALDEN: Indeed, but it is somewhat different under this legislation. The Minister will have the ability to have a wonderful meeting of the minds. I have already said that there is not too much meeting of the minds in clause 11, but this clause has the potential for total arbitrary bloody-mindedness. People will have the ability to be protected by general orders, but the Government is taking away minimum conditions. The minimum conditions provision previously applied to award and non-award employees. People had an avenue by which they could have their case heard regardless of whether they were a member of the union. I do not want to go into the specifics of the Bill, but subsections (5) and (6) of section 50 of the Act will be repealed under this legislation and the commission will no longer be able to exercise discretion over non-award employees. Again, the safety net has been taken away by this Bill. Instead of myriad safety provisions there will be six or seven, which is not very many.

Another of the nice little provisions in this Bill is clause 21, which deals with the deregistration of a union. The great tragedy of this clause is the principle of law. Under industrial law the new principle is that a person is guilty until he can prove his innocence. However, that will apply only to unions. We would want them treated as a separate class of people. We would want them guilty until proved innocent. We would want at all times to have them over the proverbial barrel that I mentioned earlier. We would want to ensure that, at ministerial discretion, unions were guilty and had to fight their way back, while they had no industrial presence in a State award, to be able to cover employees.

Under this Bill, the Minister will give direction to the Industrial Relations Commission, but the commission will not have to investigate, hear evidence or decide. The commission will act at the direction of the Minister, and nothing else. If those members opposite who occasionally get a bit niggly with us and think that we are perhaps being a bit harsh in some of our criticism of employers and the Minister for Labour Relations want a clear example of what is the Government's intention, it is found in this outrageous piece of legislation. The two other pieces of legislation did the slicing, but this one is the cut of a thousand deaths.

Hon Peter Foss: The death of a thousand cuts.

Hon JOHN HALDEN: The Government wants to ensure that there is no industrial process that can protect workers and that if workers move slightly in the wrong direction, employers can get them. As I said to the Minister for Education in another debate, it will be not the Minister, the Government, the Opposition, union officials or employers who will suffer, but workers, because they will have no protection whatsoever. If one were cynical or perhaps slightly Machiavellian, which has never been a trait of mine, one could say that this Bill will allow employers to say, "We are not under the award, because of whatever decision has been made by our friend the Minister in the other place, so what is left for you? The only protection that you can enjoy is probably a workplace agreement." How convenient! How deliberate is an arrangement where, at the end of the day, the Government can set about, quite maliciously, to attack unions in order to create a situation where people get some minuscule protection and have no option but to go to workplace agreements.

Hon J.A. Scott: Free choice!

Hon JOHN HALDEN: The concept of free choice is alien to these Bills, and that is not the only concept that is alien to these Bills. The complications in this Bill, more than any other, will tax the intellect particularly of those of us who are not lawyers. At the end of the day, this Bill will tax the Minister in regard to how he will go through his mental gymnastics to prove to us that this is not the most vicious of the three Bills. The Opposition will oppose the short title and many other clauses of this Bill.

Hon N.D. GRIFFITHS: Hon John Halden was correct when he described this Bill as the cut of a thousand deaths. He should have said the cut of many thousand deaths, because if this Bill proceeds any further than the short title and goes through to the last page, it will provide to the soon to be very exploited workers of Western Australia a cut which will cause the death of many thousands of reasonable workplace conditions. This is a nasty piece of legislation because it is based on a breach of faith. The then Opposition, now Government, promised a workplace regime, but when it made that promise it said there would be a choice between an award regime and a workplace agreement regime.

Hon T.G. Butler: What a furphy!

Hon N.D. GRIFFITHS: That is being much too kind. I cannot accurately describe the breach of faith and put it down to individuals without being unparliamentary; therefore, I will not do so. The late Joseph Furphy was an interesting character, and his surname can be lent to many actions of this Government. It is the breach of faith which makes this legislation particularly nasty. This is the "Richard Kennett" legislation. This is where the people were conned. It is all very well to say to people that they can have a workplace agreement and a choice, but people need to have a real choice, and when the matters which the short title introduces to us are taken in their entirety, they amount to what I have referred to previously as an emasculation of the industrial relations system.

This Bill is designed to cut into pieces the industrial relations system. One assumes that members opposite know that it is designed to be that way. It is designed to turn the workers of Western Australia into people who have to put up with the standards and wages of people in other parts of the world. It is designed to lower standards and conditions, and to make the current conciliation and arbitration system so unworkable that people will find themselves in these awful workplace agreements. As a result, they will be exploited, because, as those who have listened to what has been said and demonstrated by the Opposition know, the regime that the Government proposes to impose on the workers of Western Australia is unfair. It involves inequality of bargaining. It will get rid of a fair and independent tribunal. It will lead to a diminution of conditions. It is my desire, and I believe the desire of the vast majority of my constituents and of those of the Minister for Health, that -

Hon T.G. Butler: And of the member for Swan Hills.

Hon N.D. GRIFFITHS: I do not think one should go into that.

Hon T.G. Butler: I am not going into it.

Hon N.D. GRIFFITHS: The member has a few problems with road trains. The vast majority of my constituents - who voted for three members on this side of the House and only two opposite - desire that the short title of this Bill be defeated.

Hon BOB THOMAS: I refer to the attitudes of the Government and this Minister which led to this legislation coming before the Chamber. Members will recall last week when the Minister stood here like a latter day Charlton Heston and said from his imaginary mountain that the Workplace Agreements Bill would do away with the terrible closed shop arrangement. He explained how the workplaces of Western Australia would be more productive and competitive as a result of the legislation. However, when I asked him how many workplaces would be involved, he did not have a clue. He did not know how many workplaces are covered by a closed shop arrangement. He follows some Liberal Party folklore about the terrible closed shop permeating the whole of Western Australian industry, and the Minister said that he was proud to handle this legislation to do away with such arrangements. He did not realise that probably less than one per cent of workplaces in Western Australia have a closed shop arrangement.

The Minister's attitude to Robe River Iron Associates was surprising. When I spoke on some clause last week he interjected his perverted view that Robe River somehow or other contributed to improved productivity in the iron ore industry. As it was not relevant to that clause, I was unable to set the Minister straight at the time; I shall now take a couple of seconds to do so.

Hon Peter Foss: Even though it is still not relevant to the clause. This is tedious repetition.

Hon N.D. Griffiths: The Minister's interjections are tedious repetition.

Hon BOB THOMAS: The Minister would do well to listen to a few people rather than bringing his arrogant attitude to this Chamber!

The CHAIRMAN: I am keen to hear something about the short title of the Bill.

Hon BOB THOMAS: I am discussing the short title in the context of the Bill. I am discussing industrial relations; namely, Robe River's contribution to the changing face of industrial relations in the Pilbara. The Minister seems to have the perverted view that Robe River has done something in the Pilbara to contribute to increased productivity.

Hon B.K. Donaldson: Bob Hawke gave it an award.

Hon BOB THOMAS: No wonder the bunch opposite introduces horrific Bills into this Parliament as a result of its attitudes! To use one of the Minister's analogies would be that the corner deli has set about changing work practices in the retail industry. Robe River mines about 15 million to 18 million tonnes of iron ore out of a 120 million tonne market.

Hon Peter Foss: It is the fourth largest iron ore mine in the world.

Hon BOB THOMAS: Let us consider it in the context of the industry. Robe River has 10 to 15 per cent of the market, and it introduced work practice changes which were boasted to have some impact on the industry. In reality, they are having no impact at all when compared with the other iron ore producing companies in the same area. Great increases have occurred beyond those of Robe River at Pannawonica.

Hon Peter Foss: It is all thanks to Robe River.

Hon BOB THOMAS: Between 1984 and 1989 Robe River increased its productivity by 27 per cent.

Hon Peter Foss: It was 400 per cent.

Hon BOB THOMAS: This is why the Minister cannot get his legislation right; he does not understand the industry! At the same time that Robe River productivity increased by 27 per cent, Hamersley Iron's productivity increased by 38 per cent, and the industry-wide increase was 22 per cent. It is folly for the Minister to interject that Robe River is setting the agenda.

Hon Peter Foss: It has; not just in the mining industry, but throughout Australia.

Hon BOB THOMAS: The Minister should go back to the drawing board with such an understanding of the industry.

Hon Peter Foss: If it were not for Robe River, none of the work practices would be on the drawing board.

Hon BOB THOMAS: The Minister cannot listen without interjecting; he does not like being told the truth.

Hon Peter Foss: You don't listen.

Hon BOB THOMAS: The Minister should be quiet.

Hon Peter Foss: Good old Robe.

Hon BOB THOMAS: The operations at Hamersley are very much different from those at Pannawonica. The Hamersley operation is capital intensive and involves deep mining. The Robe River deposit was created in prehistoric times and the iron was formed in solution which trickled down through the mine.

Hon Peter Foss: This is very relevant to clause 1.

The CHAIRMAN: I would like the debate to progress without interjection. Also, I would like the member on his feet to keep in mind that we are discussing the short title of the Industrial Relations Amendment Bill.

Hon BOB THOMAS: It is not possible to talk about industrial relations unless one refers to the nature of the various mines. Also, this legislation will have a big bearing on productivity. I had not intended to speak for five minutes on this clause, but I do so as a result of the rude Minister's interjections; unfortunately, I must educate the Minister.

The Robe River deposits were formed in a different way from those at Hamersley. The Robe River operation virtually loosens up the deposit with explosives and the ore runs down the hill and trucks pick up the ore and take it away.

Hon Tom Helm: It is called scree mining.

Hon BOB THOMAS: I thank the knowledgeable member beside me. Therefore, this operation does not involve the capital intensity of the Hamersley Iron operation. However, the Robe River productivity increase was 27 per cent and Hamersley Iron achieved 38 per cent. Also, Hamersley Iron did not have to engage in the same sorts of industrial relations practices of open warfare on the workers like Robe River; Hamersley Iron adopted a cooperative rather than a confrontationist approach.

The Minister should also bear in mind that most people to whom I speak who were employees of Robe River during the early 1980s would agree that many of the demands were excessive and that the work practices and lack of productivity cost the company more than was reasonable. However, the management agreed to those demands. Most people agree that the changes were required, and this was accepted.

Hon Peter Foss: They were accepted willingly!

Hon BOB THOMAS: Changes in people's attitudes occurred partly due to a lack of productivity. The latest mine manager, who took over this operation earlier this year, has publicly stated that his role is not to attack the work force but to work cooperatively to ensure that the practices of the past are finished. I refer briefly to the Tex report, which is an authoritative report in the mining industry. The subscription is about \$5 000 a year. It is produced by Japanese iron ore milling companies. They are highly regarded for the work they do. They have shown that three years ago Hamersley Iron Pty Ltd's profit was \$9.50 per tonne compared with Robe River Iron Associates' profit of \$8.50 to \$9.00 per tonne.

{The member's time expired.}

Hon KIM CHANCE: I refer to a matter which the Minister raised in the third reading debate of the Minimum Conditions of Employment Bill which is applicable to this Bill,

probably more so than to the other Bill; that is, the issue of whether the Opposition in its refusal to accept the terms of the Minimum Conditions of Employment Bill was doing something which was not in the interests of workers. The reason the Opposition was able to do that was that the Industrial Relations Act is now in force. The minima which the Government is seeking to supplant by introducing the Minimum Conditions of Employment Bill are provided by awards in the Industrial Relations Act. By suggesting the Opposition was doing the wrong thing by opposing the previous Bill, the Minister was suggesting that this Chamber will automatically carry the Industrial Relations Amendment Bill. The Minister supposes too much in making that presumption. I do not think members on this side of the Chamber have any intention of supporting the Industrial Relations Amendment Bill and the Minister presumed far too much when he suggested the Opposition was preparing to throw away the minima provided by the awards established by this Act. The Government may well be seeking to amend the Act, but it cannot suppose we will automatically support the changes. The Minister may well be relying on the fact that he thinks he has the numbers to carry the amendment Bill, but that is not necessarily so. We will not know that until this debate has been completed.

Mr Chairman, I need your guidance. Clause 1 states, "This Act may be cited as the Industrial Relations Amendment Act 1993", yet its full title is the Industrial Relations Amendment Bill 1993. From clause 1 the page headings refer to the Bill as an Act. It is not a practice I have seen before, but then I have never dealt in any depth with an amendment Bill. How does the Bill become an Act before it is passed?

Hon George Cash: That is the way they print them.

The CHAIRMAN: It is a typographical matter. The Bill becomes an Act after it goes through all stages in the Chamber.

Hon KIM CHANCE: Does that mean this is not a competent document because it contains a typographical error?

The CHAIRMAN: Headings on the pages of document do not form part of the Bill and it can be corrected by a Clerk's amendment.

Hon Tom Stephens: Can we get the Clerk to amend the clause too?

Hon KIM CHANCE: Would it require an amendment?

The CHAIRMAN: No, it can be corrected by the Clerk in printing when it becomes an assented copy after the Chamber has finished its deliberations on the Bill.

Point of Order

Hon TOM HELM: I wonder if the Minister is aware of that. Is he talking to the same document we are talking to now that this typographical error has been pointed out?

Hon Peter Foss: I pay no attention to it because it is not part of the Bill.

The CHAIRMAN: There is no point of order. The situation is very clear. It does not form part of the Bill. It is for guidance only and therefore it is not a serious consideration.

Committee Resumed

Hon KIM CHANCE: I am glad the Chairman pointed that out to me because I would hate to have this Bill pass into an Act only to find that it was an incompetent document and have to start all over again. It is just another example of the Opposition trying to ensure that time is not wasted in the passage.

Hon Peter Foss: Rubbish!

Hon E.J. Charlton: That would be the first time.

Hon KIM CHANCE: This amendment Bill has a couple of fundamental functions. Firstly, it displaces and supplants the jurisdiction and the powers of the Industrial Relations Commission for those parties who are party to a workplace agreement. Similarly, it makes the Industrial Relations Act subservient to the workplace agreement and limits the powers of the Industrial Relations Act in a more general sense. One of the

major outcomes of that is that neither the Industrial Relations Commission nor any existing or future awards can apply to employers or employees who are subject to workplace agreements. The Opposition will be presenting amendments which will have the effect, as far as possible, of removing those limitations. Although it is certainly proper and appropriate from time to time to seek to amend legislation, to update legislation, and to make legislation more in tune with what the community desires - in other words, to implement reform - the amendments which are presented in this Bill are neither reform driven by demand by the people nor are they in any sense updating the Act. In fact, the reverse is true.

The amendments contained in the Bill remove many of the fundamental elements of the Industrial Relations Act which have been the result of the evolution of an industrial relations system which is one of the best in the world. It is a system with almost 100 years of history and one which has been the envy of much of the western end of the developing world. This amendment Bill takes the protection provided by those more progressive clauses of the Industrial Relations Act and replaces them with the chaos and bullying of the Workplace Agreements Bill and the meagre provisions of the Minimum Conditions of Employment Bill. The Government's version of reform is to replace progressive and evolutionary legislation with regressive legislation which among other things will take away State award coverage from workers because of the actions of other workers in another workplace who make their own choice to exercise award coverage on a Federal award.

I doubt that I have time to deal with the question of comparative wage justice. I referred to it in my second reading speech. I draw an example of where comparative wage justice does not apply to the extent that it does in Australia, even though it is applying in a similar country. In the United States of America, the concept of comparative wage justice is not as highly developed as it is here. In the United States, a cleaner in the steel industry, a more powerful and more highly unionised work force, earns about \$18 an hour. A cleaner in the non-unionised school sector in the same country earns about \$4 an hour. I do not know whether that suggests to anybody that a cleaner in the school system is less than one-quarter as productive or efficient as a cleaner in the steel industry, but it certainly suggests to me that the United States system has a great deal to learn from our system when one cleaner doing the same work as another cleaner is paid more than four times as much as the other cleaner. It is to that principle that I draw the analogy with farmers who seek a like price for a like product through various marketing organisations. Farmers have sought that for many years. It is a similar demand on behalf of workers that they should see comparative wage justice apply. Because of clause 9 of this amendment Bill, comparative wage justice becomes something that the commission cannot consider.

Hon PETER FOSS: I found the continued filibustering from Hon Bob Thomas with his lecture to us on the formation and mining of limonite ores as just another example of how the Opposition appears to be padding this debate out. The formation and mining of limonite ores is not relevant to this Bill.

I was interested to hear the statement by Hon Kim Chance that our system is envied by the whole world. I have heard this said many times. It might be envied by some unions in other parts of the world, but even socialist countries have not attempted to emulate it. Probably one of the reasons why is that anybody who looks at the system can see that one of the basic things it suffers from is some form of ossification. We are seeking to put far more flexibility into the system than has been the case.

Hon John Halden demonstrated that we have a problem in Australia in that, unfortunately, over a period of years the High Court and the Federal system have completely departed from the reasons for which some jurisdiction in industrial relations was originally given by the Constitution to the Federal Government. It is regrettable. It has been done with as many legal fictions as the common law courts use to take over from other jurisdictions. Nonetheless, whether we like it or not, it has happened. We have this ludicrous situation of the dual system of Federal and State awards where unions operate under both and where awards, apparently on the face of them, apply to both. The

effect of that, because of the Constitution, is that the Federal award takes precedence. We have the strange situation in which apparently on the face of it we have two systems going in parallel, one of them totally without any legitimacy due to the fictions which have been used, but also the unions have been forum shopping between the two of them.

This legislation recognises that the system has been used by the unions to play off one system against the other and it gives the opportunity for the State to say, "If you choose to go to the Federal system, it is your right to do so. We will recognise the fact that you have chosen to go to the Federal system by correspondingly making it clear that you have gone to the Federal system and that the State system is to that extent not available to you." The exact extent is to be determined by the Minister, but it is clear that from the broadest to the narrowest sense there is a choice in the State to make it clear what has happened by choice of the union, that it has decided it will not be using the State award and will be using the Federal award. The Government says that it will recognise that fact and provide an opportunity for that to occur.

Hon Tom Helm: And smack their bottles for being naughty.

Hon PETER FOSS: No, just to make it quite clear what the situation is.

Hon T.G. Butler: You don't know what you are talking about.

Hon PETER FOSS: We make the situation quite clear. I know exactly what I am talking about, and so does the member. He has quite clearly stated, and I agree so far as the effect of this Bill, that it enables the Minister to recognise the reality that people have chosen to go to the other system. They can choose to go to the other system; but with this amendment we are saying that, having made that choice, they stick with it. We are also saying that there are consequences of having made that choice.

Hon T.G. Butler: You are not penalising the people who don't; that is what you don't understand.

The CHAIRMAN: Order! The two members who are persistently interjecting have not yet spoken to this clause. We are in Committee stage and they will have the opportunity to get on their feet.

Hon PETER FOSS: I hear the views of the members. I am saying that I do not agree with them. We have here a very delicate instrument capable of being used to bring clearly into the forefront the results of people deciding that they will take the Federal rather than the State system. They may not like that. They have found in the past that it is extremely convenient to them to have that flexibility. However, in future, that flexibility will not exist. There will be the capacity for the State to say, "You make your choice. You are free to make that choice. However, having made that choice, the consequence is that you have opted out of the State system and that is your choice. Having opted out, you are out."

Hon T.G. Butler: It is a penalty.

Hon PETER FOSS: It is not a penalty. It is a clear choice.

Hon T.G. Butler: It is a penalty, and you are penalising the wrong people. If you only knew what you were doing. Maybe your advisers should tell you.

Hon PETER FOSS: I doubt that the Opposition would be getting so uptight about it if they did not think that the people who may be affected by it are the unions. The provision will be properly used by the Government to make certain that there is a choice.

Hon Tom Helm: Tell us how.

Hon PETER FOSS: It is clear in the Bill that the Minister has a very wide range of responses. Knowing the Minister as I do - knowing all the Ministers of the Government - I know that he has the capacity to use the powers conferred by the Bill in a sensitive and sensible manner. In the same way that members opposite have expressed their lack of confidence in the Minister, I have great pleasure in expressing my great confidence in both him and all the other members of the Government whomever they may be. I have equal faith in the Minister, as I do with all other members of the Government.

We may differ as to intent and as to how we believe that it will operate in practice, but it is clear that unions have to make a choice when they pursue Federal awards. They may lose their coverage and they may lose that award. Those are things that flow from the provision. Members opposite have correctly identified those consequences, which are intended consequences. That is the intent and the policy of the Bill. I am pleased to say that the Committee has already identified and supported that policy of the Bill. I also have pleasure in supporting it.

Hon TOM STEPHENS: What a cheek the Minister has to come into the Chamber and lecture us about this industrial relations system being somehow an ossified system in need of greater flexibility. This Minister has wandered up from the Terrace where he operated in the legal system, prancing around in wigs and gowns on the Terrace in the ossified state in which that legal profession has been. That profession has been one of the most conservative professions that has ever occupied space on the Terrace. And then he comes to us and lectures us about the industrial relations system being ossified and in need of flexibility.

The CHAIRMAN: Order! The question before the Chamber is related to the short title. I would be very keen to hear the member address his remarks to the short title.

Hon TOM STEPHENS: Indeed. I will address the same points to you, Mr Chairman, that were just addressed to you by the Minister, who was not called to order on those points.

Hon Peter Foss: I spoke about the Bill, not about the legal profession.

Hon TOM STEPHENS: The Minister just finished telling us how this Bill would produce a more flexible system. He is the last person who can tell us about the need for a more flexible system in the face of where he is from.

Hon Peter Foss: What you are saying is totally irrelevant. Keep your form though!

Hon George Cash: Did you ever wear a gown in the seminary?

Hon TOM STEPHENS: Yes, indeed I did; but I am no longer wearing that gown. Unfortunately this Minister has shed his gown, but keeps his braces and style and commitment to a conservative way of doing everything.

Several members interjected.

The CHAIRMAN: Order! The interjections are too numerous. I ask the member to address the question.

Hon TOM STEPHENS: There is rarely a piece of legislation with a short title such as this that so begs to be voted against and amended in this Committee. It should specify in greater detail exactly what this triad of legislation is about.

Hon Peter Foss: Triad now!

Hon TOM STEPHENS: It can be called a trilogy, or a triad; I think someone else suggested triage; perhaps triptych suits. I think "triad" connotes the sinister nature of the legislation. This short title on this, the third of the triad, desperately needs a better short title than it has. An industrial disruption Bill; an attempt to cause disruption in the industrial relations processes of this State would be a concept that should be included in this short title of the legislation. I am sure my colleagues could come up with many additional descriptive words that would connote what this legislation is about. It will do all the things about which my colleagues have expressed concern.

Before this Minister was a member of this House, we had the benefit of other members in this place who had great depths of experience such as those held by Hon Tom Butler and Hon Tom Helm in the industrial relations field. I am thinking in particular of Hon Des Dans, who on numerous occasions used words like those used by Hon Tom Butler and Hon Kim Chance in the debate so far. That is, through legislation like this, one cannot achieve the goals the Government has set out for itself, at least in so far as the Minister has articulated them in this Chamber and in the wider community. Industrial harmony and peace and flexibility which produces better results are not achieved by industrial

amendments such as this Bill. Hon Des Dans often used to say to the Chamber that in many work situations it was almost as though some of the participants needed brain surgery before harmony could be introduced into the workplace.

Hon Peter Foss: A lobotomy, for instance?

Hon TOM STEPHENS: In the Minister's case a lobotomy might help because at least he might understand the baggage he brought into the Chamber - his intellectual equipment - which has left him unable to appreciate what he is doing with this legislation. In response to this short title debate the Minister has had the gall to talk about the sensitivities of the Ministers and members of his Government. This follows the tirade we heard from Government members such as Hon Ross Lightfoot who promenades around as a member of this "sensitive" Government; I am referring to his letters to the Press and his sensitivity. One of his letters was published yesterday which referred to Aboriginal people being at the bottom end of the civilised scale. Is that the sort of sensitivity the Minister means when he speaks of members opposite?

Hon John Halden: Sensitivity is a one way process.

The CHAIRMAN: Order!

Hon TOM STEPHENS: Sensitivity has not been demonstrated by any member opposite in the debate so far in this Chamber or in the other place. Sensitivity to what principle? Sensitivity to the demands of the bosses? That is where the Minister seems to be most sensitive.

Hon Peter Foss: I will put on my top hat so I can hear you better.

Hon TOM STEPHENS: And the Minister's spats and gown to go with his braces and his Victorian attitudes of shoving workers -

Hon George Cash: Turn your collar around and get on with it.

Hon TOM STEPHENS: Hon George Cash could turn his collar around and tighten his tie around his neck at the same time. He would then appreciate exactly what he is doing to the workers of this State - strangling them through legislation like this and the other parts of this triad of legislation.

Hon Peter Foss: Was that an encyclical?

Hon TOM STEPHENS: I would be happy to read a number of encyclicals. I will go to my office later. It was the encyclicals of Leo XIII. Hon Peter Foss' Bill comes nowhere close to the admonitions to the community of Leo XIII - he was speaking in the 1890s.

Hon John Halden: Probably more enlightened compared with this Minister.

Hon TOM STEPHENS: He would never have taken a brief from Robe River Iron Associates like this Minister did. Back in the 1890s he knew about the role of the unions in addressing the inequities in the community. We could well listen to a few of the encyclicals from way back in the 1890s and even some of the more recent encyclicals. They have repeated the admonitions of Pope after Pope over the centuries telling Governments, Parliaments and nations that there is a role for unions, unlike the determination of this Minister in wanting to give unions a one way street to deprive them of flexibility and choice, despite his verbiage in the community and despite the platforms on which his Government stood during the last election campaign. This legislation will provide a one way ticket to Canberra; no choice to come back.

Hon Peter Foss: Did you also read Abull?

Hon TOM STEPHENS: I have read the odd bull or two. In this place one gets a fair share of a different type of bull altogether from this Minister. He has distracted me from making all the points I wanted to make on this short title. It begs to be amended even to accommodate the Minister's own descriptions of what this legislation is about. It is a one way ticket to Canberra. The Minister claims it will enable greater choice and flexibility in the community. His legislation will cause disharmony and strife in this otherwise industrially peaceful community of Western Australia. We have been well served by the existing and previous legislation of the past 100 years.

Hon Peter Foss: You said that last time we amended it.

Hon N.F. Moore: You made exactly the same speech you made 10 years ago.

Hon TOM STEPHENS: Members opposite should have listened then and they should listen now.

Hon T.G. BUTLER: I always find Hon Tom Stephen's speeches exhilarating.

Hon Kim Chance: And enlightening.

Hon T.G. BUTLER: Yes. He certainly knows how to serve it up to members opposite. I oppose the short title. I was going to make a rather mild speech in opposition, but I need to begin by taking up the comments of the Minister when he claimed that the Government was trying to make the system more flexible so that it will benefit the workers. When members plough through the legislation and the amendments, it becomes painfully obvious that the Government is trying to remove flexibility from the system. Very clearly, it has gone through the Act and stripped most of the Industrial Relations Commissions' powers which enable it to deal with industrial disputes and other matters. The purpose of this legislation is to render the commission worthless. I will deal with that shortly, because I want to take up another issue with the Minister - clause 11. I have had a lot of experience in Federal awards and it became very clear to me as he spoke his complete lack of knowledge about the system. He has absolutely no idea at all what he was talking about. He claimed that the people will not be penalised for not joining the Federal award system. Obviously, he does not understand the responsiveness question.

Hon Peter Foss: Of course I know that.

Hon T.G. BUTLER: The Minister does not.

Hon Peter Foss: How do you know that I don't know?

Hon T.G. BUTLER: I will tell the Minister how I know what he does not know. He gives clear examples of what he does not know every time he opens his mouth. Every time he opens his mouth he flounders. I will deal with clause 11 later and explain to the Minister exactly what he is doing.

Hon Peter Foss: I know what I am doing.

Hon T.G. BUTLER: The Minister knows what he is doing, but he does not know the effects of what he is doing. He has absolutely no idea. With clause 11 he is imposing penalties on people not wanting to go into the Federal system; that is, employers and employees.

Hon Peter Foss: A one way ticket.

Hon T.G. BUTLER: That is it, but he does not understand the ramifications of it.

Hon Peter Foss: I think we do. Your reaction indicates that we got it pretty right.

Hon T.G. BUTLER: The Minister will get a reaction from me every time he deprives workers of award coverage. I will provide him with that reaction every time it comes up.

Hon E.J. Charlton: You looked after them pretty well in the past, didn't you?

Hon T.G. BUTLER: Yes, I did. A damn sight better than the Minister for Transport did because he robbed 740 of them at Midland of their employment by closing the Midland Workshops. He still has questions to answer so he should never try to tell me that he has ever looked after anybody in his life. I apologise to you, Mr Chairman, for that outburst. However, it does not mean that I will not do it again.

This Bill is in keeping with the other two Bills except that this one seems to be much more difficult to come to grips with. It is full of typographical errors and completely loses itself in a maze of references and cross-references. It makes very little sense at all in the beginning. However, once one gets into it and deals with the cross-references one finds out what it is all about. It is about removing from workers the choice to decide what they want to do and it destroys any flexibility in the system.

Hon Cheryl Davenport: It is about disempowerment.

Hon T.G. BUTLER: Exactly. It has been a long term commitment of the Liberal Party to get rid of the Industrial Relations Commission and the award system. If the Minister had been around in 1982, he would remember that the then O'Connor Government decided it would get rid of the Industrial Relations Commission by taking away all of its powers and allowing employers to do whatever they liked. However, there was a reaction to that, because the Government got walloped in 1983. The conservatives have not learnt from that. They have not learnt that this type of legislation is totally unpopular.

Hon E.J. Charlton: Have you learnt from all of the activities that went on in the 1980s?

Hon T.G. BUTLER: What is the Minister muttering about?

Hon E.J. Charlton: Have you learnt from what your mate Burkie did when he was in charge?

Hon T.G. BUTLER: What has that to do with this? The nonsense of this legislation is clearly indicated by a Cabinet that has a fool like the Minister for Transport in it.

The CHAIRMAN: Order! The interjection was out of order in the first place and was not relevant.

Hon T.G. BUTLER: Hon Jim Scott referred to the recent election in Canada which saw the progressive Tories - that is a nice old contradiction in terms - suffer a loss because of its attack on the union movement.

Hon Cheryl Davenport: What about the Nationals in New Zealand?

Hon T.G. BUTLER: Yes, I was going to get to that. Their problems happened only last Saturday and yet this Government has still not learnt. Members opposite do not have a glimmer of hope because this workplace agreement racket was first introduced in New Zealand. This nonsense was started there and the Government there copped its comeuppance over that. That is exactly what will happen to members opposite. People do not like this type of legislation. They will judge the Government on this legislation because their rights are being interfered with.

I could have gone on for much longer. However, I will have an opportunity in the debate on the various amendments to deal with most other aspects about which I am concerned. I oppose the clause.

Hon TOM HELM: I will correct the Minister's comments and demonstrate to him his ignorance. I will also complete the contribution made by Hon Bob Thomas, who was demonstrating why we are opposed to the short title. He used the Te report, which is a well recognised indicator in the iron ore industry, particularly in this State. The Te reports indicate that Hamersley Iron made a profit of \$9.50 per tonne of ore mined in the last year.

Hon Peter Foss: Haematite. There is a difference between the two.

The CHAIRMAN: Order! Let us do without the interjections.

Hon TOM HELM: Thank you for those words, Mr Chairman. Every time the Minister opens his mouth he needs your support. Hamersley Iron made \$9.50 a tonne profit from the different kinds of ore it mined.

Hon Peter Foss: It is haematite, which has a much higher iron ore content.

Hon TOM HELM: I would like to deal with this Bill and go home because I am getting fed up talking to fools.

Withdrawal of Remark

Hon PETER FOSS: I think the member is using terminology which he probably should not be using.

The CHAIRMAN: The Minister has referred to a term the member has used which I believe is unparliamentary.

Hon TOM HELM: I withdraw.

Committee Resumed

Hon TOM HELM: Misinformed then; perhaps not fools. Hamersley Iron is making a profit of \$9.50 a tonne and Robe River is making a profit of between \$8.50 and \$9 a tonne.

Hon Peter Foss: Pretty good for ilmenite when you consider the iron content.

Hon TOM HELM: It does not matter what it is.

The CHAIRMAN: Order! I am battling to understand the relationship between different types of iron ore and the short title of the Bill.

Hon TOM HELM: It is a demonstration that we are debating something that has no relevance to industrial relations, and debating amendments which will not progress industrial relations in this State at all. Robe River is supposed to be the jewel in the crown of this Government's industrial relations, but it is not such a big star -

Hon Peter Foss: With ilmenite and its iron content it shows a fantastic result compared with haematite.

Hon TOM HELM: According to the report, it is not so brilliant. The profit margins should be high, particularly as Robe River has a 400 per cent increase in productivity. It is supposed to be the pinnacle and the example towards which everyone should strive. However, despite all the difficulties it has had, its profit margin is less than that of Hamersley Iron. Therefore, the Minister must look at it twice. People are being killed in the mining operation of Robe River, because it is using methods that are unusual to say the least. I worked in the mining industry from 1980 to 1986 and I have never heard of the system it is using. Certainly during my time in the mining industry no accident occurred of the nature of the recent accident at Robe River. That may say something about the style in which it uses its equipment and the way it treats its workers.

We are trying to demonstrate that the short title of this Bill does not make sense because this is not a Bill about industrial relations but one which will result in industrial mayhem. This Bill, together with the other two Bills in this package, will destroy industrial relations. It is not possible to have a successful relationship if one of the parties in the relationship is at a disadvantage. Eventually the person who has been disadvantaged will not want to be part of the relationship. It is a joke and fraud to talk about this Bill as described in the short title.

Since the Harvester decision people have a view that industrial relations means people coming together and agreeing to a set of circumstances that will be to the benefit of all parties. Industrial relations recognises the ability of workers collectively, through unions or associations, or workers individually to go to the commission for matters to be either conciliated or arbitrated. This amending Bill proposes to change the principal Act so that restrictions will be placed on those who wish to approach the commission. One would have thought that the second reading speech would give some better indication of the need for this Bill. I hope that the Minister will later be able to demonstrate the need for the Bill. In his second reading speech the Minister referred only to the submission made by the Australian Chamber of Commerce and Industry and its remarks which reflected a need for change in the system. I feel sorry for the Minister in some ways because, as Hon Tom Butler pointed out, he will not be able to answer the questions that will be put to him during debate on the clauses. He will bluff, bluster and shout but he will demonstrate his ignorance.

Hon Peter Foss: On the contrary, I do not think I will. I am quite happy with some of the member's summaries -

Hon TOM HELM: The Minister has not done well so far. It is on the record. The Minister will have an opportunity to demonstrate his ignorance later on. When asked by interjection to demonstrate the need for the Industrial Relations Act to be amended, the Minister did not choose to respond. We asked the Minister what the faults were in the current system and why the Government wanted to change it. The Opposition wants reasons for the need for this short title.

Division

Clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Ayes.

Division resulted as follows.

Ayes (15)		
Hon George Cash	Hon Peter Foss	Hon M.D. Nixon
Hon E.J. Charlton	Hon Barry House	Hon B.M. Scott
Hon M.J. Criddle	Hon P.H. Lockyer	Hon W.N. Stretch
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)
Noes (13)		
Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Tom Helm (<i>Teller</i>)
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon Graham Edwards	Hon J.A. Scott	
Pairs		
Hon P.R. Lightfoot		Hon Mark Nevill
Hon R.G. Pike		Hon Doug Wenn

Clause thus passed.

Clause 2: Commencement -

Hon JOHN HALDEN: I foreshadow an amendment to delete the clause and replace it with the words -

(1) Section 18 comes into operation on such day as is fixed by proclamation.

(2) This Act, other than section 18, comes into operation on the day on which the Industrial Relations Commission issues the last of the General Orders prescribed in section 18 of this Act.

Hon Peter Foss: The nature of the amendment refers to clause 18; however the Opposition has foreshadowed amendments to clause 18 also. Therefore, the amendments will be precluded by the decisions previously made by the Chamber.

Hon JOHN HALDEN: Our intention is that a specific part of the Bill will come into effect on a certain date. On numerous occasions the Government has spoken about an opportunity for choice. By way of this amendment we propose that clause 18 as printed will provide for the commission to make a series of general order decisions. On the basis of the decisions - which will not impact on anything passed previously - people will have a choice as to what the general order provides. That does not run counter to the provisions in the Bill. The commission will have a function, and on a date will provide information to people so that if they choose to be under a workplace agreement they would know at least what are the general minimum order or safety net requirements. All we are saying here is that the operation of a particular clause is deferred; not that it will in any way impinge upon the operation once the information is available to the community.

That is not contrary to the Bill. We have been lectured chapter and verse hour upon hour about what a wonderful Bill this is; how it provides ultimately for choice, but with choice comes an obligation for the provision of information. The Industrial Relations Act should have the ability to provide that information. This measure will not impinge upon the Government's proposal; it will be complementary because people will have an opportunity to make a legitimate choice based on information. The Government should not hide from that option. The Opposition's proposal is consistent with Government policy. It will not be affected by clause 18 because once a mechanism is put in place, clause 18 will come into effect after a certain date.

The CHAIRMAN: To clarify the situation, the member has foreshadowed an amendment. We can consider its merits if and when we get to it.

Hon JOHN HALDEN: I want the Minister to provide the people of this State with a choice. I will be delighted to see him take up the initiative. With the foreshadowed amendment we propose to empower the Industrial Relations Commission to make general orders. The general orders are prescribed in clause 18 which deals with section 50 of the Industrial Relations Act. That section of the Act gives the commission the power to issue general orders for award and non-award employees. That needs to be stressed. Award employees can have a general order issued in regard to any industrial matter; for non-award employees a general order will apply to specific matters. Under section 55 of the Industrial Relations Act the issue of general orders is discretionary in two ways: The commission may decide not to issue a general order after hearing argument about a particular matter, or if it decides to issue a general order it can then decide the contents of the general order.

As an example, about 1989 the Trades and Labor Council put up a case to the Industrial Relations Commission for a general order relating to non-award employees' annual leave provisions and sick leave provisions. It is suggested that there should be a minimum set of standards for those two issues. The commission decided, as it has that power under the legislation, to issue an order about annual leave and made four weeks' annual leave a mandatory minimum condition. With regard to sick leave, the commission decided not to issue an order and, therefore, there were no minimum conditions.

We propose that the commission would issue a general order for a variety of issues which are listed. We propose that the discretion not to issue an order on a range of areas would be removed. Therefore, the commission would not have that discretion but would then have the ability - this is the key - to set up its view about the applicable minimum conditions as per the industrial relations system. It would be impossible for there to be no minimum conditions for sick leave, if that were put forward. It would be in place. We are proposing this so that there would be that wonderful element of choice - the cornerstone of this conservative Government's reasons for introducing these pieces of legislation. When negotiating their workplace agreement, people would be able to say, "The real minimum standards are not what the Bill says; there are these matters as listed by the Industrial Relations Commission in terms of a variety of general orders." In that way people could assess the conditions in their workplace agreement - as the Minister would point out, these might not be the minimum conditions as per the other Bill - but would still have to negotiate the agreement. If they are to negotiate an agreement realistically the employees need to have some information about what is reasonable, what are the minimums and need to be able to start from that knowledge base. In the euphoria of egalitarianism by the conservatives, it is being proposed that people will magically be able to acquaint themselves with information that is not currently available and they will then be able to negotiate with their employer about what their entitlements may be. That may be all very well for a person who is a solicitor or a doctor when negotiating an agreement, but for the gardener, cleaner or hospital worker, I do not think that will be appropriate.

In essence, I do not think that what we are asking for in this provision is purely that clause 18 comes into operation on a day as fixed by way of proclamation. That would then allow the commission to do the specific task, to provide people with information on which they can make a legitimate choice about what should be in their workplace agreement and what they are entitled to as minimums as assessed by the Industrial Relations Commission. I do not think that is in any way an outrageous step.

I have been convinced in the process of this debate that the ultimate aim is to keep down those who are already down because we would not want to provide them with any information to enable them to know what they might reasonably expect. By this amendment we are giving people the opportunity to have some understanding of what they might reasonably expect. They might - it is not done in any secretive way - decide that workplace agreements are Hobson's choice compared with being covered by an award. However, if we are to have choice - the cornerstone of conservative thinking - so

be it. Seemingly, we have not had any more than rhetoric about the issue of choice. We most definitely have not had real mechanisms that would provide people with choice.

As to the rest of the Bill, by way of amendment, it comes into operation as soon as the last of the general orders is finished. It would seem to be particularly reasonable that the process that we have gone through should come into operation as soon as people have some realistic options for choice. I do not expect for one second that the Government will accept this amendment because it has been playing games about the issue of choice. The Government has used rhetoric purely to convince some of its own members and, ultimately, some people in the community that such an intellectual approach does exist when, in reality, it does not.

Hon PETER FOSS: The difficulty with this clause is that we are, in essence, debating an amendment that has not been moved which is predicated upon another amendment which has not been moved. It only makes sense in light of that and the second amendment only makes sense in the light of the proposed subsection (2)(d) which states -

That a provision or condition in a workplace agreement award . . . which is less favourable to an employee than a provision or condition of employment prescribed in a general order made for the commission under subsection 2(a) or 2(b) has no effect.

We are merely setting a scene for the moving of an amendment which eventually will have to be ruled out of order. All of these words by the member opposite have nothing whatsoever to do with the case. This is another ploy to deal with matters that have already been decided by the House.

Division

Clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Ayes.

Division resulted as follows.

Ayes (14)		
Hon George Cash Hon M.J. Criddle Hon B.K. Donaldson Hon Max Evans Hon Peter Foss	Hon Barry House Hon P.H. Lockyer Hon Murray Montgomery Hon N.F. Moore Hon M.D. Nixon	Hon B.M. Scott Hon W.N. Stretch Hon Derrick Tomlinson Hon Muriel Patterson (<i>Teller</i>)
Noes (13)		
Hon T.G. Butler Hon Kim Chance Hon J.A. Cowdell Hon Cheryl Davenport Hon Graham Edwards	Hon N.D. Griffiths Hon John Halden Hon A.J.G. MacTiernan Hon Sam Piantadosi Hon J.A. Scott	Hon Tom Stephens Hon Bob Thomas Hon Tom Helm (<i>Teller</i>)

Pairs	
Hon P.R. Lightfoot Hon R.G. Pike	Hon Mark Nevill Hon Doug Wenn

Clause thus passed.

Clause 3 put and passed.

Clause 4: Section 7 amended -

Hon N.D. GRIFFITHS: I move the amendment in the name of Hon John Halden -

Page 2, lines 20 to 25 - To delete the lines.

The definition of "employee" is currently set out in section 7(1) of the Industrial Relations Act 1979 on page 7, and the definition of "employer" follows on from the

definition of "employee" on page 8. The words sought to be deleted make the definition of "employee" and the definition of "employer" subject to proposed section 7B. It is necessary to refer to proposed section 7B, because I foreshadow when 7B is discussed down the track my comments will be appropriately brief, subject of course to the decision of the Committee on this clause. Proposed section 7B says that "Where an employer and any employee are parties to a workplace agreement, they are not, in relation to one another, within the definitions of 'employer' and 'employee' respectively in section 7(1)". The purpose, therefore, of the words we seek to have deleted is to attack the jurisdiction of the Industrial Relations Commission by removing those poor unfortunate people who will find themselves compelled to enter into the workplace agreements regime.

The workplace agreements regime, of course, is unfair. It does not have an independent umpire and is predicated by inequality of bargaining. The Minister trumpets that there will be a meeting of minds, and there may well be a meeting of minds but perhaps that meeting will end up in the exploitation of employees. The purpose of the words that the Opposition seeks to have deleted is to end the civilising influence of the Industrial Relations Commission for those persons who find themselves involved in workplace agreements. It will mean for them an end of egalitarian standards and their removal from the many protective devices that are now available to employers and employees alike under the industrial relations system. This is a direct attack on the functioning of the Industrial Relations Commission in that potentially it will remove many people from its jurisdiction.

Hon PETER FOSS: Once again, I think this amendment is quite contrary to what we have already achieved in the previous legislation, which is to make quite clear that workplace agreements do not come under the jurisdiction of the Industrial Relations Commission. This amendment and the foreshadowed amendment are intended plainly to have the result of bringing them under that jurisdiction, and it is quite clearly a matter of policy already decided by the Chamber.

Hon JOHN HALDEN: One might concur with the Minister that we have debated this matter in other Bills. It is important that members realise that if these definitions are removed from the Industrial Relations Act, which apply to employers and employees covered by a workplace agreement, the provisions of the safety net that we have heard about, except for arbitration and some other quite expensive processes, will be removed.

In the Opposition's perspective of these matters it is still our view that even under the package of legislation that has been passed it should continue to provide the umbrella protection that has been there basically for a century. That is not unwarranted. The Government of the day could have the system it wants virtually in totality, except there might be some reasonable and effective ways of workers being able to access some equity in the system and some dispute resolving mechanisms that are achievable for their own situations and which have a proven track record.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon T.G. Butler
Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Graham Edwards

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Sam Piantadosi
Hon J.A. Scott

Hon Tom Stephens
Hon Bob Thomas
Hon Tom Helm (*Teller*)

Noes (15)

Hon George Cash
 Hon E.J. Charlton
 Hon M.J. Criddle
 Hon B.K. Donaldson
 Hon Max Evans

Hon Peter Foss
 Hon Barry House
 Hon P.H. Lockyer
 Hon Murray Montgomery
 Hon N.F. Moore

Hon M.D. Nixon
 Hon B.M. Scott
 Hon W.N. Stretch
 Hon Derrick Tomlinson
 Hon Muriel Patterson (*Teller*)

Pairs

Hon Mark Nevill
 Hon Doug Wenn

Hon P.R. Lightfoot
 Hon R.G. Pike

Amendment thus negated.

Hon N.D. GRIFFITHS: I move -

Page 3, lines 3 to 9 - To delete the lines.

The first part of that which the Opposition seeks to delete refers to the words "subject to section 7C". It is proposed to deal with section 7C in some detail when that clause is arrived at. The second part of the amendment deals with clause 4(d)(ii). The jurisdiction of the Industrial Relations Commission is concerned with industrial matters. The words the Opposition proposes to be deleted involve a return to a regime that existed under a former Labor Government.

Hon John Halden: Yes; when you are naughty we will cut out your payroll deductions.

Hon N.D. GRIFFITHS: As Hon John Halden pointed out, it arrived from the school mastering method of a Government of a regime that did not like dissent and made it an offence for three people to have a chat about public affairs in a street; a Government which was offensive to many people in our community, particularly those who were weak and open to be oppressed such as - I note in the light of recent events - the Aboriginal people. However, it was also a Government which was nasty towards trade unions. It brought in a regime to cause the cessation of the practice of collecting subscriptions to an organisation of employees. I suppose it did that because it was fairly up front about it and because it was anti-union. It did not use the glib terms of the present blasters from the nineteenth century past. It did not mislead the community about choice, freedom, meeting of minds and matters of that kind.

The former Liberal Government sought to have union contributions deducted as a penalty for representatives of the unions engaging in industrial action. The current circumstances do not enable the commission to order an employer to commence collecting union subscriptions. This amendment is limited to the question of ordering an employer to restore the practice of collecting subscriptions where this practice is stopped by the employer. It does not state that if an employer stops the practice, the practice must occur again. It enables the Industrial Relations Commission to determine whether the practice of collecting union dues should take place where an employer has stopped it. It also enables the Industrial Relations Commission to weigh up the matter in accord with its charter under the Act about the considerations of good conscience and equity, and to fairly determine whether the practice should have ceased and whether it should continue.

The CHAIRMAN: I should have pointed out earlier that because the amendments C to G on the Supplementary Notice Paper are interrelated the Committee will take them together. Therefore, the debate can be broad ranging across those five amendments.

Hon JOHN HALDEN: Can I suggest that that is probably not a good idea?

The CHAIRMAN: Why would you suggest that?

Hon JOHN HALDEN: As the lawyers say, with the greatest of respect, the issues involved in each of these amendments vary considerably. Therefore, to have a broad ranging debate on them would mean that there was no opportunity to seek the views of members opposite whether one particular amendment may be supported.

Hon Peter Foss: You have my assurance that none of them will be.

Hon JOHN HALDEN: We do not have to depend only on the Minister. I know that the Minister has caucused with the members at the back and has given them the riding instructions. These are different issues. We are not having to convince only the Minister, we must try to convince some other enlightened members of the Government.

Hon Peter Foss: They are all enlightened and they know exactly what they think about it.

Hon JOHN HALDEN: I know, because the Minister has told them.

Hon Peter Foss: No, they all understand it perfectly.

The CHAIRMAN: Order! The issues are interrelated, but that does not stop members from discussing the subject matter separately. The Committee will debate the five amendments en bloc.

Hon JOHN HALDEN: Mr Chairman, will you put the amendments individually?

The CHAIRMAN: I said I would put one question; that is, that the words to be deleted, be deleted, and that refers to amendments C to G.

Hon JOHN HALDEN: A member might want to support one of the amendments and not the others. I accept that the amendments are interrelated and I also accept, Mr Chairman, your invitation to have a wide ranging debate. I would like the Committee to consider the amendments individually.

The CHAIRMAN: My ruling stands and we will take the amendments together because they relate to the definition of "industrial matter". If members consider the amendments to be different the debate can range across these five issues.

Point of Order

Hon JOHN HALDEN: Mr Chairman, although I accept that the amendments deal with the definition of "industrial matter" the question of union dues, the subject of one of the amendments, is a very different issue and should be debated separately. I understand the Government's intent with this definition to remove certain classes of people from it, but then we will have union dues, which really are not, in a strict sense, industrial matters.

Ruling by the Chairman

The CHAIRMAN: The issue of union dues does relate to amendment G. Therefore, the Committee will debate amendment G separately and amendments C to F will be taken en bloc.

Hon JOHN HALDEN: The issue of union dues is covered in amendment C also.

The CHAIRMAN: Order! Amendment G relates to proposed section 7(2) and the other amendments relate to the definition of "industrial matter" in proposed section 7(1). Therefore, those amendments can be taken en bloc.

Committee Resumed

The CHAIRMAN: We are debating amendments C to F, and the question is that the words to be deleted, be deleted.

Hon JOHN HALDEN: I am happy to accept that, Mr Chairman.

We have had a debate about how everything in this Bill must be relevant to the workplace agreements and minimum conditions legislation. The difficulty with this amendment is, what does the removal of union contributions have to do with those pieces of legislation? Presumably, a person who is employed under an award system and a person employed under a workplace agreement can or cannot be a member of a union. Why should this provision, which seeks to remove from "industrial matter" the collection of union dues, be included in the legislation? Mr Foss has argued on a number of occasions that these matters must be relevant.

Hon Peter Foss: Not inconsistent with.

Hon JOHN HALDEN: I accept that. What consistency does having the removal of the contribution of union dues -

Hon Peter Foss: Not inconsistent with.

Hon JOHN HALDEN: I heard the Minister the first time. What connection is there between the workplace agreements and the minimum conditions legislation and not allowing employers to collect union dues as an industrial matter?

Hon Peter Foss: By choice.

Hon JOHN HALDEN: I will come to that. It is clear that this legislation has nothing to do with minimum conditions or workplace agreements. Instead, it is a clear intention on the Government's part to make it more difficult for the unions. Their ability to collect union dues is important to them. To have an effective union, it must be funded properly and the easier it is to collect union dues, the better. There is already a choice and the Minister knows that.

The existing Act does not prohibit an employer from ceasing to deduct union contributions. It enables the Industrial Relations Commission to examine the employer's actions to ascertain whether they are capricious in any way and, if they are, the practice of deducting dues will continue. If they are not, the commission can, under the existing Act, say that the employer's actions are justified; therefore, the union contributions should not be deducted automatically. The element of choice is there, provided, of course, it is not a capricious action. The Minister and this Government like the concept of capricious action. They like the concept of vindictive action. In 1981-82, when the State Government and a number of other employers removed automatic payroll deductions from employees' salaries for union dues, they generally tended to do that when there had been industrial unrest on a particular site, in order to get back at the union, because a number of people obviously would suffer financial hardship or would not be satisfied with the action of the union, so the membership would drop off. They did it also to get at the union for having the temerity to involve itself in industrial unrest. Members may recall that in 1981-82, the Civil Service Association had the temerity to call a stop work meeting and a half day strike, and the Government did not want to put up with that, so out went automatic payroll deductions.

This proposed amendment has nothing to do with workplace agreements and minimum conditions, because under both systems there is choice in regard to, firstly, whether a person joins a union, so if a person does not want to join a union, the issue does not arise; and, secondly, the employer has the ability, through the commission, to not deduct union contributions automatically. This amendment is yet another attack on the union movement. It will make it more difficult for unions, because rather than represent workers in a reasonable way, they will have to go out with docket books, collect the dues and issue receipts. Hon Peter Foss and his advisers know that, and I am sure the Minister for Labour Relations knows that. I am sure he remembers the days when the "missos" used to collect money from whatever was the cleaning company.

Hon Peter Foss: What cleaning company?

Hon JOHN HALDEN: The one operated by the Minister for Labour Relations. This amendment has nothing to do with the legislation before us but is a deliberate attack on the union movement.

Hon PETER FOSS: I find it difficult to understand how anyone can argue that the power to order the compulsory deduction of union dues is an industrial matter. Having heard the passionate defence of the Truck Act, whereby the capacity of the employer to make deductions has been restricted, and rightly so, the unions seem to want to reserve that right to themselves by order of the commission. The fact that it is made an order of the commission seems to make it acceptable that an employer should be required to make a deduction under those circumstances. In each of these cases, it is a matter of choice. The employer should not be required to take on the administrative functions of the union. If a union is unable to get its members to pay their dues, that says something about the union and its members. There should not be an obligation on the employer to collect dues for the union, and to turn it artificially into an industrial matter in the way that has been done is an abuse of the system. I am pleased that employers and employees will have a choice

and that something that should never have been an industrial matter will rightly be redefined to make certain that there is not this abuse.

Hon N.D. GRIFFITHS: I move amendments D and E -

Page 4, lines 3 and 4 - To delete the lines.

Page 4, lines 6 to 10 - To delete the lines.

I respect the decision of the Chairman in regard to the cognate debate of various amendments. The Chairman referred to proposed amendment F. I do not intend to proceed with that amendment, which deals with the placement of a comma and an apostrophe.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): The Chairman has ruled that proposed amendments C, D, E and F will be taken en bloc. You are now indicating that you want only amendments C, D and E to be considered?

Hon N.D. GRIFFITHS: Yes. I will not waste the time of the Committee in regard to amendment F. At the end of the day, nothing turns on it. The issues raised in amendment E are the same as the issues raised in amendment C, and the observations I made about amendment C I make again in regard to amendment E. However, amendment D is a different matter. It deals with a core part of the commission's jurisdiction and with making the definition of "industrial matter" subject to section 7C. That will be a matter of discussion down the track, and the Opposition has foreshadowed an amendment. It is worthwhile pointing out what is behind the words that the Minister proposes to insert and the words that we propose to delete. "Industrial matter" is set out at page 8 of the Industrial Relations Act reprinted as at 12 June 1991.

On that and the following page, and on parts of page 11, many matters are enumerated, including wages, salaries, allowances, hours, matters concerning children, established customs and duties, and rights of an organisation and association. It also includes matters in association with apprentices or industrial trainees, wage rates, or membership or non-membership of an organisation. Also listed are matters pertinent to teachers employed under the Education Act 1928. It is a very large list of matters and it goes to the core of the Industrial Relation Commission's jurisdiction.

Proposed section 7C seeks to remove, in specific terms, from the operation of the commission matters pertaining to workplace agreements. It is part of the crossing of the "t's" and dotting of the "i's" in which the Government is engaging in bringing this legislation to the Chamber. Proposed section 7C(1) reads that where any "employer and any employee are parties to any workplace agreement, a matter that is part of that relationship between that employer and employee is not an industrial matter". Those words do not require amplification; their meaning is clear. When the people of Western Australia realise what they mean, they will take out their retribution on this Government at the next election.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Are you dealing with the amendment to delete the lines or are you dealing with clause 5? The question before the Committee relates to clause 4.

Hon N.D. GRIFFITHS: That is so, Mr Deputy Chairman. I am dealing with clause 4, and I note that the Opposition amendment D on the Notice Paper seeks to delete the reference to proposed section 7C. It is appropriate to explain to the Chamber and, more importantly, to put in the record so the people of Western Australia who are interested in knowing what this legislation is all about, why the Opposition wishes to delete that reference to proposed section 7C as it stands in this Bill. I am not debating the question of proposed section 7C as the Opposition has an amendment to that provision on the Notice Paper, whereby after the deletion of the words it seeks to insert other words. My remarks are pertinent to the deletion of the words.

Proposed section 7C(1)(b), as it is now printed, seeks to remove from the jurisdiction of the Industrial Relations Commission, where people are involved in a workplace agreement, the operations of sections 24(1) and 70J(e) of the principal Act. At this stage

I will not enter into a discussion of the ramifications of that provision; however, it is appropriate that these matters be placed on the record now. Proposed section 7 also canvasses an expensive Roll Royce justice regime which will again be a matter of more detailed comment when we deal with that provision.

Division

Amendments put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (13)		
Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Tom Helm (<i>Teller</i>)
Hon Cheryl Davenport	Hon Sam Piantadosi	
Hon Graham Edwards	Hon J.A. Scott	
Noes (15)		
Hon George Cash	Hon Barry House	Hon R.G. Pike
Hon M.J. Criddle	Hon P.H. Lockyer	Hon B.M. Scott
Hon B.K. Donaldson	Hon Murray Montgomery	Hon W.N. Stretch
Hon Max Evans	Hon N.F. Moore	Hon Derrick Tomlinson
Hon Peter Foss	Hon M.D. Nixon	Hon Muriel Patterson (<i>Teller</i>)

Pairs

Hon Mark Nevill
Hon Doug Wenn

Hon P.R. Lightfoot
Hon E.J. Charlton

Amendments thus negatived.

Hon N.D. GRIFFITHS: The words sought to be deleted are similar but not the same as the words the subject of amendments C and E; the difference is that in this case the Opposition is concerned not about the removal of something that exists in terms of an employer removing the practice of subscriptions being paid, but the removal from the jurisdiction of the commission the right to decide whether the collection by an employer of subscriptions, dues, fees or levies payable to an organisation of employees is not an industrial matter for the purposes of this Act. Following on from the capricious actions of the Labor Government's predecessor which was in power from 1974 to 1983, the Government is seeking to remove from the jurisdiction of the Industrial Relations Commission the capacity to deal with the issue of the collection of subscriptions. This has been an industrial matter for a number of years and has worked well. It will not, I suggest, enhance the peace, order and good government of Western Australia to oppose the amendment. I move -

Page 5, lines 11 to 19 - To delete the lines.

Hon PETER FOSS: When speaking on previous amendments I indicated the Government's attitude and this amendment expresses it precisely, and I have nothing further to add.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Before tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (13)

Hon T.G. Butler
Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Graham Edwards

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Sam Piantadosi
Hon J.A. Scott

Hon Tom Stephens
Hon Bob Thomas
Hon Tom Helm (*Teller*)

Noes (15)

Hon George Cash
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Barry House
Hon P.H. Lockyer
Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon

Hon R.G. Pike
Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Pairs

Hon Mark Nevill
Hon Doug Wenn

Hon P.R. Lightfoot
Hon E.J. Charlton

Amendment thus negated.

Hon N.D. GRIFFITHS: This clause is interesting as it commences by acknowledging the existence of the Government's canvasser. The Opposition thinks it appropriate that the canvasser should be referred to by its correct name in this clause. The clause taken as a whole attacks the foundation of the Industrial Relations Commission. The clause is not deserving of support, unless one happens to be a member of the small minority of people who share the view of the Chamber of Commerce and Industry, namely that we in Western Australia are paid much too much, we are a lazy bunch and our conditions should go down the chute.

Hon Peter Foss: Speak for yourself.

Hon N.D. GRIFFITHS: When I say that, I am speaking for the Minister for Health. He should be a backbencher in the next Liberal Opposition. If he is re-elected, I am sure he will be. The Opposition opposes the clause.

Division

Clause put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Before the tellers tell, I cast my vote with the Ayes.

Division resulted as follows -

Ayes (15)

Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans

Hon Peter Foss
Hon Barry House
Hon P.H. Lockyer
Hon N.F. Moore
Hon M.D. Nixon

Hon R.G. Pike
Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Noes (14)

Hon T.G. Butler
Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Graham Edwards

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Sam Piantadosi
Hon J.A. Scott

Hon Tom Stephens
Hon Bob Thomas
Hon Doug Wenn
Hon Tom Helm (*Teller*)

Clause thus passed.

Clause 5: Part 1A inserted -

Hon N.D. GRIFFITHS: I move -

Page 5, lines 28 to 30 - To delete the lines

If that proposal is acceptable to the Committee, I foreshadow moving -
and substitute the following -

7A. This Act has effect notwithstanding the provisions of the *Workplace Agreements Act 1993*.

We are now discussing the Industrial Relations Amendment Bill 1993, not a Bill for an Act to provide workplace agreements. This is an appropriate moment for the Opposition to place on record the Government's breach of faith to the electorate. It promised choice and asserted once again that it was not Jeffrey Kennett and this was not Victoria. It was supposed to be a choice between the Industrial Relations Commission and a workplace agreements regime. Choice should be a real choice, not that provided by the household Hobson's patriarch - "patriarch" being quite a pertinent word when one comes to describe those in power at the moment and their lack of consideration for many unfortunate people in the work force. I refer to people such as pregnant women who will be deprived of the protection of the industrial relations system and will be open to be exploited under the workplace agreements regime, people who will find themselves deprived of the fair play that is open to them currently but will find themselves subjected to the very nasty regime that those opposite intended to put in place when they deceived the electorate on 6 February 1993.

It is appropriate for the Opposition to place on record once again that the choice being offered by this Government to the employees of Western Australia when it comes to their standards of work, their wages, salaries and conditions and the like, is a take it or leave it approach, a sign or resign approach, an approach which is absolutely unacceptable to the Opposition and which flies in the face of a very successful contribution to the wellbeing of the world; namely, Australian civilisation.

Ruling by the Deputy Chairman

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Order! It has been brought to my attention by the Deputy Clerk that the proposed amendment to section 7A is out of order because it stands in direct opposition to the clause in the Bill.

Hon JOHN HALDEN: We are happy to accept your ruling, Mr Deputy Chairman, but it does not alter our position in regard to the clause, which we will be opposing. Whether or not we can effect an amendment at the end of the day is a matter for the Committee to decide. If this clause is accepted -

The DEPUTY CHAIRMAN: I thought the member had just accepted the ruling that it is out of order.

Hon JOHN HALDEN: It is out of order. But I am suggesting that it is in order for us to oppose the clause.

The DEPUTY CHAIRMAN: Order! The Opposition is at liberty to either oppose or support clause 5. However, we now have before us an amendment to delete part of clause 5 under part 1A, the effect of the Workplace Agreements Act 1993 on this Act. It is my responsibility to determine whether those parts are in order or out of order. I have ruled that that part is out of order. The member can deal with the clause but not the part.

Hon JOHN HALDEN: It might be pertinent if you, Mr Deputy Chairman, made a ruling on the others rather than have us waste the time of the Committee. If you advised us now, we could remove those from the agenda and just discuss the ones that remain.

The DEPUTY CHAIRMAN: I rule the amendment involving 7A out of order. That for 7B is marginal but it does not necessarily expressly contradict the intent of the Workplace Agreements Bill. Therefore I believe it could be debated. I suggest that the intent of the amendment to 7C is out of order, as is that to 7D. That involving 7F is acceptable, except for 5(b). The amendment to proposed section 7G is out of order unless the Opposition is willing to amend it by inserting after the word "may" the words "if the agreement so provides". To make amendment O acceptable the Opposition must insert after the word "may" the words "if the agreement so provides".

Hon JOHN HALDEN: Is it acceptable for the Opposition to move the amendment to proposed section 7B separately from amendments F, N, O, P and Q?

The DEPUTY CHAIRMAN: Yes.

Hon N.D. GRIFFITHS: I move -

Page 6, lines 10 to 15 - To delete the lines and substitute the following -

7B. (1) An employer who is a party to a workplace agreement shall be deemed to be an "employer" as defined in section 7(1), unless the contrary is expressly provided in this Act or in the *Workplace Agreements Act 1993*.

(2) An employee who is a party to a workplace agreement shall be deemed to be an "employee" as defined in section 7(1), unless the contrary is expressly provided in this Act or in the *Workplace Agreements Act 1993*.

The amendment is self-explanatory. I addressed the amendment to proposed section 7B earlier this evening. I do not propose to reiterate those comments; suffice to say it brings one back to the argument of workplace agreements and contracts versus awards, and the Government's breach of faith in failing to provide for proper choice.

Hon PETER FOSS: As Hon Nick Griffiths said, we have already debated this and the Government's position remains constant.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

The DEPUTY CHAIRMAN (Hon Derrick Tomlinson): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (14)

Hon T.G. Butler
Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Graham Edwards

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Sam Piantadosi
Hon J.A. Scott

Hon Tom Stephens
Hon Bob Thomas
Hon Doug Wenn
Hon Tom Helm (*Teller*)

Noes (16)

Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Barry House
Hon P.H. Lockyer
Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon
Hon R.G. Pike

Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Amendment thus negated.

Hon N.D. GRIFFITHS: I understand from the ruling of the Deputy Chairman that it would be in order for me to move amendment M in the name of Hon John Halden.

The CHAIRMAN: Order! It is in order for the member to move the amendment as long as he does not include proposed new subsection (5)(b).

Hon N.D. GRIFFITHS: I move -

Page 9, line 6 to page 10, line 14 - To delete the lines and substitute the following -

7F. (1) Notwithstanding the provisions of section 7D, a party to a workplace agreement may refer to the Commission for determination any

question or dispute that has arisen between the parties to the contract about the meaning or effect of the contract, including any provisions implied in the agreement by the *Minimum Conditions of Employment Act 1993*.

(2) In allocating the work of the Commission under section 16, the Chief Commissioner is to allocate any matter referred for determination under this section to a Commissioner.

(3) If the parties have requested that a particular Commissioner should make the determination, the Chief Commissioner may in his discretion allocate the matter to that Commissioner or to another Commissioner.

(4) If the Chief Commissioner considers that it is not practicable to comply with that request, he is to notify the parties of that fact.

(5) Where a question or dispute is referred to the Commission under subsection (1) the Commission shall determine the meaning or effect of the contract.

The first words that we wish to delete are those in proposed new section 7E. Section 114 is one of the most important sections in the Industrial Relations Act. The employees of Western Australia will not be minded if they have any free choice to enter into a workplace agreement if they are aware of what they are losing because section 114 of the Industrial Relations Act relates to the prohibition of contracting out. I think it is appropriate for those employees of Western Australia who may read *Hansard* to have the benefit of reading section 114 of the Industrial Relations Act which states -

(1) Subject to this Act, a person shall not be freed or discharged from any liability or penalty or from the obligation of any award, industrial agreement or order of the Commission by reason of any contract made or entered into by him or on his behalf, and every contract, insofar as it purports to annul or vary such award, industrial agreement or order of the Commission, shall, to that extent, be null and void without prejudice to the other provisions of the contract which shall be deemed to be severable from any provisions hereby annulled.

(2) Each employee shall be entitled to be paid by his employer in accordance with any award, industrial agreement or order of the Commission binding on his employer and applicable to him and to the work performed, notwithstanding any contract or pretended contract to the contrary, and the employee may recover as wages the amount to which he is hereby declared entitled in any court of competent jurisdiction, but every action for the recovery of any such amount shall be commenced within 6 years from the time when the cause of action arose, and the employee is not entitled to recovery of wages under this subsection and otherwise, in respect of the same period.

To oppose the deletion of the words is to deprive the employees of Western Australia of real protection and real choice. Proposed new section 7E goes to the heart of the Government's industrial relations program. The proposed section is capricious in its intent and is nasty, in keeping with that which the Government has put before us for several sitting hours now.

The balance of the words which the Opposition believes should be deleted are set out on pages 9 and 10 of the Bill and they provide for a very restrictive process for the Industrial Relations Commission to engage in. They provide for the commissioner's role to be far less than his current role. These words are part and parcel of the commission's death by 1 000 cuts, as Hon John Halden so eloquently put it when he was referring to the Government's approach to this Bill as a whole. It was a cutting appraisal of this Bill and the deafening silence of the members behind the Minister for Health is testimony to these cutting words used by Hon John Halden.

This clause is consistent with what the Government has done with a previous industrial relations Bill which this Committee has disposed of. Of course, that gives members on this side of the Chamber no comfort.

In a very real sense the Government is offering the Opposition a Clayton's provision. For example, it is saying to the employees, the good employers of Western Australia, of which there are many, and to the people of Western Australia that the commission is still alive and well. I suggest that is misleading because this clause is part of the slow death of the commission which the Government has in mind. I understand a commissioner not so recently retired has not yet been replaced. That foreshadows what the Government is all about: It is not Jeff Kennett, because he cut out the award system in one go; it is Richard Court because he will give it the death of a thousand cuts - I will use that terminology in the future when I am describing this Bill.

Hon PETER FOSS: As Hon Nick Griffiths indicated, this clause is entirely consistent with the policies of the other industrial relations Bills and to vote against it would be to deny the policies of those Bills. I support the clause as it stands and not as proposed by the amendment.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (14)

Hon T.G. Butler
Hon Kim Chance
Hon J.A. Cowdell
Hon Cheryl Davenport
Hon Graham Edwards

Hon N.D. Griffiths
Hon John Halden
Hon A.J.G. MacTiernan
Hon Sam Piantadosi
Hon J.A. Scott

Hon Tom Stephens
Hon Bob Thomas
Hon Doug Wenn
Hon Tom Helm (*Teller*)

Noes (16)

Hon George Cash
Hon E.J. Charlton
Hon M.J. Criddle
Hon B.K. Donaldson
Hon Max Evans
Hon Peter Foss

Hon Barry House
Hon P.H. Lockyer
Hon Murray Montgomery
Hon N.F. Moore
Hon M.D. Nixon
Hon R.G. Pike

Hon B.M. Scott
Hon W.N. Stretch
Hon Derrick Tomlinson
Hon Muriel Patterson (*Teller*)

Amendment thus negatived.

The CHAIRMAN: Before members resume their seats I point out that Standing Order No 211 provides that when a vote is taken every member present shall vote. That means the members who are within the confines of the Chamber - that is, within the area of this Chamber from the doors behind me to the Bar - shall vote.

Hon N.D. GRIFFITHS: I move -

Page 10, lines 16 to 18 - To delete the lines.

This amendment deletes proposed section 7F(7) which states, "Section 49(2) does not apply to a determination made by the Commission under this section." Section 49(2) states that subject to this section, the appeal lies to the Full Bench in the manner prescribed from any decision of the commission. The method of appeal, as set out in section 49(2), is a method which provides for a reasonable degree of access. It is a method preferable to that which would otherwise operate. I suggest the alternative method would be a mechanism under the Commercial Arbitration Act of 1985. In dealing with the matters which would come before the Full Bench, there are the advantages of lay advocates appearing, and the Full Bench having the power to vary a decision of the commission and to remit matters back to the commission for further consideration. Decisions of the commission may be stayed, wholly or in part, pending the hearing and determination of the appeal. The appeal may be taken to the Full Bench on the grounds of the commissioner erring in fact or in law. The regime under the

Commercial Arbitration Act is more difficult for employees - in fact for anyone - to deal with. It is more legalistic and more restricted. The Commercial Arbitration Act 1985 in part V on page 24 sets out the procedure, which involves going to the Supreme Court. It is restricted in its jurisdiction and it is restricted by the wording of section 38(1) and (2). It sets out in section 38(1) -

Without prejudice to the right of appeal conferred by subsection (2), the Court shall not have jurisdiction to set aside or remit an award on the ground of error of fact or law on the face of the award.

I invite the Committee to contrast that with the observations I made about what can be done under the current industrial relations system. Section 38(2) states -

Subject to subsection (4), an appeal shall lie to the Supreme Court on any question of law arising out of an award.

Those who will suffer as a result of the Government's proposal can be aware of the relevance of this Government's position. I think it appropriate to refer to section 38(4) which sets out a fairly restricted regime -

An appeal under subsection (2) may be brought by any of the parties to the arbitration agreement -

(a) with the consent of all the other parties to the arbitration agreement;

That is lovely stuff for employees in an unequal bargaining regime. It continues -

(b) subject to section 40, with the leave of the Supreme Court.

Section 40 in its terms is restricted. The regime that this Government is imposing is restrictive and legalistic. It is, once again, perhaps not so much an invitation, but the Government saying to employees that if they are to get justice they will not have the efficient mechanisms of the Industrial Relations Commission but will have a Rolls Royce regime that the Minister for Health has attacked in other contexts, although I note not very recently. When it comes to those who cannot afford to pay, and those who are reliant on a fair system to justify their wherewithal so that they can live their daily lives in a civilised, proper, Australian way, this Government and, I regret, this Minister are not concerned at all to provide them with access to a just result at reasonable cost. They are not concerned about ordinary people; they have made it quite clear and these particular matters are yet another example of their approach.

Hon PETER FOSS: Hon Nick Griffiths has misunderstood the whole nature of this amendment. It is a facilitating amendment to tie in with something dealt with in the Workplace Agreements Bill, which allows commissioners to act in this respect. This must be in place to make certain that, having conferred that capacity on the commissioners, they are able to carry it out under this Bill. It is not appointing the commissioners as commissioners, but naming them to allow them to carry out that function. The remaining provisions are to ensure that while carrying out that function there can be no doubt that, despite the fact they have been named as the people to carry out the function, the rules apply as they would to people other than the commissioners. It puts the situation beyond doubt, but it can be seen from a proper reading of the Workplace Agreements Act, and recognising that it is an appointment *eo nomine* rather than an appointment for the commission to act as the commission, that it would follow in any event. To raise it in this context as though we are providing some deprivation of the system is to misrepresent the amendment altogether.

Hon N.D. GRIFFITHS: I have no desire to misrepresent the Minister's position. This is part of the exercise of the Government crossing the "t's" and dotting the "i's". It is drawing together the last links in the chain of servitude so that our fellow Western Australians can be put down by the Government's unjustified industrial relations regime.

Division

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows -

Ayes (14)		
Hon T.G. Butler	Hon N.D. Griffiths	Hon Tom Stephens
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon A.J.G. MacTiernan	Hon Doug Wenn
Hon Cheryl Davenport	Hon Sam Piantadosi	Hon Tom Helm (<i>Teller</i>)
Hon Graham Edwards	Hon J.A. Scott	
Noes (16)		
Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.H. Lockyer	Hon W.N. Stretch
Hon M.J. Criddle	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon N.F. Moore	Hon Muriel Patterson (<i>Teller</i>)
Hon Max Evans	Hon M.D. Nixon	
Hon Peter Foss	Hon R.G. Pike	

Amendment thus negated.

Hon N.D. GRIFFITHS: I move -

Page 10, line 20 to page 11, line 3 - To delete all words after "(1)" and substitute the following -

Where a person who was a party to a workplace agreement as an employee claims to have been unfairly dismissed from employment, the person dismissed may, if the agreement so provides, within the time allowed by section 29(3), refer the claim to the Commission for determination.

The first aspect that causes concern is that we will have in place two regimes of decision making. We have in place an Industrial Relations Commission, which does the job fairly well, and the Government is proposing to set up another regime. Secondly, I suggest that the Government is engaging in a not so slow strangulation of the Industrial Relations Commission. I promised Hon John Halden that in future I would refer to it as the death of a thousand cuts. I look forward to the Government's support for the proposed amendment.

Hon PETER FOSS: This is a somewhat futile amendment. It is now in accordance with the current wording, except that it takes out the capacity to refer an unfair dismissal. The amendment seems to be a waste of time.

Amendment put and negated.

Hon N.D. GRIFFITHS: I move -

Page 11, line 13 - To insert after "7F;" the word "and".

Amendment put and negated.

Hon N.D. GRIFFITHS: I move -

Page 11, lines 14 to 27 - To delete the lines and substitute the following -

- (b) an appeal to the Full Bench of the Commission from a determination under section 7F and the practice and procedure to be followed on an appeal.

The Opposition's view on these matters has been made known to the Government, and the Opposition has made it known to the people of Western Australia that we prefer the time honoured practices and procedures of the Industrial Relations Commission to what the Government is suggesting.

Amendment put and negated.

Clause put and passed.

Progress

Progress reported and leave given to sit again, on motion by Hon Peter Foss (Minister for Health).

**VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS
AMENDMENT BILL**

Report

Report of Committee adopted.

Third Reading

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and returned to the Assembly with an amendment.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON E.J. CHARLTON (Agricultural - Minister for Transport) [12.03 am]: I move -

That the House do now adjourn.

Adjournment Debate - Answers to Questions, Standard Concern

HON J.A. SCOTT (South Metropolitan) [12.04 am]: I am concerned about the standard of answers to questions I have received in this Chamber. The answers point to either a lack of understanding of the various Ministers' portfolios or, even worse, a cynical approach which is meant to mislead the House. To give an example of the type of answers to which I refer, part (1) of question 752 to the Minister for Education representing the Minister for the Environment reads -

Is the Minister aware that the Peel Inlet is a wetland of international significance which Australia has promised to conserve especially as a waterfowl habitat under Ramsar Convention?

The answer was -

I am aware that areas adjacent to the Peel Inlet are covered under the Ramsar Convention. This convention specifically excludes land owned in freehold, that is, privately owned land.

However, the information which came from the Australian National Parks and Wildlife Authority in correspondence with the Environmental Protection Authority states -

In reference to the Ramsar Convention, the CER states "... it should be noted that the convention excludes land that it is in private ownership and therefore does not directly apply to the subject land", (p.75). This statement is incorrect. The Ramsar Convention does not exclude privately owned land from inclusion within Wetlands of International Importance and in Australia there are a number of sites that do -

Hon Peter Foss interjected.

HON J.A. SCOTT: It says that the statement is incorrect. The Ramsar convention does not exclude privately owned land.

Hon Peter Foss: You should read that again. What you are saying is incorrect.

HON J.A. SCOTT: I have a few of the Minister for Health's mistakes here too. I will refer to them in a while. Further on the document reads -

However, such action does not diminish the responsibility of the Western Australian Government to ensure that any action taken on land adjoining a Ramsar site does not impact adversely on the Wetland of International Importance.

In the CER it is also suggested that the waterbird populations will adapt to a greater level of disturbance, both during and after the construction phases. It should be noted that in the event that a site becomes less suited to waterbirds,

Australia would be expected to re-assess the Ramsar listing of the site as well as justify the action taken to the Governments of both China and Japan, as prescribed under the respective Migratory Birds Agreements.

That is pretty clear. Returning to question 752, part (6) reads -

The coalition parties promised, prior to the 1993 State election, to give unprecedented attention to the protection of wetlands and the environment, will this promise be honoured in the case of the Creery Wetlands?

The answer was -

The most important area of the Creery wetlands was identified through the EPA's System 6 study. There have been no proposals to develop that land, and the Government is committed to its protection. Adjacent to the Mandurah by-pass road is some high land which does not have wetland values. In between this land and the area included within the System 6 area is some low lying samphire land which has conservation value in some parts. Some other parts of the area are presently degraded. The current proposal by the landowner is to cede free of cost and to manage on behalf of the State free of cost for a period of five years approximately half of this land as well as all the privately owned land covered by the System 6 recommendation.

However, the advice from the Australian National Conservation Agency to the Minister for the Environment states -

The basis of the EPA's conclusion that the development can proceed is partly based on the "... intention of the State Government not to purchase Area B ...". It is not clear why this "intention" is relevant to an assessment of environmental impacts as expected under the Consultative Environmental Review process. The role of the EPA must be to provide an informed assessment of the environmental issues at stake, not to take account of the possible actions of government. The EPA has agreed that for Area B, it would be "... environmentally preferable if these values be protected" ... It should therefore recommend that no development take place on that area.

Whilst the area to be ceded to the Crown for conservation purposes contains "healthy samphire wetlands", so also does part of the area proposed for development. Consistent with its submission to the EPA of 6 July 1993 this Agency contends that the proposed destruction of any of the samphire wetland in this area is unacceptable in environmental terms.

Once again, the situation is clear. A number of other references have been made to this point. So, we have here a Minister trying to say that this land has no conservation value, yet it obviously has.

Hon Peter Foss: But you think you are clear and he is not.

Hon J.A. SCOTT: I think that the Australian National Parks and Wildlife Authority has it correct that the Minister is trying to make it sound as though the land is not worth having. That organisation says the land is part of the wetland. If the Minister for Health would like to read the whole document he will note that it is even more scathing in other areas.

Hon Derrick Tomlinson: It could be tabled.

Hon J.A. SCOTT: I am happy to table it.

The PRESIDENT: Order! The member's time is just about up. Let him finish.

Hon J.A. SCOTT: Hon Peter Foss is worried about the answers from the Minister representing the Minister for the Environment.

Hon Peter Foss: I am not worried about his answers; I am worried about your garbled explanation.

Hon J.A. SCOTT: Members should listen to Hon Peter Foss' answers given to this

House. I asked the Minister to outline how the Budget cuts to the Alcohol and Drug Authority would affect the community and regional services. He replied -

I am not aware of the Budget cuts to which the member was referring. If he could refer me to them, I may be able to obtain the appropriate response.

I have since discovered that the Minister tabled a document following the Estimates Committee, at which somebody asked him -

What problems will your department/agency experience as a result of this year's Budget allocation?

The Minister replied -

The Authority will be faced with a major budget reduction plan, the implementation of which will cause the authority to embark on a future organisational restructure.

Obviously, the Minister does not read the documents.

Hon Peter Foss: I said that the member should tell me which cuts he was referring to. The member seems to want everybody to work out his answers for him.

Hon J.A. SCOTT: I asked another question as follows -

- (1) Are the staffing levels of the Alcohol and Drug Authority to be reduced?
- (2) If so, will they be from the executive levels within the administration or from the staff who interact with those using the authority's services?

The answer was -

I am not aware of that. I will take that question on notice.

Again, the same document indicates that the Minister obviously knew the answers before giving his answer to the House.

Hon Peter Foss: What rubbish!

Hon J.A. SCOTT: It is not rubbish at all.

Hon Peter Foss: If I said I do not know, that is the truth. This is a lot of nonsense!

Hon J.A. SCOTT: A question in the Estimates Committee concerned the anticipated effect of the rejection or discontinuation of these programs and functions. The answer was -

Services by the central team will cease. This will reduce the availability of resources to provide services . . .

Hon Peter Foss: This is codswallop. You want me to recite every answer provided to me by my department for the last six months!

[The member's time expired.]

Hon TOM STEPHENS: I move -

That the member's time be extended.

The PRESIDENT: If the member reads standing orders, he will find that that cannot be done.

Hon TOM STEPHENS: Can I move that so much of standing orders be suspended to allow the speech to continue?

The PRESIDENT: No.

Adjournment Debate - Hamersley Iron Pty Ltd, Locomotives Contract

HON TOM HELM (Mining and Pastoral) [12.13 am]: The House should not adjourn until it understands why I asked a question of the Minister for Transport this afternoon. In doing so I refer to a letter written by the Metal and Engineering Workers Union to the Premier of this State dated 1 November. It reads -

It is with some concern that I write this letter to you and seek your support in maintaining work for WA manufacturers.

The following is the sequence leading up to this letter.

The PRESIDENT: Order! When the member is addressing the Chair all audible conversation must stop.

Hon TOM HELM: The letter continues -

A contract to manufacture and commission 29 locomotives for Hamersley Iron was won by a WA company called Goninan West Australia, one of the biggest manufacturers of rolling stock in Australia.

While the local company may have won the contract in real terms, the only work they were able to secure was the commissioning of the Locomotives because Hamersley Iron had written into their contract the following:

"The supplier shall supply, deliver and commission 29 new, USA-built General Electric-9-44 w units in accordance with this agreement."

Hon Tom Stephens: The Minister for Employment and Training went to sleep.

Hon TOM HELM: The letter continues -

It would be an extremely valuable exercise if I could meet with you to discuss not only this blatant disregard for local industry but also similar issues of concern.

I would also like the House to be aware of a letter written to the Secretary of the Trades and Labor Council, which reads -

The M.E.W.U. seeks, as a matter of urgency, to have listed the matter of Hamersley Iron and their refusal to have 29 locomotives worth \$90m. manufactured in Western Australia - or even Australia.

It is the view of this union that Hamersley Iron is not concerned with creating jobs in Western Australia, the State from which Hamersley/C.R.A. has reaped millions in profits. Accordingly, we seek Council support for the following resolution.

- . That the TLC fully support the manufacture and commissioning in Western Australia of the 29 locomotives for Hamersley Iron.
- . That the TLC call upon the Premier of Western Australia to intervene in the matter and to save hundreds of jobs and the expertise built up over the years in this field.
- . That the TLC also call on Hamersley to modify its delivery schedule in order to have the work done in Western Australia.
- . That the TLC requests all of its affiliates to assist, if possible, in any action to support retaining the work in Western Australia.
- . That the TLC, as a matter of urgency, seeks to hold meetings with Hamersley and, if necessary, for this to be done with the ACTU.

Yours fraternally,

John Sharp-Collett,
State Secretary, MEWU

Hon P.H. Lockyer: He is the bloke who is about to be knocked out by one of your mates. He is doomed!

Hon TOM HELM: I will address my remarks to the Chair because the member who represents the area that I also represent is more concerned about the election within the metalworkers' union than the export of \$90m-worth of work overseas.

Hon P.H. Lockyer: It is freedom of choice.

Hon TOM HELM: The member suggests that freedom of choice decides the matter with

Hamersley Iron. However, the Minister for Transport has closed the Midland Workshops, which might have had the ability to build those locomotives.

Hon E.J. Charlton: Not even in your dreams do you believe that!

Hon TOM HELM: Maybe the Minister does not care. I asked the Minister whether he knew these locomotives would be manufactured overseas, and he said that he did not know. When the Minister was asked whether he would do anything about it, he told the House that it had nothing to do with him because it involved private enterprise. Nevertheless, this company is part of agreements between the Government and iron ore producers.

I now quote from a press release from the metal workers in this regard -

General Electric (America) representative said while visiting Western Australia to inspect Goninan's facilities, "you guys are producing a Rolls Royce product at a Holden price."

That does not worry this Government or Hamersley Iron. That company's sole concern is to take iron ore from this State and take its money overseas.

Hon E.J. Charlton: Why do you go up there and work then?

Hon TOM HELM: I cannot have two jobs. The Minister may want two jobs.

Hon E.J. Charlton: To get you mob to do one would be enough.

Hon TOM HELM: We will see tomorrow how well the Minister can do his job.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

Hon A.J.G. MacTiernan: They work in real estate, lunch bars, you name it.

The PRESIDENT: Order! When members start to give some indication that they will act with a little decorum, I will let the member recommence his speech. I do not know whether it is because it is past midnight that members act as though they were stark raving mad. However, if they carry on as they have been, they will invoke my wrath. As I said the other day, it is a little late in the sitting to toss a member out of the Chamber; we have three minutes and 22 seconds to go. Therefore, I will not take that course of action. However, if anybody believes I cannot take that action and continue to apply it tomorrow, he or she is in for a big shock.

Hon TOM HELM: I also bring to the attention of the House that tomorrow at 1.00 pm members of the Metal and Engineering Workers Union and other unions will demonstrate outside Hamersley House. They will draw attention to the following questions: Where is the sense of patriotism and loyalty in the management of the companies that are growing wealthy exploiting Australia's resources, yet seem to have no sense of justice in ensuring that other Australians also benefit from this exploitation? Why should unions bring this to the attention of the people of the State? Why should it also be the workers, the ones who are at the bottom end of the scale, rather than the people who make the money, the mates of the people sitting on the Government benches, those who are half asleep or have fallen asleep who really do not care what happens in this country or this State when it comes to some downstream processing using our resources, who are affected?

An Opposition member: The Minister for Employment and Training.

Hon TOM HELM: My colleague is right. There seems to be no regard from two of my colleagues who represent the area for the facts that the resources are taken from that part of the State and there is no continuation of the thrust to downstream process those resources to provide jobs, skills, and to maintain those skills. Those two members sit like dumbbucks while the Minister for Transport closes down some parts of the State that are not in their electorates, whose facilities provide some of the skills and expertise that will be needed by young people in the future.

Hon N.F. Moore: They are thinking about the past 10 years of inactivity of your Government. You did nothing for the past 10 years - absolutely nothing!

Hon TOM HELM: It is a disgrace that the Premier of this State and the Ministers in this place are members of the Government which represents the same area.

The PRESIDENT: Order! I have already warned members. If Hon Sam Piantadosi does not like the seat that he usually sits on, he should remove himself from the Chamber. It is against the standing orders to lounge behind the benches. He should make up his mind about whether he conforms to my request or whether he sits in his seat; but he cannot stand where he is standing. Perhaps that will prevent the member behind whom he is standing from talking to him.

Hon TOM HELM: I will use the final 10 seconds allocated to me to add my congratulations to the Metal and Engineering Workers Union for bringing this matter to the attention of the people and ask that as many members of this place as possible attend the demonstration outside Hamersley House tomorrow.

Adjournment Debate - Hon Sam Piantadosi, Behaviour Clarification

HON SAM PIANTADOSI (North Metropolitan) [12.22 am]: It was not my intention to speak; however, I must clarify a point. The only reason I was lounging behind Hon Phil Lockyer was that he was being unruly. I thought I would give some assistance in trying to bring about a bit of order. We all know about his background and that he can get out of hand. When I listened to Hon Jim Scott it was apparent that he was not getting a fair go. All we could hear was some innuendo from Hon Phil Lockyer. With the member for the Mining and Pastoral region, Hon Tom Helm, Hon Jim Scott was supporting his electorate and talking of the plight faced by many people who live there. He needed to be able to do that without being heckled by Hon P.H. Lockyer. That is the reason I was standing behind him to try to give him a bit of guidance.

The PRESIDENT: Order! I certainly do not need any assistance.

Hon T.G. Butler: His heart is in the right place.

Hon SAM PIANTADOSI: I just wanted to lend a little moral support.

Question put and passed.

House adjourned at 12.24 am (Wednesday)

QUESTIONS ON NOTICE

**STATE GOVERNMENT INSURANCE COMMISSION - MOTOR VEHICLE
LICENCE RENEWAL FORMS**

"\$50 - Third Party Insurance Levy for WA Inc Losses 1988-92", Responsibility

887. Hon N.D. GRIFFITHS to the Minister for Finance:

With respect to the Minister's answer to question on notice No 549 who decided to include the wording referred to in question without notice No 303?

Hon MAX EVANS replied:

I refer the member to question on notice 860.

**GOVERNMENT DEPARTMENTS AND AGENCIES - CASH MANAGEMENT
STRATEGIES, PROBLEMS; REVIEW**

920. Hon TOM STEPHENS to the Minister for Finance:

- (1) Have any problems with cash management strategies been identified in regards to any Government departments or agencies in Western Australia?
- (2) If yes, within which departments or agencies?
- (3) In view of recent problems in the area of public hospitals in New South Wales as highlighted by an Independent Commission Against Corruption report in that State, and in view of the recommendation by the NSW Treasury to tighten cash management in all public institutions, will the Minister ask for a review of the cash management strategies in all Western Australian public institutions to assess their reliability and effectiveness?

Hon MAX EVANS replied:

- (1) Not to my knowledge.
- (2) Not applicable.
- (3) No. The ICAC report focuses primarily on cash handling arrangements. The controls laid down in the Financial Administration and Audit Act and Treasurer's Instructions are considered adequate to ensure that effective cash handling and cash management strategies are applied to public moneys. Those controls are subject to review by the Office of the Auditor General and by internal audit units within agencies. Also, cash is becoming a relatively less frequent medium of exchange.

**MINISTERIAL OFFICES - MINISTER FOR COMMUNITY DEVELOPMENT
*Budget Allocation for Office Operations***

958. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) What is the Budget allocation for the operation of the Minister's office for 1993-94?
- (2) Could the Minister provide a break down of this Budget?
- (3) What has been the actual expenditure up to 30 September 1993 in the -
 - (a) relocated area; and
 - (b) ministerial office area?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following answer -

- (1) \$141 500.

- (2) Priorities yet to be finalised.
- (3) The member's question is unclear. If the member could be more specific I will provide him with a response.

**AGRICULTURE, DEPARTMENT OF - MURDOCH UNIVERSITY
VETERINARY SCHOOL, RADIOACTIVE TESTS ON ANIMALS OR PLANTS**

975. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

Further to question on notice 524 of 17 August 1993 to the Minister for the Environment -

- (1) Does the Department of Agriculture carry out experiments on animals and/or plants using radioactive traces?
- (2) Does the Murdoch University veterinary school carry out experiments on animals using radioactive substances?
- (3) If yes to parts (1) and (2) -
 - (a) how are these plants and/or animals disposed of following completion of the experiments and where are they disposed of; and
 - (b) are any wastes contaminated with tritium and carbon 14 disposed of at the Stephenson and Ward incinerator in Welshpool?
- (4) If yes -
 - (a) does this incinerator meet the guidelines of the State's Radiation Council; and
 - (b) would the Minister table those guidelines?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

I am advised as follows -

- (1) Not currently; however, there has been research in the past.
- (2) Yes - small amounts of low level isotopes, some containing C14 and tritium.
- (3) (a) Department of Agriculture - incinerated in its own facility at South Perth, or deep buried on a country research station; Murdoch University - incinerated in its own facility.
- (b) No.
- (4) Not applicable.

**CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF -
EXECUTIVE DIRECTOR, CONTRACT EXPIRY DATE; SALARY
*Logs, Underpriced Criticisms***

1035. Hon J.A. SCOTT to the Minister for Education representing the Minister for the Environment:

- (1) When does the current employment contract of the Executive Director of the Department of Conservation and Land Management expire?
- (2) Is the Minister aware of the serious criticisms in the second McCarrey report of the way CALM has underpriced logs from both native forests and State-owned pine plantations?
- (3) (a) What is the current total salary package of the Executive Director of CALM; and

(b) would the Minister provide a breakdown of the package?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

- (1) Dr Shea is a permanent public servant. His contract of appointment as Executive Director expires on 9 November 1994.
- (2) The recommendations of the Commission to Review Public Sector Finances will be the subject of detailed examination by a Cabinet subcommittee established for that purpose. However, it should be noted that CALM does not set sawlog royalties.
- (3)
 - (a) \$144 722 per annum.
 - (b)

Remuneration	\$123 513
Telephone rental	250
Motor vehicle	8 609
Superannuation contributions	12 350

FUN CITY FESTIVAL - BOARD MEMBERS

1094. Hon REG DAVIES to the Minister for Racing and Gaming:

Will the Minister supply me with a list of board members, both current and former, of Fun City Festival charitable organisation?

Hon MAX EVANS replied:

The Gaming Commission Act only requires an applicant organisation to nominate on the application form the permit holder and others who will be responsible for the proper conduct of the lottery. Accordingly, the following persons were nominated by Fun City Festival Inc on 30 November 1990 -

Jenny Michalczyk - permit holder
 Gary Price - treasurer
 Chaz Maizey
 David Casella

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - PRODUCTIVITY IMPROVEMENT, BY STATE

1132. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

Would the Minister provide comparative data on SECWA's productivity improvement over the last 10 years compared with similar authorities in other States?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

A recent report undertaken by independent consultants, London Economics, for the Electricity Supply Association of Australia reviewed productivity changes in the industry for the period 1981-82 to 1990-91 using the technique known as total factor productivity. Cumulative productivity changes for each segment of industry, by State, over the 10 year period were as follows -

	Generation	Transmission	Distribution
NSW	29.95	81.08	42.19
Victoria	33.99	75.08	32.81
Queensland	32.41	69.97	44.72
South Australia	4.47	-22.78	-18.93
Western Australia	40.28	5.58	68.53

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA -
PERFORMANCE AGREEMENT, NEW TARGETS**

1133. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) What progress has SECWA achieved in meeting the performance targets set out in the performance agreement entered into with the State Government in 1990?
- (2) Have new targets been developed?
- (3) If so, what are those targets and over what period will they be required to be achieved?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

- (1) SECWA has achieved or exceeded nearly all the targets set out in the 1990 performance agreement with State Government. In particular -

Performance Measure	Target 1993	Actual 1993
1. Financial Targets -		
Return on revenue (%)	4.5	5.8
Return of assets (%)	2.2	2.6
Fixed assets to debt (%)	100	99
Cost to assets ratio (%)	43	43
Free cash flow (%)	33	40
Internal Funding (%)	45	167
Interest cover (times)	1.5	1.7
Real cost (total sales, 1992-93 ¢/kWh)	3.80	3.98
2. Service Targets -		
Generation plant availability (%)	85.0	85.2
Minutes of electricity supply lost per customer per annum	250	107
3. Tariffs -		
Cumulative tariff increase since 1990		
Residential customers (%)	18.26	10.06
Commercial/industrial customers (%)	18.26	4.19
4. Return to Government -		
Levy (%)	3	5

- (2)-(3) SECWA has developed new targets and these, along with the specific performance measuring, are contained in the 1993-1996 corporate plan.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - POWER
PURCHASED FROM PRIVATE SECTOR GROUPS**

1134. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

- (1) From which private sector groups does SECWA purchase power?
- (2) What is the source and amount of power purchased from each supplier?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

- (1) SECWA purchases power from -
 Robe River Iron Associates
 Hamersley Iron

Alcoa of Australia
 Central Norseman Gold
 Worsley Alumina
 Western Mining Corporation
 Landfill Gas and Power

- (2) Robe River Iron Associates: Cape Lambert power station (Pilbara) about 360 GWh pa.
 Hamersley Iron: Dampier power station (Pilbara) about 50 GWh pa.
 Alcoa of Australia: Kwinana, Wagerup and Pinjarra refineries about 15 GWh pa.
 Central Norseman Gold: Norseman about 4.4 GWh pa.
 Worsley Alumina: Collie about 24 GWh pa.
 Western Mining Corporation: Laverton about 3.8 GWh pa.
 Landfill Gas and Power: Redhill estimated 6 GWh pa.

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ELECTRICITY
 TARIFFS AND CHARGES, CHANGES; INCREASE OR DECREASE**

1135. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:

- (1) What changes have been made to electricity tariffs and charges since the end of the 1988-89 financial year?
 (2) What is the estimated percentage increase or decrease in charges in (1)?

Hon GEORGE CASH replied:

The Minister for Resources Development has provided the following answer -

- (1) Tariff restructuring for non-domestic customers undertaken since the end of 1988-89 include -
- (a) introduction of "R1" time-of-use tariff;
 - (b) restructure of ST&U time based demand and energy tariffs. In particular, removal of daily supply charge and introduction of minimum daily charge and the reduction in the "demand" component of charges in these tariffs;
 - (c) phasing out of lower priced step within various tariff classes for very large consumers (ie, L and M tariffs). Subsequently, most large customers have changed to time-based tariffs; and
 - (d) reduction of tariffs for small customers unable to take advantage of time of use tariffs - reductions of up to 15 per cent.
- (2) Average increases in tariffs since 1988-89 to SECWA customers are as follows -

Year	Residential	Commercial/Industrial
1990	7.9%	7.9%
1991	2.0%	2.0%
1992	0.0%	2.0% reduction
1993	0.0%	3.4% reduction

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - PROFIT

1136. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What was the profit of SECWA in each financial year since the end of the 1988-89 financial year?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

	\$m
1988-89	(28.7)
1989-90	28.6
1990-91	36.0
1991-92	70.8
1992-93	101.0

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - UNHEDGED
FOREIGN DEBT PERCENTAGE**

1137. Hon MARK NEVILL to the Leader of the House representing the Minister for Resources Development:

What was the percentage of unhedged foreign debt in each financial year since the end of the 1988-89 financial year?

Hon GEORGE CASH replied:

The Minister for Resources Development has provided the following answer -

As at 30 June -

1989	18.5%
1990	17.2%
1991	17.2%
1992	3.3%
1993	3.6%

Since the end of the 1992-93 financial year SECWA's unhedged foreign debt has been reduced to nil.

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - DEBT LEVEL

1138. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What was the debt level of SECWA in each financial year since the end of the 1988-89 financial year?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

As at 30 June	\$m
1989	3 809
1990	3 909
1991	4 050
1992	3 940
1993	3 878

**STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - ENERGY
SALES PER EMPLOYEE**

1139. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What were SECWA's energy sales per employee in each year since the end of the 1988-89 financial year?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

Figures for energy sold per SECWA employee over the past five years are as follows -

1988-89	6.5 GWh
1989-90	7.1 GWh
1990-91	7.2 GWh
1991-92	7.9 GWh
1992-93	8.4 GWh

STATE ENERGY COMMISSION OF WESTERN AUSTRALIA - LOST TIME INJURY RATE

1140. Hon MARK NEVILL to the Leader of the House representing the Minister for Energy:

What is the lost time injury rate for SECWA in each year since the end of the 1988-89 financial year?

Hon GEORGE CASH replied:

The Minister for Energy has provided the following answer -

SECWA's lost time frequency rate for the past five years is as follows -

1988-89	48
1989-90	41
1990-91	43
1991-92	35
1992-93	19

AUDITOR GENERAL - GOVERNMENT DEPARTMENTS AND AGENCIES, MANAGEMENT LETTERS ADDRESSED TO CHIEF EXECUTIVE OFFICERS

1141. Hon TOM STEPHENS to the Minister for Education representing the Minister for Commerce and Trade:

Could the Minister advise which of his chief executive officers within his portfolio have received from the Auditor General management letters for the 1992-93 financial year?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

It is assumed that the term "management letters" used in the question is a reference to the standard letter from the Office of the Auditor General enclosing the audited financial statements. If that is the case then the information required is as follows -

Pilbara Development Commission
 Gascoyne Development Commission
 Department of Commerce and Trade
 Wheatbelt Development Commission
 Peel Development Commission
 Kimberley Development Commission
 South West Development Authority

"AUSTRALIA'S WEST, OCTOBER - DECEMBER 1993" - PRINTER; PRICE

1145. Hon N.D. GRIFFITHS to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Who printed the document "Australia's West, October - December 1993"?
- (2) What was the price of the production of the document?
- (3) What was the price of the distribution of the document?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1) Kaleidoscope Print and Design, West Perth.

(2) \$5 260.

(3) \$2 085 - estimate; invoice still to come.

"LAND ADMINISTRATION PERSPECTIVE, A" - PRINTER; COST

1146. Hon N.D. GRIFFITHS to the Minister for Lands:

- (1) Who printed the document "A Land Administration Perspective" handed out at the opening of the Department of Land Administration on 22 October 1993?
- (2) What was the cost?
- (3) Why was glossy non-environmentally friendly material used in the document?

Hon GEORGE CASH replied:

- (1) The document was printed by Advance Press Pty Ltd of Bassendean.
- (2) The printing cost was \$6 600 for 15 000 copies or 44¢ per document.
- (3) The gloss paper used is capable of being shredded and recycled. It was selected because recycled paper of the quality required was unavailable at the time.

CLONTARF BOYS HOME - INSPECTION DATES

1160. Hon J.A. SCOTT to the Minister for Transport representing the Minister for Community Development:

Can the Minister inform me of the dates of inspections of Clontarf Boys Home as required by regulation 31 of the Child Welfare Regulations 1934 for the years 1955, 1956, 1957 and 1958?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following response -

The dates of inspections concerning Clontarf Boys Home should be recorded on files held in the State Archives. The files have been called for and if possible the dates of such inspections will be provided.

BURNS BEACH - DISCOUNTED LAND PRICE, LEASEHOLDERS RESIDENTIAL LAND OR DWELLINGS OWNERSHIP

1167. Hon DERRICK TOMLINSON to the Minister for Lands:

- (1) Further to my questions on notice No 4 of 22 June 1993 and No 300 of 3 August 1993, was the discounted (concessional) price of land at Burns Beach available only to the then leaseholders who did not own any residential land or dwelling as at the date of the press statement by the then Minister for Planning on 28 October 1988 signalling the Government's intentions for Burns Beach?
- (2) What action was taken by the Minister, any agent of the Minister, or the Department of Land Administration to determine if applicants owned any residential land or dwellings at that time?
- (3) Was it established that none of the following leaseholders owned other residential land or dwellings at that time -

H.M. Harries	Lot 11417
W. Kell	Lot 11419
J.F. Jansen	Lot 11423
S.M. Frawley	Lot 11448
C.G. Waite	Lot 11477
A.W. and M.V. Ingram	Lot 11479

- (4) Did any other leaseholders who were granted discount prices on the purchase of their land own other residential land or dwellings?
- (5) Have records at the Titles Office been examined at any time to determine whether or not all leaseholders at Burns Beach owned other residential land or dwellings on 28 October 1988?
- (6) If not, do those records show if any of the leaseholders granted discounted prices owned other residential land or dwellings on 28 October 1988?

Hon GEORGE CASH replied:

- (1) Yes.
- (2) Any leaseholder claiming the concessional price was thoroughly investigated which included examination of land title records, local government and State Electoral Commission data. Ultimately, all leaseholders claiming the concessional price were required to sign a statutory declaration.
- (3) The leaseholders mentioned were investigated and it was established that they did not own other residential land or dwellings at that time.
- (4) No.
- (5) Yes.
- (6) Not applicable.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1179. Hon TOM STEPHENS to the Minister for Mines:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon GEORGE CASH replied:

- (1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purposes. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1181. Hon TOM STEPHENS to the Minister for Education:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?

(5) What is their Budget allocation for 1993-94?

Hon N.F. MOORE replied:

(1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purposes. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1185. Hon TOM STEPHENS to the Leader of the House representing the Minister for Resources Development:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon GEORGE CASH replied:

The Minister for Resources Development has provided the following answer -

(1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purposes. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1186. Hon TOM STEPHENS to the Leader of the House representing the Minister for Police:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon GEORGE CASH replied:

(1)-(5) The information sought would require considerable research and I am not prepared to allocate resources for this purposes. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1188. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following response -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1190. Hon TOM STEPHENS to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1191. Hon TOM STEPHENS to the Minister for Education representing the Minister for the Environment:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?

- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" I will be pleased to respond.

PHOTOCOPIERS, HIGH VOLUME - GOVERNMENT DEPARTMENTS OR AGENCIES

1192. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Which departments or agencies within his portfolio areas have a "high volume photocopying service" within their operations (ie, equipment capable of at least 100 000 copies per month)?
- (2) What type of high volume photocopying equipment is available in-house to each of those departments and agencies?
- (3) What human resources are allocated to operate this equipment and at what public service levels are each of these officers employed?
- (4) What was the actual expenditure associated with each of these high volume copiers for 1992-93?
- (5) What is their Budget allocation for 1993-94?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

The information sought would require considerable research and the Minister for Housing has indicated that he is not prepared to allocate resources for this purpose. If the member has a specific question about "high volume photocopying" the Minister for Housing will be pleased to respond.

LANDCORP - REGIONAL CAPITAL WORKS, 1993-94

1196. Hon TOM STEPHENS to the Minister for Lands:

What regional capital works will be undertaken during 1993-94 as a result of LandCorp contributions?

Hon GEORGE CASH replied:

During 1993-94 LandCorp has budgeted the following expenditure on regional capital works. This comprises expenditure related to infrastructure support and associated studies -

	LandCorp Funding \$
Regional Centre Projects -	
Albany Streetscapes	320 000
Mt Barker Railway Station	150 000
Carnarvon Fascine	550 000
Geraldton Marine Terrace	270 000
Rockingham/Kwinana	2 720 000
Bunbury	715 000

Industrial Land Projects -	
Namgulu	117 000
Mt Barker	25 000
Albany Down Road	25 000
Meenaar	1 080 000
Residential Land Projects -	
Guilderton	50 000
Albany	65 000

**AUDITOR GENERAL - LAND ADMINISTRATION, DEPARTMENT OF,
MANAGEMENT LETTER ADDRESSED TO CHIEF EXECUTIVE OFFICER**

1197. Hon TOM STEPHENS to the Minister for Lands:

What were the issues of concern to the Auditor General that were raised with the Chief Executive Officer of the Department of Land Administration in the Auditor General's management letter dated 8 October 1993?

Hon GEORGE CASH replied:

The management letter to the Chief Executive Officer of the Department of Land Administration from the Audit Manager of the Office of the Auditor General dated 8 October 1993 "noted" and "brought to (his) attention" the following matters -

- Information Technology Assets Register
- Customer Accounting System - CAS
- Master File
- Stage 2 System Audit
- Document Acceptance System - DAS
- Rate Changes
- Review of Nil Assessments
- Treasurer's Instruction 601
- Stopped Documents
- Continuity of Database
- Reconciliation of Lodgments Raised to Fees Received
- Financial Statements
- Supporting Documents
- Cocos Island Keeling Trust Fund and War Service Land
- Settlement Trust Fund
- EDP Audit Review
- Performance Indicators

In the context of the audit philosophy of the Auditor General, the management letter is considered a working paper providing for additional information gathering, clarification and interaction between the department and the Office of the Auditor General. The issues are currently being considered within the department and a formal response is being prepared.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1200. Hon TOM STEPHENS to the Minister for Mines:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?

- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon GEORGE CASH replied:

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond; however, I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1202. Hon TOM STEPHENS to the Minister for Education:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon N.F. MOORE replied:

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond, however I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1207. Hon TOM STEPHENS to the Leader of the House representing the Minister for Police:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon GEORGE CASH replied:

The Minister for Police has provided the following reply -

The information sought would require considerable research and I am not

prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond, however I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1209. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Local Government:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon E.J. CHARLTON replied:

The Minister for Local Government has provided the following response -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond, however I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1210. Hon TOM STEPHENS to the Minister for Transport representing the Minister for Community Development:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following response -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond, however I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1211. Hon TOM STEPHENS to the Minister for Education representing the Minister for Commerce and Trade:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond, however I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1212. Hon TOM STEPHENS to the Minister for Education representing the Minister for the Environment:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?
- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon N.F. MOORE replied:

The Minister for the Environment has provided the following reply -

The information sought would require considerable research and I am not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" I will be pleased to respond; however, I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

**PRINT CELLS, IN-HOUSE PRINTING SERVICES - GOVERNMENT
DEPARTMENTS AND AGENCIES**

1213. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Housing:

- (1) Which departments and agencies within his portfolio areas operate print cells for in-house printing services?

- (2) How many print cells are operated by each department or agency within his portfolio area?
- (3) What number of staff are deployed for the operation of each of these print cells?
- (4) At what public service levels are each of these officers employed?
- (5) What was the actual expenditure on each print cell during 1992-93?
- (6) What is their Budget allocation for 1993-94?
- (7) What equipment is allocated to each of these print cells?

Hon MAX EVANS replied:

The Minister for Housing has provided the following reply -

The information sought would require considerable research and the Minister for Housing has indicated that he is not prepared to allocate resources for this purpose. If the member has a specific question about "print cells" the Minister for Housing will be pleased to respond. However, I refer the member to supplementary information provided in response to his question asked during the Legislative Council Estimates Committees.

QUESTIONS WITHOUT NOTICE

JECKS, DR DOUG - EDITH COWAN UNIVERSITY, ELECTION BID

650. Hon GRAHAM EDWARDS to the Minister for Education:

- (1) Is the Minister aware of a bid by the former Vice Chancellor of Edith Cowan University, Dr Doug Jecks, to seek election to that university's governing council as an alumni representative?
- (2) Has the Minister taken steps to dissuade Dr Jecks from this course of action, given the disruptive effect his election would have on the administration of the university by the current vice chancellor?
- (3) Has the Minister sought legal advice on this matter, given the serious conflict of interest which is evident?

Hon N.F. MOORE replied:

(1)-(3)

No.

BRADSHAW, DR WAYNE - MEDICAL BOARD OF WA, CHANGE OF ADDRESS NOTIFICATION

651. Hon A.J.G. MacTIERNAN to the Minister for Health:

- (1) Did Dr Wayne Bradshaw notify the Medical Board of Western Australia of a change of address this year or last year?
- (2) If so, on what date, and what was the address provided?
- (3) What was the previous address?
- (4) For how long was Dr Bradshaw registered at the previous address?
- (5) Was the notification of change of address posted locally or did the letter arrive from overseas?
- (6) Did the Medical Board advise the Police Department that it had received correspondence from Dr Bradshaw?

Hon PETER FOSS replied:

- (1) Yes.

- (2) 5 September 1993, received 13 September 1993. 7 Council Road, Mundaring.
- (3) 15A Courageous Place, Ocean Reef.
- (4) Since 31 December 1991.
- (5) Not known; envelope not retained.
- (6) No.

MABO - ANTI-MABO LEGISLATION, PROMOTIONS COST

652. Hon J.A. SCOTT to the Minister for Finance:

What is the total cost of the Government's campaign to promote its anti-Mabo legislation, including the cost of phone-in lines and household pamphlets, and from what areas of budgetary allocation will this campaign be paid?

Hon MAX EVANS replied:

I ask that the question be put on notice.

BRADSHAW, DR WAYNE - MEDICAL BOARD OF WA, REGISTRATION FEE

653. Hon A.J.G. MacTIERNAN to the Minister for Health:

- (1) What is the annual fee payable by medical practitioners to remain registered by the Medical Board of Western Australia?
- (2) What is the source of payments to maintain Dr Wayne Bradshaw's registration?
- (3) If such payments were made by cheque, on whose account was the cheque drawn?

Hon PETER FOSS replied:

- (1) \$120.
- (2) His 1993 registration fee was paid by cheque.
- (3) This information is not available. The Medical Board of Western Australia records on whose behalf the payment was made - that is, Dr Bradshaw - and the name of the bank and branch.

MAIL WEST - CIVIL SERVICE ASSOCIATION CAMPAIGN MATERIAL

654. Hon JOHN HALDEN to the Minister for Health representing the Minister for Services:

- (1) Is the Minister aware that one of the factional groups contesting the election of the Civil Service Association, "The CSA Reform Team", has been using the facilities of Mail West to distribute its campaign material?
- (2) If so, what is the justification for the use of Government resources for this purpose?
- (3) If the Minister is not aware, will he hold an investigation and seek to recover from this group the costs of distribution?

Hon PETER FOSS replied:

The Minister for Services has provided the following reply -

(1)-(3)

It is not Mail West policy to distribute CSA campaign material. Mail West processes approximately 18 million articles of mail annually and is unaware of the envelope contents. However, about two weeks ago Mail West distributed an amount of urgent letters, dropped in by Ms A. White of Homeswest. Mail West staff processed this urgent material in good faith without knowledge of

its contents. It was only after the event, as a result of a further request to distribute material, that the staff became aware that the contents of earlier deliveries could have been union material. If it can be substantiated that the contents of those deliveries were union material, Mail West will endeavour to recover the cost.

SCOTT REPORT - PREPRIMARY EDUCATION, RELEASE DATE

655. Hon J.A. COWDELL to the Minister for Education:

- (1) When will the Scott report be made public?
- (2) Given the difficulties being experienced by thousands of parents in not being able to plan their children's education next year, will the Minister as a matter of priority announce the Government's response to the Scott report?

Hon N.F. MOORE replied:

(1)-(2)

The report will be made public when I decide to make it public, after I have had a chance to read it and to decide how it will be made public. It is a report to the Minister. It is not an independent inquiry, such as a royal commission or something of that nature. There are no funds for an increase in the preprimary program for 1994.

Hon Tom Stephens: It is all being spent on the Mabo advertising.

Hon N.F. MOORE: That interjection lifts the debate to a significant level! There will be no increase in the number of places available in the preprimary, full time five year old program for 1994. I will be looking at the Scott report to see what we might do in the 1994-95 Budget, and an announcement will be made at that time.

ARTS, DEPARTMENT FOR - BUDGET ALLOCATIONS, COMPANIES AND INDIVIDUALS NOTIFICATION

656. Hon J.A. COWDELL to the Minister for the Arts:

- (1) When does the Minister intend notifying art companies and individuals of their allocation for this year's budget?
- (2) Is he aware that the delay in notifying companies and individuals of the outcome of their budget submissions is severely affecting their ability to plan events and projects from January 1994?

Hon PETER FOSS replied:

(1)-(2)

Generally speaking, most of those notifications have been signed. The only one that is being held up is the extra allocation for the theatre area. I have requested that the Department for the Arts correct letters which incorrectly indicated the conditions on which the extra money available from the State Theatre Company is to be provided.

HAMERSLEY IRON PTY LTD - LOCOMOTIVES CONTRACT

657. Hon TOM HELM to the Minister for Transport:

- (1) Is he aware of the demonstration to be held at Hamersley House tomorrow regarding the order for the construction of 29 locomotives going to the United States of America?
- (2) If yes, will the Minister join the demonstration?
- (3) If no, what does the Minister intend to do to ensure that the locomotives are built in Western Australia?

Hon E.J. CHARLTON replied:

(1)-(2)

No, I am not aware of the demonstration.

- (3) What am I going to do about a decision of a private enterprise organisation, which has very little to do with the Minister for Transport?

HAMERSLEY IRON PTY LTD - LOCOMOTIVES CONTRACT

658. Hon TOM HELM to the Minister for Transport:

Is the Minister aware that the Western Australian company has declared it is able to fulfil the order from October 1994, and that the American order cannot be delivered until October 1994?

Hon E.J. CHARLTON replied:

No.

JECKS, DR DOUG - EDITH COWAN UNIVERSITY, ELECTION BID

659. Hon GRAHAM EDWARDS to the Minister for Education:

- (1) Given that the Minister is now aware of the bid by the former Vice Chancellor of Edith Cowan University, Dr Doug Jecks, to seek election to that university's governing council, will the Minister take steps to dissuade Mr Jecks from this course of action given that the disruptive effect that his election would have on the administration of the university by the current vice chancellor?

- (2) Will the Minister seek legal advice on this matter given the evident serious conflict of interest?

Hon N.F. MOORE replied:

(1)-(2)

If the Leader of the Opposition is telling me something, and I am expected to believe that what he says is correct, I now know that Mr Jecks is interested in being a member of the board; however, I will need to obtain advice on whether that is correct. If a person wants to stand for election to such a position, it is up to the people voting to say whether he is capable of doing the job. To suggest that I dissuade him from doing so is quite improper.

Hon Graham Edwards: As you are the Minister for Education, I thought you might have an interest in this.

Hon N.F. MOORE: It is probably illegal to dissuade someone from standing.

ABORIGINAL HOMES DEVELOPMENT ASSOCIATION - AUDIT REPORT

660. Hon REG DAVIES to the Minister for Education representing the Minister for Aboriginal Affairs:

Some notice of the question has been given. As the Aboriginal Affairs portfolio was excluded from the Estimates Committee debate this year, and because of my need to conduct research for my Budget speech, will the Minister provide a copy of the final audit report of the Aboriginal Homes Development Association?

Hon N.F. MOORE replied:

I thank the member for some notice of the question. The Minister for Aboriginal Affairs has provided the following reply: Matters concerning this association are still under examination, and it is hence premature and inappropriate to release the audit report at this time.

ROAD TRAINS - SWAN SHIRE COUNCIL CONSULTATIONS

661. Hon N.D. GRIFFITHS to the Minister for Transport:

- (1) Has he consulted with the Swan Shire Council recently on the proposed movement of road trains through that shire?
- (2) If so, what is the shire's current position on the matter?

Hon E.J. CHARLTON replied:

(1)-(2)

I have consulted with the Swan Shire Council recently. In those discussions we talked about the start up time, the road alignment changes and the expenditure of a sum of money to which I have referred on previous occasions. It is all systems go, Mr Griffiths!

ROADS - GREAT EASTERN HIGHWAY, NORTHAM-PERTH NEW ALIGNMENT

662. Hon JOHN HALDEN to the Minister for Transport:

Will he confirm that local government authorities between Northam and the Swan River have been approached to give opinions on the planning phase of the new alignment of Great Eastern Highway avoiding Greenmount Hill?

Hon E.J. CHARLTON replied:

I am not aware of that happening, but it is a well known fact that for a long time - as the member should be aware - a number of options have been considered for a new alignment of the Great Eastern Highway between Northam and Perth.

ROADS - GREAT EASTERN HIGHWAY, NORTHAM-PERTH NEW ALIGNMENT

663. Hon JOHN HALDEN to the Minister for Transport:

Is the proposed realignment to go through the Walyunga national park?

Hon E.J. CHARLTON replied:

No decision has been made regarding the new alignment.

ROAD TRAINS - SWAN SHIRE COUNCIL CONSULTATIONS

664. Hon N.D. GRIFFITHS to the Minister for Transport:

What is the Swan Shire Council's position, as expressed to the Minister, regarding the proposed movement of road trains through the shire?

Hon E.J. CHARLTON replied:

Perhaps the member should ask the Swan Shire Council if he wants to know its position.

Hon Doug Wenn: The Swan Shire Council is not here; you are!

Hon E.J. CHARLTON: The member represents the Swan Shire Council in this Chamber, you dill! I have already outlined what will be happening. My view has been put to the shire, and its view has been put to me. As I said earlier, discussions have been held.

ROAD TRAINS - SWAN SHIRE COUNCIL CONSULTATIONS

665. Hon N.D. GRIFFITHS to the Minister for Transport:

What point of view has the Swan Shire put to the Minister?

Hon E.J. CHARLTON replied:

This is an unusual question. The facts are that I have met with the Swan

Shire at the shire, and the shire has been to Parliament House to meet me. It is well known that some members of the Swan Shire Council oppose the trial. It has been agreed that the trial will go ahead and the council will be kept informed. I have asked the council to monitor the situation from its point of view, just as all the other people involved will be doing.

**FREEDOM OF INFORMATION ACT - MINISTERIAL OFFICER
RESPONSIBLE FOR ANSWERS TO APPLICATIONS**

666. Hon TOM STEPHENS to the Minister for Transport:

Could the Minister advise which officer within his ministerial office is responsible for coordinating responses to applications under the Freedom of Information Act? This is in the Minister's office as opposed to any department or agency.

The DEPUTY PRESIDENT: The question is out of order because it is already on notice.

Hon TOM STEPHENS: It is not out of order on the basis I have asked a different question from that which I have put on notice.

The DEPUTY PRESIDENT: The question as it has been phrased is the same question in essence as question on notice 1235. If the member rephrased the question perhaps it might conform to standing orders.

Hon TOM STEPHENS: I have asked the Minister for Transport this question without notice about his ministerial office as opposed to any department or agency about which I have asked a question on notice. With all due respect, Mr Deputy President, that is a different question from that which has been properly positioned with the Minister. Mr Deputy President, you will understand from reading the Freedom of Information Act that the Minister's office is not considered an agency of the department; it is separate.

Hon E.J. CHARLTON replied:

If the member puts the question on notice I will give him the person's name.

Hon Tom Stephens: Mr Deputy President, is that question now on notice or does it require another act?

The DEPUTY PRESIDENT: It has been put on notice at the Minister's request.

Hon E.J. CHARLTON: The member should not fret; he will get an answer.

**FREEDOM OF INFORMATION ACT - MINISTERIAL OFFICER
RESPONSIBLE FOR ANSWERS TO APPLICATIONS**

667. Hon TOM STEPHENS to the Leader of the House:

Can he advise which ministerial officer in his office is coordinating officer for applications under the Freedom of Information Act?

Hon GEORGE CASH replied:

If the member cares to put that question on notice I will provide him with an answer. I assume it is a different question from question on notice 1234.

COMMONWEALTH-STATE ALLOCATIONS - ANSWER CLARIFICATION

668. Hon KIM CHANCE to the Minister for Finance:

I refer the Minister to his answer to question without notice 644 on Thursday of last week concerning Commonwealth allocations to the State in which he indicated that although specific allocations had increased by \$73m, general purpose allocations had decreased by \$40m, and taking one

from the other there was an increase of \$33m. Why is that answer, which is sourced from Commonwealth sources, different from the information contained on page 6 of Budget paper No 6, which is the consolidated fund revenue statement? That states that Commonwealth recurrent allocations have increased by about \$195m and Commonwealth capital grants by around \$7m, totalling some \$202m.

Hon MAX EVANS replied:

I ask that the question be put on notice.

**FREEDOM OF INFORMATION ACT - MINISTERIAL OFFICER
RESPONSIBLE FOR ANSWERS TO APPLICATIONS**

669. Hon TOM STEPHENS to the Minister for Education:

Can the Minister advise which ministerial officer in his office has responsibility for coordination of responses to applications under the Freedom of Information Act?

Hon N.F. MOORE replied:

I request that the member put the question on notice.

EAST STREET JETTY - UNSAFE FOR PUBLIC USE

670. Hon SAM PIANTADOSI to the Minister for Transport:

Can the Minister confirm whether the heavy haulage jetty in East Street is deemed unsafe for use for public transportation; and, if so, what action will the Minister take to safeguard the public and the operators who use that facility?

Hon E.J. CHARLTON replied:

I have no advice that the heavy haulage jetty at East Street, as the member has referred to it, is unsafe for public use, so no action has been taken.

**FREEDOM OF INFORMATION ACT - MINISTERIAL OFFICER
RESPONSIBLE FOR ANSWERS TO APPLICATIONS**

671. Hon TOM STEPHENS to the Minister for Finance:

Can the Minister identify the officer in his ministerial office who has responsibility for coordinating answers to applications under the Freedom of Information Act?

Hon MAX EVANS replied:

The member should put the question on notice.

**FREEDOM OF INFORMATION ACT - MINISTERIAL OFFICER
RESPONSIBLE FOR ANSWERS TO APPLICATIONS**

672. Hon TOM STEPHENS to the Minister for Health:

Can the Minister advise which ministerial officer in his office has responsibility for coordinating answers to applications for information under the Freedom of Information Act?

Hon PETER FOSS replied:

I ask that the question be put on notice.

**POISONS ADVISORY COMMITTEE - ANTIBIOTICS AND ANTI-
ANXIETY/SEDATIVE MEDICATION, PODIATRISTS' PRESCRIPTION RIGHTS**

673. Hon TOM STEPHENS to the Minister for Health:

Further to the Minister's answer to question without notice 616, has he established whether he or the poisons advisory committee has the authority to make decisions to enable health professionals to prescribe antibiotics and anti-anxiety/sedative medication?

Hon PETER FOSS replied:

No, and when I do I will make sure the answer is provided.

POISONS ADVISORY COMMITTEE - ANTIBIOTICS AND ANTI-ANXIETY/SEDATIVE MEDICATION, PODIATRISTS' PRESCRIPTION RIGHTS

674. Hon TOM STEPHENS to the Minister for Health:

- (1) Would the Minister apprise himself of section 19 of the Poisons Act, which indicates that the functions of the advisory committee are to advise the Minister and permanent head and to make recommendations on the necessity to amend any of the poisons schedules?
- (2) Following that, would the Minister then advise the House whether he is prepared to receive any further representations on the application from the Surgical Podiatrists Association as to its application for rights to prescribe antibiotics and anti-anxiety/sedative medication?

Hon PETER FOSS replied:

(1)-(2)

This question was asked and I indicated I would take it on notice. It is taken on notice and when I get the advice from my department I will provide an answer. It would be silly for me to read through section 19 of the Act now and try to decide the answer. I indicated clearly my concern about deciding matters of pharmacological import on my own decision. The reason we have a poisons advisory committee, members of which are significant people of knowledge of pharmacological matters, is that it is recognised that Ministers are not necessarily a full bottle on pharmaceutical medication. The situation goes back to my answer last week.

Hon Tom Stephens: Last week the Minister told me he did not have any power.

Hon PETER FOSS: I said I did not know whether I had any power.

Hon Tom Stephens: I will read *Hansard*.

Hon PETER FOSS: Yes, if the member likes. When I get advice from my department and when I follow all this through, Mr Stephens will get an answer. I will continue asking him to put the question on notice if he persists in this. He will get his answer in due course.

EAST STREET JETTY - UNSAFE FOR PUBLIC USE

675. Hon SAM PIANTADOSI to the Minister for Transport:

In answer to an earlier question the Minister advised that he was not aware that the East Street heavy haulage jetty was deemed unsafe. In response to a question I asked last week as to whether the Minister could confirm that the Swan River Trust denied the Boat Torque group's shadow companies' White Dolphin Cruises and Rottmest Quick Kat Cruises use of the heavy lift jetty on safety grounds on 28 October 1993 -

The DEPUTY PRESIDENT (Hon Barry House): Order! The member must ask a question; he is making a statement.

Hon SAM PIANTADOSI: He asked me what was the question and I was going to clarify that.

Hon E.J. Charlton: The only thing I asked was, what was the number.

Hon SAM PIANTADOSI: It was question without notice 597.

The DEPUTY PRESIDENT: Order! What is the question?

Hon SAM PIANTADOSI: The Minister stated that he was aware that the Swan Trust denied Boat Torque group's shadow company permission to operate

from that jetty. However, in response to a question I asked today, he said he was not aware.

Hon E.J. CHARLTON replied:

The member can either not understand what was written or cannot read, or both. Last week he asked whether I was aware that the Swan River Trust had made a decision on certain grounds, to which I replied I was aware. Today he asked whether I knew it was unsafe. I said that nobody had ever told me it was unsafe. It is as clear as day that the two matters are separate - one has nothing to do with the other.

Several members interjected.

The DEPUTY PRESIDENT: Order! The question has been asked. The President has said many times in this Chamber that members do not have to like what a member is saying, but they must listen.

Hon E.J. CHARLTON: I have answered the question. As I said, nobody told me the jetty was unsafe; the Swan River Trust made the decision; it is not part of my ministerial responsibilities.

Hon Sam Piantadosi: Does it not come under Transport?

Hon E.J. CHARLTON: No; it does not. Perhaps in future Hon Sam Piantadosi can get his facts right before jumping to conclusions like some of his mates.
