WESTERN AUSTRALIA

Parliamentary Debates

(HANSARD)

THIRTY-FIFTH PARLIAMENT
FIRST SESSION
1997

LEGISLATIVE COUNCIL

Tuesday, 6 May 1997

Legislative Council

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

PETITION - LABOUR RELATIONS LEGISLATION AMENDMENT BILL

HON KIM CHANCE (Agricultural) [3.34 pm]: I present the following petition -

> To: The Honourable the President and Members of the Legislative Council in Parliament assembled.
>
> The Petition of the undersigned respectfully showeth:
>
> Our wish that any changes to the state's industrial relations system should recognise the special needs of employees to be protected from disadvantage, exploitation and discrimination in the workplace, and that we oppose the Labour Relations Legislation Amendment Bill 1997 which represents an attack on employees, their unions and personal freedom in Western Australia.
>
> Your petitioners most humbly pray that the Legislative Council, in Parliament assembled will: Defer consideration of the Bill until after May 22 1997 to enable those Members of the Council elected in December 1996 to consider the Bill when they take their places after May 22, thus (a) enabling employees to participate in legitimate industrial action to gain better working conditions without the threat of massive fines and imprisonment, and (b) ensuring employees who are unfairly dismissed have access to a fair hearing before the Industrial Relations Commission including the right to proper compensation for unfair dismissal and that the Industrial Relations Commission retains the role of "independent umpire" without interference from Government or the Minister for Labour Relations.
>
> And your petitioners as in duty bound, will ever pray.

The petition bears 1 347 signatures and I certify that it conforms to the standing orders of the Legislative Council.

[See paper No 420.]

MOTION - URGENCY

Demonstrations within Precincts of Parliament

THE PRESIDENT (Hon Clive Griffiths): I have received this letter dated 6 May 1997 -

> Dear Mr President
>
> At today's sitting, it is my intention to move under SO 72 that the House at its rising adjourn until 9.00 am on 25 December 1997 for the purpose of discussing the need for this House to acknowledge and support the rights of Western Australians to demonstrate peacefully within the precincts of Parliament.
>
> Yours sincerely
>
> Mark Nevill MLC
> Member for Mining and Pastoral Region

In order to discuss this matter, it will be necessary for at least four members to indicate their support by rising in their places.

[At least four members rose in their places.]

HON MARK NEVILL (Mining and Pastoral) [3.39 pm]: I move -

> That the House at its rising adjourn until 9.00 am on 25 December.

The editorial in *The West Australian* of Friday, 2 May starts with the heading "Eviction a serious abuse of power". The first paragraph reads -

> The eviction and arrest of four unionists who were protesting peacefully in the grounds of Parliament House against the State Government's industrial relations legislation is a gross over-reaction and a serious abuse of power.

I believe that to be the case. Those unionists were removed from the parliamentary precinct under the Parliamentary Reserve By-laws 1972. Those by-laws were set up under the Parks and Reserves Act 1895. A general provision in the Act allows boards to be set up to handle reserves. The preamble to the Act reads -

> Whereas it is provided by section 8 of the Parks and Reserves Act 1895, that a Board may, with the approval of the Governor, from time to time make, repeal or alter by-laws for giving effect to the Act in respect of the parks and reserves . . .

It would appear from reading that preamble that the Parliamentary Reserve Board can make, repeal and alter by-laws without the by-laws coming to this Parliament. All it requires is the approval of the Governor. That in itself is of concern. The Parliamentary Reserve Board is in fact the Joint House Committee. I cannot see anything in the legislation that indicates it is the Joint House Committee, unless there is a letter to that effect from the Governor. The board obviously met to order those unionists to be removed from the parliamentary precinct. I am not aware of the Joint House Committee having met, so the board, constituted in some form or other, met and made that decision. It was a bad decision, which this House should have cause to re-examine. The House should also look at the legislation and the practices of this Parliament.

Last week we saw an amazingly peaceful gathering of thousands of Western Australians outside this Parliament. They were here because Parliament is deliberating over matters which affect their rights and freedoms, and they are duly concerned and worried. Despite the seriousness of the issues at stake the crowd was well-organised, disciplined and good humoured. It is a tribute to the organisers of the rally, the police, and the security staff at Parliament House that the rally went smoothly and without incident. On that same day those citizens set up a caravan in the garden of the Parliament near the south wing. It was called the workers' embassy. The structure, which is a tent and a caravan, symbolises the separation many people in our community feel about what we do in this place and our role in this House.

The standing of members of Parliament as a profession has probably never been lower in this century. The public perception of Parliament is generally negative, and no more so when Governments attempt to push through controversial legislation using a quirk in our constitutional arrangements to avoid the consequences of the decision that the people made last December at the general election. The Government feels vulnerable to this criticism; it is nervous about any criticism these days. The Minister for Labour Relations is a sensitive soul and when anyone criticises him he responds with an outburst which betrays his very thin skin. However, the collective hide of the Government is a lot thicker than the thin skin of the Minister for Labour Relations.

Last Wednesday night the workers' embassy was removed and several of the citizens present were arrested. I will not canvass the legal justification for that action as those issues will be dealt with elsewhere. However, the treatment of those people who were removed raises serious questions for this House to consider. Few Legislatures in the world allow people to enter their precincts without being subjected to intense scrutiny. However, this is one of those places. I feel very uncomfortable about the level of security that has been built up around this Parliament in the past two or three years. It seems to be driven by security officers, more than by the Parliament. I suppose that before the end of the decade we will have every new whizzbang piece of equipment that is available. This Parliament has not had to adopt some of the procedures that have been developed in other Parliaments around the world. Our Parliament is accessible to people.

We recognise that this building and its surrounds belong to all the people of this State and all are welcome here. This Parliament is not just a building; it is a symbol of the values of free speech and assembly. Members' freedom of assembly and the ability to speak without constraint is an essential part of our democratic system of government. In turn we acknowledge the right of our citizens to use this place and assemble to speak. The authority this place possesses derives ultimately from the people. One need not be a republican to acknowledge that fact. When we seek to deny those rights we undermine the moral authority of this Parliament.

You will recall, Mr President, that many years ago Forrest Place was shut off from political rallies. I remember as a young lad attending rallies in Forrest Place with my father, who was a transport union organiser, and hearing Sir Robert Menzies, Arthur Calwell, Senator John Wheeldon and Gough Whitlam. That access was denied by a Government of the day. Forrest Place is closed to rallies, and it is a shadow of its former self. The public has been relegated to the windswept Esplanade, which is a symbol of where those people in authority consider that public debate should be conducted.

I do not want to see the same occur at the Parliament. However, by removing those people last week this Parliament has shown similar disdain and contempt for the right of peaceful assembly and speech as did those who closed off Forrest Place. The contempt was heightened by the totally peaceful manner in which the embassy was being conducted by the participants. Late last Wednesday night the majesty of this Parliament in the form of police officers

descended on those people and the spectacle that occurred was unworthy of this place and what it is supposed to represent.

Those in authority can enlighten us on why it was felt necessary and urgent to disperse those people late at night as they sat in their tent and caravan trying to keep warm on a cold night. I had visited them about an hour before the police moved in and they were well behaved and were not hindering the access to Parliament of any member, staff or the public. They were tucked away in that little alcove in the garden. Perhaps the only people they may have inconvenienced were couples wanting their wedding photographs taken on a Saturday, which is the practice around here. I am sure those people do not get the permission of the Parliamentary Reserve Board for that, though they may obtain the permission of a Presiding Officer.

The intolerance of this Parliament is in sharp contrast to the attitude adopted by the Commonwealth Parliament towards those citizens who journey to Canberra to make their views known before the nation. A couple of years ago the famous logging truck blockade lasted for weeks and tested the patience of everyone at Parliament House. Hundreds of people were gathered around Parliament House and they blocked off the driveways. The poor old members of Parliament had to get out of their cars and walk 200 metres through the protesters to get to Parliament House. The Aboriginal tent embassy has been at the old Parliament House for years. Many other Parliaments around the world, including the Canadian Parliament, tolerate peaceful assembly on parliamentary precincts. I cannot for the life of me understand the objection of the Parliamentary Reserve Board to those people in their protest last Wednesday night.

In Canberra a strong commitment is required from the parties that are involved in a protest. It requires mutual respect of the other's position. I spoke with the former President of the Senate, Michael Beahan, about that. He said that there were daily meetings in Parliament House between the Presiding Officers and the protest group to discuss any problems that needed to be addressed. Both sides respected the other's role, and a harmonious relationship developed during that logging dispute, as has occurred with other disputes at Parliament House in Canberra. In stark contrast, the management of this protest has turned the issue into a public relations disaster for this Parliament. It has shown that those responsible had a narrow minded concept of the rights of their fellow Western Australians. This Parliament was rightly condemned in *The West Australian* for its use of brute force to remove those people.

We can make amends for the mistake that was made here last week and build some respect for the people and the actions taken in our name. I regret what happened last Wednesday night. I encourage those with influence in these matters to adopt an approach which accords, particularly, with the practice of our national Parliament. We on this side of the House support the rights of Western Australians to demonstrate peacefully within the precincts of Parliament House. We regret the removal of those citizens last Wednesday night who were protesting peacefully against legislation before this House. We can only be envious of the tolerance and respect shown by the Commonwealth Parliament to the range of individual and group protests organised around and within its precinct. Members here should adopt a similar approach to the right of people to assemble and remain in the precinct of this Parliament, as has been adopted by the Federal Parliament. I hope this House asks the Joint House Committee to develop a policy consistent with the above principles.

HON JOHN HALDEN (South Metropolitan) [3.50 pm]: It is an amazing event when Western Australians gather outside our parliamentary building to exercise their right of free speech: Their right to assemble, demonstrate peacefully, behave well and put across their view about government legislation currently before a House of this Parliament. The action to remove those protesters and their subsequent charging as a result of their activity has placed this Parliament in a particularly odious position in the eyes of the community. I will read some of the comments of *The West Australian* editorial on the Friday after this event -

> The eviction and arrest of four unionists who were protesting peacefully in the grounds of Parliament House against the State Government's industrial relations legislation is a gross over-reaction and a serious abuse of power.
>
> It is also dumb.
>
> It highlights what can be perceived only as the inflexible and aloof belief among the people who control Parliament House . . .
>
> Their arrest is a shocking abuse of power. Not by the police, but by the politicians who control Parliament House and its grounds . . .
>
> The eviction is a further sign that the Government is losing touch with the community because of its determination to rush the third wave of its industrial relations legislation.
>
> But it is in danger of losing something much more difficult to retrieve - its legitimacy to govern the State.

Those who made the decision did so without a clear understanding of how it might be perceived, not by *The West Australian*, but by the majority of Western Australians. As Hon Mark Nevill detailed, members know that Parliament Houses have become symbols where people can protest for longer than an agreed period; where, over protracted periods, they can erect structures and make their point. They can be, and have been, marginally disruptive. In the past members of Parliament have had to walk the grotesque distance of 150 to 200 metres from their car to their office. However, in this case that was not the situation, nor is it the history in this State of that being the case.

The reality is that people have protested with good intent: They have been well behaved and have tried to make their point legitimately. As a result of the decision to take this course of action, which attracted criticism in both the newspaper editorial and the community, it bothers me that the supervisors appointed under the Parks and Reserves Act 1895 - that is, the Joint House Committee - have not met and decided to come up with a new, much more tolerant, policy. I suppose tolerance is not something the Government is considering at the moment. It is more interested in the blunt expression of how it can get controversial legislation through, than in looking at how it might give legitimacy to people's views and entertain people's concerns about their own actions.

Mr President, it is incumbent on the Joint House Committee to meet about this issue and to develop policies that allow unionists and others to voice legitimately their concerns - not necessarily in the alcove in which the unionists decided to erect their structures, but in some precinct of Parliament House. It may be over a protracted period. It may be that the Joint House Committee wants to limit that period. All of that is open to discussion and negotiation. However, in 1997 the Government cannot dwell in the depths of an 1895 Act, in spite of the fact it may want to dwell in the depths of industrial relations of the nineteenth century and not the twenty-first century. Be that on the Government's head.

I am not suggesting people should necessarily be allowed to erect structures for months and months, nor am I suggesting they should be allowed to block traffic or hinder people who work in this building. However, it is not beyond the realms of human competence to consider allowing people to protest while particular legislation progresses through this Parliament. The protestors may have been out the front for two weeks or four weeks. The notice of motion given by the Leader of the House seems to indicate they may be there for only another couple of days. So be it. However, why should people not be able to legitimately make their point? The nonsense is that if they had been allowed to stay there or in some precinct of Parliament House, they would cause no more inconvenience than they are currently by using a miner's right to stay across the road. They would pose no more of a threat than they do currently - and my God, what a threat they pose! They sing the occasional song and the occasional car horn toots. By God, democracy must be on its knees because of the outrageous protests of these militant left wing people! We will suffer such intolerable consequences!

The protesters do not pose a problem across the road. If they did, legitimate courses of action could be taken. Based on their behaviour I suggest they would not have caused a problem in the alcove or in another area in the precincts of this Parliament. Why have members not met already to resolve that issue? Why have we not started sensible discussion on that, bearing in mind that although some of us cannot get past 1901, we are facing 1997? It is indicative of what the community must put up with in legislation and in practice. This is not good enough for 1997.

It is incumbent on the Joint House Committee to develop new processes. It is incumbent on it to develop a set of guidelines that include such issues as timing, for how long protesters could stay; their behaviour, what is and is not acceptable; who decides they can camp or erect structures in the first place; and what sort of consultation occurs and how often and with whom it occurs. When I ask those sorts of simple questions, I wonder why between 1895 and 1997 we could not come up with an answer. I wonder why between last Thursday and today members could not start that process. In essence, the process is one of acknowledging tolerance and acknowledging people's rights to have differing views and to be treated in a way that recognises they are mature enough to voice those views in a way that is acceptable to not only the Parliament but the broader community.

It is incumbent on the Presiding Officers and the Joint House Committee to pull themselves into the 1990s and to recognise a need exists for this Parliament to emulate other Parliaments. It is not just the Parliament in Canberra that the Western Australian Parliament must emulate; enormous parliamentary rallies have been held in many other capital cities in this nation and there have been protected periods of encampment outside Houses of Parliament. Generally, they have been well managed and accepted by the community. We need to adopt a new set of procedures which guarantee this inalienable right to all Western Australians, no matter what their views are. I am not aware that, for example, the Health Department has been banned from using the alcove when Ministers have promoted their wares on behalf of the State Government. I am not aware that its use for this purpose has been banned in any way. There should not be a selective policy whereby Ministers may use the grounds of Parliament House, but members of the general public who disagree with the Government may not. I do not necessarily advocate that position, but one would not need to be cynical to realise that the grounds of Parliament House are fast becoming the domain of Ministers and not the people of Western Australia. The situation should be rectified.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.01 pm]: I agree with the words in Hon Mark Nevill's motion that this House should acknowledge and support the rights of Western Australians to demonstrate peacefully within the precincts of Parliament House. I have no doubt all members share those views. Of course, Parliaments are places where people can demonstrate and make their views known, and make sure they attract the necessary publicity so that their views are well and truly known, through the media, to the people of Western Australia. That has been going on for as long as I can remember. For some reason or other, there is now a problem. It is obvious that rules and regulations must govern the use of Parliament House and its grounds. It is a public place, and there are rules about most public places to protect people going about their lawful business and to make sure that those demonstrating do not interrupt them unnecessarily.

Rules and regulations are in place for the management of the parliamentary reserve. A Parliamentary Reserve Board is responsible for making sure the reserve is managed properly. That board has a set of by-laws which relate to the way in which this property is managed. Those by-laws date back to 1972, and I do not know whether they have been amended since then. Members opposite who have made speeches on this subject were in government for 10 years during that period and if they felt the need to change the by-laws, one would expect it to have been done already. On a cursory reading the by-laws appear to be quite legitimate and include such things as banning the throwing of or setting fire to any fireworks and firing a firearm. They include a section about no person improvising any sanitary convenience or ablution on the reserve or using or maintaining thereon any sanitary convenience or ablution, other than such as has been established by the board. There are probably good health reasons for that by-law, as I am sure all members understand. These by-laws have been put in place and are administered by the Parliamentary Reserve Board, which is essentially the Joint House Committee. During my time in this place, I have not heard anyone suggest those by-laws are inadequate or improper.

I understand that the other day the people who wanted to place a caravan on the grounds of Parliament House were given permission to do so under certain conditions. One of those conditions was that the caravan be removed by a certain time. There was no concern about the caravan being in the grounds in the first place, but only about how long it would remain there. When the caravan was first in place, the people involved abided by the by-laws. I am advised that despite repeated requests the people involved with the caravan would not shift it when requested to do so. Time went by and more requests were ignored, to the point where the secretary of the Parliamentary Reserve Board, the House Controller, felt obliged to refer the matter to the Presiding Officers because the caravan was not being removed as had been agreed to. The Presiding Officers decided that the by-laws should come into effect and the police should be brought in to remove the offending caravan. As we all know, having read about it at great length in *The West Australian* including the editor's views, the caravan was removed by the police and some people were arrested. That situation developed because the rules and regulations were, to the best of my knowledge, being breached. When the decision was made, there was no indication that the caravan would be shifted, and it might have remained there for some period. Therefore, the decision was made to take action.

For the benefit of Hon Mark Nevill and Hon John Halden, I advise that the Government was not involved in the decision. It was quite rightly a decision for the Parliamentary Reserve Board and not the Government. I give an absolute assurance that the Government was not involved. To suggest that somehow or other this is a reaction by the Government to its industrial relations Bill and the need to remove people from Parliament House is absolute nonsense. It was nothing to do with the Government and neither should it have been. There is a properly elected Joint House Committee and Parliamentary Reserve Board with by-laws under which it should operate, and they are quite capable of making the decisions necessary within the area of their jurisdiction.

On the basis of the information I have, I support the decision made because the conditions under which the approval was given were breached. If the board did not ensure the by-laws were abided by, anybody who wanted to camp in the grounds of Parliament House could do so. If Hon Mark Nevill wants to turn these grounds into a caravan park or camping ground, he should say so. The grounds of Parliament House are not a caravan park. People can make their point and if they accept the rules under which they are given permission to do that, it does not upset anybody. When people are given permission to do something, they should do the right thing and abide by the agreement made. Then everybody is happy and no problems arise. If people do not abide by the rules and the commitments they have made, something must be done otherwise everyone will believe that no rules apply and they can do what they like in the grounds of Parliament House. If Hon Tom Helm read the by-laws, he would realise there are many things that the public is not allowed to do in Parliament House and its grounds; those things are listed in the by-laws. I am sure he would agree with most of those.

This matter has been raised by Hon Mark Nevill and Hon John Halden, who believe that it should be referred to the Joint House Committee or the Parliamentary Reserve Board for discussion. It is interesting that on this one occasion after all these years when no queries have been raised on this matter, members opposite are standing in this House and carrying on as though the end of the world had just arrived. It has never been brought to my attention during the past 20 years that people have complained about the nature of the by-laws or the way in which Parliament House is

utilised. Of course, members opposite are represented on the Joint House Committee. The people required to implement the by-laws took the necessary action to ensure those by-laws were enforced. Members opposite should support them or use the vehicle available to them seek to have the by-laws changed.

Hon Mark Nevill: I suggest we do.

Hon N.F. MOORE: I would love to know how that suggestion will be framed. If the member suggests that anybody should be allowed to park a caravan and erect toilets in the grounds, it will be interesting to see what happens when people looking for a cheap caravan park bring their caravans to Parliament House, and he has nowhere to park his car! I am sure he would be the first to complain. I do not know whether Hon Mark Nevill is a member of the Joint House Committee, but he should raise it with the committee and ask it to look at the issue to determine whether there is a better way of dealing with these matters. Nobody I know of on this side of the House objects to people demonstrating peacefully within the grounds of Parliament House. They accept it as their birthright and no-one opposes it. With all these matters, reasonable rules are required. If the rules are not reasonable, it is Hon Mark Nevill's job to take the opportunities available to him to make them more reasonable. I suggest that he do so.

HON TOM HELM (Mining and Pastoral) [4.10 pm]: It is obvious that the Minister lost the sense of the argument when he spoke about letting one in, letting the lot in. It was a ridiculous statement. If people want to spend the night at Parliament House in a tent, we should look at what is wrong with their heads as nobody with half a brain would want to spend the night in the secret garden of Parliament House; it is the worst place possible to erect a tent. The Minister put a facetious argument which has no bearing in this Chamber.

I am advised by you, Mr President, that we have by-laws governing these matters and I am aware of the reserves legislation. As a former Roebourne Shire councillor, I am aware that shire employees ask people camped illegally to move on - it happens every day. It is unnecessary to use a squad of policemen at 10.30 pm to move people out of the area. Like previous speakers, I now quote from the editorial of *The West Australian* of Friday, 2 May 1997, as follows -

> The eviction is a further sign that the Government is losing touch with the community because of its determination to rush the third wave of its industrial relations legislation.

The day before this eviction, 25 000 to 30 000 people marched on Parliament with hundreds of policemen in the precincts of Parliament awaiting what might eventuate. However, not one skerrick of trouble arose, although some people were very angry. Kim Young, whom I acknowledge in the Public Gallery, was a warden during the March and he was arrested on the night of the eviction. He helped to control that crowd of 30 000 people, and helped to put together that demonstration in an orderly and good natured way.

When the Government uses police as its first arm when pushing legislation through this place, we are in trouble. The police were embarrassed. The fine young officers were here for no purpose, as it turned out, during the rally. However, at 10.30 pm, when we should have been in our beds and Parliament was shut, the attack was made. I accept that Presiding Officers have delegated power from the Joint House Committee to act for the reserve board. It is not unusual for the powers to be invoked. I am sure that you, Mr President, and the other Presiding Officer would have much preferred a negotiated outcome to that matter. That secret garden is the dampest, darkest, coldest and wettest place one could find to pitch a tent; it is a disgrace.

The decision made was probably the best outcome as people are now camped over the road; they are more prominent with all the union flags, including that of my union, flying in good natured demonstration. The eviction demonstrates the anxiety of the Government in shoving through the legislation. If members opposite think that people will be intimidated by the police or anybody else, or that the trade unions will be beaten down by this legislation, I remind them of the 500 dockers in Liverpool who have been on strike for two years.

[Interruption from the gallery.]

The PRESIDENT: Order! Just hang on for a minute.

Hon TOM HELM: This eviction is not the only incident of people trying to be beaten by some heavy-handed activity. The Trades and Labor Council has much of which to be proud as it behaved responsibly. The eviction flies in the face of the way the whole rally was handled. It has done good for my brothers and sisters in the trade union movement and has shown that we can act in a level-headed way. People, apart from the simple mind of Kierath, can accommodate the concerns of others.

It is probably unnecessary to amend the Reserves Act or the way the reserve is managed. With this divisive legislation, or with future legislation, it may be necessary for Presiding Officers and the people running such campaigns to accommodate each other's requirements. In that way, we need not have toilets built or a caravan park created on Parliament's grounds.

Those unionists in the camp are to be admired: The last few nights have seen the unionists sleep out with the temperature at six degrees. They are not there for fun; it is not their holidays. They are trying to make a point. I am sure any Presiding Officer of any political colour would appreciate that point. Accommodation can be made at other Parliaments, so why not here? The eviction was unnecessary. The Opposition is aware that the location of the camp on the corner of Harvest Terrace and Parliament Place is constantly under surveillance. We have seen plain clothed policemen and others with cameras taking shots of people in the camp.

Hon Mark Nevill: They should be looking for rapists and murderers.

Hon TOM HELM: The unionists have nothing to hide. It is important that people are in the precincts of Parliament House across the road so people can be aware of the cause, and to give members opposite an opportunity to talk to people about their concerns. They can speak to prominent unionists and non-trade unionists to discover how they feel about the legislation.

Animosity or attack is not needed on either side as plenty of room for talk is available. While that embassy was in the grounds of Parliament House, it demonstrated the possibility of cooperation. While it is over the road, neither party can talk. Mr President, you would be the first to recognise that such an embassy in Parliament creates an opportunity for people to gather and talk about the issues involved. While it is not in the grounds and attempts are made to drive unions and their representative groups underground, that focal point is lost.

I have mentioned before that I am aware of people who do not have a problem with taking on the police or any authority in this State to get their way. Some people are really cheesed off about this legislation. They are frustrated because they are unable to talk to people face to face to have issues considered and decided upon. That embassy was a focal point through which that communication could take place without duress in the calm of day or night. I emphasise that the Opposition does not argue for change to be made to the legislation, as the review of the by-laws makes it unnecessary; is that not right, Mr Chance?

Hon Kim Chance: Not at all.

Hon TOM HELM: Without the by-laws being changed, we can accommodate people's desires and needs. We do not need squads of police coming at 10.30 at night to remove people forcibly.

HON KIM CHANCE (Agricultural) [4.19 pm]: *The West Australian* editorial of 2 May, to which my comrade has already referred, described the eviction of the tent embassy as, among other things, "dumb". I have to agree with that sentiment as it was dumb for a number of reasons, but principally because it put the trivial ahead of things which really matter. It is annoying to some people that the grounds of Parliament House were made untidy by the presence of a resident demonstration. Whether Parliament's grounds are untidy for a time is trivial - it is the type of news in which to wrap tomorrow's fish and chips. Those protesters are not out there because of some trivial issue. It is not about the Parliament House grounds being untidy for a day or two. They are protesting about something that impacts directly on their lives, the lives of their friends, and the lives of their families. They are protesting about the civil rights of every one of us, including you, Mr President, and the humble backbenchers of this place. This is about the rights of every person in Western Australia to protest peacefully on public grounds.

The removal of the protesters was also dumb because it sent a clear message to the public. I am not comfortable about the Parliament sending that message. I accept what the Leader of the House said about the Government having nothing to do with the removal of the protesters. The Government did not reject the tent embassy; the Parliament did. What message will the public of Western Australia get from that? Whether the subtleties of the Leader of the House's explanation are recognised or not, the public will get the message that the Parliament is once again putting trivia ahead of issues that really matter.

The public is already getting another message from the way the Parliament and, more directly, the Government, is dealing with the Industrial Relations Amendment Bill; that is, that this is a place of arrogance and it does not care about what people really think about it. The last Westpoll, for example, shows that, since February this year, support for the Government is down 13 points. Support for the Liberal Party has slipped two points below that for the Labor Party. That has not happened for a couple of years at least. The public is sending a message to us and we are sending it the wrong message by telling protesters to remove their tent embassy from the Parliament House grounds because we do not like the Parliament House grounds being untidy. That is the wrong way to deal with any legislation. It is most certainly the wrong way to deal with our relationship with the public.

I promised that I would not speak for long because I want Hon Mark Nevill to have the opportunity to finalise the debate. However, a couple of things have been said about the location of a caravan in the sunken garden. Obviously, the members' car park is by far a better place to put a caravan. In fact, there is a precedent for putting a caravan in the parliamentary precinct on a semi-permanent basis. That precedent was set by a former honourable member of this place who put a caravan in the members' car park. As far as I know, it stayed there for days.

Hon N.D. Griffiths: A Liberal Party member.

Hon KIM CHANCE: He happened to be a Liberal Party member and is an old mate of mine. Not only are we sending the wrong message to people about our priorities; we are also sending them the wrong message about a precedent. A precedent has been set about the siting of a caravan in the Parliament House precinct and, because we do not agree with the message that the protesters are giving us, we have broken with precedent and kicked them out.

I agree with Hon Tom Helm on another point; that is, we probably did the protesters a favour by forcing them to relocate across the road. They are now far more prominent and probably far more comfortable than they were in the sunken garden. The outcomes do not matter. The principle of what we have done and the precedent we have set cause me great concern.

HON MARK NEVILL (Mining and Pastoral) [4.24 pm]: The embassy in the sunken garden was a well-kept secret. As other members have said, the Government did the union movement a favour by moving the protesters to a more visible area on the corner of the street across from this place. I am proud that I assisted in organising the pegging of a prospecting licence over there so they would have power of entry and exit in that area and would not have the same problem as they would have on a reserve. Often when one does something, it has the opposite effect. There is no doubt that the actions of this Government over the past couple of weeks have done more to strengthen the union movement than anything it has done in the past four or five years.

Hon Norman Moore used a rather bland argument about enforcing rules and regulations. He said if this group were allowed to stay, all sorts of groups would camp in the parliamentary precinct and it would turn into a caravan park. I would like to see the same rules applied in this precinct as are applied in the commonwealth parliamentary precinct. Tourists and other people of that kind do not use that precinct as a caravan park! It is a facetious argument. An Aboriginal tent embassy was there for years; it may be still there. There has been a truck blockade and other peaceful protests outside the Federal Parliament and we should allow the same here. We should respect people's rights to protest peacefully and assemble in the parliamentary precinct. I do not believe that will encourage all sorts of people to use the grounds of Parliament House as a caravan park.

I am not sure of the procedures of the Joint House Committee of this Parliament; I have never been a member of that committee. It was suggested that the Joint House Committee delegate certain powers to the Presiding Officers. However, to delegate those powers, it would have to reconstitute itself as a parliamentary reserve board. I have examined the parliamentary reserve by-laws and I cannot find any power which allows delegation to anyone by the board. If that is intended, it is not in the legislation. From that point of view, perhaps the removal of the embassy from its original location was ultra vires the by-laws. As I said, the committee probably did the union movement a favour by getting the protesters to move into a much more visible position.

I believe that what happened last week was unnecessary; it was an overreaction. I do not believe it was required under the terms of our by-laws. If there were problems, permission should have been granted without too much fuss. As long as the protesters were well behaved, they should have been allowed to stay. As members know, it is not a very comfortable position. It is cold there, particularly at this time of the year. The protesters did not have electricity. The Presiding Officers should have given them an extension cord to give them power so that they did not have to the use the headlights of cars and live in such primitive conditions. Our Parliament has to be a lot more open. The more we put in place rules and regulations governing what can and cannot be done in this place, the less seriously it will be treated by the public and the more opportunities the public will have to ridicule us. I hope it does not happen again and that we review the by-laws and the practices of this House so that we are more tolerant and understanding of people who want to protest and assemble peacefully in the parliamentary precinct.

[Motion lapsed, pursuant to Standing Order No 72.]

MOTION - SESSIONAL ORDERS

Time Management

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [4.30 pm]: I move -

That -

(1) This order -

(a) applies to the Labour Relations Legislation Amendment Bill ("the Bill");

(b) has effect from the time of its making;

(c) lapses when the Bill is finally disposed of by the House, but may sooner be amended or revoked by further order or by leave.

(2) Where there is inconsistency between a provision of this order and any rule or order, the provision of this order prevails and shall be given effect.

(3) Unless sooner resolved, each question necessary or incidental to completing a stage of the Bill's passage shall be put and determined without further amendment or debate at the times prescribed as follows -

Stage	Day	Time
Second reading	Thursday, 8 May	2400 hrs
Committee report	Tuesday, 13 May	2400 hrs
Adoption of report	Wednesday, 14 May	2200 hrs
Third reading	Thursday, 15 May	1700 hrs

(4) If, at a time prescribed in paragraph (3), business then before the House is not proceeding on the Bill, that business is interrupted and the House shall resume proceedings on the Bill at least so far as is necessary to comply with paragraph (3).

(5) Standing Order No 61(b) or (c) applies to business interrupted under paragraph (4).

(6) If at the time prescribed for the completion of the Committee of the Whole House stage of the Bill, amendments appearing on a Supplementary Notice Paper in the name of the Minister in charge of the Bill have not been moved, or the question for their adoption remains unresolved, those amendments are made by operation of this order when the question for the adoption of the clause or part of the Bill to which they relate is resolved in the affirmative.

Hon Tom Stephens: May I just say from the outset what a disgrace it is, an absolute disgrace.

Hon N.F. MOORE: Hon Tom Stephens has been saying that for the past 30 years, that I know of.

The PRESIDENT: Order!

Hon N.F. MOORE: Mr President, if I may.

[Interruption from the gallery.]

The PRESIDENT: Order! The visitor does not have to go. I will not suggest that he does go. However, it is not possible for people in the gallery to continue to make comments while members in this place are speaking. I like people coming to Parliament House. I like to see people in the gallery. It is a pity more people do not come here to see exactly what does happen. I feel sad that that gentleman has seen fit to leave. Obviously he feels intense about this matter. My job is to keep order in the place, to ensure this debate is allowed to continue. I ask the people in the gallery to do what they have been doing since the sitting today started. They have been very orderly, acting very responsibly, and I would like to see it stay that way. If that gentleman who has just left wants to come back, I am quite happy to have him do so.

Hon N.F. MOORE: It is regrettable that we have reached the stage where it is necessary to move this time management motion.

Several members interjected.

Hon N.F. MOORE: The situation which has developed will demonstrate very clearly to people who are taking an interest in parliamentary procedure that the Labor Party is quite intent on ensuring there is no debate on this Bill.

Hon John Halden: How would you know?

Hon N.F. MOORE: I am about to describe the processes of the past two or three weeks. It will become very clear to those opposite that what I am saying is absolutely correct. By putting in place some time management, we will ensure -

Hon Graham Edwards: That the Government gets its way before Ross Lightfoot goes to Canberra. You are a fraud, and you know it.

Hon Mark Nevill: That is an abuse of parliamentary process.

Hon N.F. MOORE: As I was saying, along with a move to suspend some standing orders, we will make sure there is time within which this House can debate this Bill and that it does it properly and through the proper processes of this House.

Several members interjected.

The PRESIDENT: Order! I have no argument with the people in the gallery, but I do have an argument with the members in this Chamber who know the rules and who know my constant message to them: They do not have to like what people say and they do not have to believe it, but they do have to listen to it. The protection I give to the member who is speaking is the same as I will give to every other member when speaking in a debate. Members do not have to be unruly and out of order to get their point of view across. This debate will proceed when the Leader of the House sits down and all members will have an opportunity to say that which they are screaming across the Chamber at the moment. I will ensure that the rest of the members in this place are quiet while a member is speaking. If we are to have an uncomfortable day with people misbehaving, members will force me to take some action that I do not want to take. I certainly do not want to take it on this Bill. I understand the ramifications of this Bill, in exactly the same way as each and every member understands them. However, I have no say in what happens here, except to keep the peace. If members do not want me to keep the peace, they can remove me and get somebody else to do it.

Hon N.F. MOORE: The very recent history of this Bill and its relationship with this House is that that period has been littered with attempts to delay and frustrate the passage of the Bill. When the lower House was completing its debate, I moved that we adjourn for a week and that we come back on a day during a parliamentary recess week so that we could receive the Bill and then debate a contingency motion put forward by Hon Tom Stephens. We would then provide a week, which we would normally provide for legislation coming to the House, in which members could consider this Bill before engaging in the second reading debate.

On that occasion an agreement was reached with the Labor Party not to return on that day to receive the legislation, but to retain the two week break and that during the first week we returned - that is, last week - we would debate the contingency motion on Tuesday. I agreed with that, and also that on Wednesday we would not debate the Bill, but would do so on Thursday in line with a request by the Leader of the Opposition. When the House resumed last Tuesday, the contingency motion, which I had been advised would be dealt with on that day, was adjourned at the end of that sitting. We debated it further on Wednesday and until late on Thursday afternoon when the motion was disposed of. I was given to believe it would be a one day wonder. It was not; it was a three day marathon. Some members spoke at great length, repeating regularly what they said on that motion. Many points of order were taken about what was being said.

Hon Kim Chance: You introduced other business. You changed the sessional order.

Hon N.F. MOORE: Those opposite could have dealt with that motion on Tuesday. That was the deal, which those opposite did not abide by. There was no other business on that day. I was also given to believe we would deal with the second reading debate on Thursday and I anticipated we would spend a fair bit of time on Thursday doing that. As it turned out, because of the delays and the frustration, we began at 4.30 pm, with half an hour left of that sitting day. That was the sum total left for the second reading debate last Thursday, contrary to the indications given to me by the Leader of the Opposition during the previous week when we made the arrangements for last week. The House sat for three days last week and we managed to have the sum total of half an hour in which the second reading debate was conducted.

Hon Kim Chance: Of what?

Hon E.J. Charlton: You didn't want any, did you?

Hon N.F. MOORE: That is exactly right. Had some members of the Opposition had their way, there would be no second reading debate at all, contrary to the arrangement that had been reached. The Opposition is attempting to ensure that this Bill is not passed. That is its right and privilege, and that is what it is supposed to do. However, it is not its right to ensure that the Parliament cannot conduct its business. This Government is entitled to progress its legislation, just as the previous Government in this House was entitled to progress its legislation, without unnecessary interruption and delay, and without frustration, as we have experienced already and will experience this week if this motion is not agreed to.

The Notice Paper contains a number of motions for disallowance. They are not there by accident. They are there because the Opposition knows that standing orders provide that motions for disallowance will take precedence over any other Order of the Day. The Opposition knows that a person who moves such a motion in this House has no time limit. The Opposition knows also that if it organised itself well and we abided by the standing orders as they would

apply without this time management process, we could be talking about the disallowance of such important things as the Egg Marketing Board -

Hon Kim Chance: That is consideration of a report of a standing committee of this place.

Hon N.F. MOORE: There are a number of motions for disallowance: Fish Resources Management Order No 1; Electricity (Energy Efficiency Labelling) Regulations -

Several members interjected.

The PRESIDENT: Order! I have already asked members not to do that.

Hon N.F. MOORE: The Opposition knows that those motions for disallowance will take precedence over the industrial relations legislation. If we did not have some time management, we would spend quite some time into the future discussing motions for disallowance, when there is a significant degree of support in the community for this House to deal with and make a decision about this legislation.

Hon Kim Chance: Did you ask Channel 7 what the community said about that? It was 2-1 against.

Hon N.F. MOORE: We will put in place, if the House agrees, that time management motion. I have also given notice of a motion, which we will consider moving tomorrow, to suspend a number of standing orders in order to facilitate the debate on this Bill.

Hon J.A. Scott: You mean stop the debate.

Hon N.F. MOORE: No - to ensure that members opposite get a chance to talk about this Bill instead of the disallowance of Fish Resources Management Order No 1. Members can talk about that in due course, as has been the case.

Hon Kim Chance: You do not care about Monkey Mia or the people who work there. I thought that was within your electorate.

Hon N.F. MOORE: We believe it is important that this Bill be debated properly in this House. That has been the position of the Government since the beginning of this Bill, and that is its position now. If we were successful in having this time management motion passed, together with the motion to suspend some standing orders, we could provide a significant amount of time for this House to debate this matter properly. If that debate were concluded by the end of next week, that would mean that we had been dealing with this Bill for three weeks and no other legislation had been considered in that time. Any reasonable member should agree that is enough time for a Bill to be debated properly.

I am quite happy to sit late at night and to sit on Fridays, if that is what the House wants to happen, so that members will have every opportunity to ensure that their points of view are known. However, I suggest that everyone knows what is everyone's point of view. It is important that the amendments that the Government has had drafted, based upon the requests of the Trades and Labor Council and Labor spokespeople at various times, and any other amendments are looked at properly and in depth in Committee. If we did not have time management along the lines that I have suggested, we would simply talk about all sorts of things peripheral to the main purpose of this exercise, which is to debate the Labour Relations Legislation Amendment Bill.

Hon J.A. Scott: You have not even got them in here yet.

Hon N.F. MOORE: What is the member talking about?

Hon J.A. Scott: The Premier and Mr Kierath are still working out the amendments.

Hon N.D. Griffiths: Where are the amendments?

Hon N.F. MOORE: Hon Peter Foss will make them available as soon as he is able.

Hon Tom Stephens: We do not know what will be in them.

Hon N.F. MOORE: The process in this House is that motions to amend a Bill are dealt with in Committee. We have indicated today, through the Minister for Labour Relations, that a number of amendments will be made. Those amendments appeared today on the front page of *The West Australian*, the new bible of members opposite. We might even have an editorial that said they were good amendments, and members opposite might even quote that ad nauseam, one after the other, as they have done in the past couple of weeks, as if the only person in the world who had a view was the Editor of *The West Australian*. He might even support these amendments, because they were on the front page of his paper today.

Hon TOM STEPHENS: He is lucky, because we have not seen them.

Hon E.J. Charlton: Perhaps he will not agree with them.

Hon N.F. MOORE: Perhaps he will not; we will soon find out about that. The motion proposes that time management will apply only to this Bill. It is not intended that it will apply ad nauseam and forever. However, there have been times in the history of this House when people have thought about having some time management process so that people cannot use the standing orders to frustrate the business of the House. A sessional order is in place to categorise Bills -

Hon John Halden: Which we have already amended twice and have now gutted.

Hon N.F. MOORE: We have amended it once. The Leader of the Opposition did not even bother to turn up to the meeting to put in place the categories, and he declared that he would not turn up. That is a pathetic performance and hardly in the spirit of that resolution. That is beside the point. This motion will apply only to this Bill, and it will lapse when we have disposed of this Bill. The timetable is flexible. It can be amended or revoked by further order, or by leave. That means that if the Opposition and the Government wished to amend it by agreement, that could be done by leave. It is proposed that once members opposite have decided whether they want to debate the Bill, we can be flexible about which hours -

Hon John Halden: Only a Minister can move a motion, so how could it be by leave?

Hon N.F. MOORE: I said by leave because I predict that if the Opposition was prepared to be cooperative with regard to making available the amount of time that this Bill required, the Minister would seek leave to change the times that are listed in that table. The Opposition would not get leave if it moved it, anyway, and we would not get leave if the Opposition did not want it, because leave is granted by cooperation. Hon John Halden should understand that better than most.

Hon John Halden: Do not say we have an opportunity to do it, because we do not. Do not misrepresent the position.

Hon N.F. MOORE: Hon John Halden knows that because the Opposition can deny leave, it can prevent anybody on this side of the House from changing this new arrangement. I hope there is some flexibility with regard to the timetable, because of the nature of our standing orders, which require that certain things happen after the Committee stage. If the Bill were amended, the adoption of the report and the third reading would need to be taken on subsequent days. Therefore, that standing order requirement has been incorporated into the time management structure. In the event that the House agreed with the proposal to suspend the standing order with regard to that matter, those times could be changed, and we might look at having the third reading and the adoption of the report at the same time as we finished the debate on the Committee stage, perhaps next Thursday, and that could go until quite late next Thursday night. The times that are indicated on this table can be changed by agreement between the Opposition and the Government.

Paragraph (4) of the motion states that in the event that we are dealing with some other business at the time at which the House is required to vote on a stage of the Bill, that business will be interrupted to enable the vote to be taken.

Hon John Halden: The Committee stage of any legislation is important. Your proposal will allow us five and a half hours to debate the most controversial legislation of this decade. That is why it is a disgrace -

Hon N.F. MOORE: No doubt the member will speak at length on the motion. Therefore, rather than using my unlimited time he should use his own. I will outline what I believe we should do. The member has worked out that the House will be allowed five and a half hours to debate the matter. However, as I have already explained, if the member wants to debate the Bill and deal with it rather than dealing with disallowance motions for the next two weeks, we can accommodate the time to ensure that these matters are dealt with. We all know that disallowance motions do not need to be dealt with until they have been on the Notice Paper for 10 days. We can deal with those matters as soon as we have dealt with this Bill. It is feasible.

Hon Graham Edwards interjected.

Hon N.F. MOORE: It has been the case for as long as I can remember that disallowance motions are usually left until a day or so before the 10 days are up, and they can be dealt with before they are automatically disallowed.

Hon John Halden: It is a rubber stamp.

Hon N.F. MOORE: The member should not try to kid me. He knows as well as I know that disallowance motions are introduced for one reason only, and we all know what that is.

Hon John Halden: I will move a disallowance motion and we will see whether you support it. That is a nonsense argument!

Hon N.F. MOORE: I will proceed with the motion. The member can move any amendment he wishes to move, and no doubt he will.

Paragraph (5) of the motion means that in the event that business is interrupted as a result of paragraph (4), the standing order which relates to the suspension of a debate when we reach 5.00 pm on Thursdays or 10.00 pm on Tuesdays and Wednesdays will apply. In other words, debate will be adjourned and become an order of the day for the next sitting of the House. Paragraph (6) relates to amendments which may not have been dealt with at the time of voting at the end of the Committee stage.

The Government has gone to considerable lengths to accommodate the concerns expressed by the Labor Party, the Trades and Labor Council - when we have had those concerns expressed - and any other organisation which has commented on the Bill, in order to put in place some workable amendments which meet the needs of those who have expressed concerns. That process is ongoing. The Government has agreed to a number of amendments, which were conveyed to the media yesterday.

Hon J.A. Scott interjected.

Hon N.F. MOORE: Hon Jim Scott will be given a copy of them as soon as they are available. No-one wants to prevent his having them as quickly as possible. We want to ensure that the amendments that members opposite want are placed on the Notice Paper.

Hon N.D. Griffiths: Where are yours?

Hon N.F. MOORE: We have brought forward a Bill. Many people have said that we can change it to improve it; and we have accepted a vast number of amendments. We will put them on the Notice Paper, as requested by the Opposition. We are happy with the Bill as it stands. However, we are happy to try -

Several members interjected.

The PRESIDENT: Order! I cannot hear what the Leader of the House is saying.

Hon N.F. MOORE: Mr President, the amendments which have been provided from without government will be dealt with at the time a vote is taken at the end of the Committee stage on this Bill. As I said earlier, the time management motion is -

Hon J.A. Scott: Mismanagement!

Hon N.F. MOORE: - unfortunate, to the extent that it is necessary for it to be brought in. I have maintained since I have been Leader of the House that I am not a great fan of gags or time management.

Hon Graham Edwards: Get out the violin!

Hon N.F. MOORE: That is still my position. However, if the Opposition is of a mind to frustrate and delay the Bill so that it is not dealt with, it is my responsibility to make sure it is dealt with.

Hon Bob Thomas: It is a rubber stamp.

Hon N.F. MOORE: We are putting in place a process which, if members opposite are prepared to be cooperative about the time frame, will ensure that we have more than adequate time to deal with the Bill between now and 15 May, which is Thursday of next week. Members are capable of using that time to make up their minds where they stand on these matters. We seek to put in place a time management strategy. I hope that the Opposition can acknowledge that it is possible to be flexible. I have already acknowledged that it is possible to change the times to meet the circumstances of the debate. However, we want this matter to be debated, and not to be fobbed off day after day by various tactics, techniques and frustrating activities of the Opposition used to make sure that we never get around to debating the Bill. I thought that members of the Labor Party would be the first people on this earth to get started on this debate, to get stuck into it and to begin telling us about their problems. They spent all last week telling us why the legislation should be put off for a month. They spent a huge amount of time telling us that -

Hon N.D. Griffiths: Not a huge amount of time.

Hon N.F. MOORE: Members opposite spent most of last week doing that, in contravention of an agreement with me. I thought that members opposite would be busting a gut to get stuck into debate -

Hon Graham Edwards: We will be on 22 May, at the appropriate time.

Hon N.F. MOORE: It is interesting that some members who were Ministers in the previous Government, who know very well that the business of the Government was never taken out of its hands, should make such comments. They organised business; they made sure that when they wanted to deal with legislation it was dealt with. They know, as I know, the tradition that the Government is entitled to progress its legislation always applied when members opposite were in government.

Hon Graham Edwards: Tell me of an instance when legislation was introduced one week and debated the same week without agreement.

Hon N.F. MOORE: I will return to that point quickly. The substance of the agreement was to avoid members opposite having to return in the middle of their break -

Hon N.D. Griffiths: Your break!

Hon N.F. MOORE: My break and the member's break. I was prepared to come back. I moved the motion to come back but members opposite did not want to do it. Hon Mark Nevill had to take someone to Balgo, and other members could not do this or that! Members opposite said that they would forgo their week off -

Hon Graham Edwards interjected.

The PRESIDENT: Order! Hon Graham Edwards should cease his interjections. He knows better. Normally he does not carry on in this way.

Hon Graham Edwards: I am being tried, Mr President.

The PRESIDENT: The member must be strong.

Hon Graham Edwards: I do not know whether I can be much stronger.

Hon N.F. MOORE: Part of the agreement which I went along with, was on the basis of the Labor Party members saying that they would forgo that one week. Members have taken another week now anyway, so it does not matter much. In effect, we have taken two weeks to reach this stage, when we would normally take only one.

It is necessary for this motion to be agreed to so that we can proceed with debate. I look forward to the Labor Party's putting to one side its attempts to frustrate and delay the Bill. Members opposite should get to work and begin debating the Bill on the basis that they have a view about it. I assure members that should that cooperative attitude apply we can make sure that there is ample time for this Bill to be debated in this House.

[Questions without notice taken.]

HON N.D. GRIFFITHS (East Metropolitan) [5.30 pm]: The Australian Labor Party in this place opposes this motion because it takes away any realistic proposition that this place operates as a House of Review. It has never operated as a House of Review and it never will while the Liberal and National Parties have control of it. The sooner that occasion passes - the sooner the Liberal and National Parties lose control of this House - the better for the people of Western Australia.

Hon Kim Chance: The Senate is not controlled by the Government, which is an important distinction.

Hon N.D. GRIFFITHS: This motion, moved by the Leader of the House without notice, contravenes everything he and other spokespeople have put on behalf of the Government during the past few weeks. They have talked about having proper debates and - in that lovely phrase used by the Leader of the House - about the House deciding. We all know the House will decide according to its paramount standing order 17-16. Frankly, the other standing orders are worthless because standing order 17-16 can be brought into play at the whim of the Leader of the House and his willing rubber stampers who sit next to him and behind him.

Some of those opposite will get up time and again in this House and around Western Australia and pontificate about how good they are, how they nobly look at legislation and review matters that come before them, how they make sure that everything that comes before us is properly scrutinised. That proposition is cant. It always has been, and while the Liberal and National Parties have control of this House, it will remain so.

Those opposite like to present themselves as gentlemen, as people who deal with the processes of life in a proper, gentle, caring and civilised fashion. The truth is that when those opposite really want something, when it is a power grab - that is what this is all about - off comes the velvet glove and they expose their iron fist. Frankly, their iron fist is a little rusty. Those opposite are saying that we have a nice House of Review when we choose it to be so; otherwise, it is what we say it is. If those opposite persist with this motion and continue to have control of this House, there is no point in this House remaining. We waste a lot of time in having debates in the other place, then having debates in this place and then pretending that in some way or other we are reviewing legislation.

On many occasions during the past few sitting weeks, particularly since Order of the Day No 1 - that is, the Labour Relations Legislation Amendment Bill - has been on the Notice Paper, I have heard the Attorney General say that he is very interested in having a nice, proper discussion, that he is very keen to hear amendments, that he wants to be seen by the people of Western Australia to be a nice, civilised debater. As the Liberals of yesteryear would refer to him, he wants to be seen as a jolly good chap. The member for Riverton is a much more civilised person in his approach to this legislation. At least with him we all know where we stand. However, the Attorney General pretends to be a nice, gentle soul, somebody who is caring of the community, when nothing is further from the truth. Hon Peter Foss and his ministerial colleagues are determined to get this legislation through at whatever cost to what remains of the reputation of this House. I regret that.

When I came here, a little less than four years ago, I thought it was my duty to contribute to the debates in this place in a meaningful way. I still have that view and I hold it strongly. However, I ask this: How can we contribute in a meaningful way to a process which is an utter farce? A Parliament is a place where people talk; they parley; they express a point of view. This motion is about preventing points of view from being expressed. It is about preventing important questions from being discussed.

This motion must be amended in a number of ways; however, before that happens the House should consider whether the motion must be passed at all. I hate using those words. I am playing the game of pretence, of this being a debating Chamber, when I say that the House should consider. It is not the House that is considering; it is the hard men and women of the Liberal and National Parties, the unreasonable Attorney General, who has an ideological fixation about this measure.

Hon Tom Helm: Not hard: They are bullies; there is nothing hard about them.

Hon N.D. GRIFFITHS: They are going soft in the head. Any member considering how he or she will vote in this place should first answer the following questions: Is this a good thing for Western Australia? Is this the best and most reasonable result we can achieve for Western Australia? No reasonable person, unless they have gone a little soft in the head, would say that this is good for Western Australia. That is the acid test. It does not matter whether one is Labor, Liberal, National, Green or Independent, when we approach something we should consider whether it is good for Western Australia. What is good for Western Australia in saying, "We do not really have a bicameral system in anything other than name"? We, as a Legislative Council, operate collectively. Some say this is the House of the second rubber stamp, but when certain Ministers get hold of it they stamp harder and faster.

[Quorum formed.]

Hon N.D. GRIFFITHS: I am most obliged to Hon Tom Helm for calling government members back here to do their duty and maintain a quorum of this House for the few moments we will debate this matter of great importance; this matter that the Attorney General says he is so keen for us to debate in a proper manner. He is not interested in debating it in a proper manner.

Let us consider the precedents of the application of the guillotine in the Legislative Council. Unless they have gone completely soft in the head, those members who were here in December 1993 will recall what we did in respect of a very dodgy piece of legislation that would obviously be found to be in contravention of the Commonwealth Constitution. That legislation was introduced on the basis of some very stupid legal advice, was the subject of a guillotine motion and wasted the time of the House. We all know that the great legal eagle opposite was responsible for that guillotine.

Hon Peter Foss: I do not think we moved the final motion to subject it to the guillotine.

Hon N.D. GRIFFITHS: The Government moved a guillotine on the Land (Titles and Traditional Usage) Bill in 1993. One of the great -

Hon Peter Foss: Check that.

Hon N.D. GRIFFITHS: The Attorney should check it; he was responsible for it. One of the great precedents for the use of the guillotine in this House again was a motion moved by that great debater, that great listener to the other side's point of view, that man with broad horizons and vision, awesome and wicked -

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: The Attorney knows what wicked means; he is older than I am. He does not go in for slang but practices what his Premier preaches.

The other precedent was in respect of the draconian workers' compensation legislation that we passed in late 1993. It was draconian -

Hon B.K. Donaldson: It is working perfectly; it is excellent.

Hon Kim Chance: You are not speaking to the hundreds of people suffering as a result of it.

Hon N.D. GRIFFITHS: It is so draconian and so perfect that, following the imposition of the guillotine at 1.00 am one day in December 1993, Hon George Cash noted among other things the presence of a number of people in the Public Gallery - I recall a number of people from the Law Society being present, but Hon Peter Foss was not concerned - and moved a motion to the effect that aspects of that legislation were to be sent to the Legislation Committee. So much for the effect of a previous use of the guillotine. That legislation went to the committee and I know that Hon Derrick Tomlinson had a great interest in its ill effects and spent a considerable time examining it. He now says otherwise. I think he is after a job; I think he wants to be Chairman of Committees.

Hon Derrick Tomlinson: What legislation?

Hon N.D. GRIFFITHS: The Workers' Compensation and Rehabilitation Bill passed in 1993.

Hon Derrick Tomlinson interjected.

Hon N.D. GRIFFITHS: Perhaps had the member been here, where he should be, rather than engaging in parliamentary business elsewhere, and had he listened to this debate - clearly he will not have an opportunity to speak to it because the Attorney General will not let him -

Hon Peter Foss: I am always keen to have Hon Derrick Tomlinson contribute.

Hon N.D. GRIFFITHS: Cant, cant, cant! Off he goes again! Hon Derrick Tomlinson was very concerned about the evil effects of that past use of the guillotine.

Hon Peter Foss: I even want you to speak on the Bill.

Hon N.D. GRIFFITHS: I am sure I will, and when I do I will do my best to point out to the people of Western Australia the fact that the member for Riverton has been maligned; everyone blames him. They should be blaming the Attorney General - he is the true author. *Hansard* will note the smirk on his face. He is nodding his head in agreement. We will hear, "Hands off Kierath!" In due course the demonstrators will apologise to the member for Riverton that they chose the wrong target; the target should have been the Attorney General. The Attorney nods in agreement.

Point of Order

Hon PETER FOSS: I do not know that members are allowed to attribute to people on the other side of the House motions of the head that they are not making.

The DEPUTY PRESIDENT (Hon W.N. Stretch): I will have to take advice on such an esoteric question.

Hon PETER FOSS: I have it on the record anyway.

Hon N.D. Griffiths: Is the Attorney sure that is true? I think he is knowingly mistaken.

The DEPUTY PRESIDENT: It is not proper for a person to attribute words to another member by virtue of the interpretation of a nod of his head or anything else. If the member is referring to an interjection, it is recorded. It is improper to make inferences on the record when they were in no way part of the record previously.

Debate Resumed

Hon N.D. GRIFFITHS: Thank you for your guidance, Mr Deputy President. I note the tut-tutting of the Attorney, which similarly should not be noted, but I trust it will be.

The DEPUTY PRESIDENT: I think the member can continue with the debate without these interpretations.

Hon N.D. GRIFFITHS: When one examines the words of this motion, the first thing that comes to mind is that it applies to the Labour Relations Legislation Amendment Bill 1997 and the Leader of the House has moved it without notice as if it were something of which he has just thought. He and his colleagues always intended to move a guillotine motion, just as they always intended to push through a draconian piece of legislation and just as they always intended to have their way. They also try to persuade people that they are not what they really are. They say one thing and do another; they say they are reasonable but they are unreasonable; they say they want to negotiate but they demand.

I believe Hon Peter Foss referred to his good friend and close colleague Hon Daryl Williams and said that negotiating with that gentleman was like negotiating with the Mafia. I am beginning to understand what he was getting at because

I have seen how this Government treats the trade union movement and other responsible people. If Mr Foss is of that view about Hon Daryl Williams I would think that the trade union movement is entitled to a far stronger view. However, to express that far stronger view I regret that I would have to use very unparliamentary language and therefore I do not propose to do so.

The second part of the motion deals with when it will have effect; that is, from the time of its making. This debate will be subject to standing order 17-16 because the rest of the standing orders are practically useless; although the Leader of the House has found a couple that he can use. Standing orders are intended to be used to facilitate debate, and that is perfectly proper. One of the things I found particularly objectionable about the comments of the Leader of the House was that he was complaining about his perception of the Opposition's using the standing orders to express its opposition to a Bill that the Opposition views as being fundamentally evil. I have no other reasonable description for the Bill. Although the Premier might call it wicked, we all know what he means. The standing orders exist to facilitate parliamentary process. A number of proper processes of Parliament and of this House should be gone through. That particularly applies to legislation of great controversy such as this. However, this Government has a different view. It says that matters of great importance and controversy should not be subject to proper parliamentary process, nor to proper scrutiny. The Government does not mind matters that are of interest to a small sectional group or that are of small interest in the community being subjected to greater scrutiny, because that keeps the Opposition and other parties busy; and it keeps the Government's discontented and ambitious backbench busy. However, when it comes to something that requires proper scrutiny the Government says that shall not occur.

Frankly, the way in which this House operates with controversial legislation is worse than the Legislative Assembly. The other place does not pretend to be a House of Review, a place where legislation is fully and properly scrutinised. The other place is the House of Government; it is where policy is decided in the final analysis. However, if this place pretends to be a House of Review it should at the very least go through the "say one thing and do another" process - I do not want to use that word which starts with an "h" just in case it is unparliamentary. At the very least we should go through the process. We may not be a substantial House of Review, but at least we can carry on with the pretence and at least the Government can put the velvet glove back on. However, the Government wants to shake the iron fist. Frankly, that is because the Government does not care. An election was held. At that time the Premier said the Government would be wicked. Boy, is the Government wicked! Everything it has done is wicked. I do not use that word in the slang meaning of the term, but in its true English meaning. I am sure the Premier, the member for Nedlands, was not misleading the people of Western Australia when he said the legislation would be wicked.

Hon E.R.J. Dermer: Witchcraft!

Hon N.D. GRIFFITHS: It is evil legislation. The member for Nedlands does not tell lies. He promised the people of Western Australia it would be wicked. The Premier is a little older than I or Hon Ed Dermer and he is not in the habit of using youthful slang, although he caused the young to be mistaken in their views. They thought he was using a slang term. He was not; he was being wicked. He was promising them evil, and that is what he is giving them. That is what the Premier is doing to this House by having his representative here, the Leader of the House, move this guillotine motion which casts aside the supposed traditions of this House; that supposed view of this House as a nice, genteel place in which the gentlemen from the bush get off their tractors, horses and buggies, and the gentlemen of the law finish their cases and have a quiet nip and discuss with their clients what they will be doing tomorrow and have a gentle stroll up the Terrace.

Hon Kim Chance: Interrupted only by the thump of the rubber stamp.

Hon N.D. Griffiths: I am afraid that the stamp did not need much rubber. Under this rort of an electoral system conservative governments did not have to worry about guillotines because there were so few speakers on the other side. That is the reality. It has never been a proper House of Review. However, the other place at least has the honesty to have a guillotine process whereas this place has this great pretence that somehow or other it is a House of Review. Hon Kim Chance has shown me a document that has come into being through reference to what is said in *Hansard*. It has Hon Tom Stephens' photograph on it.

Hon Kim Chance: It has a very good photograph.

Hon N.D. GRIFFITHS: It is not a bad photograph. In a passage in this document Hon Tom Stephens points out the responses that the Leader of the Government in the Legislative Council, Hon Norman Moore, gave to a question on 11 March 1997 on the use of the guillotine. He said -

> As far as I am concerned, as leader, we do not have an effective guillotine process in this House -

Which is true -

> - and the House should take as long as it needs to debate matters.

Hon N.F. Moore: Hon Nick Griffiths should read the rest of the answer. It would not be in the press release because it would not suit his point.

Hon N.D. GRIFFITHS: I will read the rest of the press release.

Hon N.F. Moore: No, read the rest of what I said. Hon Nick Griffiths is a fair and generous person.

Hon N.D. GRIFFITHS: I am extremely fair and generous. Being extremely generous I will read the rest of the media release because, unfortunately, I do not have a *Hansard* in front of me.

Hon N.F. Moore: I remember what I said.

Hon N.D. GRIFFITHS: I am pleased that the Leader of the House remembers what he said.

Hon N.F. Moore: I also said that we needed to take into account that some people speak at great length. You are leaving out half of what I said. Mr Stephens has quoted only the first half of my answer. I am doing exactly what is required, as I said to you earlier.

Hon N.D. GRIFFITHS: I do not think the Leader of the House is responsible for this. I think he has been dragooned into it by the Attorney General. I cannot imagine this coming from Hon Norman Moore, because in a few weeks' time he will have been in this House for 20 years. Although I use the words "say one thing and do another" Hon Norman Moore has said so often "the House will decide" that I believe when he says those words that he believes them; he wants them to be true.

Hon N.F. Moore: The House always decides.

Hon N.D. GRIFFITHS: Hon Norman Moore says "the House always decides". I look forward to the day when the House decides that the Leader of the House is wrong.

Hon N.F. Moore: That will happen and it has happened.

Hon N.D. GRIFFITHS: So it should happen.

Hon N.F. Moore: It will happen again.

Hon N.D. GRIFFITHS: I am sure it will if matters are dealt with on their merits.

Hon N.F. Moore: I know that when the numbers are 17-16 your way your view of merit will change dramatically from what it is at the moment.

Hon N.D. GRIFFITHS: That is not so.

Hon N.F. Moore: That is always what happens when you change sides.

Hon N.D. GRIFFITHS: Hon Norman Moore has put a proposition on which we can agree to differ. I want to deal with this motion.

Hon N.F. Moore: Please ask Hon Tom Stephens to quote everything that I said, not just bits of it.

Hon N.D. GRIFFITHS: With respect, I gave a shorthand quote of what Hon Norman Moore said last week in a debate on 10 April, and I did not quote him unfairly.

Hon N.F. Moore: The qualifying comment made in my answer was that many people in this House speak at great length and that must be taken into account.

Hon N.D. GRIFFITHS: All members understood, and the Leader of the House knew that we thought he was referring to the Attorney General when he said that.

Hon N.F. Moore: Not specifically.

Hon N.D. GRIFFITHS: Not specifically, but he was included.

Hon N.F. Moore: I was referring to members in general.

Hon N.D. GRIFFITHS: This side of the House does not have members who speak at great length. I have never seen it happen.

Hon N.F. Moore: We look forward to your finishing at six o'clock.

Hon N.D. GRIFFITHS: I will finish these opening remarks at about six o'clock and I look forward to giving an after dinner speech; however, I need to address a number of matters of substance.

I will go to the kernel of where the Government is wrong in causing this motion to be presented to the House. I have dealt with the precedents for the guillotine and the awful prospects that have occurred. I suppose I can reiterate, perhaps briefly, how Hon Derrick Tomlinson by his actions in the Legislation Committee showed up how awful was that prior use of guillotine and how, with this proposed guillotine process and matters ancillary to it, we will be making the same mistake.

Sitting suspended from 6.01 to 7.30 pm

Hon N.D. GRIFFITHS: I took the opportunity over the past hour to consider some matters. One of those matters was the proposition that in debating a guillotine motion in the Legislative Council of Western Australia, I should take note of what Parliaments are all about; what their traditions are all about, and, in particular, what the traditions of the Legislative Council are about - we are often told how the Legislative Council sees itself. I thought that in the course of my comments I should have a physical reminder of those matters. That is why when I changed at dinner time I also changed the tie I was wearing. Mr President, you may recognise my tie.

This guillotine motion causes me to respond in a number of ways. At first I felt the appropriate response was emotive. If it is anger, it is cold. Sadness is more appropriate because when a Chamber such as this moves down a path such as that proposed by the Leader of the House - a path we know will inevitably take place because of the famous standing order 17-16 to which members have referred - the House, the Parliament and the people of Western Australia will find out to their cost that mistakes have been made and that proper reflection has not taken place.

Before dinner I referred to the precedents of the application of the guillotine in the Legislative Council. When any House of Parliament considers a course of action, it should take on board what precedents exist for that course of action, how they were applied and with what effect. I referred earlier to one precedent; namely, the Land (Titles and Traditional Usage) Bill. The Attorney General interjected and sought to correct me to the effect that no guillotine was placed on that Bill. I made the observation that there was and that it was remarkable legislation because it was found to be invalid. That is in part because no reflection was brought on by appropriate debate. This House was party to passing faulty legislation. That is the inevitable result of a guillotine motion in a Chamber such as this purports to be.

It was put to me by way of interjection that I was wrong. Members all know that the legislation was invalid, in part because there was no appropriate reflection. Because of that interjection I should restate the record. It is contained in any event in *Hansard*, but it seems some have forgotten it. I refer to the making of that mistake - that awful precedent. The third reading debate of that legislation commences at page 10012 of *Hansard*, 15 December 1993. Hon Peter Foss was handling the Bill and moved that the Bill be read a third time. Hon John Halden, then Leader of the Opposition, spoke on that question. He made the appropriate reference to the so-called time management sessional order that was in operation at that time and how it applied to the Bill, as follows -

> Looking at the Supplementary Notice Paper, the Government managed to debate 10 per cent, and that is probably being generous, of the Opposition's amendments.

I interjected and said the Opposition had 105 amendments. Hon John Halden referred to the effect of the sessional order on debate on that legislation. I do not want to go over that in any more detail because anyone who is at all familiar with the history of Western Australia will be aware of that very faulty legislation. That legislation was passed, again no doubt on the basis of some stupid legal advice, and there were High Court challenges and millions of dollars of taxpayers' money was spent. It resulted in uncertainty on land management and all interests in land. In 1993 the guillotine came down on a number of occasions. None was worse than the application of the guillotine on 1 December 1993 on the Land (Titles and Traditional Usage) Bill. The previous reference was to workers' compensation. The sessional order was in operation but this was its most cruel application. Hon George Cash was reported at page 8542 of *Hansard* as saying -

> I therefore table a program in respect of Order of the Day No 4.

Before using those words he referred to there being 36 clauses still to debate. That happened at 11.52 pm. In the course of dealing with the measure, that guillotine came down and inhibited debate. The workers' compensation legislation was so bad that just after it was passed, at 1.00 am Hon George Cash moved -

> That the Workers' Compensation and Rehabilitation Amendment Bill be referred to the Standing Committee on Legislation for consideration and report.

That is reported at page 10015 of *Hansard* on 15 December 1993. That was a fairly constrained position but it was meant to placate the strong feelings people had. I remember representatives of the Law Society being in the gallery, and some of them seemed very pleased that this sop had been provided to them. They felt they had a great win but there was no great win. That legislation continues to do great harm to the people in Western Australia, particularly

working people and their dependants. It does harm to the whole community because if somebody is treated badly by this State's laws, the community as a whole is worse off. The legislation continues to do great harm and that, in part, is because the Executive rammed the legislation through by the use of the guillotine. The Legislation Committee, which in itself was constrained, gave the matter consideration and eventually on 29 November 1994 brought down a report. I do not attack the committee's bona fides in any way, but of its nature it had to be constrained. Although within those constraints it pointed out many matters that were wrong with the legislation, it could not remedy the primary fault of the legislation. It is significant, nonetheless, that by making those strong recommendations for change the Legislation Committee was able to say in effect that the guillotine is an ineffective measure.

Why then is there a guillotine motion before the House? There is an obvious reason. The Government is concerned about standing order 17-16 and, as Hon Peter Foss said recently, it wants to get this legislation through because the numbers in this House will soon change. Hon Peter Foss accused the Opposition of wanting to do the same thing. However, the Opposition does not want this legislation to go through; it does not want anything as evil as this legislation to be passed. Hon Peter Foss was barefaced and said the Government would get the Bill through - to paraphrase his comments - come hell or high water. That is the only reason. The Government is not interested in debate; it wants its legislation passed. There are strong misgivings in the community at large.

Hon Graham Edwards: There is outrage, and so there should be.

Hon N.D. GRIFFITHS: Hon Graham Edwards uses very lucid words when he says there is outrage in the community and justifiably so. There is outrage in the community because of a perception of what Governments are here for. Governments are here to do what is best for the people. The question I posed at the beginning with respect to this Minister can be answered only in the negative. The motion moved by the Leader of the House is not good for Western Australia. There is an understanding of that and a strongly held view by a significant number of Western Australians that although this Government has parliamentary authority at least until 21 May, by using the parliamentary authority it achieved in an election on 6 February 1993 after an election which took place in December 1996, it has lost its moral authority. It has lost the moral authority to govern. It is no longer accepted in this action as behaving legitimately. I say that advisedly. Of course, as a matter of law, the Government is able to do what it is planning to do. If nothing else, standing order 17-16 guarantees that. However, this Government went into the election saying that its legislative program had been completed and that it had no unfinished business. In effect, the objectives of the mandate received on 6 February 1993 had been achieved. It said, "Give us a new mandate and we will then move on to new things." Those matters were raised by the Premier and his spokespeople during the course of the election campaign.

Of course, that was stated in the context of considerable controversy with respect to labour relations matters, particularly the 1995 Bill. The community accepted that as far as industrial relations-labour relations were concerned, the Liberal-National Party coalition Government wished to pursue relatively little. In fact, when pressed on the matter, the Government referred to the Fielding report. I will not deal with any detail of Order of the Day No 1 in commenting on this motion, but it is significant that a major area of that Bill flies in the face of a Fielding report recommendation.

That comment adds force to the proposition that the Government has lost its moral authority. It may yet regain that moral authority if it decides to withdraw this motion. Of course, its defeat by people of good conscience with respect for parliamentary tradition crossing the floor is unlikely, but I live in hope.

Governments are meant to serve and act on community trust; they are not meant to act in a totalitarian manner or effectively to tell society how to behave. They should reflect the views and wishes of society. We will have a very unhappy society - I think we already have one - if the Government attacks the parliamentary processes of this House in the way that this motion suggests. Members should be mindful of the perception of what the Government should be doing, and how the House should be constituted, especially when it deals with a radical departure from what was understood to be the Government's program by the people of Western Australia when they decided to re-elect the Government and give it a mandate in December 1996.

Irrespective of its legal rights and wrongs, many people in the community have expressed a concern about the constitution of this House; it is a matter of perception. As a matter of law, nothing is wrong with the current make-up of the House. We know that it follows from the way people cast their votes on 6 February 1993. However, many people think that is wrong and the House should be constituted differently, particularly when it deals with an issue such as that before the House. The members concerned in that constitution of the House are on both sides of the House.

Of course, that raises the fact that Hon Norman Moore's standing order 17-16 will change; that is, the non-government side will have 17 members, and the government side - given the fair assumption that one ambitious

government member will take the Presidency - will have 16 members. Great community disquiet is evident that such a Bill should be dealt with through a guillotine process before the constitution of the House changes. The will of the people was not expressed last on 6 February 1993, but on 14 December 1996. I try to erase that date from my mind, as you would appreciate, Mr President.

The other area of considerable community disquiet relates to the position of the member who everybody in Western Australia understands will shortly leave this House and go to the Commonwealth Parliament. Of course, I refer to Hon Ross Lightfoot. By making reference to him, I do not make a personal comment; I refer to the strong community disquiet in this regard. Many people have the view that the senator-elect should not be here. The Liberal Party, after a tortuous process, decided what he was to do, and one would think that it would want to get him out of here and say, "Get you behind me, Hon Ross Lightfoot; off you go. Pack your bag, as you should not be here." If we are so mindful of the stale mandate of 6 February 1993, he will be replaced by somebody. The will of the people was expressed in 1993, and the Liberal Party decided that our good colleague would go. However, he is still here.

One of the reasons for a great deal of concern about the member's continued membership of this House is that it is linked to the fact that a guillotine will be brought into this House. As the honourable member has a reputation for strong views about the subject of Order of the Day No 1, people say he should not be here. He has strong views. Many members in the House last week heard him say strongly by way of interjection, "I will be here until the IR Bill is passed." I do not know the *Hansard* reference, but I quote him accurately. He is linked to the Labour Relations Legislation Amendment Bill and the guillotine process. The honourable member is considered to be one of the foremost spokespeople of the Liberal Party, along with Hon Peter Foss, in this Chamber for advancing what many people in the community regard - I agree with them - as extremist, not mainstream, points of view.

Another aspect taints the guillotine process and the moral authority of the Government; namely, the President of the Senate advising His Excellency the Governor that the duration of the failure to fill the Senate vacancy which arose in the first half of February of this year is unprecedented. There is a strongly held view that that is due to the role the honourable member is playing in the counsel of his party and will play in the application of the guillotine on the Labour Relations Legislation Amendment Bill.

There are some aspects of Hon Norman Moore's speech with which I wish to deal briefly. Some of my colleagues may deal with them at greater length. They deserve to be dealt with at reasonable length so that the next time anyone contemplates moving a measure such as this, the record is there for them to read and warn them not to do it. The substantive arrangement between the Opposition and the Government on the last sitting day before the school holidays was that the Government would bring the Bill in on the Tuesday after the school holidays and do away with the seven day convention, and - I speak in substance - nothing would prevent our commencing to deal with the Bill on the Thursday. That is what took place. There was nothing in that arrangement to prevent the Opposition from using proper parliamentary procedures to allow for the scrutiny of this Bill. There was nothing in that arrangement to prevent the Opposition from raising the proposition, as it did by way of the contingency motion that was debated last week, that we should not proceed with the matter until 22 May. That contingency motion was dealt with and Hon Tom Stephens commenced his remarks. However, in that arrangement there was nothing that could reasonably prevent the Opposition from properly raising other procedures which would have enabled the Bill to be appropriately scrutinised. Yet, the Government believes that anything that prevents it from getting on with its draconian legislation is not on, and that it is a breach of an arrangement. There is no breach of an arrangement. I trust my colleagues will deal with that more appropriately than I. The Leader of the House used the word "flexibility". I find the Government is flexible provided it gets what it wants in the time it wants it. When will we have the joint sitting to deal with the appointment of Hon Ross Lightfoot to the Senate? We should be dealing with that now, not some silly guillotine motion.

The Leader of the House moved a motion this afternoon which, presumably, will be dealt with tomorrow. That is in his hands. I will not move onto the notice of motion. However, we should note that it is part of a package. That package effectively prevents the scrutiny that the Labour Relations Legislation Amendment Bill requires. This is a particularly tight guillotine taking into account the practices of this House. There are some aspects which I find particularly dreadful and outrageous. I know from conversations with them, that my colleagues share that view. They are keen to express their outrage in their usual measured tones. However, today it was proposed that the second reading debate should finish at midnight on Thursday, 8 May. The Government has to bear in mind that the standing orders of this House state that the lead speaker for the Opposition - this has been the case with whichever party is in opposition - covers in detail the substantive arguments in the second reading debate. Often when legislation is not of real importance, is not controversial, or has received appropriate scrutiny elsewhere, the lead speaker's speech in the second reading debate is the only speech for the Opposition. However, with a measure such as this, it has been the practice for the Leader of the Opposition, irrespective of which party is in opposition, to go through the very controversial, detailed, complex measure. It takes a considerable time to do that properly and give the legislation the analysis that it deserves. That is not filibustering; that is proper analysis. The Opposition uses the standing orders

of the House - this applied to those opposite when they were in opposition - to allow its lead speaker to put the Opposition's point of view on a matter of importance which requires detailed instruction. Hon Tom Stephens will do that and he will do it very well. However, he will take some time. It is not for any of us as he is putting forward the primary views of the Opposition to tell him to cut his comments short because we want to express our point of view. We all want to express our point of view because we are - I am speaking on behalf of my colleagues in the Australian Labor Party - part of a unique organisation. There are not many organisations like ours in the world; we are a Labor Party.

We are not like a Social Democratic Party or like the Democratic Party in America. Many similarities exist between us and many of the Social Democratic Parties in Western Europe, but primarily we are a Labor Party. We have most in common with the parties of the newly elected Government of Britain, the New Zealand Labour Party and to a lesser extent the new Democratic Party in Canada. The Labor Party is unique because it is primarily a party of the trade union movement. Therefore, we come to this Chamber as a result of significant support from the trade union movement in endorsing us. When I make these comments I am not saying that the State Labor Party and the Trades and Labor Council are the same; they are not. Not all of the affiliates of the TLC are affiliated with the State Labor Party. What we say often, I trust, coincides with the views of the TLC, particularly on important matters, but not always. We are a separate organisation from it and from the aggregates of our constituent parts - those unions which are affiliated with the ALP and branches of the ALP - but there is a strong sense of our being aligned with the trade union movement and being representatives of the trade union movement. For better or worse we see one of our primary roles as representing what we consider to be the appropriate interests of the trade union movement.

I make those comments, Mr President, so that you can understand why I and each of my colleagues want to speak on this Bill at the second reading stage and express our views on it. I cannot go into detail of the Bill but I have to make this observation to make the point: This Bill is an attack on the trade union movement. The Bill is about destroying the effectiveness of the trade union movement. It is about turning the trade union movement into some pale imitation of that in the United States of America with the consequent deprivation of working people and the creation of masses and masses of working poor. We feel very strongly about that. That is why every one of us wants, in the context of standing orders, to speak on the second reading of the Bill and express our views. Hon Tom Stephens will cover the matters fully. We are here, as you have so often told us, Mr President, as members who are elected in our own right, but we see ourselves, and properly so, as Labor members representing the community, but within that community particularly the trade union movement. We see the role of the trade union movement as being essential. The trade union movement created the Labor Party. If we get rid of the trade union movement, we get rid of the Labor Party. That in part is what this Bill is about.

The trade union movement is crucial to our being here and our role here. Therefore, each and every one of us wants to speak on this Bill, in accordance with standing orders. I understand that the member for the South Metropolitan Region, Hon Jim Scott, who is not a coalition member and is opposed to the coalition on this measure, wants to speak. Members are allowed under standing orders 45 minutes in which to express their disgust over what they consider to be a fundamental measure. Noting the other matters we deal with, such as question time, meal times, motions and the first hour, we will have a lot of difficulty in dealing with this by the time indicated. Our role as members will effectively be taken away by that first time period. I do not know what the Leader of the House plans for the Committee stage. I do not know whether he is planning to sit through Friday and Saturday. Given the use of the word "wicked" in the Premier's policy speech, perhaps we will take the unprecedented step of sitting on Sunday. I would certainly be opposed to that. Let us have some standards when it comes to debating these measures - "Never on a Sunday". I am very pleased that if I read the winds correctly, it will not occur. I do not know what the Leader of the House has in his mind or what directions he will be given by the Attorney General. I am not blaming the member for Riverton.

Hon N.F. Moore: Nobody gives me directions.

Hon N.D. GRIFFITHS: I do not want to breach standing orders but I do not think that this is the doing of Hon Norman Moore. He is a nice bloke. I do not want him to disabuse me of that notion. I do not see him thinking up such draconian measures. I know that he respects the traditions of this House so much that he has been dragooned and forced into this role by those ruthless members sitting alongside him. I regret that. I do not want to labour that point. The Committee will report on Tuesday. Maybe we will come back on Tuesday.

This Bill is very complex, so complex in fact that we are told through the newspapers that amendments are floating around. If they are, I have not seen them. Where are the "feel good" amendments; where is the sugar coating on the poison pill or the paint on the rotten wood the Government will give us? It is so complicated that the Government has not come up with them. It smells like a public relations exercise. The main point on this guillotine motion is that the Government has difficulty with amendments, and yet they are not before us. However, we are given a very

limited time indeed in which to deal with the Committee stage of the Bill. Some people may say, "It looks as if you have a full day to deal with one Bill." There are Bills, and there are Bills.

[Quorum formed.]

Hon N.D. GRIFFITHS: This Bill contains so many matters of such complexity and such controversy that the time set out to deal with the Committee stage is inappropriate. We would then have the adoption of the report the following day, there might be some matters of recommittal, and the third reading would be on 15 May. Why 15 May? The reason is a matter that I mentioned earlier - a member's desire to move to Canberra, at long last, on or shortly after 15 May. We know that 15 May is a designated sitting day, but nothing need turn on that.

My colleagues and I find it particularly outrageous that we will have legislation by tabling - it is not even tabling. I will read out paragraph (6) of the motion, because I am not sure whether members opposite understand the ramifications of those words; if they do and they vote for it, shame on them. My colleagues will deal with this matter in greater detail, because it is a question in itself. It is an abuse of parliamentary process and is wrong. It states -

> If at the time prescribed for the completion of the Committee of the whole House stage on the Bill, amendments appearing on a supplementary Notice Paper in the name of the Minister in charge of the Bill have not been moved, or the question for their adoption remains unresolved, those amendments are made by operation of this order when the question for the adoption of the clause or part of the Bill to which they relate is resolved in the affirmative.

If that did become part of our processes, we would be doing something far worse than merely setting a timetable for the guillotine. We would be saying, "Forget about this being a House of Parliament at all; we will legislate by executive fiat."

Hon Peter Foss interjected.

Hon N.D. GRIFFITHS: Here he goes again - fiddling around with his machine!

The PRESIDENT: Order! I will run this Chamber. We have been going along rather nicely, with no interjections, and the Minister comes into the place and in two minutes he is interrupting. Let us listen to the member.

Hon N.D. GRIFFITHS: By rejecting this motion, this House will take an historic opportunity -

Hon Graham Edwards: Is it not incredible that the Attorney General, the person handling the Bill, does not have the guts to sit here and take the criticism?

The PRESIDENT: Order! Hon Graham Edwards has been criticised once today by me for interjecting. This is a very volatile debate. The member has been addressing the Chair in a very dignified and professional manner, and I will ensure that he is allowed to speak without anybody else interrupting. He does not need anybody else to help him.

Hon N.D. GRIFFITHS: If the House voted against the motion, it would be exercising an historic opportunity to place a stamp on its future rather than be, as some portray it to be, I regret to say accurately, a House of a rubber stamp for the Executive and, more often than not, a House of a second rubber stamp. It would show that it was prepared to be a House of Review significantly before its composition was changed.

Recently, we brought into this place sessional orders which followed bona fide discussions about changing the procedures of this House so that we can operate more effectively, particularly with regard to review processes. Those processes can work only if there is goodwill. This House as a whole has the opportunity to engage in that exercise of goodwill; and if it does so, it will herald a new era, commencing not on 22 May but on 5 May. It is appropriate that members opposite give some consideration to that matter.

One of the many difficulties with this motion is that it will not enable the proper processes of the Standing Committee on Legislation to take effect. That committee is one of the worthwhile processes by which we can scrutinise legislation properly. A document entitled "Report of Standing Committee on Legislation in Relation to a Review of Some Aspects of the Operations of the Committee to Date", dated September 1991, illustrates what this House would be failing to do if it failed to prevent this motion from being passed. Page 2 refers to the objectives of the committee. It is patently obvious that the objectives of that committee are precisely what is best for the State of Western Australia in dealing with the Labour Relations Legislation Amendment Bill at this stage.

The first objective is to give to members of the public the time and a method for direct access to the legislative process and to permit legislators to have direct access to the views of the public by way of written submissions and oral evidence. That has not happened, and we will be the worse for that. If that had happened before those earlier

examples that I gave about the application of the guillotine process, we would not have made those errors - that is, if we had acted in a bona fide way. If we had acted as rubber stamps, that would be a different matter.

The second objective is to provide a forum in which various differing community views as to the content of legislation can be aired and hopefully resolved. Surely that is what we need now. I do not like living in an unhappy society, riven by unnecessary conflict, where people are conscious that they are about to be more exploited. I want our society to be well-run, to be one in which there is a degree of proper contentment for the present and hope for the future. We are not availing ourselves of that opportunity, and that is a pity. That will not come to pass in a meaningful way if the motion succeeds.

The third objective is to enable the detail of the wording of a Bill to be worked out in a more efficient way than the Committee of the Whole; that is, by discussion between legislators from all political parties and parliamentary counsel, such discussion taking place in the light of evidence obtained from the public. I thought that was a proper and pressing process, particularly notwithstanding those glorious headlines from the public relations point of view on the part of the Government in *The West Australian* this morning, and the fact that its spin doctors were able put across a positive message on television stations last night, we still do not have the amendments in the House of Review.

The fourth objective is to give legislators more ready access to departmental information. We do not have that access. I suppose we can receive briefings but the Legislation Committee in its report envisages something more detailed, and that is a very worthy point. The next important point is to record the submissions and reasons for the particular drafting as an historical record and an aid to interpretation. I do not want to go into detail, but that is very important in the context of the matter which will be the subject of this guillotine motion.

The next objective is, where the committee is unable to agree on a single recommendation, or where there is an apparently irreconcilable difference of view between the political parties, to recommend various alternatives to the House and the measures to implement each alternative. Why do members opposite not want that? They just want to have their point of view prevail even though many of them do not really understand the Bill. We are all aware that the Deputy Premier on a radio program a couple of weeks ago said that he was not across the detail of the Bill but agreed with the principles of it. I listened to his comments and I was somewhat shocked, because I thought that the Deputy Premier would have been across a Bill of such prime importance. Having respect for the Deputy Premier and the high office he holds, I was disappointed to hear his comments. He gave an excuse: he had other matters on his agenda. I wonder how many other members opposite have not taken the trouble to go through this Bill, or, if they have, whether they understand them. Again, I say that in the context of the missing amendments.

This is not a bad path to go down; it is a reasonable one. If we went down it we would probably find that the community will have an enhanced respect for this House. However, it will not have an enhanced respect. Indeed, what respect it has for this House, I regret, will be diminished dramatically, and that is very disappointing not least because it will reflect on all of us. I do not want that to occur. In particular, I do not want it to occur because, by not giving this legislation the scrutiny it deserves, by minimising that scrutiny by the use of the guillotine in this supposed House of Review, whatever little opportunity there is to educate, to inform, and to place our views on the record will be dramatically impaired.

This motion goes to the kernel of what this House is all about. We have not had many such motions. I have given two examples, although I think I had the dates around the wrong way. The Land (Titles and Traditional Usage) Bill was debated on 1 December and the Workers' Compensation and Rehabilitation Amendment Bill was handled on 15 December. In 1993 the time management process was brought in because of the industrial legislation which was very harmful to the wellbeing of many. It has played a major part in the creation of large numbers of working poor, caused many people to work longer hours, and disrupted family life to a great degree as a result.

However, this treatment of this important legislation by this House will reflect on its reputation in years to come, and immediately will cause many people to reflect that notwithstanding what has been promised regarding the processes of review, notwithstanding the political campaigns waged and those creatures of the Executive, royal commissions and their reports, those opposite - who were the primary beneficiaries of the political perceptions created by those royal commissions - choose to ignore aspects which the public thought were appropriate and which arguably played a significant role in the coalition being on your right, Mr President, and us being on your left.

I do not normally make reference to reports of royal commissions and other Executive bodies. I prefer to set out my own views and, for the most part, I think that is the appropriate course for anyone - although I dare not speak for others. However, as those reports have played such a significant role in the history of our State and as their comments are germane to the matter under discussion, it is proper that they be referred to in a small amount of detail. I will make some observations about how the report of the Royal Commission into Commercial Activities of Government and Other Matters, Part II had an impact on the thinking of people in this State to the effect that they decided to have

a go at members opposite in great measure. The commission's report put forward propositions which are consistent with only one course of action, which is to reject the motion moved by the Leader of the House.

I have foreshadowed in an amendment some propositions on this issue that should be put to the House. I have particularly foreshadowed my abhorrence to paragraph (6) of the motion.

Hon N.F. Moore: If we did not have that, the amendments you want would not even be considered.

The PRESIDENT: Order, Minister!

Hon N.D. GRIFFITHS: I trust the comments I make following the moving of my amendment will be appreciated as being relevant to my opposition to the motion. My moving it will not mean that my opposition to the motion in its entirety is diminished. However, my amendment is to encourage the House to proceed with other methods and to purportedly facilitate civilised discussion, notwithstanding the Opposition's outrage that we are obliged to debate this heinous measure.

The motion commences with the words,

> (1) This order:
>
> (a) applies to the Labour Relations Legislation Amendment Bill;
>
> (b) has effect from the time of its making.

The amendment I propose to move shortly will result in (b) reading as follows -

> has effect from the time of its making, or, if the Bill is referred to the Legislation Committee before the second reading is agreed to, has effect from the day following that on which the Committee reports to the House.

I am introducing the concept of the use of the Legislation Committee to advance scrutiny rather than go down this guillotine path. I will present it as an amendment, not as a negation. However, my strong view is that this motion should be defeated. If it is not defeated we should at least have a workable review process. If we do not get that, members opposite can forget the rules. The pretence will be over and the gloves will be off. That is not to say that the Opposition will behave badly. It will continue to uphold proper parliamentary traditions, but will do so in the knowledge that those opposite have not.

I mentioned a few moments ago that I was going to refer to a report of the royal commission because its observations are germane to how we treat a motion such as this. At page 5 - 5 under item 5.3.3 the report reads -

> In common with the Commonwealth and State Parliaments, with the exception of Queensland, this State has an Upper House - the Legislative Council. It is not the House of Government. It is not the House in which government is won or lost. Yet, in our view, it is, or at least should be, a House of vital importance to the public.

We have a chance to make this House of vital importance to the public. If this guillotine motion passes that will not take place.

On the next page a number of observations are made under item 5.3.5 -

> Its role as a House of Review is of vital concern to the Commission.

I have already mentioned the importance of the Royal Commission into Commercial Activities of Government and Other Matters to the recent political behaviour of the people of this State.

Members opposite can be assured I will not speak all night because I am not one whose voice carries on for too long. I will make the comments that are relevant and leave the field to someone else. The report further said at item 5.3.6 -

> Because of the great importance we attribute to the recommendation we are to make in relation to the Legislative Council - it goes directly to the constitutional arrangements of the State - we consider it necessary to make the following observations:
>
> (a) The Legislative Council, whatever the criticisms that can be made of its present role, -

It would be nice if the commission were to look at today's proceedings.

> - whatever the questions that can be raised as to its current legitimacy given its present electoral system, has a vital, if unrealised, place in our constitutional fabric.

(b) Despite the predominant role that political parties have in it, the House itself is not so tied to the making and unmaking of Governments as to make it unrealistic to expect that with appropriate representational and procedural arrangements, -

I emphasise procedural arrangements.

- it could serve as the House primarily responsible for the systematic oversight and review of the public sector as a whole. This is a primary role we envisage for it.

I refer only to certain aspects of the report because I do not want to dwell on this aspect for too long. Point 5.3.6(d) states -

Without immediate constituency concerns . . . and with less direct involvement in the struggle for political supremacy than is the case with Assembly members, this House, much more so than the Legislative Assembly, carries the greater capacity to exploit its procedures and committees, and so to regulate its sittings, as to accommodate the role we propose.

If we carry on with this recision motion we are flying in the face of those settings, particularly when we have other avenues open to us.

At page 5-13 the commission refers to committees on legislation and their great importance when considering legislation such as the Labour Relations Legislation Amendment Bill. Point 5.7.3 notes that such a committee was established in the Legislative Council in 1989 and states -

The use of legislation committees to provide for a more effective examination of Bills than is possible by Houses of Parliament sitting as such, is a growing phenomenon in "Westminster" democracies.

It is also getting to be the practice. Legislation such as this really belongs in a legislation committee. The commission report goes on at 5.7.4, and this is crucial to our treatment of this measure -

The legislative responsibility of the Parliament is an onerous responsibility. The community has entrusted members with the capacity to interfere with the rights, liberty and livelihood of citizens.

The community has entrusted members with the capacity to do what the Labour Relations Legislation Amendment Bill 1997 does; that is, to interfere with the rights, liberty and livelihood of citizens. The commission also states -

That capacity should only be exercised after Parliament has given the best consideration of which it is capable to a legislative proposal.

This process will prevent us from giving our best consideration. It may not bother some members, but it bothers others. There are well-meaning people on the other side - I am looking at one now - but I do not think Hon Eric Charlton has read the Bill. If I am wrong, no doubt he will speak about it at great length when it is debated. The report continues -

The use of committees on legislation is an important means through which such consideration can be given. The Parliament is not, and should not be allowed to become, the rubber stamp of measures put before it.

I do not know who wrote this. I suppose the royal commissioners did, but they must have come down in the last shower. They do not know much about political practice in Western Australia. Perhaps they are somewhat naive.

I also agree with point 5.7.5. Perhaps it explains why I cannot understand why the Government is going through with this measure -

It is not the role of such committees to prevent a Government from having its legislative proposals brought before the Houses of Parliament for endorsement or otherwise.

I have told the House what the role of the Legislation Committee is. I do not see what the problem is, unless one is so determined to do what Hon Peter Foss is advocating when he says, "We will get it through regardless and talk of amendments and matters of that kind just as a smoke screen." The Government is simply putting on the velvet glove. Point 5.7.6 then states -

The value of committees on legislation, and it is one which inures to the benefit of the public, is that they can enhance consideration both of the detail of Bills and of their possible effect.

The commission shares the opinion of the Legislation Committee. That is fine, but this is an authoritative view of the effect it has had on those who have made it.

At page 5-14, point 5.7.7 states -

> . . . attention must be given to procedures which will allow for public participation in the examination of legislation through public hearings and submissions.

Public hearings and submissions and not the behind-closed-doors consultations with the editorialised versions of events which emanate from them.

Then the commission states -

> Consistent with the democratic principle to which we have referred, it is entirely appropriate that where a Bill is sent to a committee on legislation for examination, those affected by it, those who can contribute to its consideration, should be given the opportunity so to do.

Those words, given what has occurred to the operations of that commission, should carry great authority, far greater than, regrettably, the words of any single member elected to this place. I wish it were otherwise. Those words should not be flouted by this motion. I think it is wrong.

That commission then went on to recommend that these matters be considered by a commission on government. Again, in dealing with whether this House should pass a guillotine motion on an issue such as this, we should also be mindful that another executive body was brought into being as a result of the passage of an act of Parliament, but all the same an executive body the members of which were chosen by the Government - I seek not to denigrate it in any way, but I point that out for the record; a body whose views have been given great play in the media, a body which is accorded a lot of respect by many commentators, a body which engages in significant consultation, a body which was extremely well resourced by the Government of the day to travel widely and to confer with many. I am referring to the report of the Commission on Government. A number of observations are made and many of them deal with the role of this House as a House of Review. For the purpose of the exercise, I wish to draw to the attention of the House chapter 10 of the second report of the Commission on Government, which is headed "Scrutiny of Legislation". Page after page deals with the role of this House significantly as the Commission on Government sees it as a House of Review. All these fine words, if this motion for a guillotine is passed, will be dealt with in the same way as the standing orders which will be effective while this guillotine motion is in operation. That saddens me because the more I look at the standing orders the more I find them very useful for advancing debate.

Hon J.A. Scott interjected.

Hon N.D. GRIFFITHS: I am not standing very well at the moment. The words I am about to refer to are quite pertinent to my observations. At page 244 of the COG report reference is made to the process of legislation by exhaustion. I note the last word. It echoes what I referred to earlier; that is -

> If this situation continues, it is argued Parliament could end up passing legislation without proper scrutiny and review.

An executive body created by this Government is worried about this process. Not surprisingly it came up with the appropriate solution. It states at page 244 -

> One way to overcome these problems and to improve Parliament's capacity to scrutinise and review legislation is through the use of legislation committees. These can assist the smooth and timely passage of Bills through the house of parliament involved. They also help ensure that a Bill is soundly conceived -

That is very important. When I think of this Bill I often think of conception, but I had better not go on with that analogy because my language may be extremely unparliamentary. To continue -

> - and will result in a law which has the intended effect. Such committees can usually take more time and go into all the relevant details associated with proposed legislation. This is a major advantage, as the pressures on parliament as a whole can preclude it from giving similar detailed scrutiny.

Why do we not take that avenue? What is wrong with this House? Why should not this House grasp the opportunity to review and scrutinise? I have given members opposite the answers, but they should listen to the opinions of others so that when they take whatever action they decide in their party room to rubber stamp the authoritarian views of certain members of Cabinet, they do so in the knowledge that commentators of authority in the community are opposed to what they are doing.

Reference is made to a number of ways in which legislation committees contribute to the passage of legislation. They are obvious, but members opposite need to be reminded. Reference is made in the report to enhancing the knowledge of parliamentarians and the development of expertise. Having heard the radio interview with the Deputy Premier a couple of weeks ago I believe the other House urgently needs a legislation committee.

Reference is also made in the report to improving the capacity of the public to provide input into legislation. This House needs that. It cannot operate in a vacuum. Members are in this place to represent the wishes and aspirations of the people of Western Australia. Although I often disagree with members opposite I like to think that in this place they are the same as me; that is, they try to do what is best for the people of Western Australia, albeit they have a different set of values and perspectives. They are not doing that in this case. I am concerned they have not looked at the matter. If they have I am even more concerned because what they are proposing to do will be harmful.

On page 245 the Commission on Government refers to improving the quality of the legislation. This is very relevant. The report states -

> facilitating processes (such as bargaining, brokerage, consultation, information gathering and so on) which might be proceeding elsewhere; and
>
> increasing the responsiveness of the political system to public demands.

With respect to Hon John Cowdell, I note in passing that he is quoted, again with authority, on page 246 of that report.

Hon J.A. Cowdell: Is it the minority report?

Hon N.D. GRIFFITHS: The member should note I am quoting from page 246 of part 2 of the second report of the Commission on Government. It reads -

> . . . Hon. John Cowdell MLC, who claimed that the Legislative Council's current legislative role was mostly -

I trust they quoted the honourable member accurately.

Hon J.A. Cowdell: We shall see.

Hon N.D. GRIFFITHS: Noting what he says from time to time I am sure it is the case. To continue -

> . . . sheer farce. That is, most of the time that is spent going through the forms of legislation, of reading it a first time, reading it a second time, going into committee of the whole and then reading it a third time, is sheer play-acting for the media.

There are occasions when I do not agree with Hon John Cowdell. He was making a point. It is not a point I would like to see accepted as being the way this House operates. Sometimes we do a lot of good work. What we are about to do is not a lot of good work. If this guillotine motion is passed, that view expressed by Hon John Cowdell is a view that people will come to readily accept, and I think that would be a pity. I am not having a go at Hon John Cowdell, and he appreciates I am not. We have been elected to do a job and we should not be seen to be engaging in sheer farce. Frankly, if the guillotine motion is passed, the treatment of the Labour Relations Legislation Amendment Bill by this House will be sheer farce.

I note the former Ombudsman made suggestions that the ideal situation would be to have all Bills referred to the Legislation Committee, although in that context he pointed out that the resources of the upper House restrict its ability to refer all Bills to a committee and it would seem more appropriate for the Legislation Committee to continue to receive references as the House saw fit and - these are the crucial words - to examine the more controversial matters. This is one of the more controversial matters with which we as a House must deal, and we have dealt with it for many a month.

Hon J.A. Scott: I have just got the new Bill that has just been passed by the Executive.

Hon N.D. GRIFFITHS: I do not know anything about something which I have not seen. At page 247 the Commission on Government referred to those aspects of our legislation committee which I mentioned earlier. This commission, which is considered to be an authoritative body, lends support to that process. On page 246 and page 257 reference is made to the operations of the Legislation Committee and to understanding the problem the Bill was originally intended to overcome. From the point of view of the Liberal Party that means the Labor Party and the trade union movement; it hates the trade union movement. The Commission on Government also referred to whether legislation dealt with a similar topic in Australian States or overseas and whether other Western Australian or commonwealth legislation will be affected by this legislative proposal.

That is a very interesting matter with respect to Order of the Day No 1; that is, the Labour Relations Legislation Amendment Bill. The Commission on Government referred to those who made submissions or presentations to the Government over the legislation, and whether there were any particular requests or amendments and the level of consultation from the time the legislation was first advised to the public. The Commission on Government went on

to say that it considers these to be legitimate questions to ask and Ministers and departments should provide such information. As I have said before, the commission believes information is the key to accountability. It went on to make recommendations set out on page 257 and page 258 consistent with that view.

If we reject the motion moved by the Leader of the House, we can take advantage of what I am proposing. If it is in order, I propose to move what I have foreshadowed, to speak to it relatively briefly, and then to sit down. The matters contained in the foreshadowed amendment and other issues will enable the scrutiny process to be enhanced. It will also enable the House to get on with other business. If we get rid of the guillotine motion, have the Bill go to the Legislation Committee - the amendment does not say that it will go to the Legislation Committee, but it contemplates that form of action - the House can get on with other business. It is not as though the House does not have other business to deal with; I suggest it has business of great importance.

I remind the House of what is on the Notice Paper. Unkind comments have been made about the disallowance motions that are on today's Notice Paper. When those motions are eventually discussed, people will see that queries must be examined. They may be answered before they are discussed. In the event they are answered satisfactorily, no doubt the proper processes for the disallowance motions to be withdrawn will be put in place. Those matters are important and affect significant areas of activity. The poor old Land Administration Bill has been hanging around for some time. When will we get to that? The State Trading Concerns Administration Bill was adjourned on 30 April. When will we get to that? The Family Court (Orders of Registrars) Bill is of concern to many people who need strong reassurance who are not getting it. That matter was adjourned on 9 April. Before that Bill was introduced, I said that the Opposition would expedite the matter. I am waiting for an invitation to debate it. I cannot go into the detail, but it is very important and I would like to deal with it. We also have the Turf Club Legislation Amendment Bill and a Bill dealing with a repeal and so-called minor amendments to Statutes. I have looked at most of these Bills and they are very significant. It would be good for the people of Western Australia if we were to advance their progress. The Limitation Amendment Bill is an extremely important Bill, and without going into any detail, it deals with the protection of revenue.

The PRESIDENT: I might have missed it, but what is the relevance to this motion?

Hon N.D. GRIFFITHS: I am sure that you have not missed it, Mr President; I am sure that I did not explain myself appropriately. The relevance is that this amendment flags the proposition of using the Legislation Committee avenue. If the House then in its wisdom moves on from there in consideration of other matters and deals with that avenue, we will be able to move on to attend to these matters of importance. I am not addressing these matters in any detail; I am mentioning them for the record, because unfortunately we do not have a system in place whereby the media publicise what is happening in the Parliament - I wish they would but they do not.

We have not set up a joint standing committee on the Anti-Corruption Commission and we cannot deal with the Budget Papers now. The ministerial statement by Hon Max Evans, the Minister for Finance, on the Burswood Property Trust is deserving of consideration, but we are not dealing with it. The motion moved by Hon Tom Stephens in respect of social and racial harmony was adjourned on 12 March and this House should attend to it very soon; in fact, it should have been attended to before now, and it could be dealt with very quickly. Then we have motions dealing with the appointment of a select committee on the Fisheries Department, legal aid funding and the failure to honour an election promise. I thought Hon Peter Foss was interested in having another go at his great mate Hon Daryl Williams. The question of the gold royalty requires further discussion. The appointment of a select committee to deal with the issue of native title rights in the interests of Western Australia requires discussion. Hon Doug Wenn has been pushing for a select committee inquiring into the aquaculture and mariculture industries for years. I have heard his speech on a number of occasions, and he gives it very well. It would be great if we were to give him his select committee. It would be one of the shortest in history, but it is important.

We also have a motion relating to the establishment of a standing committee on the environment and Hon John Cowdell has raised the issue of recommendation 263 of the Commission on Government. At the end of the Notice Paper we have a motion relating to the release of certain documents to the Anti-Corruption Commission in respect of the death of Stephen John Wardle. We could go on with all of those matters, but this motion is closing off our opportunity to deal with them.

It is also closing off our opportunity to hear from those groups that we understand from the media have put forward submissions to Government about the Bill; that is, the Australian Council of Trade Unions, the Trades and Labor Council, the churches - I would be very interested to hear precisely what views the churches have put to the Government without their having been through the Government's media office filter - and other interested parties and individuals in the community who are very fearful, with sound reason, about what this Bill does.

One of the points of view I have heard put in respect of this question of keeping open the avenue of referral - that is all I am seeking to do, keep open an avenue - is that we cannot follow that path if it relates to a political Bill. I have

referred to a number of people who speak with authority and who have a contrary view. However, there is one person who I thought had some authority with those on the other side; that is, Hon George Cash. I have heard him speak on many occasions in this House. One of those occasions was on 12 April 1994. The member might well remember this matter because it became very controversial; in fact, it has always been an area of great controversy. On that occasion, Hon George Cash moved the following motion -

> That the Strata Titles Amendment Bill be referred to the Legislation Committee for its consideration and report.

In advancing that proposition, he recognised the degree of interest in the Bill; he referred to its impact on strata title owners and industry groups and other members of the community; and he made the appropriate point, namely, that it would present an opportunity for interested community members to consider the Bill's provisions and to comment upon them to the committee. That Bill is not in the same category as the Labour Relations Legislation Amendment Bill 1997, but what Hon George Cash said in respect of that Bill, which later became very controversial - that was not anyone's fault because it is a very complex area, just like the measure before the House - applies also to the Bill the subject of this guillotine motion.

On many occasions the House has decided to refer Bills to the Legislation Committee and on a number of occasions it has decided not to do so. However, on many of those occasions it has decided to refer Bills to the committee notwithstanding that they are political, whatever that is supposed to mean. There is nothing wrong with a controversial Bill going before the committee. In fact, much benefit can result, and I referred to some of those benefits in my earlier comments.

Amendment to Motion

Hon N.D. GRIFFITHS: I move -

> In (1)(b) after "making" delete ";" and insert -
>
> > or if the Bill is referred to the Legislation Committee before the second reading is agreed to has effect from the day following that on which the committee reports to the House;

HON J.A. COWDELL (South West) [9.33 pm]: It is my pleasure to second the amendment because it improves the motion that is before us. It establishes the precedent of a referral to the Legislation Committee over the use of the guillotine. Such a precedent would be a triumph of the new Council over the old; a triumph of the House of Review over the bad old days of reaction without review. The motion in its current form would be an extreme reflection upon this Chamber. It may be an appropriate last act of a bankrupt oligarchy that has controlled the Legislative Council of Western Australia for 107 years.

This is a brutal guillotine to extinguish workers' rights. Let us not forget that the only other time the guillotine has been used in this Chamber was to extinguish Aboriginal rights through the Land (Titles and Traditional Usage) Bill. Normally those in control had no need to use such a device given their overwhelming majority and absolute control in this place. The Government introduced a sessional order - a time management device - with respect to the Workplace Agreements Bill - another infringement of workers' rights in this State. That was watered down as we went along. It was a reflection on the conduct of this Chamber. However, of more concern was the first, full and forceful use of such a device on the Land (Titles and Traditional Usage) Bill.

I will remind members of that particular piece of legislation. On 16 November 1993, as you would recall, Mr Deputy President (Hon Derrick Tomlinson), Hon George Cash introduced the device of a sessional order on time management which overrode the other standing orders of this House. It suspended standing orders, extended sitting times and allowed for a precise timetable under which various aspects of the Bill may be considered. This is the same device. Last week we had a motion extending our sitting times, making sure that we did not close debate at the usual times - the new sessional order usual times are 10.00 pm, 10.00 pm and 5.00 pm. Then we had the motion today from the Leader of the House giving notice of a motion he will move tomorrow which is a further curtailment of the ability of this House to scrutinise the legislation.

Paragraph (2) of the motion is an order of the day that a stage of the Labour Relations Legislation Amendment Bill has precedence over any other order of the day and one or more stages of the Bill may be completed at the same sitting. Except on a motion by the Minister, no questions in relation to the Bill for an instruction to a Committee of the Whole House or to discharge an order of the day may be put. That curtailment is coming up tomorrow.

Then we have the motion before us which the Opposition will seek by virtue of this first amendment and subsequent amendments to dilute in its impact, so that this House can properly scrutinise the legislation. Hon Norman Moore's motion imposes a tight timetable - that is understandable if Hon Ross Lightfoot is to depart on time for Canberra. We have only once fully used this device before and that was to take away Aboriginal land rights. I remind members

of the use of the guillotine on that occasion. The motion to suspend standing orders to introduce time management was introduced by the then Leader of the House, Hon George Cash, on 16 November 1993. He moved on 24 November 1993 that a program for the state native title Bill provided for by the sessional order be adopted by the House. We then had the unedifying experience of the introduction of the Bill in question at 10.49 one evening, with no notice to the Opposition, on the basis of a rumour that the Greens were going to do something in combination with the fiendish Keating Government in Canberra to give Aboriginal citizens land rights. Such a fiendish outrage was this that with no notice and with the use of the guillotine this Government introduced its alternative version of land rights to pre-empt the Federal Government. Of course, it was not only to pre-empt the Federal Government, but to try to take away what had been given by the High Court's decision. If members refer to the *Hansard* of that time, they will be reminded of how the device that is being introduced this evening was used on that occasion. For example, during the usual sitting times the person in the Chair would indicate things of this nature as members reached each relevant clause -

> The CHAIRMAN: According to the sessional order tabled, I now put the vote. The question is that schedule 1 stand as printed.

Members then had a vote. The Chamber would move to the next clause and according to the order the Chairman would once again have to put the vote -

> The CHAIRMAN: Order! The sessional order requires me to put the vote at 12.45 am. The question is that the preamble stand as printed.

The Chamber proceeded, point by point. The Chairman on one occasion said -

> I indicate to members that the clock is running down for the next vote and they have 10 minutes in which to speak.

That is the sort of device this House is contemplating at this stage. That device brought no credit to this Chamber as it rushed through the legislation. Fortunately, despite the lack of scrutiny and despite the crudity and the imperfections of that legislation, we had the High Court. The High Court in a 7-0 decision completely bowled out the legislation - the last legislation that was the subject of the guillotine in this Chamber. The guillotine was threatened for the workplace agreements legislation but it was watered down as we went along and was not fully utilised. It was fully utilised in the attempt by the Western Australian Government to subvert the decision of the High Court and the intent of the federal Labor Government and to deprive Western Australian Aboriginals of their rights to land in this State. That was the last exercise of the guillotine, and the result was shoddy legislation.

Members will be aware that on previous occasions I have objected to the use of the guillotine and I do so again on this occasion. Some of the more notable comments from John Palmer in his writings in 1970 on the allocation of time in parliamentary affairs are relevant. Both the closure and the power of the Chair to select amendments have become generally accepted parts of the procedure of the House of Commons, but the same is not true for the guillotine. He says the guillotine has always aroused abhorrence because the stultifying of discussion is the negation of the parliamentary process.

Members are witnessing here a stultifying of discussion. The House of Commons has always critically viewed guillotine motions. Erskine May states they are the extreme limit to which procedure goes in affirming the rights of the majority at the expense of the minorities of the House, and it cannot be denied that they are capable of being used in such a way as to upset the balance, which is generally carefully preserved between the claims of business and the rights of debate.

The case against the guillotine generally and on this occasion is straightforward. The House has not had a trigger on this occasion of a lengthy or exhaustive debate so that it must resolve that impasse. Many historic examples exist of debates going on for 20 or 30 days when the House of Commons has finally resorted to the use of a guillotine. This debate has gone on all of 15 minutes into the Leader of the Opposition's speech following the second reading speech by the Minister.

We have the problem of a double reduction in the scrutiny of the Bill. Once the guillotine is imposed, the time to scrutinise the Bill is severely reduced.

[Quorum formed.]

Hon J.A. COWDELL: However, there is a double penalty with the use of the guillotine. With a finite program members of the governing party, who normally would not want to prolong examination of the legislation, are not inhibited from using up the available time. Therefore, the time for adequate scrutiny is doubly limited - by the finite imposition of a limit in the motion and by the time taken up by speakers in support of the legislation. As the debate is compressed into a period of two or three days, this limits the ability for public scrutiny. One of the primary

purposes of an upper House is to not only have adequate scrutiny by members of this Chamber but also allow scrutiny by the public outside.

I refer to the motion, clause 3 of which states that the second reading must be through by Thursday, 8 May at 2400 hours. Debate will be resumed the following Tuesday, 13 May at the Government's behest at 3.30 in the afternoon, and that day alone is allocated for the Committee stage. Members who have looked at this legislation will see why the Government wants this Committee stage to be completed in one day. It is beyond me how members are expected to scrutinise the Bill before the House, let alone the amendments, in one day. Copies of the amendments have been distributed today and I note that the Government's amendments contain definitions of pre-strike ballots and strikes. The amendments cover page after page dealing with such matters as a stoppage ban or limitation by four or less employees, a stop work meeting, a ban or limitation but not a stoppage and so on. These are only the amendments on the Supplementary Notice Paper. How we are expected to adequately review the legislation in this time frame or how the public is expected to consider it, particularly the new sections, is beyond me.

I object to the use of the guillotine. I objected to the use of the guillotine on the native title legislation, and it will be used this time to deny workers' rights. This motion can only bring the reputation of this House, such as it is, into further disrepute. You, Mr Deputy President (Hon Derrick Tomlinson), will be aware of the level of repute in which this Chamber is held. I took the opportunity to follow some of the press coverage on this matter, particularly the letters to the editor. There was a worthwhile editorial in *The West Australian* on 29 April, under the heading "Heavy-handed democracy a sham", which castigated this Chamber for its use by the Executive Government to rush through legislation before 22 May, and to utilise a mandate that is worn out.

At a later stage I will take up the Attorney General's argument of a mandate on this occasion. I went carefully through the Liberal Party policy on jobs and choices looking for the policies that have received the ringing public endorsement that constituted a mandate. I found very little that equated with the clauses in this legislation. In the first place, it presumes that people voted in this Government - they did so only in the Legislative Assembly - on the basis of that one policy. A mandate cannot be built on that basis. Indeed, the people did not renew the mandate for the Government to have unlimited control in this Chamber. I am not concerned this evening about a mandate, but about the debate and scrutiny that is being further curtailed in this Chamber by the motion.

It is my pleasure to second the first of a series of amendments moved by my colleague, Hon Nick Griffiths. The purpose of the amendment is to consider the referral, not deferral, of this Bill to the Legislation Committee. That referral should not come back until after 22 May when the new Chamber is constituted and those who enjoy a mandate from the people of 14 December 1996 can consider the legislation. It is all very well for the Leader of the House to argue that it is a political view and should not be subject to close scrutiny by a standing committee. It is a bizarre argument. Not only does he not want scrutiny by the Legislation Committee, but also he does not want scrutiny by this Chamber sitting as a Committee of the Whole. The motion the Opposition is attempting to amend would allow only one day for consideration of all 40 clauses of the Bill in Committee. The essence of this review of the individual clauses step by step is very obvious. One need only look at the example in the Legislative Assembly. Those examples of why time is needed for adequate scrutiny are irrefutable. An amendment was carried by the member for South Perth and the Government accepted the validity of the argument. It was an argument about political expenditure. In this legislation the Government had widened the limitation on trade union and worker rights. The Bill contained a series of steps that would make it extremely difficult for them to make political donations, and the provision was expanded to prohibit political expenditure of any sort.

At election time the teachers' union conducts a survey of parliamentary candidates asking them whether they are pro-education or anti-education. Those who do not respond are deemed to be anti-education. The union produces a guide supporting certain candidates who are pro-education, and opposing other candidates because they are not pro-education. In this legislation the Government imposed a ban on that activity. The Bill provided that unions should not expend members' funds to find out what parliamentary candidates think and then publicise that in a positive or negative way on an issue such as education. That was a particularly objectionable clause, but as some adequate scrutiny occurred in the Legislative Assembly, and time was allowed for debate and argument, it was properly removed. We have before us a motion to curtail the Committee stage in this Chamber. Therefore, we will not even have the opportunities afforded the Legislative Assembly to put argument, to move detailed amendments and to seek changes to the many objectionable clauses which remain in this legislation.

Hon Nick Griffiths' amendment certainly foreshadows that this legislation should go to the Legislation Committee. When one looks at the Legislation Committee's report of 1991, "A Review of Some Aspects of the Committee to Date", one sees conclusive argument as to why such a Bill should go to the standing committee of this House. The objectives of the committee as stated then, and subsequently not repealed, were to give members of the public the time and a method for direct access to the legislative process; to permit legislators to have direct access to the views of the public by way of written submission and oral evidence; to provide a forum in which various differing

community views as to the content of legislation could be aired and hopefully resolved; and to enable the detail of the wording of a Bill to be worked out in a more efficient way than a Committee of the Whole. As you know, Mr Deputy President, we will not even have an adequate Committee of the Whole on this Bill by virtue of this motion. The report outlines that the detail will be considered by discussion between legislators from all political parties and parliamentary counsel, and that such discussion should take place in the light of evidence obtained from the public. That process was to give legislators more ready access to departmental information, and to record the submissions and reasons for the particular drafting as an historical record as an aid for interpretation. When the committee is unable to agree on a single recommendation, or when there is an apparent irreconcilable difference of view between the political parties, it is to recommend various alternatives to the House and the measures to implement each alternative.

That report is a very sound argument for this legislation to go to the Legislation Committee. Indeed, at the moment we are conducting these matters on the run. The Minister for Labour Relations prowls the corridors as ideas are floated here and there - they come and go by the hour. I see the chairman of the all-powerful Legislation Committee smiling, as he recognises the good work he could do in this regard; however, he is being denied that opportunity, as the late chairman of that committee recognises.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Not quite, although it is becoming later all the time. I draw the member's attention to Standing Order No 100.

Hon J.A. COWDELL: We are going in the wrong direction. We should be going to greater scrutiny, particularly at the Committee stage, through the Legislation Committee. We will not even have adequate scrutiny by the Committee of the Whole, which will be constrained next Tuesday by this motion. We have the opportunity, as we consider this guillotine motion, to amend it so that referral of the Bill is made at this stage to the Legislation Committee, rather than subsequently. Of course, this would support the very weighty arguments put by the majority -

Hon P.R. Lightfoot: I apologise for that outburst; it was not related to what you said.

Hon J.A. COWDELL: The member is no doubt eager to depart this Chamber and he is resentful of being unduly delayed.

The DEPUTY PRESIDENT: Order! The member is working hard to draw his comments to a close; I recommend that he do so.

Hon J.A. COWDELL: Indeed. I do so with an excellent quotation from the majority report of the thirty-eighth report of the Legislation Committee, which referred to the difficulty of having a Bill referred to it following the second reading stage. This report dealt with much the same Bill as we are currently wanting to refer to the committee. This report dealt with the second wave legislation mark II; namely, the Industrial Relations Legislation Amendment Bill (No 2) of 1995. Members will recognise most of the clauses; they have a familiar ring to them, although we have a few new clauses added in the latest Bill. On that occasion the committee was particularly concerned that the Bill had been referred after the second reading, and that the wider policy implications could not be considered. Point 6.3 of the committee's report reads -

> A number of submissions argued matters of detail about specific clauses. In many cases the legitimacy of specific clauses was challenged or supported on ideological or policy bases - these arguments are not relevant to the Committee's deliberations. However, in some cases the line between policy and detail was somewhat blurred;

The argument, put very simply, was that the substantive policy issues could not be considered because the Bill had been referred to the committee after the second reading. It needed to be referred prior to the second reading in order to canvass all the policy issues, rather than just the precise detail in implementing some draconian ideas.

This report showed a great deal of promise, but it was unfortunately terminated early. Even those who were expecting to come before the committee to give advice in the first instance, or to provide further advice, were denied that opportunity. The inquiry was curtailed prematurely. It had promise, as can be shown by the appendix listing 17 submissions received from employer organisations, four submissions from employee organisations, submissions from academics and lawyers, and submissions from those versed in international relations and International Labour Organisation covenants. What more fitting reason that this very similar piece of legislation should go back to the Legislation Committee than to allow it to retrieve its reputation by adequately scrutinising legislation before this House?

This legislation, the third wave, contains the old favourites - following a promise not to introduce such measures - of keeping union organisers from inspecting time and wages books, prohibiting political donations, and virtually prohibiting the right to strike. We have some new provisions as well, such as the interaction with the new

commonwealth legislation. I do not know how the House is expected to adequately consider that aspect in the 10 or 15 minutes to be allowed for debate on those clauses. How can the House adequately consider the new alteration of the clause regarding disclosure of any political expenditure in such time?

When the Legislation Committee released its thirty-eighth report, it noted that it could perhaps not make a finding in the area of disclosure of donations by unions because the Government was considering at that time more general legislation under the Electoral Act. That more general legislation has passed and these proposals must now be considered in the light of that legislation. That Act is in force, rather than the former situation of no Statute controlling the issue.

Of course, we have the new amendments regarding the definition of strike. These details need to be considered. What is the adequacy, for example, of the Government's magnificent concession in redefining a strike to allow 12 hours of stop work meetings in any one calendar year? That very generous concession is presented to the public as allowing stop work meetings and of stop work meetings not being covered under the definition of strike. The concession is of course far less generous when one looks at the clause than one would ever imagine from the press release by the Minister for Labour Relations. Therefore, we have those dimensions that need to be considered. We have the dimension of how this Bill will conflict with commonwealth legislation and take us to the courts again. The last piece of legislation we rushed through, the native title legislation, took us to the High Court, at great expense, and was thrown out lock, stock and barrel by a 7-0 decision. As we rush through this Bill we might be heading in the same direction.

Hon John Halden: It will be 6-1.

Hon J.A. COWDELL: Hon John Halden is obviously an expert in the area of court decisions.

Hon Tom Stephens: He will be better in government.

Hon J.A. COWDELL: Indeed. The last time that we used the guillotine to rush through legislation, we did not adequately consider any of the clauses. As I mentioned earlier, we went through some of the clauses in five minutes and some in 10 minutes. The legislation went to the High Court, where it was thrown out.

Hon John Halden: We considered some clauses in one minute.

Hon J.A. COWDELL: Yes. On this occasion we are again considering a Bill that denies certain citizens of Western Australia their rights. Consideration of this Bill is to be curtailed by this guillotine motion. Even if, as proposed by the Opposition, the legislation were to go to the Legislation Committee, we would need time to consider the reports of international lawyers on our possible breach of international conventions. It will not even go to our standing committee, which considers most of our controversial legislation. We will not even have adequate consideration in a Committee of the Whole House.

This brings me back to the central argument. We have two choices here tonight. First, we have the Government's offer of a guillotine, a curtailment of scrutiny, a rushing through of the clauses and amended clauses of this legislation denying citizens their rights; or, second, we have the option of the Australian Labor Party's amendment, which is to send this legislation to our expert committee to have it consider in detail each of the clauses and then report back to this Chamber after 22 May. At that time this Chamber is to be reconstituted and the new mandate members are to take up their seats. Those who are living under the old mandate would have trouble arguing the case, given the fine print of the Government's industrial relations policy. It was completely hidden from the electorate at election time. It was obscured by the Premier's assurances to the Trades and Labor Council. I read the eight or nine pages of the Liberal Party policy. I found three or four obscure references to things which would be in this Bill. That was the basis of the mandate. We should not get into the old mandate, which is not worth much, but wait until the new members of the Chamber come in and there can be an adequate review.

The Government has a 3-2 majority on the Legislation Committee. It will not lose control there. It would lose control of the automatic ability to pass the more objectionable clauses of this Bill straight through this Chamber without adequate review. We all know that the record of the Democrats at national level is that they let through a reasonable amount of the federal legislation. The more objectionable clauses for which there was no mandate at all were tossed out. That is what the Government is trying to avoid. Therefore, it wants to rush this through and curtail ordinary debate. Then the new Senator Lightfoot can arrive in Canberra at an early opportunity, having first cast a vote here to deny workers their rights in Western Australia. He can then proceed to do similar good deeds in the Senate. I can see the need for the rush, but the need is not legitimate or something that this House should take up. We should not curtail this debate.

HON J.A. SCOTT (South Metropolitan) [10.20 pm]: I support the amendment moved by Hon Nick Griffiths. Hon Norman Moore when moving his guillotine motion told us that it was to ensure that we had a proper debate on the

Labour Relations Legislation Amendment Bill. He is gagging debate to have a proper debate! I enjoy paradoxes but that was a little beyond me. Hon Norman Moore wants to push this legislation through quickly because he has had his orders from that body in the other House which must be obeyed - the Executive has spoken.

Hon N.F. Moore: That is a slight exaggeration.

Hon J.A. SCOTT: Hon Norman Moore thinks it is an exaggeration. The Bill was gagged and guillotined through the other House. The Premier and Minister Kierath have now decided that they are not satisfied; they will have more input into the Bill by telling this House how it will deal with it. We will not make any decisions. That will be done not by the Legislative Council, but by the Premier and Mr Kierath. We have been given pages of amendments to the Bill. Strangely, they happen to be the same amendments that appear in today's *The West Australian* under the headline "Backdown fails to quell union anger". The dot points in the article which refer to the amendments are the same as the amendments of which we have been given notice. The amendments have the Attorney General's name on them, but they are not the Attorney General's amendments.

Hon Peter Foss: They are.

Hon J.A. SCOTT: They coincide exactly with the dot points in today's *The West Australian*. The Attorney General is so in tune with the members of the other House that he mentally picked up on what the Executive wants done with this Bill and has brought it here.

Hon Peter Foss: I took part in the meetings and I read them.

Hon J.A. SCOTT: We have no choice. We are being told what will go through.

Hon Tom Stephens: What was that you were holding? Is that a set of amendments?

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Is the Leader of the Opposition asking the speaker to identify the document?

Hon Tom Stephens: Yes, I was.

The DEPUTY PRESIDENT: Will Hon Jim Scott identify the document?

Hon J.A. SCOTT: Yes. It is headed "Legislative Council: Labor Relations Legislation Amendment Bill" and it contains amendments.

Hon Tom Stephens: Can I warn you in advance that I will ask you to table the amendments when you are finished speaking, because it is the first time they have been drawn to my attention.

The DEPUTY PRESIDENT: Order! The Leader of the Opposition will do that at the appropriate time.

Hon J.A. SCOTT: They were placed on our desks. I presumed that everybody had a copy.

The DEPUTY PRESIDENT: Order! If members stop the chitchat across the Chamber, Hon Jim Scott will be able to go on with his comments.

Hon J.A. SCOTT: The other House has sent up its orders for us to deal with this legislation. Hon Norman Moore will ensure that it is put through using the guillotine. We are in the extraordinary position where the Bill has already gone through the other place. It was guillotined through that House.

Hon J.A. Cowdell: A double guillotine.

Hon J.A. SCOTT: Now it will be guillotined through this House. The only people who will have a say in the Bill are Mr Kierath and Mr Court. After guillotining the Bill in the Assembly and passing it without debate, we are about to see how democracy works in Western Australia. It comes in the form of a notice of motion which has been put forward by Hon Norman Moore, paragraph (3) of which states that, except on motion by a Minister, no question in relation to the Bill for an instruction to a Committee of the Whole House or to discharge an order of the day may be put. We are being treated as second-class citizens. Our ability to represent our constituents will be thrown out the window by that motion. The Executive has us by the throat once again. This House of Review will be dragged into further disrepute. That is the face of parliamentary democracy in Western Australia. Ordinary members will be denied a voice on this legislation with the guillotine being used to deny us that voice. We have a right and a responsibility to do that for which we were elected.

This is not the first time that the guillotine has been used in this House. I have not been a member of this House for as long as other people. However, I understand that the native title legislation was the first to be guillotined through this place. It is a relatively new phenomenon. The Executive is changing the rules to suit itself, even after a royal

commission and the Commission on Government complained about the Executive controlling what happens in the upper House. They said that is what led to the problems we experienced in the period covered by the WA Inc royal commission.

Hon Peter Foss: That is a very interesting proposition. They did not say that.

Hon J.A. SCOTT: They said that the Executive's control of the Parliament and particularly the upper House, which is supposed to review decisions -

Hon Peter Foss: Explain that. How does it control the upper House?

Hon J.A. SCOTT: The upper House was not very effective because it did not speak out at that time.

Hon Tom Stephens: You and I will fix that in about six sleeps.

Hon J.A. SCOTT: Good. I look forward to that time.

In the rush to get this legislation through without scrutiny and to avoid the will of the electorate, the Government has used the word "mandate" loosely. However, its stocks are falling in the community. Polls indicate that two-thirds of the people disagree with the Government's proposals.

Hon Peter Foss: You made that up too, did you?

Hon J.A. SCOTT: No, I heard what other people have said and I am reporting that to this House.

Hon J.A. Cowdell: The ministerial phone was probably on auto dial at the time.

Hon J.A. SCOTT: No. The Minister was denying what was going on. Unfortunately, he did not want to hear it. That is the problem with paternalism. It makes people think things that are happening are not really happening and all will be right as long as they can put their houses in order and control things. Unfortunately, they cannot. The community has largely lined up against what the Government is trying to do here, but the Government is saying, "We will ram this through, we will get our way, and in four years everybody will have forgotten this. In the way of Governments, we will be nice to the people in the six or 12 months before the election. We will try to think of something good we can do for them and pretend that we have their interests at heart."

Hon Tom Stephens: Or hope the cotton crop is in!

Hon J.A. SCOTT: I do not think that will work this time.

The majority of the people also want the new House of Review that was elected recently to match the current lower House - which will include the Democrats, the new Greens and the other new members who were elected at that election - to review this legislation and to knock off some of its rough edges. This is another first for the Government. This is the first time that the old Council has returned to review the business of the new Assembly. The Government has brought us back to get through what it can before -

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I draw the member's attention to the fact that we are debating an amendment to a motion for a sessional order. Much of what the member is now commenting on has been rehearsed previously. I suggest that the member indicate how his remarks relate to the amendment, or alternatively get back to the motion.

Hon J.A. SCOTT: I will indicate how that relates to the motion. The amendment is that this legislation be referred to the Legislation Committee. The effect of that is very likely that the new House will be sitting in this place before the third reading takes place.

The DEPUTY PRESIDENT: Order! If that is the member's interpretation of the motion, I suggest that is the matter to which he should speak.

Hon J.A. SCOTT: The reason that should occur is that the community has an expectation that the new House that was elected recently will review the legislation which was put in place by the new Assembly which was elected recently. The public interest is being ignored - not only the public interest as expressed recently in polls, but also the public interest as expressed through the submissions and appearances before the Commission on Government. Clearly, there is strong concern about whether this place can review legislation properly and in a way which reflects the wider community views - not rush it through this place to avoid a deadline when the Government will lose the numbers.

Hon J.A. Cowdell: It is not even giving us the third week to scrutinise the legislation. It has been only two weeks.

Hon N.F. Moore: You wasted last week. You could have used last week.

Hon J.A. SCOTT: An artificial time has been designated at which debate will be cut off. The notice of motion and the motion are even slightly inconsistent in that each of them will override everything else, in the Government's usual paternalistic way. We are now being asked to push through legislation which is incomplete. We keep getting new pieces of paper like this from the other place. Even though they have the Attorney General's name on them, they are from the other place.

The DEPUTY PRESIDENT: Order! For the benefit of Hansard, when the member holds up a piece of paper and says "like this", he should identify it.

Hon J.A. SCOTT: They are the same amendments as the ones to which I referred earlier, which I presume are the amendments to be put by the Attorney General, because it says, "The Attorney General to move."

Hon Peter Foss: My signature is at the bottom of the page.

Hon J.A. SCOTT: Is there a signature?

Hon J.A. Cowdell: He will think he is a justice of the peace shortly!

Hon J.A. SCOTT: The signature looks almost like the initials PM. I thought it was AG rather than PM.

Hon J.A. Cowdell: QC!

Hon J.A. SCOTT: We have not seen the end of the changes to this legislation, because Mr Kierath said in today's paper that he was happy for this Bill to go to the International Labour Organisation and he would abide by its decision. That was with regard to the Bill restricting freedom of association. If he did want to make further changes to this Bill, surely it is time that it went to the Legislation Committee. Mr Kierath could put to that committee his views about how the legislation should be changed, the unions could put their views about how the legislation should be changed, and the employers, who I believe are not entirely happy with the way things are going with this legislation, could put their views.

Hon Peter Foss: They told us today they were happy.

Hon J.A. SCOTT: Which ones were they?

Hon Peter Foss: The Chamber of Commerce and Industry.

Hon J.A. SCOTT: Considerable community consultation through the Commission on Government has been ignored in the processes that have been imposed on this House. New amendments are arriving which we have not seen before, and we will have to make instantaneous decisions about how good they are. Extreme time restrictions have also been placed upon us to prevent us from considering the legislation properly. It is clear that this process must be slowed down and that we must put in a valve to release some of the pressure that is occurring.

Hon John Cowdell has cited examples where the application of the guillotine has proved disastrous for this State. It caused huge sums of money to be spent on legal challenges in the High Court, and we ended up with very poor legislation. At the time, people tried to point out that the state native title legislation was racially discriminatory. I was one of those people. However, the Government had to push its political view, or at least that could be used as an excuse! Hon John Cowdell is correct: The Government seems to think that political legislation should not need to undergo any scrutiny, but it needs more scrutiny than any other legislation. This is the precise legislation which the community wishes us to consider closely to ascertain whether it will be of benefit to the community or to a political party. This legislation which the Attorney General wishes to push through will have very distinct advantages for the Liberal Party, but it will not benefit the community.

The guillotine process is wonderfully ironic, because this legislation which the Government seeks to ram through this House in such a hurry - but which we would like to send to the Legislation Committee - relates very closely to an Act of Parliament of the United Kingdom, the Combination Act of 1799. The irony is that that legislation was introduced in an attempt to prevent freedom of association, just as this Bill seeks to do here. Principally, the Combination Act 1799 was brought in to prevent the spread of revolutionary tendencies, both French and American. The Government of the day wanted to prevent the freedoms that would arise from such revolutions, and the guillotine was instrumental during the French Revolution. We are witnessing the return of the 1799 Combination Act in the form of the guillotine process in this State.

Hon John Cowdell spoke about the lack of time to be allowed to consider the legislation, let alone the amendments proposed to be introduced on behalf of the member for Riverton -

Hon Peter Foss: It is improper to suggest that the member for Riverton can introduce anything in this House.

Hon J.A. SCOTT: I will rephrase the comment, because the Attorney General is concerned that the amendments which he will table happen to be identical to those proposed by the member for Riverton. I withdraw any remarks which would suggest that the amendments are coming to this House from the member for Riverton, although I am sure that the Attorney General has allowed the feelings of the member for Riverton to permeate his very being, and that he has re-created those amendments and will introduce them in this place, because he has such a wonderful ability to do those things. The Attorney General is very clever, and he should be commended for his ability!

I have another reason for wanting to place a safety valve in this legislation to ease the pressure. I am very concerned about the effects of this legislation being rushed through, even with the amendments to which I referred earlier. The current industrial chaos has occurred because the legislation is unacceptable not only to the union movement but also to people outside that movement. Many people have expressed their concerns about the repressive nature of the legislation and the fact that it will limit freedom of speech and association, the very freedoms that a democratic society holds dear. These freedoms are too important to throw away. They are important to both sides of this House, but the ultimate responsibility for this legislation will rest with members opposite. I know what I will say about various parts of this legislation, but it is obvious that members opposite will allow themselves to be used by the Executive.

If we do not send this Bill to the Legislation Committee to allow some real consultation and change to occur, the effect will not be short term; we will face a decade of bitterness. We will witness the breakdown of the industrial harmony which we have enjoyed for a long time, and a breakdown in the accord which has resulted in industrial peace in this country. I did not agree totally with the accord because I believe that in some cases the labour movement and the unions conceded a little too much and accepted diminished conditions in some instances. In some cases I was not happy with the way the unions backed down and allowed the accord to proceed. However, the union movement stuck to its word, and since that time we have enjoyed a high level of industrial peace. We have changed to a system where, instead of both sides wishing to achieve an advantage, there has been enhanced productivity, resulting in a better outcome for all. Improved productivity did not occur as a result of one side being crushed into submission on every point, and therefore having to work like slaves. Improved productivity was achieved as a result of an agreement which sprang from a feeling of equality and joint purpose. That will be lost as a result of this legislation. It must be given a chance to have the nastiness taken out of it, of which it contains a lot. It is distinctly unfair legislation.

The Minister for Labour Relations said that he wanted to see certain key points implemented. For example, he wants to see union members who might be coerced or bullied into going on strike, have the right to express their dissatisfaction through a secret ballot. So far nothing I have heard has convinced me that that cannot be achieved peacefully with everybody's cooperation. Therefore, there is no need to rush through this repressive legislation.

The Bill should undergo consultation. The most simple process by which that can occur is through the Standing Committee on Legislation. That would result in an outcome that would not mean losses for everybody. If this Bill is passed we will lose our industrial peace, trust, cooperation and the sense that this Government is governing for everybody. We will also lose economically - the bottom line which seems to be driving the Government.

It is important for everyone in this State that this matter be resolved properly rather than be rushed through here with the views of members on this side of the House being ignored. If the Ministers and members opposite were honest they would admit that the changes proposed in these amendments and some of the other draconian provisions in the legislation will be held onto by a Minister who has no place in the debate in this House and by a Minister who is overzealous in his approach. He feels he needs to control unions. He sees the word "union" and does not see the people who are affected by his legislation. If he did see that, he would not be trying to rush through this Bill without proper debate.

Another concern about this legislation not being properly scrutinised is that a number of provisions could be open to legal challenge. I can see this ending up in the High Court like the native title legislation that emanated from this place in 1993. I cannot remember what was the cost of that challenge to the State. However, it cost a vast amount of money. According to articles in *The Australian Financial Review* it also caused a great deal of uncertainty in the mineral industry.

Hon Peter Foss interjected.

Hon J.A. SCOTT: I think I heard a derisory comment from the Attorney General. I still have the article and I can show him.

Hon Peter Foss: I am glad you believe everything you read!

Hon J.A. SCOTT: I am also able to think for myself -

Hon Peter Foss: I have never noticed.

Hon J.A. SCOTT: - unlike the Attorney, who has introduced amendments to this House by osmosis.

Hon Peter Foss: I can say what I feel.

Hon J.A. SCOTT: It is a pity he does not do that.

Hon Peter Foss: I do not do that with the distortion that you are keen on in the House when you ask questions about the environment. It will not do your reputation any good.

Hon Graham Edwards: This legislation will not do the Minister any good, so he should not look so smug.

Hon J.A. SCOTT: I am being chastised by the ex-Minister for the Environment, who was not trusted to hold his position. My being chastised about my questions indicates that I had a part in his downfall.

Hon Graham Edwards: He has never forgiven you for it.

Hon J.A. SCOTT: There are significant reasons that this legislation should receive further examination - as much as anything, for a much needed cooling down period. In the car park opposite this House members can see a large and changing group of people committed to fighting this legislation to the bitter end. I do not blame them one jot. It would be much better if the Government approached these people in a spirit of cooperation and partnership to arrive at legislation which would suit everybody. What is wrong with a win-win situation? What is wrong with bringing in legislation that most people are happy to live with rather than legislation that most people do not want to live with?

On 29 March 25 000 people marched on this place. They did not march here because they were ordered to do so, but because they genuinely opposed this legislation. It is that sort of opposition to which any Government worth its salt purporting to represent all people, not a segment of the community, must listen. It is not appropriate for the Minister in the other place to put together amendments like this and tell the Attorney General to do his bidding. The Government should listen to the concerns of the people who will be affected by the legislation. I can only concur with Hon Nick Griffiths and would be happy to see his amendment passed.

HON KIM CHANCE (Agricultural) [11.00 pm]: Deeply impressed as I am with the words of my colleagues and of Hon Jim Scott -

Hon Peter Foss: At least you are impressed.

Hon KIM CHANCE: Perhaps the Attorney General would serve the State's interest well to take more notice of what they said.

Hon Peter Foss: I listened carefully.

Hon Graham Edwards: No you haven't. You've been outside.

The DEPUTY PRESIDENT (Hon Murray Montgomery): I remind members that the President has ordered that this debate will be heard in silence. There will be no interjections.

Hon KIM CHANCE: I can always rely on enthusiastic support from my colleagues.

Hon Graham Edwards: Particularly when you get such stupid interjections from the Attorney General.

Amendment on the Amendment

Hon KIM CHANCE: Despite the fact that I was deeply impressed, I wish to propose a further amendment to the motion. The amendment I propose relates to two words only and I therefore move -

> To delete the words "Legislation Committee" and substitute the words "Standing Committee on Public Administration".

The amendment would have the effect of referring this Bill to the Standing Committee on Public Administration rather than the Standing Committee on Legislation in order to give the House an opportunity to consider an alternative means of dealing with what has become a highly controversial piece of legislation.

Before I develop that argument, I express my dismay at the events which have led to this point. I have not had many opportunities to express my thoughts on the Labour Relations Legislation Amendment Bill. The Government has introduced legislation which is obviously unpopular. Indeed, during debate on the urgency motion earlier today I indicated that the Westpoll results have the Government down 13 points since February; down to a point where it would barely be elected now if a poll were conducted.

The Government has introduced this legislation, which is not only unpopular - I am sure the Government is happy to acknowledge that - but also not needed. We do not have a crisis in industrial relations in this State. Indeed, if we were to look at the cost of industrial disruption in this State and compare it with the cost of lost time injuries resulting from industrial accidents in this State, one might well be surprised because one would find that the cost of lost time accidents in Western Australian industry far exceeds that of industrial disruption. I suggest, further, that if we had spent a fraction of the time, money and resources that we have wasted in this place crapping on about industrial relations when we could have been doing something about industrial safety, the state of Western Australian industry would be so far advanced that we would not have to worry about the Chamber of Commerce and Industry of Western Australia coming crying to Menzies House saying, "Please introduce some tough legislation because we are bored because our workers will not go out on strike"!

What drives the Government to say, "We will introduce this legislation whether people like it or not"? Is it the fact that the Government does not have to face the electors for another three and a half years, so let us get all the unpopular stuff out of the way just in case it is needed later on? I do not know what it is, but I find it damned annoying that we have to go through this process year in and year out. It started in 1993. I am sorry if what I say offends individuals, but when the guillotine motion was discussed earlier today, in the knowledge that the debate would be gagged anyway, the expression on Government members' faces showed that they were not a happy bunch of campers. Even the Government's backbench is embarrassed by this legislation. I bet those sitting in marginal seats are wondering about what sort of political future they have left. They do not have a lot of future. This legislation is three and a half years out from the next election, but there are people who will not forget this.

Hon N.F. Moore: That is what you said last time we passed the industrial relations legislation and they love it.

Hon KIM CHANCE: Perhaps I did say that last time -

Hon N.F. Moore: And when the original Act was introduced.

Hon KIM CHANCE: I draw the attention of the Leader of the House to the results achieved by the member for Riverton. Against the background of a generally accepted swing to the coalition, the member for Riverton went down by about only four points.

Hon N.F. Moore: What about the member for Burrup?

Hon KIM CHANCE: The member for Burrup suffered a major reverse, but at the same time his neighbour the member for Pilbara actually did very well indeed.

Hon N.F. Moore: Ningaloo?

Hon KIM CHANCE: I do not want to argue that point.

Hon Graham Edwards: That was a dishonest election you ran there. No wonder you want to get this through by the 22nd.

Hon N.F. Moore: Don't point your finger at me.

The DEPUTY PRESIDENT: Order! Both the Leader of the House and Hon Graham Edwards will come to order.

Hon KIM CHANCE: I will leave that obviously sensitive issue for the Leader of the House. It is fine by me if the Leader of the House wants to kid himself into thinking that everything will be okay come the next election.

Hon N.F. Moore: I have been told that plenty of times.

Hon KIM CHANCE: The Government indicated that it had the intention of gaining passage of this legislation by taking advantage of what is a peculiar set of circumstances. I do not think I will get any argument on that. There is a peculiar set of circumstances facing us. Senator-elect Hon Ross Lightfoot is waiting to take up his place in the Federal Parliament, but is not prepared to leave and take his place in the Federal Parliament, where he has important business to attend to, because he wants to stay in this House to see through the passage of this Bill. It is unprecedented in the history of the Federation of Australia for a member of a State House of Parliament to remain in the State House for one piece of legislation when he has already qualified to sit in the Commonwealth Parliament.

The other peculiar circumstance is that because of an early election we are sitting here in 1997 passing legislation with a House constituted in the election before last - the election of 1993 - while the Government is happily saying that all it is doing is implementing its mandate. Although others have said it before me, it is worth repeating: The mandate the Government is using in this place is the mandate established in 1993. The mandate that was established six months ago at the last election changed the numbers. As a result of that change in numbers the Government has decided on a new sessional order so that it can impose a guillotine on what it knows and acknowledges is unpopular

legislation to squeeze it through while the little window of opportunity remains open. It may be legal, but it is not right, and no-one will convince me that it is right. The Government will have a real battle convincing the public that it is right.

The Leader of the House also said that in some ways he had to introduce this sessional order because members of the Opposition were crowding the time of the House with - he did not use the word but I think he implied - filibusters. It is Tuesday night, 6 May. This Bill was second read late on Tuesday night, 29 April - last Tuesday.

Hon Tom Stephens: On the adjournment motion.

Hon KIM CHANCE: That is right. What we have between the second reading speech of the Minister until now, almost exactly one week later, are Wednesday and Thursday of last week and so far Tuesday this week. What have we dealt with in that time? If one listened to the Minister one would think all we had dealt with were stock motions by the Opposition to try to hold up the Bill. I wrote down quickly what we have done in that time. I admit there was the Opposition contingency motion, which sought to move this debate across to the time when the new House would be constituted as elected in 1996. It would be pretty fair if we spent a day on that.

Hon N.F. Moore: We could have done it sometime during the break.

Hon KIM CHANCE: What else have we dealt with? We have dealt with the amendment to the sessional order, which only became effective on Tuesday, 29 April, the day the Bill was introduced. We introduced the sessional order, which we agreed to, and the Leader of the House then wanted to change it. Why? It was to facilitate the passage of this Bill. Is it not surprising that we want to spend time discussing why we introduced a sessional order and on the day of its introduction the Government wants to change that order? A sessional order motion is moved without notice to perform the guillotine in a House of Review within days of a change to the structure of the House. Of course it is worthy of a few words of discussion!

Hon N.F. Moore: You have had four and a half hours already.

Hon KIM CHANCE: What about tomorrow? Goody, goody, gumdrops; we have another sessional order which will have the effect of standing against the sessional order under discussion.

Hon N.F. Moore: It is the same thing, one after the other.

Hon KIM CHANCE: We will spend all day talking about that matter under the notice of motion. All we have done in the week in which the legislation has been before us is to play around with little toys the Government has introduced to limit the capacity of this House to debate this matter. We must be fair dinkum. We understand that the Government wants the legislation passed in its little window of opportunity, and the Opposition does not want the Government to take that opportunity. Who will judge the outcome of this process? The outcome, if this sessional order is passed, is that ultimately the Opposition will not stop this Bill from proceeding. That will be a tragedy. However, it will be a bigger tragedy that we will not properly debate the Bill.

Hon John Halden said this afternoon that the sessional order would result in Committee dealing with 46 clauses in the Bill in five and a half hours. It is one of the most complicated, far reaching pieces of legislation we have dealt with in this place since 1993, when we dealt with the first IR amendment, yet it will be dealt with in five and a half hours. What is the hurry?

Hon N.F. Moore: I did not say that that would happen at all.

Hon KIM CHANCE: The Leader of the House should read his sessional order.

Hon N.F. Moore: You also listened to what I said.

Hon KIM CHANCE: What did the Leader of the House say?

Hon N.F. Moore: I said we could be totally flexible with this.

Hon KIM CHANCE: I love that word "flexibility" when used by members opposite!

Hon N.F. Moore: We could go all day Friday and Monday; whatever you like.

Hon KIM CHANCE: They link "fair" with "flexible". I remember that link from 1993 when dealing with the Workplace Agreements Act. We were told that a meeting of minds would occur between the Board of Coles Myer and the 15 year old shop assistant. We were told about the flexibility which would flow from the process. The fact soon established was that members opposite did not mean what they said. "Choice" was the other word used. They spoke about being fair and flexible and giving more choice, and the choice was between an award and the workplace agreement. The choice was, "Take the workplace agreement. If you want the award go and work for someone else -

we don't want you." Only one case has been successfully prosecuted on that matter - the Novek case. Ask the 15 year old shop assistant about what fairness, flexibility and choice means when enunciated by these guys opposite.

I am struck by the irony of the situation in which we find ourselves. Some workplaces in Western Australia had not experienced any industrial problems for years until this Bill came along. Many workplaces in Western Australia had no industrial action until action was sparked by this very Bill.

A case in point is found in the advertisement on page 10 of the 3 May issue of *The West Australian* authorised by the combined unions of BHP Iron Ore at Nelson Point and Finucane Island. The unions involved were the Australian Workers Union, the Construction, Forestry, Mining and Energy Union, the Communications, Electrical and Plumbing Union and the Australian Manufacturing Workers Union. The advertisement states, for members who did not read it, that at this workplace the employers and employees already have an arrangement in place which guarantees supply to customers. It further states that the interference of the Court Government is neither wanted nor required.

In a nutshell, that advertisement outlines what is happening in Western Australia, although not for the same reasons. It is no accident that we enjoy a low level of industrial disruption in this State; in fact, it is so low that the cost of industrial disruption is dwarfed by the level of time lost through industrial injuries. We enjoy that status in part as a result of a change in culture which occurred over 10 or 20 years - members can name the time frame, I do not care. The culture of industrial relations in this State and, more importantly, the Commonwealth has changed. During that time, it is fair to say that unions have accepted that they are part of the whole picture. Australian industry believes that the bad old days of the 1970s, rather like this Bill itself, belong in another era. It is time to look at the 1970s and see what went wrong then so we will not make the same mistakes. The problems of the 1970s arose in the circumstances at the time, which were very different from those of today.

I am always amused by the fact that wherever one hears commentators speaking about the bad, evil and wicked nature of unions, one incident crops up; a bad penny comes up repeatedly. I refer to the ice-cream flavour incident. Listen to people on talk back radio or in wine bars - nobody in a pub would talk about it - and up comes the ice-cream flavour incident. Why is it that that one incident which occurred at Cliffs Robe River a quarter of century ago, or as near as damn it, is dragged up every time somebody wants to demonstrate the excesses of unions? It is because nothing has gone seriously wrong since then. It was an extreme example which I wish had never happened. However, it happened a quarter of a century ago and things have changed.

Sadly, people opposite have a problem working out that it is no longer 1972; it is 1997, and changes in this country in industrial relations, particularly from 1983 onwards, have been remarkable. Members opposite do not seem to accept that point. They are returning to the 1970s to find solutions to industrial relations problems which do not exist now, and probably were not relevant to 1973 in any case. It is almost as though time froze and the Liberal Party went into a time warp. Members will note that I am not including the Nationals in this comment because the National Party commentators have been quite good. It is clear that the Leader of National Party, Hon Hendy Cowan, is not really keen on this Bill, and I doubt whether his colleagues have a different view.

Hon E.J. Charlton: Eric Charlton is keen on it - dead set keen.

Hon KIM CHANCE: That is an interesting comment, and probably one best left to stand on its own.

Hon E.J. Charlton: I cannot wait for the time when you get serious about debating it instead of stalling it.

Hon KIM CHANCE: I am debating it now. What is more, the reason I am debating it in this vein is that maybe it will give members opposite enough time to come to their senses and agree to debate it after 22 May.

Hon E.J. Charlton: You don't know what I think.

Hon KIM CHANCE: I do know what the Minister thinks, so I will not be too hard on him.

Without wanting to score a cheap political point, this legislation does not take into account the changes which have occurred in industrial relations in Australia. If it is thought by members opposite that it does take into account the changes which have occurred, they have badly misread not only industrial relation patterns, but also human nature. The Bill had its genesis in, and belongs to, the past. It belongs to an era when people may have taken industrial action for frivolous reasons, but it does not have a place in 1997 when, even members opposite would have to concede, industrial disputation in Western Australia is sparingly used, is used seriously, not frivolously, and generally is used when no alternative exists. Not many members opposite could realistically say that that statement is incorrect. The absurd thing about the cost of this whole thing to Western Australia is that so many members opposite agree with me. They have indicated to me, either directly or indirectly, that they are not married to the idea of this Bill. Dozens of employers have indicated to me that the effect of this Bill is damaging, and not just in the short term. They have no desire to see it implemented because it contains nothing that does anything to increase productivity. An employer is interested in only one thing. Industrial peace sits about seventh or eighth on his list of priorities. He is interested

in making a quid and competing with, for example, other manufacturers, if that is the field he is in, or hospitality operators, to keep his head above water. The last thing an employer is interested in is making an ideological point. Why would a silo manufacturer in Kellerberrin be worried about whether the people who work in his factory, and who may be Australian Manufacturing Workers Union members, are happy for their union to make a donation out of the union's general fund?

The DEPUTY PRESIDENT (Hon Murray Montgomery): Order! I am trying to link the member's comments to the motion before the Chair. I advise the member to direct his comments to the motion. I am trying to work out where his comments are leading to.

Hon KIM CHANCE: I will do that for you, Mr Deputy President. The points I am making relate to the reason this Bill needs to be considered by the Standing Committee on Public Administration. Every point I have made has been directed towards the need for this House to set aside the debate on the Labour Relations Legislation Amendment Bill to give members time to think about it. Mr Deputy President, as I proceed you will see that I will drag it into a cogent reason. I will outline not only why it should go to the Standing Committee on Public Administration, but also why that is preferable to sending it to the Standing Committee on Legislation. I know the Minister for Transport cannot wait for me to get to that point.

Hon Jim Scott mentioned the accord. Earlier I referred to the changes which have taken place over the past 20 years.

The DEPUTY PRESIDENT: Order! I remind the member that we are discussing whether the Bill should go to the Legislation Committee and, as such, how the Bill will be handled from that point. We have not as yet got to a foreshadowed amendment.

Hon KIM CHANCE: Mr Deputy President, do you mean the question of -

The DEPUTY PRESIDENT: Yes.

Hon KIM CHANCE: I would have been happy to read the foreshadowed amendment. I will get straight on to that point, which means I will have to put aside four or five vital points. Time being what it is, I am happy to move forward.

This Bill should be referred to the Standing Committee on Public Administration for consideration to allow mature reflection on the outcome for this State's workplaces, which members should be united behind regardless of their political affiliation and the political affiliation of those people who will soon be joining them in this Chamber. Irrespective of whether members in this place represent Labor, Liberal, the Nationals, the Greens (WA) or the Democrats or are Independent members, each of us should be united with the same will to achieve the kinds of changes outlined in that part of the Minister's second reading speech which commends the Labour Relations Legislation Amendment Bill. I am sure members want all workplaces to be fair, safe, more rewarding and more democratic. Even when we disagree on that issue it is only in the manner of achieving those goals.

It would be a breach of the standing orders for me to go into the specific reasons that we have a disagreement. In the context of the debate for referral, which essentially this is, it is no secret that there is disagreement in the manner of achieving those goals. That is the reason it is essential that this Bill be considered in a place away from the imperatives and pressure of the floor of the Parliament. That is the point I was getting to, Mr Deputy President.

The second issue when considering a referral to the Standing Committee on Public Administration is that, without prejudging the manner in which the House would like to see this Bill reformed, in some circumstances that committee could do the task better than the Standing Committee on Legislation. If members are united in the common aim of wanting fairer, more democratic, more rewarding and safer workplaces, it is their task to initiate and develop legislation which can provide that outcome. It should not be the role of members to brawl in this place and waste time over what is flawed 1995 legislation. That is all we are dealing with. This is legislation that was deemed to be such a pile of junk - I wish I could use stronger words - that it had to be hived off from the 1995 Labour Relations Amendment Bill because it was too unpopular to have before the Parliament of Western Australia prior to an election. It is absolute junk legislation. It does nothing. I do not know why the Chamber of Commerce and Industry has an interest in the legislation. I speak to CCI members on a daily basis, particularly those in the metal trades, and they do not want it. There is nothing in the Bill for them. They have looked at it and have not registered any interest in it whatsoever, yet the Attorney General says the CCI wants it. I suspect the CCI is not talking to its members. Perhaps it should have a secret ballot.

The Standing Committee on Public Administration, or more accurately its predecessor the Standing Committee on Government Agencies, has already completed a landmark commentary, which we know as the thirty-sixth report, on how the whole process of public administration, law making and rule making on the record can and should be overhauled for the mutual benefit of the people of Western Australia.

That was a major task. We have spoken about the thirty-sixth report in this place before, a report which tackled issues which have frustrated the public, the Public Service and this Legislature for years. Indeed, it goes back to the beginning of responsible government in this State. The conclusions we reached in that report might well be debatable in some quarters; indeed, I would be terribly disappointed if that were not the case. At the end of the day the conclusions were bipartisan and hold a promise of a more efficient, democratic, rewarding, fair and safe society. More importantly, the thirty-sixth report exists because it had bipartisan support from its beginning eight years ago. I cannot but feel confident that, charged with the same responsibility of doing something about reforming our workplace so that it reaches the objectives so properly outlined by the Minister in his second reading speech of fair, safe, more rewarding, democratic workplaces, the Standing Committee on Public Administration could come back to this place with a reform package which we might not only support but also end up applauding. Why are we dealing with junk legislation that we decided two years ago was so poor that the Government could not even go to the electorate on the basis of its being passed through this place?

I gave some consideration to which of the Legislative Council standing committees would be the most appropriate to undertake this task. Without wanting to dodge the obvious charge of bias in favour of a committee on which I have served for four years, any of the standing committees could perform the task adequately. What is important is that one of the standing committees is charged with the role of doing just that. Any one of them could do that. It depends what we want from the result. The most important thing is that we get the Bill off the floor of this place, that we regard the Bill as the load of junk it is, and that we sit down to try to tackle the task in a mature and proper way. My preference for the Standing Committee on Public Administration is driven by its record in these areas, indicated by the work it has done on the thirty-sixth report. However, my reasons go a little beyond that.

Another immediately obvious committee is the committee about which we have spoken, the Standing Committee on Legislation, which is held in high regard in this place and outside. This House owes it a debt of gratitude for its work. The role of the Standing Committee on Legislation, although significant, is significantly different from that of the Standing Committee on Public Administration. The Standing Committee on Legislation is concerned with reporting to the House on the effect and workability of prescribed legislation. As such it is held within those fairly narrow parameters and is not often charged with mapping out an entirely new approach. Its charter is to look at specified prescribed legislation and come back to us with a recommendation upon which we might act. It often has to do that within a narrow time frame. That is a different means of operation to that of the Standing Committee on Public Administration. It is for the House to decide between the two options. One is whether it wants to send the 1995 legislation to the Standing Committee on Legislation to try to find some way to make it better. If the House wants to do that it should decide that the Standing Committee on Legislation is appropriate. However, if the House truly wants to take its time on this issue, about which there is no urgency, and to come back with something of which we can all be proud, then the Standing Committee on Public Administration is the appropriate choice.

Another reason for my preference for referral to the Standing Committee on Public Administration and to take time to produce a realistic and new set of reform guidelines is that the task before us has no real urgency because this State is facing no crisis in industrial relations, as I have said, other than the crisis generated by the Bill itself. I acknowledge that the industrial relations debate is being carried out against a background of urgency but I ask members to consider whether that sense of urgency is real or contrived. If one thinks about it for a while it becomes clear that the issue itself has no urgency. The only thing that limits the time for consideration of this Bill is an administrative matter, which is the fact that the numbers will change in this place at midnight of the twenty-first of this month. I am developing the argument not because I think that you would raise the matter, Mr President, given that you have just entered the Chamber, but because the referral to the Standing Committee on Public Administration offers an alternative, given that there is no urgency in this situation. Members opposite might think that something important will happen at midnight on 21 May; indeed, it will, because we will lose you, Mr President. However, apart from our loss of you, Mr President, nothing important will happen in this Chamber on 21 May. At the end of the day this House will go on functioning the way it should. The important thing that will happen here simply means that we will be able to do things that we have been trying to do for years and, indeed, things that members opposite have been trying to do as well. I am not being exclusive in determining the high moral ground. We will start to achieve the aims we set out to achieve years ago. There is no issue of urgency for this Bill. We will set out to do something with which we have always been charged but have never had the opportunity to do. It is not a negative change or a reason to try to belt this legislation through with all the brutality associated with guillotines and, probably, gags. I do not know, but certainly by interjection the Leader of the House indicated that that was not the thought furthest from his mind.

Hon N.F. Moore: We can listen to only so much for so long.

Hon KIM CHANCE: I said that it would be better to stay here arguing the point on the sessional motion until 22 May.

Hon N.F. Moore: It sounds as though you are trying to do that now.

Hon KIM CHANCE: I make it clear that we are not. It would be better to do that in the interests of Western Australia than to whack this legislation through with no effective debate. There will not be any effective debate on the Bill, the Government will get it wrong and, as Hon Jim Scott said, will probably end up in the High Court wearing the cost and acute embarrassment of the High Court of Australia telling it that the legislation is invalid. I would much prefer to stand here talking until 22 May, until such time as we have this House in the form not that we have asked for, but that the electorate indicated it wanted nearly six months ago.

If this House determines to push on with the legislation in its current form - I acknowledge that it can do that - regardless of the opposition of the unions, the community, the churches, the Australian Labor Party, the clearly enunciated opposition of the Greens (WA) and the indicated opposition of the Australian Democrats, it begs this question: What will happen to the legislation after the House assumes its new numbers? Assuming the sessional order is effective and the guillotine comes down, this Bill will become an Act and can go to the Governor for royal assent, come back here and become law. It will be sitting on the Statute books. Does the Government think this House after 22 May will allow the regulations and orders issued under the auspices of that Act, one that exists only because of the way in which this Government used a loophole, a window of opportunity, which it saw before the creation of the new House? I am not in a position to foresee the answer to that question. I simply ask: Will the newly constituted House be all that keen to allow regulations under the auspices of the new Act?

Hon N.F. Moore: Like it always does, the House will vote on it.

Hon KIM CHANCE: The word "always" has connotations of precedent; however, there are not many precedents. I suggest the House may well want to consider with some reluctance whether it will allow the regulations to this Act. We cannot turn to any precedent in this House - there may be precedents in other Parliaments - from which we can gain any indication of what might happen in such circumstances. Generally speaking, all regulations are allowed unless they are found to be invalid due to a conflict with an Act.

We have never seen circumstances such as those we face now. We are sitting in a House that was elected in 1993. The members who were elected last year - more than five months ago - are still waiting in the wings. They are listening to this debate from the Government which is aimed at preventing them from having a vote on what is probably the most important piece of legislation with which they will deal. Even more important, the new members who will come into this place on 22 May must take responsibility for this legislation for the next four years. They will have to wear it. I wonder how those members will feel about allowing regulations which must be put in place for matters such as the secret ballot. How will the new members feel about that? If the reconstituted House is of a mind to disallow those regulations, it holds the threat of making the whole legislation unworkable. What position will the House be in then? Where would we stand? If the new House said that it did not like the new regulations, that it would not accept them, we would have a debate from the Government that the regulations were not ultra vires the Act and therefore should be passed. I just wonder where we will be in those circumstances.

I do not suggest the new House should do that, because that is an absolute breach of convention. However, who began the breach of convention? Which Government was the first to use this window of opportunity that has been created? How many State Governments in the past have had the window of opportunity that has been created? How many State Governments in the past have held back a senator-elect, one of Western Australia's representatives in the Commonwealth Parliament, on the basis that one Bill must be passed through this House? Hon Ross Lightfoot said, "I will stay here until the IR Bill is passed." What right does he have to do that? As my time has now expired, my best line has been lost!

HON CHERYL DAVENPORT (South Metropolitan) [11.45 pm]: I second the amendment. I also will speak to the previous amendment and oppose the substantive motion. I do not intend to take up all of the 45 minutes that has been allocated to me, but I am very keen to participate in this debate. Firstly, I will speak about the International Covenant on Civil and Political Rights in relation to the use of the guillotine as proposed in the motion. Secondly, I will once again raise the issue I discussed during the contingency motion on May Day; that is, the morality of Governments in a democracy. Thirdly, I will talk about the history of the guillotine in this House. Fourthly, I will talk about the potential referral of the matter to the Standing Committee on Legislation. Lastly, I will talk about the potential referral to the Standing Committee on Public Administration, of which I became a member recently.

The PRESIDENT: Order! I do not want to curtail what the member wants to talk about; however, I remind her that the question to which she is speaking is that the words "Legislation Committee" be deleted in accordance with the last amendment moved by Hon Kim Chance. At 11.45 at night I get a bit deaf, so I might not hear the member if she wanders off the track, although I ask her to make her comments in a reasonable way.

Hon CHERYL DAVENPORT: I think I have always taken the view that I should be very cautious about the way in which I contribute to debates, and I try to be direct and to keep my remarks on the subject.

The PRESIDENT: Order! Let us see how the member goes.

Hon CHERYL DAVENPORT: This evening I read the International Covenant on Civil and Political Rights; in particular, articles 3 and 22. I believe my political rights will be violated by the proposition in the substantive motion, as will the political rights of the eight new members who will take their seats in this place on 22 May and the civil rights of people who might give evidence in the committee process were it to take place; that is, either the Legislation Committee or the Public Administration Committee. Of course, I do not think that will happen, but nevertheless it is very important to put those views.

Not only are those rights being denied by this State Government, but also we are being denied the expertise of those new members who will come into this place. As I said last Thursday, I am particularly concerned that we are denying ourselves the expertise of the seven women, three of them new, who will be members in this place after 22 May. More than that, one of those women - the member-elect Ljiljanna Ravlich of the Australian Labor Party - has a migrant background. We in this House have not had the ability to hear a perspective put on behalf of migrant workers by a migrant woman. We are doing ourselves a disservice by not allowing her to participate in this debate.

Article 3 of the covenant states -

> The States Parties to the present Covenant undertake to ensure the equal right of men and woman to the enjoyment of all civil and political rights set forth in the present Covenant.

As I said, I think we are being denied those rights. The other article to which I want to draw the attention of the House is article 22. Paragraph 1 states -

> Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.

The second paragraph states -

> No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, -

Those are not being violated and, therefore, there is no need for this legislation. It continues -

> - public order, the protection of public health or morals or the protection of the rights and freedoms of others.

That is important because the rights and freedoms of others are being denied. The third paragraph of that article states -

> Nothing in this article shall authorize States Parties . . . to take legislative measures which would prejudice, or to apply the law in such a manner as to prejudice, the guarantees provided for in that Convention.

We would do well to heed that covenant, which was ratified by a Liberal-National coalition Government on 13 November 1980. It was not adopted by a Labor Government; it was ratified by a national coalition Government!

I want to take up again the question of the morality of Governments in a democracy. It is true that the Opposition wants to delay this legislation until after 22 May. Why? Because this Bill is bad legislation. The Government knows that come 22 May, the legislation in its current form would be rejected by this House. The raft of amendments announced yesterday by the Government - I am told there are many - will make this bad legislation only slightly better. They will not transform it as has been claimed. Therefore, the Government should wait until it can be scrutinised properly. By applying the guillotine, or the time management motion as the Government likes to call it, the Government is morally bankrupt. If the Government was not, it would not be using the Parliament in this manner. If this was good legislation, the Government would be debating it once the new Legislative Council was constituted.

My second argument in opposition to this motion goes to the history of the use of the guillotine motion by the Government in this House. It is interesting because the first time that such a time management sessional order was introduced was also when this House dealt with industrial relations legislation, on 16 November 1993. It was instituted because the then Leader of the House, Hon George Cash, who it seems will succeed you in the Chair, Mr President, and his government colleagues were angry that the 1993 Labor Opposition was doing its job by carefully scrutinising the three pieces of legislation in that first wave, the Workplace Agreements Act, the Minimum Conditions of Employment Act, and the Industrial Relations Amendment Act. It is ironic that we are again entertaining a guillotine motion in this House, and what is it about? It is about industrial relations!

There is a message here for any Government. On each occasion that we have had to debate this sort of legislation, the Government has been subjected to a significant amount of public outrage. That has happened again. What is the Government afraid of? Why does it not want decent scrutiny of this legislation? It is not prepared to allow it to be scrutinised by our committee system or to be debated properly by this place. I want to pose this question to members. If this wave of legislation is so important, why did we not debate it and enact it prior to 14 December last year? We know why. There was a state election in the offing and the Government knew that the sort of debate that is occurring today and has occurred over the past month would occur, so it had to keep it off the legislative agenda. Yet, the coalition Government told the people of Western Australia that it had completed its legislative agenda. The Government got its mandate in the Legislative Assembly following the 1996 election; however, it did not get the numbers in this place. Therefore, it is slipping the legislation in through this window of opportunity, as Hon Kim Chance said. That is immoral and it should not happen.

Following the second wave of industrial relations legislation, the Premier gave a written undertaking to the Trades and Labor Council that no more industrial relations legislation would be introduced without tripartite agreement. That has not happened. It is obvious that in the lead up to an election, the Premier was happy to give that undertaking. However, five months down the track, he has not kept his word. It was nothing more than political expediency because the election was on the horizon.

I always thought this place was a House of Review. I quote from page 6985 of *Hansard* of 16 November 1993, when the original guillotine sessional order was moved in this House. My colleague Hon John Cowdell said -

> The last claims of this House have been put to rest today. We are not a House of Review; we are a House that merely has the privilege of rubber stamping the whim of Executive Government that we find in our midst. The President is possibly the last vestige of the values - not to say the last vestige - of a previous era, an era that expected more of this Chamber than is currently being given. The abrogation of the responsibilities of this House as we have seen this evening with the gag followed by the guillotine must take us back to the consideration of the value of this Chamber at all.

Nothing has changed. Here we are again doing exactly the same thing. He continued -

> The comments were made then about the good name of Parliament and the public standing of Parliament. Indeed, as we adopt the features of the Assembly in terms of the gag and guillotine, members may wonder what is the worth of having a second Chamber that mirrors the first Chamber in almost every way.

I suspect that we will do that yet again.

As I said earlier, I will concentrate my remarks on why either the Legislation Committee or the Public Administration Committee would be an obvious choice to examine this legislation. However, in referring to that issue, it is appropriate that I address the work that the Legislation Committee has done since it was created in 1989. I was one of the original members of that committee. In 1990, the committee tabled nine reports; in fact, it did some very substantial work during that first operating year. It considered at length the Criminal Code Amendment (Racist Harassment and Incitement to Racial Hatred) Bill - a very important piece of legislation - and reported on 3 July. It also considered a raft of legal Bills, including the Criminal Law Amendment Bill and the Director of Public Prosecutions Bill, and tabled reports in relation to the Tobacco Bill and the Acts Amendment (Heritage Council) Bill, all of which are substantial pieces of legislation. In addition, the committee considered the Road Traffic Amendment Bill, which saw the implementation of laws in relation to the 0.05 blood alcohol content. The committee conducted many public hearings and produced very good reports, many of which were adopted by this House.

In 1991, the committee produced four reports, covering a range of substantial references. In 1992 - the final year of the Labor Government - the committee considered seven references, one of which related to the Crime (Serious and Repeat Offenders) Sentencing Bill. The committee recommended that it be repealed and it subsequently lapsed. I know the amount of work that that committee did over those years.

In 1993, when the coalition Government came to power, the committee produced two reports; firstly, on the Disability Services Bill and, secondly, on the Conservation and Land Management Amendment Bill. The conservation legislation was not considered in any great depth and should have been subjected to more extensive inquiry. In the last days of the 1993 session, committee members spent too little time considering that legislation - even meeting in the corridor outside this Chamber. Hon Jim Scott has been trying for a number of years since then to establish a select committee to consider that legislation and he continues to do so. I imagine that with the passage of time, perhaps post 22 May, we might be able finally to establish that committee to complete the scrutiny started by the Legislation Committee.

In 1994, the committee considered nine references, and that is when the committee's performance started to slip. In November, the Council referred the Young Offenders Bill to the committee. That gave this place - supposedly a

House of Review - the opportunity to produce some decent legislation. After the fiasco of the Crime (Serious and Repeat Offenders) Sentencing Bill, we had a heaven sent opportunity. What happened? The then Attorney General in the other place whipped up her backbench and as a result that reference was withdrawn from the committee before it had the opportunity to scrutinise that legislation properly. That will always be a source of real regret for me because we had a real opportunity to provide some decent legislation for young people who offend in this State. That was the reason I resigned from that committee: I felt it was losing the opportunity to continue the good work it had started.

In 1995, five references were given to the committee, all relating to substantial but non-contentious Bills, except, of course, the Industrial Relations Legislation Amendment Bill - yet again. What happened? The committee started its scrutiny, but the reference was hoisted back to the Committee of the Whole and not pursued.

This is an interesting record. It seems that everything works well when the Labor Party is in government - it allows the scrutiny of legislation. However, when the coalition is in government, no contentious legislation is referred or, if it is, the committee is not allowed to subject it to proper scrutiny. While the committee has great potential, we have not seen it functioning properly in order to produce good legislation.

I was very pleased to hear Hon Kim Chance refer to the Public Administration Committee, of which I am a newly elected member. It appears that its new terms of reference will provide a real opportunity to consider legislation of this nature. Obviously, the committee will not get that chance because no-one is in any doubt that this motion will be passed. It is a real shame that this House is denied the expertise of both the Legislation Committee and the Public Administration Committee in scrutinising this Bill.

The major work in relation to this Bill will be done during Committee, not the second reading debate. As has already been said, it contains over 40 clauses comprising 70 pages of legislation and now a range of government amendments that must be closely scrutinised. This House will spend at most seven hours considering it. The Leader of the House nods his head -

Hon N.F. Moore: Shakes his head.

Hon CHERYL DAVENPORT: The bottom line is that the Leader says we can curtail the second reading.

Hon N.F. Moore interjected.

Hon CHERYL DAVENPORT: And for good reason. The Leader should never have introduced a motion such as this. If he had not he would not have been required to put up with this sort of debate. He did it and he must live with the consequences.

Hon N.F. Moore: That is your decision, not mine.

Hon Bob Thomas: Let us consider it after 15 May.

The PRESIDENT: If we do not hurry up it will be 22 May.

Hon CHERYL DAVENPORT: It is not my intention to use all of my 45 minutes. I have put forward my reasons for supporting referral to the Legislation Committee or the Public Administration Committee. I will continue to put my opposition to this Parliament in any way I can to slow down the progress of what I believe is a disgusting piece of legislation. I oppose the guillotine motion.

I will conclude my remarks by reciting a poem entitled "We will never give in", written by Peter Capp and presented at the May Day rally last Sunday -

A Tin-pot man in a Tin-pot Government
with policies built to empower
He wants the workers to become servants
to bow and scrape and cower
But IT WILL NOT BE we're going to fight
every inch of the way
We'll fight for weeks, we'll fight for months,
WE'LL FIGHT TILL JUDGMENT DAY
We're not a Fascist country,
we won't accept these Fascist rules
This Government takes the people
for a bunch of mindless fools
And where is the beloved Premier
while Kierath's creating this storm
He's as much to blame for this shame
known as industrial reform
To sneak a legislation through

that no-one wants at all
So workers can be fodder
at the employers beck and call
BUT NO Mr Court and Kierath,
WE WON'T BE BATTERED DOWN
We'll keep what our fathers fought for,
our noses will never be brown
And might we suggest a Fourth Wave
a sensible way to go
When we wave goodbye to this Government
of Kierath, Court and Co.

I have great pleasure in reading that into the record because, like the workers, I will not give in. This legislation is immoral and it behoves us as opposition members to do all we possibly can do to ensure it does not succeed.

HON GRAHAM EDWARDS (North Metropolitan) [12.10 am]: I want to make a number of points about the way this Government is hell bent on ramming through this legislation without giving this House or its members the opportunity to scrutinise and debate fully and properly what we consider to be immoral and flawed legislation. I compliment Hon Nick Griffiths on the speech that he made earlier, and I will pick up a number of the points that he made. Hon Nick Griffiths said that we need to deal with this legislation in a clear and concise way without getting too emotional, or at least that is what I understood him to say. While I generally agree with him, democracy is an emotional issue. It is something that people fought for and which people died fighting for. Hon Norman Moore and some of his colleagues do not come close to understanding that, nor do they come close to understanding the very strong feelings that we on this side have about democracy and about the way that this place is at present being misused by members opposite.

Hon Nick Griffiths said that we feel strongly about this issue in part because of our association with unions. That is right, but this issue goes well beyond the Labor Party or unions in this State. This legislation goes to the heart and soul of the broader community of Western Australia, because if this Government were to get away with this legislation and the way in which it is forcing this legislation through, then not only the union movement and workers but also democracy and freedom in this State and nation would take a battering. That is one of the reasons that the march last Tuesday was so well attended.

I remember a very high ranking officer under whom I served in the Army who said to my commanding officer, "The troops are all right as long as they keep complaining. It is when they stop complaining that you need to worry." The way in which people are responding to this legislation reminds me of that statement, because people in the community are not complaining or whingeing but are addressing this legislation in a serious and determined way. The Government is making a serious mistake in underestimating the strength of feeling in the community. The worst thing that one can ever do to the ordinary people of this State is put their backs to the wall. This Government will regret that it has put the people of this State in that position.

The manner in which the union movement and the 35 000-odd people who marched the other day conducted themselves should serve as an ominous warning to this Government. I do not think I have ever seen the union movement conduct itself with such maturity and responsibility. I have read about the strength and resolve of the union movement, and I have read about its righteousness, but I do not think I have ever seen it respond as it has responded to this legislation. I felt very proud to take part in that march the other day, and I felt very comfortable to be in the company of ordinary Australians who believed that they were fighting for something well and truly worthwhile. The only other time that I have experienced that sort of feeling is when I have marched on Anzac Day in the company of men and women who have fought for democracy and freedom.

I want to remind the House of a debate that took place in the last Parliament about the strata titles legislation. We all remember that in 1995, the Government put through a Bill that was largely supported in this Parliament. That Bill contained a number of serious flaws that led to a shemozzle about strata titles and to a fairly traumatic situation for many elderly people in particular. As a result, the Government had to take what it called swift action. It took about six months for that legislation to get before the Parliament, and it took the Government quite some time, although it had the support of the Opposition, to get that legislation through the Parliament, despite the fact that it considered it urgent. It did not take steps like the ones that we are seeing in the Parliament today to get that legislation through.

In handling that Bill, the Minister responsible, the Leader of the House, Hon Norman Moore, is reported at page 7816 of *Hansard* as saying -

> Although the Government takes prime responsibility for legislation that comes to Parliament, if in the process of enacting legislation in Western Australia it goes through Parliament unopposed or fully supported, the Parliament as a whole must take some responsibility for the legislation that it passes.

He said also -

> The Government must accept a degree of responsibility for the consequences of the 1995 legislation. However, the Parliament considered that legislation and passed it.

He said also -

> . . . we all bear a degree of responsibility for the problem in the first place. Had we been more diligent as a Parliament the problems might have been addressed in 1995 when the legislation first came to the House.

It is most pertinent to remind members of this Chamber of what the Minister said at that time. The Minister said that individually and collectively we had to take responsibility for that legislation that was passed in 1995. It seems, if we had to take responsibility for that legislation, we certainly must take responsibility for what is occurring now and for what is in this legislation that the Government is trying to ram through. The difficulty, if we pass these guillotine motions, is that the Leader of the House and the Government are confiscating from individual members of this House their right to responsibly review this flawed, amoral and wrong legislation.

I do not know about government members, but I object strenuously to the Government and to the Leader of the House taking from us this opportunity to fully debate this flawed legislation. I would much prefer not to debate this legislation. I am one of those members who will be retiring on 21 May. I do not feel that I should have to deal with this legislation at all. I would strongly support those of my colleagues and those in the community who say that this legislation should be dealt with not by a Parliament that was elected in 1993, but by the Legislative Council that was elected in December 1996.

One of the things that we have had confirmed is that this is not a House of Review. Under this Government it has never been a House of Review. When the coalition is in power the House is simply a rubber stamp for the Executive and when it is in opposition it is simply a House of obstruction. I invite you, Mr President, and anyone else so inclined, to imagine what would have happened, for instance, had Hon Joe Berinson introduced a motion like this. Could you imagine how Hon Peter Foss or Hon Norman Moore would have performed?

I am pleased to say that I was a Minister in a Government that never even contemplated introducing into this House such obnoxious and undemocratic legislation. It is appalling. It is the worst motion and the worst possible way that I have seen a Bill dealt with in this House in my 14 years here. It makes me happy when I reflect on that that I am retiring on 21 May. It is for these sorts of reasons that politics and politicians are on the nose in the community. It is a great pity that some government members and especially the Leader of the House cannot see that. I have respect for many people who sit on the government benches. I know that a number of government backbenchers are uncomfortable with this legislation. They do not support it. They might act with discipline when it comes to a vote, but many people on the government side feel embarrassed about this legislation. They feel embarrassed by the position in which they have been put by their leaders, not just in this place, but in the other place.

We all bear responsibility for legislation. If we consider it to be deficient, wrong or amoral we have a duty to point out those defects. The manner in which the Government is dealing with this legislation makes it impossible for members of this House to act in accord with their responsibilities to properly debate and review this legislation. I condemn the Government and the Leader of the House particularly for what they are doing to the ordinary members in this place.

HON JOHN HALDEN (South Metropolitan) [12.25 am]: I advise the House that towards the end of my speech I will make a further amendment to this motion. Yes, Mr President, you are right to smile. I foreshadow an amendment to delete the words after "Standing Committee on Public Administration" and insert the words "Estimates and Financial Operations Committee".

When one has a sensible proposition - I hope after my few comments tonight that the Government might even be prepared to support it - it is ludicrous that we must go through an exercise of putting up amendment after amendment to try to get the Government to look at each amendment to see whether there might be some validity in it. Surely it would have been a far better proposition to have debated these matters separately and to have dealt with them in a sensible and appropriate fashion. With the motion moved, and the motion given notice of by the Leader of the House, that is not possible, so we go through this facade of moving amendment upon amendment.

Hon N.F. Moore: There is nothing to stop you moving a motion and dealing with that, and then moving another motion.

Hon JOHN HALDEN: We choose to do to it this way, if that is all right with the Leader of the House. The Leader of the House is running the House in the most draconian way known, and if it is all right with him we will do this our

way. The Leader of the House will do what he has always done; he will use the 17-16 rule, and he will defeat our amendments.

Hon N.F. Moore: Which you will use ad nauseam after 21 May.

Hon JOHN HALDEN: The Leader of the House will go blindly down the path of arrogant numbers and do what he has always done. The last time it was done was on the Mabo legislation - it only cost the taxpayers ultimately about $5m.

Hon N.F. Moore: It was a waste of good legislation.

Hon JOHN HALDEN: It was a pretty cheap exercise for a shabby political stunt. It is no shabbier than this one. It is in the same sort of mindless, arrogant style but, nevertheless, bluntly effective in a political sense.

I do not wish to abuse the Leader of the Government or the Government - probably we could do that for 45 minutes without too much need to wind ourselves up - as that would achieve nothing. I will address the amendment that I have foreshadowed.

I have often heard from my colleague the soon-to-be-senator, who is still lingering somewhere in the halls of this place, about the wonderful example of New Zealand and how we should follow blindly down the path of a deregulated economy. The Minister for Transport nods mindlessly as per normal.

Hon E.J. Charlton: I am a fan of New Zealand.

Hon JOHN HALDEN: I thought it would be appropriate, in suggesting that we refer the Labour Relations Legislation Amendment Bill to the Estimates Committee, and bearing in mind their advocacy of the New Zealand experience, that we might look at some objective analysis of the New Zealand economy since the election of the National Party there in 1990. The National Party came to power in New Zealand with a mandate to restructure the labour market. Since the time of its initial election it has gone about a reform agenda to change labour market practices. Those changes to labour market practices are not exactly mirrored in what the Government has proposed in this third wave of industrial legislation, or what was proposed in the first and second waves. The comparison was probably best summed up by Prime Minister John Howard on 12 July 1995 when he said -

> Our proposals are not a mirror image of the New Zealand proposals but they are in the same category, they are of the same type.

We could say that is equally applicable in Western Australia. So that I do not embellish the similarities too much, it is appropriate to look at the New Zealand Employment Contracts Act, the equivalent of the legislation we have been passing here in its three phases. The Employment Contracts Act abolished the award system and replaced it with a system of bargaining based on individual contracts. Collective bargaining is possible but only if the employer agrees. Nothing in that Act prevents the employer from bargaining collectively with one group of workers in an enterprise while at the same time bargaining individually with other workers in the same enterprise. That is different from what is proposed and exists here. That Act removed the recognition of trade unions. It does not make trade unions illegal or prevent trade unionism. However, unions are treated no differently from any other organisation that may represent workers in negotiations over wages and conditions. That is the same as provisions applicable in Western Australia. The New Zealand Act severely curtails the right to strike. Does that strike a chord on the other side of the Chamber? Under that Act a strike is lawful only when it involves the renegotiation of a contract. Under our proposed legislation, a strike is illegal!

The New Zealand legislation impedes union access to workplaces and makes it far more costly for unions to organise and bargain on behalf of workers. That sounds like parts of the proposed legislation that we are about to debate. The New Zealand Act allows all conditions to be negotiated subject to a very limited number of minimum conditions which include minimum wages for employees aged over 20; three weeks' annual leave, 11 public holidays and five days sickness or bereavement leave. It provides limited protection for workers against having to accept individual contracts that are inferior to existing contracts. It fails to guarantee that employers will bargain in good faith with their workers' unions or authorised agents. If they wish, employers can simply ignore unions even if their employees want to be collectively represented by unions. It limits the role of specialist industrial relations tribunals to the interpretation and enforcement of contracts. That is different from what is proposed here, but God knows what will be done with the fourth and fifth waves promised by the Minister for Labour Relations and gleefully promoted by the Minister for Transport on a previous occasion.

Having made that comparison, it is appropriate to consider some of the outcomes of the New Zealand Act. We do not listen to Hon Ross Lightfoot's glib rhetoric, because his mind is his authority. He has copyright to his rhetoric in his own mind, and that is his only authority of any substance when he speaks. A survey was prepared by the Heylen Research Centre in 1992 for the New Zealand Department of Labour which indicated that many workers on

new contracts suffered a loss of conditions in 1992. Two years after the introduction of that Act overtime rates had been reduced or abolished in 42 per cent of enterprises and raised in only 7 per cent of cases. Weekend rates had been cut in 43 per cent of cases and raised in 3 per cent. Special allowances had been cut in 29 per cent and increased in 12 per cent of cases. Sick leave was reduced in 15 per cent of enterprises and raised in 6 per cent. Long service leave was cut in 16 per cent of cases and raised in 4 per cent. The ability to accumulate leave was reduced in 29 per cent of enterprises and improved in 2 per cent. This was two years after the Act came into force and it had a consequential impact on individuals.

Hon E.J. Charlton: How is New Zealand going now?

Hon JOHN HALDEN: I will come to that. I am pleased that the Minister has assisted me so gainfully. I cannot resist the opportunity to cite figures up to December 1995 and early 1996. We need to look at the economic impacts on individuals by what is proposed in this State. As the Minister for Transport suggested, I will look at some of the overriding economic and social indicators and relate them to the state Budget. There is no better point to start than to consider the real, average weekly earnings on a full-time equivalent basis from March 1990 to September 1995. In New Zealand, on a full-time equivalent basis, the real average weekly wage rose by 0.1 per cent compared with Australia where it rose by 4.6 per cent. Of course that could be a result of outrageous demands by unions! This is an absolutely unwarranted increase in real take home pay of 4.6 per cent in Australia!

Let us consider other indicators such as employment comparisons in both countries. The soon-to-be-elected senator has gloated about this issue in this place, without any proof or documentation to back up his comments. In 1990, during the first two years of the Employment Contracts Act, New Zealand's employment growth exceeded Australia's employment growth. However, since June 1993 Australia has also experienced strong economic growth. From June 1993 to September 1995 employment in Australia increased by 8.3 per cent. A comparison of employment growth in Australia and New Zealand was made, starting from March 1986 and using the 100 point equal scale. Employment growth in Australia at the end of 1994 was running at 120 per cent - that is, there had been a 20 per cent increase - and in New Zealand there was a 5 per cent increase. From March 1986 to September 1995 employment in Australia increased by 19.9 per cent, and in New Zealand it rose by only 6.5 per cent. There has been no catching up or excessive increase in New Zealand in the past two years. Australia has performed far better in employment growth with its terrible industrial relations laws - which would be the description by members opposite under the previous Labor Government - than has this reformed National Party Government in New Zealand!

I have further information for the sceptics opposite, and I am sure that the Minister for Transport will be interested because he raised the example. From March 1990 to June 1995 the GDP per hour worked, seasonally adjusted, rose by 3.2 per cent in New Zealand and by 7.2 per cent in Australia. Where is the Minister's utopia? Where is the Minister's proof that New Zealand is in a better situation under the sort of legislation that the Minister wants here? He cannot provide that proof. The Minister for Transport goes on with his mindless drivel, in the belief that some day perhaps he will have some proof to back up his statements. Figures provided by the New Zealand Department of Labour and our Department of Productivity and Labour Relations prove that the claim by the Minister is false, and that the Minister has been talking a lot of nonsense for two years.

Hon E.J. Charlton: Not even the National Party can take credit for that. It was Roger Douglas who started it all. If not for him, New Zealand wouldn't be where it is today.

Hon JOHN HALDEN: Roger Douglas must have it wrong, just like members opposite are wrong. The difficulty with government members is that when they make a mistake, they want to compound it by opening their mouths and making another stupid statement. That is the difficulty when these matters are not thought through.

Hon E.J. Charlton: You're only interested in unions; you're not interested in the nation.

Hon JOHN HALDEN: What does the Minister call these figures? These figures are not produced by John Halden; they are not the ramblings of the Minister for Transport or the soon-to-be senator. These are productivity figures, employment figures and the like.

Hon E.J. Charlton: You are not talking about the nation.

The PRESIDENT: Order! Hon John Halden should talk just to me.

Hon JOHN HALDEN: I am happy to, Mr President. I am talking about the nation. These are national figures. It might be a little difficult for the Minister for Transport to comprehend that, but that is what they are.

Hon Graham Edwards: It is difficult for the Minister for Transport to comprehend anything.

[Quorum formed.]

Hon JOHN HALDEN: I thank those opposite for bearing with me while I make this speech. Let us consider economic growth from March 1985 to June 1995: Australia's gross domestic product grew by 38.8 per cent; in the same period New Zealand's GDP grew by 19.9 per cent. The figure for Australia is double the GDP growth rate for New Zealand, yet the Government wants to go to that sort of system. That would be a good move! It must be insightful for those who dreamed up this little number! From June 1991 to June 1995, the period of the Employment Contracts Act in New Zealand, GDP in Australia grew by 18.5 per cent and in New Zealand by 16 per cent. Even in that comparison it is clear that New Zealand's economy has not grown to the same degree as Australia's economy.

The PRESIDENT: Order! Does this have anything to do with what we are talking about?

Hon JOHN HALDEN: Yes, Mr President, it does. If you bear with me for one more figure I will relate it all back for you. Trust me, Mr President.

The PRESIDENT: I trust you; I trust you.

Hon JOHN HALDEN: I will get to it shortly. For most of last decade New Zealand's manufacturing production was lower than it was in March 1985, yet in comparison Australia's production grew by nearly 40 per cent. They are interesting figures. I could talk about how New Zealand has a greatly reduced social security benefit system and how its tax rate, particularly for people in the lower socioeconomic group, is far higher; however, I do not intend to dwell on that. I could talk about consumer goods, such as household necessities, and how they are much dearer in New Zealand than they are in Australia, yet wages are comparatively lower.

I draw my comments back to the amendment I foreshadowed. Bearing in mind the similarity of the proposed models, there is no doubt those sorts of figures will have an impact on the state economy and the state Budget. The State is feeling some of that now. The impact will be a lack of consumer confidence. As has been the case in the past two years, the Government's anticipated collection from such things as sales tax, land tax and stamp duty will not be sufficient to maintain the state Budget and its expenditure at the anticipated levels. If the New Zealand experience is any indication, it will have a negative impact on that area of state government revenue. That will occur not just in those sorts of areas, but also with payroll tax and in small business investment - all of which will be impacted on if those sorts of economic predictions from New Zealand come to bear in Western Australia.

It is not untoward to suggest those economic trends are starting to play their way through the market. Members heard the statements of Ministers in this place about how difficult it was to balance the Budget when Western Australia had about 6 per cent growth for a year - something most westernised economies would give their right arm to achieve. If the Government is hellbent on the legislation, it should at least look at some of its implications to the state Budget - how much state revenue there will be and, therefore, what the Government will be able to provide. Once the Government starts to reduce confidence in the market, and once a drop-off in employment growth occurs, quite inextricably it will start to go down a spiral, and it will have to consider new taxes, as it did this year with a gold royalty, and increase existing taxes, as it did with the debits tax and financial institutions duty. If those experiences are translated further in Western Australia, the Government will have to raise more revenue.

Has the Government considered the impact of not allowing union payroll deductions at the workplace as an industrial matter? Has the Government considered what will happen if the 250 000 workers who have payroll deductions of union fees do not do it anymore? Has the Government considered what shortcomings in one year's Budget that will be at 30¢ a fortnight? A good translation of that is about $1m. Why would members not refer this matter to the Estimates Committee? That one small factor alone, roughly calculated, has that sort of impact on the State Government. That is just one small impact. I am sure it was never thought of by those opposite; however, they should consider those sorts of issues.

It is my contention that there will have to be an increase in the scope and nature of the State's taxation base. I return to the New Zealand instance to give members an example of what happened under its taxation system, which I concede is different from ours.

Hon Bob Thomas: It has a GST.

Hon JOHN HALDEN: We all complain about income tax. Hon Ross Lightfoot tells us how terribly overtaxed we are in this country. Figures in late 1995 indicate the difference between the two countries. A person who earns $7 000 a year in Australia pays $170 tax a year. In New Zealand he pays $1 049 tax a year. A worker who earns $20 000 in Australia pays $2 770 tax and in New Zealand he pays $4 483. On $30 000 in Australia the tax is $6 222 and in New Zealand it is $7 389. Even those in the $40 000 income bracket in Australia are still $884 a year better off. That is where the impacts will be made. Be it in direct or indirect taxation we will have to pay more if those economic indicators are applied to Australia. We have been bored to monotony by members opposite talking about the shining glory, utopia New Zealand; yet they cannot find an economic indicator to support their case.

Hon Kim Chance: A spiralling national debt.

Hon JOHN HALDEN: I will refer to that. They cannot find an indicator to support the nonsense we have heard in this place, particularly from the senator-elect as he has babbled on with mindless drivel about utopia New Zealand.

I am thankful to Hon Kim Chance for reminding me about national debt, about which we have also been told a pile of mindless drivel from the senator-elect.

Hon Kim Chance: Then I will remind you of the spiralling suicide figures.

Hon JOHN HALDEN: I do not think they have much to do with economics.

Hon Kim Chance: They do.

Hon JOHN HALDEN: I will quote from the World Bank Estimates of 1993 calculated per head of population and measured in United States dollars.

Hon Graham Edwards: Do what the Minister for Transport does and invent one.

Hon N.D. Griffiths: Put a couple of zeros to the left of the decimal point.

The DEPUTY PRESIDENT (Hon Murray Montgomery): Order! One way or another we should get on with the matter in hand.

Hon JOHN HALDEN: The figure for which I am looking gives an interesting comparison of the two nations.

Hon Kim Chance: I will find the figure while you get on with your speech.

Hon JOHN HALDEN: That is a good idea. It is not just at the state level where an impact will be felt. As I began to say a moment ago, we need only examine the income taxation rates between the two nations to realise they also impact on individuals. We need only examine the necessity to cut benefits to people at the lower end of the scale in New Zealand, not just in direct payments but in services, to understand the plight towards which we could be heading if we believe that these changes to our industrial relations legislation will provide us with economic benefits.

If New Zealand is any indication whatsoever, we were doing far better under the old system than New Zealand is under its new system. In the light of those reasonable figures - not Halden figures - about the glorious utopia, before going down this path why would the Government not examine the economic consequences of the Labour Relations Legislation Amendment Bill on the State's finances and individuals of Western Australia?

Hon Kim Chance has not found the exact figure for which I was looking, but I will add it to the debate to try to rectify some of the misconceptions put about this place by the soon-to-be Senator Lightfoot.

Australia has much lower levels of foreign debt and government debt than New Zealand. In 1993 Australia's net foreign debt was 41.5 per cent of gross domestic product compared with 61.6 per cent of GDP for New Zealand. Australia's net government debt is substantially lower than New Zealand's. New Zealand's net government debt is 38 per cent of GDP compared with Australia's 27 per cent.

We have listened to a lot of drivel in this place over the past few years, have we not?

Hon N.F. Moore: In the past few hours.

Hon JOHN HALDEN: Why would the Government not consider the financial impact of this legislation? As I indicated by a small example, it appears not to have considered the impact of the reduction in union fees on its financial institutions duty receipts. There are probably many other factors that the Government should have considered if it were concerned about the effects of the legislation.

As many members have said before, this is complex legislation. Its tentacles embrace a number of issues into which the Government should not willy-nilly, unthinkingly blunder or bluster. In responding to our concerns, the substantive motion moved by the Leader of the House is the Government's way of telling us to jump in the lake; it is not interested in our views. It is appropriate that, in spite of what faces us shortly by probably the bluntest guillotine we have seen in here - we have not seen too many - we will make the point that the implications of this legislation are far wider than the Government realises and will have the community believe. They are possibilities and in many cases they will become realities. The last time members opposite used the guillotine they made fools of themselves.

Hon N.D. Griffiths: Nothing has changed.

Hon JOHN HALDEN: Based on that experience I thought the Government might have learnt something. Perhaps it is not appropriate to send this legislation to the Legislation Committee again; perhaps it is not capable of reviewing it in an objective, analytical fashion as we saw last time. However, perhaps it is necessary to examine not just the legislation but its ramifications on the community, which were not as obvious initially as they might be in the future. I contend that the Government could do no better than do as I have suggested tonight, make the comparison with the study of New Zealand and its Employment Contracts Act and ask why it has not outperformed Australia in the key areas. What does this legislation offer? It is not necessary to have the mechanism thrown out because it is not totally workable. It may need further modification, but that modification will not be made on any fronts under this nasty little guillotine motion. It is absolutely naive for the Government to think it has all the answers because I do not think it knows the questions. If it does not know the questions, it is up to the Parliament and the Opposition to pose them. At the end of the day nothing will be achieved for the citizens of Western Australia unless all the alternatives have been explored in an appropriate way.

I conclude by saying the Government has brought this on its own head. This House could have had a sensible debate with the issues being raised one by one. It could have sat for as long as the Government wanted. I am happy to debate the Bill for 15 days and 24 hours a day to nut this out. This motion is not needed because the Government knew that it could physically exhaust opposition members. We want to ask the questions and receive the answers, not only for ourselves but on behalf of Western Australian citizens. The Government has effectively denied opposition members that opportunity by the proposed guillotine, and at the end of the day the Parliament will be the poorer for it.

Amendment on the Amendment

Hon JOHN HALDEN: I move -

> To delete the words "Standing Committee on Public Administration" and substitute the words "Estimates and Financial Operations Committee".

HON BOB THOMAS (South West) [1.03 am]: A month ago a young journalist from *The Weekender*, a weekly newspaper in Albany, approached me and said he wanted to write an article about me as part of a series on motoring reports about so-called celebrities in Albany and their first cars. I said I was not a celebrity but I was happy to talk to him because I had had a love affair with the 1967 HR Holden. He did the story and as he was leaving I gave him a photograph of me taken in 1974. I was wearing a suit, my hair was past my shoulders, and I was standing opposite my Holden. The article was published in *The Weekender* last Friday. Since then dozens of people have told me they saw the picture and it brought back memories for them. I was wearing bellbottom trousers, my hair was long and it reminded them of that time in their lives. One of the memories it brought back to me was a speech I gave at my twenty-first birthday party in 1975. I was a student at the Western Australian Institute of Technology, now Curtin University, at the time, and my fiancee and I were living in Carson Street, Victoria Park. The party was held at that address about a week after Sir John Kerr had sacked Gough Whitlam. There was outrage among Labor supporters and in maintaining that rage I urged everyone at the party to cancel their subscriptions to *The West Australian* newspaper, because I felt its editorials had turned the public against the Whitlam Government unfairly and favoured the coalition even though it was acting deplorably. I now find it ironic that, 22 years later, I shall quote from that newspaper.

Hon N.F. Moore: Eminently quotable these days!

Hon BOB THOMAS: How things have changed. The newspaper has finally woken up to members opposite. In 1975 I would never have imagined I would quote in this House an editorial from the newspaper that I encouraged friends and family members to cancel their subscriptions to and to stop reading. I felt then that the only way to get through to *The West Australian* was through the hip pocket. Things have changed. I will read to the House the editorial that appears in *The West Australian* of 7 May 1997. For the sake of posterity, I point out that the Parliament receives the country edition of *The West Australian* and, as a result, in the evening it receives the following day's edition of the newspaper. Under the heading "A cynical and autocratic decision" it states -

> The Court Government is tossing parliamentary convention on the scrapheap and wrecking its credibility as a fair-minded government by ruthlessly ramming its industrial relations legislation through the Upper House.
>
> The Government gave notice last night that it would use the guillotine and gag to ensure its contentious Bill passed through the State Parliament next Thursday. This is a week before the conservatives lose control of the Legislative Council for the first time in more than 100 years of representative government in this State.

> It is a breathtaking display of arrogance and contempt for the people's vote in December and for the proper role of the Council as a House of review. It completely ignores recommendations of august bodies, such as the WA royal commission and the Commission on Government, which urged that the review role of the Upper House should be strengthened to help prevent the executive riding roughshod over Parliament and the people.
>
> The Government's contempt for what is proper procedure is further illustrated by its decision to keep Senator-elect Ross Lightfoot in the Legislative Council long after convention says he should have resigned and gone to the Senate. The only reason is that it needs his vote to beat the May 22 deadline.
>
> The Court Government - elected by voters who wanted to restore integrity and quality to the State's political and financial systems - is the only government in the history of the Upper House to use the guillotine.
>
> In its stampede to beat the Keating government to put Mabo legislation on the statute book in its first year in office - 1993 - the Court administration overturned more than a century of parliamentary practice by guillotining through its impotent native title legislation.
>
> The guillotine also was used in the Legislative Assembly last month to push the industrial relations Bill through -

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I draw the honourable member's attention to Standing Order No 92 which states -

> No member shall read extracts from newspapers or other documents, except *Hansard*, referring to debates in the Council during the same session.

I suggest the member is perilously close to breaching that standing order.

Hon BOB THOMAS: I thank you for bringing that to my attention; I should have picked it up. The editorial gets better -

> The Government might argue that it has agreed to amend its legislation and that gives it some form of moral right to use some tactics such as the guillotine.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! I think the member is now breaching the standing order.

Hon Graham Edwards: Just tell us what it says; do not read it.

Hon BOB THOMAS: I have read the best parts of the editorial.

Hon Graham Edwards: You may as well finish it off.

Hon BOB THOMAS: I could read it again if the member wants.

The DEPUTY PRESIDENT: Order! The member could not read it again!

Hon BOB THOMAS: *The West Australian* has editorialised in that way.

Hon N.D. Griffiths: A conservative newspaper.

Hon N.F. Moore: It used to be; it has changed.

Hon N.D. Griffiths: You're not conservatives; you're radicals.

Hon N.F. Moore: The Liberal Party is not beholden to the unions.

The DEPUTY PRESIDENT: Order! If the Leader of the House would allow Hon Bob Thomas to address the Chair, we could conclude debate more rapidly.

Hon BOB THOMAS: *The West Australian* editorial points out that this is the second time the Court Government has used a guillotine to ram legislation through this Chamber. The newspaper reflects the attitude in the community that the Government has no right to put this legislation through before 22 May.

I know the Constitution and how this House is elected; I know that current members were elected until 22 May. However, the general public has a perception which is different from reality. Voters' perception in December 1996 when they went to the polls and elected a new Government was that they elected a new Legislative Assembly in which the Government was formed, and a new Legislative Council. They felt that after they cast their vote in December 1996, a new Legislative Council would be sworn in when Parliament first met on 6 March.

One of the factors contributing to that perception was that when the Premier announced he would go to the polls on 14 December, he said the Government had completed its legislative program. He said that the Government had no intention of sitting around twiddling its thumbs, and that he would go to the public for a new mandate for a new legislative program. At the December 1996 poll, the coalition was returned and given a mandate in the Legislative Assembly. However, the public in its wisdom decided it wanted some checks and balances in place. It voted to change the composition of the upper House so the coalition no longer had control and the balance of power would reside with the minor parties.

The DEPUTY PRESIDENT: Order! The honourable member is now coming perilously close to breaching Standing Order No 100.

Hon BOB THOMAS: Which is?

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): The tedious repetition order. I suggest that the honourable member refer to the motion of Hon John Halden to delete the reference to the Standing Committee on Public Administration and insert the Estimates and Financial Operations Committee.

Hon BOB THOMAS: I felt that you and the President gave some leniency to Hon John Halden. I will pull all my remarks together and all will be explained. However, can you, Mr Deputy President, explain to me the issue of tedious repetition? This is the first time I have mentioned that issue.

The DEPUTY PRESIDENT: Although it may be the first time the member has made reference to it, the point has been repeated time and time again.

Hon BOB THOMAS: In this debate?

The DEPUTY PRESIDENT: Yes.

Hon BOB THOMAS: I can recall only one other speaker referring to this matter. I was not aware that a second reference to a matter as a member draws remarks together to make a point was tedious repetition. However, I do not want to delay the House. I take your point, Mr Deputy President, and I will move on.

The general public has a perception that this House should not be dealing with this legislation until 22 May. That view is evident when listening to talk back radio or picking up the newspaper, with a large imbalance in letters opposing this legislation compared with those supporting it. Also, the published polls indicate that support for the coalition has dipped by nearly 13 per cent in the last two months, reflecting the community view that the Government should not deal with this legislation before 22 May. People in the community are saying to me that this is sleazy opportunism by the Government to exploit a loophole. I received a card from somebody who took industrial action for the first time the other day saying that the Government had lost its legitimacy because it is dealing with legislation at this time against the public's wishes.

The best action the Government can take is to refer this legislation to the Estimates and Financial Operations Committee. The Legislation Committee has dealt with legislation of a similar nature in the past, and many of the arguments outlined in 1995 would still be relevant. The Legislation Committee put a lot of work into that report. Although many of those recommendations and most of the 1995 report are still relevant, we need another look at the legislation from a different perspective. I support the motion moved by Hon John Halden for the Estimates and Financial Operations Committee to consider this Bill. One need only look at the second reading speech to see why that is relevant and necessary. I now read a couple of sentences from the second reading speech to explain that point -

> Our vision of creating more jobs and more choices for all Western Australians is predicated on the creation of more productive, more competitive -

I emphasise those words -

> - more rewarding, safer and fairer workplaces. Such workplaces, we believe, will be achieved only when we have implemented the reform initiatives laid out in two election platform documents and emphatically mandated by the people of Western Australia, not only in February 1993 but also most recently in December 1996.
>
> The past four years have demonstrated the Government's commitment to fundamental reform of labour relations. The reform has been undertaken as a means to an end, making the Western Australian economy more competitive -

There is that word again -

> - and more efficient and industrial relations more harmonious and fairer.

The last four words must be a joke. However, I am not debating that; I am debating the merits of this Bill being referred to the Estimates Committee for consideration. The Government has made it clear that the principle of the Bill is to further deregulate the labour market to allow it to achieve the so-called economic advantages of a more competitive and productive economy.

Hon John Halden gave a most erudite analysis of the changes to the New Zealand economy after industrial relations legislation, similar to this Bill, was implemented in that country. He was able to illustrate that there was a profound effect on productivity levels in that country's economy. He said, given that the productivity levels, the level of gross domestic product and economic output in that nation had declined, one could draw an analogy with Western Australia. For example, if the same so-called reforms were implemented in this State they would have a negative impact on the economy. As the GDP and productivity levels declined there would be a detrimental effect on the economy and the result would be a contraction of the economy, which is what happened in New Zealand. As a result state revenues would reduce. Most state government taxes are levied on economic activity; for example, payroll tax and stamp duty.

New Zealand and Australia have similar economies. Hon John Halden referred to the reform period -

Hon N.F. Moore: Why not get original and stop repeating Hon John Halden's speech? It is getting tedious.

Several members interjected.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Hon Bob Thomas is addressing the Chair. Members are well advised to let him continue.

Hon BOB THOMAS: I was about to wind up my remarks, but I will take up the Leader of the House's challenge and outline the situation in my own words. Of course, it will take me longer to do that.

Hon John Halden said that when comparing the economies of New Zealand and Western Australia one will find they are very similar. In 1985 both of them were principally commodity exporting economies. New Zealand had more agricultural commodities than Western Australia, which also had mineral commodities. A range of macroeconomic reforms were introduced between 1990 and 1996, including the privatisation of some government agencies.

Hon Graham Edwards: What sorts of agencies?

Hon BOB THOMAS: In New Zealand the rail system was privatised. There were two major differences between New Zealand and Australia. The first and main difference was that the labour market in New Zealand was deregulated. At the time Australia had a federal Labor Government which did not allow the same sort of deregulation. Secondly, the New Zealand Government introduced a goods and services tax sometime in the 1980s. In addition there were significant differences in economic growth rates, productivity rates and GDP. Australia is outperforming New Zealand in those areas.

The argument put forward by Hon John Halden was that if Western Australia implemented the same macroeconomic changes to the total deregulation of the labour market as New Zealand, it would have a detrimental effect on the State's economy and would lead to a downturn in economic activity. As most state government taxes are levied on economic activities the revenues would contract. This State can ill afford that.

Members opposite will recall that their leader, Richard Court, went to the last election brandishing a document titled, "The Four Year Forward Estimates". That document indicated there would be significant cutbacks in spending in vital services; for example, health by $68m; education, $130m; training, $70m; and police, $123m. If a reduction in state revenue was caused by a downturn in economic activity it would be even worse for this State. This House should refer this Bill to the Estimates Committee for its consideration of the arguments I have outlined.

I will quote from a report called, "The Study Program on Structural Adjustment and Social Change". Section two refers to the economic reform program in Australia and New Zealand for the period from 1983 to 1995. Page 6 refers to charts 1, 2a, 2b and 2c, which suggest that -

> Australia had higher total factor productivity than New Zealand during the reform period.
>
> The labour productivity data suggests that New Zealand's gains relative to Australia during the 1980's have been offset by the much stronger productivity growth in Australia during the 1990's. (New Zealand data for this chart is reproduced in Appendix 5).

The graph in chart 1 shows how dramatic this is and it indicates that derived labour productivity in the business sector for New Zealand is 1.17 per cent and for Australia 1.33 per cent. That is a very significant difference, probably in the order of 10 or more per cent. Chart 2a looks at the hourly labour productivity in New Zealand versus Australia. The period of the chart is from 1989-90 to 1994-95 and the index year is 1989-90, which is equal to 100. The hourly

labour productivity in New Zealand dipped between 1989-90 and 1991-92 and rose at about the same rate as the Australian increase in hourly productivity rate and over that period of six years increased by 4 per cent. The index has gone from 100 to 104. The Australian rate has not dipped. The growth has risen to well over 106 per cent. That is another significant difference. Reference is made to the total productivity factor for 1980-85 and the graph indicates that productivity improved in New Zealand by 0.3 of a per cent, in Australia by 1 per cent and in the Organisation for Economic Co-operation and Development by 0.9 per cent.

In New Zealand between 1987 and 1992 the total factor of productivity declined by 1.1 per cent; in Australia it grew by 0.7 per cent; and in the Organisation for Economic Co-operation and Development countries it grew by 0.1 per cent. The only major significant differences were that New Zealand had embarked on substantive deregulation of the labour market and had introduced the goods and services tax, the GST. Therefore, a lot more must be done than simply addressing the industrial relations issues. We must look at this Bill from another perspective. The changes proposed in the Bill will have ramifications on the local economy and, indirectly, on the revenue of the State Government. I support the amendment moved by Hon John Halden.

HON MARK NEVILL (Mining and Pastoral) [1.31 am]: I caution the House against using the guillotine to progress legislation through the Chamber. Experience shows that when that has occurred, it has been at great cost to the House and to the reputation of this Parliament, and in the medium or long term nothing has been gained. I suspect nothing much will be gained from this legislation. Looking at those opposite, it is obvious that they have no fire in their bellies when it comes to this legislation. It is quite clearly on record that the Minister for Labour Relations did not spell out the content of this Bill in any detail to the Cabinet. In fact, there are strong views that members of the Cabinet were unaware of much of the detail of this Bill. Members opposite are lumbered with that. There does not seem to be any zeal among them and they seem to be happy to go along with it because its main aim is to take the unions back a peg or two, despite the fact that over recent years disputes have been at almost negligible levels. They are not happy with that; they want to erode the power the unions presently have.

When we try to do these sorts of things, usually they have the opposite effect. It is clear to me that this legislation that will be rammed through this House will have the opposite effect to that which the Government is trying to achieve in the interest in, and membership of, unions. Let us look at the last notable time the guillotine was used. We can trace a series of events which were very costly and detrimental to this State.

I foreshadow that at the end of my speech I will move an amendment that effectively will say that the second reading will be completed by Tuesday, 27 May, and that the balance of the timetable and paragraphs (4) and (5) will be deleted.

The DEPUTY PRESIDENT (Hon Derrick Tomlinson): Order! Before the member proceeds, I point out that he is foreshadowing an amendment. An amendment is before the Chair to which further amendments have been moved to delete certain words. Before he is able to move the amendment which he has just foreshadowed, the amendment before the Chair must be dealt with.

Hon MARK NEVILL: I will deal with that. I can still move the amendment at the end of my speech.

The DEPUTY PRESIDENT: The member may foreshadow it, but he will not be able to move it until the other motions have been dealt with.

Hon MARK NEVILL: I will have to get around that problem at some stage during this debate.

I remind members of the cost to the community of the last debacle when the Land (Titles and Traditional Usage) Bill was rammed through this House in November 1993. That is very clear in my mind. That Bill was designed to extinguish native title, where it existed, and replace it with a lesser statutory right of access.

Hon J.A. Scott: Like Wik does.

Hon MARK NEVILL: Wik did not abolish native title on pastoral leases. I think Wik had the opposite effect.

Hon E.J. Charlton: Mr Scott should stick to road signs!

Hon MARK NEVILL: The Bill was debated the day after it was introduced in this House. I remember Hon Max Evans approaching me to deal with two tobacco franchise Bills which he wanted to have passed that night, and I agreed to do that. I went to my room to go through those Bills to oblige the Minister. At the time, we were dealing with a workers' compensation Bill. Suddenly, at 10 o'clock that night, as a result of a rumour, the Land (Titles and Traditional Usage) Bill was brought on for debate without any notice. Coincidentally - sometimes I wonder about this - our lead speaker had been kicked out of the House a couple of hours before this Bill was brought on. Hon Tom Stephens was the only person who was prepared to deal with that debate at that stage. All members of the Opposition had to get their act together fairly quickly.

Just the previous week the Premier had criticised Prime Minister Keating for the haste in which the native title legislation was debated in the Federal Parliament. Within a week, the Premier had forgotten about that criticism and started to have his Bill rammed through this House with an unprecedented use of the guillotine in this place. That was done under a sessional order moved about a week before. As we all know, and as some members predicted during the debate, the Western Australian legislation was struck down by the High Court of Australia, not on one ground, but on two: First, that it breached the Racial Discrimination Act; and second, that it breached the Constitution in that it was inconsistent with a federal Act and, therefore, the commonwealth law prevailed. As a result of that, the State challenged the Native Title Act in the High Court. The cost of that challenge was many millions of dollars. Other ramifications also cost millions of dollars. It resulted in the issuing of many defective titles in this State. Certain assumptions were made when that state legislation was passed and the titles were shown later to be defective. The state legislation made worse the existing situation because I felt comfortable with the Mabo 2 decision. I thought it was good law although I thought the judgments were about four times as long as they needed to be. However, I thought the principles in the Mabo 2 judgment were sound. When Mabo 2 was brought down, native title applied only to the Murray Islands. Those people were farmers. They grew vegetables and were more akin to the Melanesians and people of Papua New Guinea. The land was marked out. There was real doubt about whether Mabo 2 had any direct application in Australia. It was not clear whether the nomadic wandering Aboriginal tribes of Australia, which hunted and gathered - they did not farm at all - could be compared with the people of the Murray Islands. It was not clear to anyone I knew whether native title existed. Four of the seven judges suggested in the judgment that it probably did not exist on the mainland. I think the State's challenge got up the High Court's nose because it not only knocked out the Land (Titles and Traditional Usage) Act in a 7-0 decision, but also stated in very clear terms that native title could exist on the mainland. Even Justice Dawson, who was a dissenting judge in Mabo 2, came down strongly on the side of the other judges. That piece of legislation and the challenge to the High Court decision resulted in the opposite to that which Premier Court and this Government wanted. That is what happens when legislation is rammed through Houses of Parliament like this. There are consequences that one never anticipates. The requirements for native title under the Mabo 2 decision made it clear that the only people who would get native title were traditional Aborigines.

Hon P.R. Lightfoot: Are you sure this is relevant to the matter before the House?

Hon MARK NEVILL: It is relevant. I am talking about the cost of this type of legislation and the problem Governments have when they use the guillotine and do not allow legislation to be debated properly. Shortcuts always backfire. I would like to discuss the legislation again in two years to see what benefits the Government has got from it. It will get very few benefits, many industrial problems and a much stronger union movement, and the State and unions will end up in litigation. We are debating an industrial anarchy Bill, as I call it, when industrial development legislation, such as the Kingstream legislation, is languishing in the other House and is not getting a guernsey in this place. This Government's priorities are not about jobs. It is getting itself into a mess.

To finish that Mabo analogy, there is nothing in it for urban Aborigines. The Mabo 2 judgment offered some hope only for traditional Aborigines to get native title, because the requirements for native title were a continuous association with the land - that meant a physical presence, Aborigines must have had an identifiable community, and the traditional laws and customs must be acknowledged and observed. They were the criteria in Mabo 2. By the clumsy act of trying to replace native title with a lesser statutory right, the Premier made one unholy mess of the native title issue. This Government and the lazy Opposition in the Senate when the Native Title Act was passed resulted in the problems we have had over the past two years. The Labor Government wrestled with it in government and now the Liberal-National Parties are wrestling with it in government. If they do not think it is an unholy mess, they are not facing reality. That is what happens when Governments decide to ram ideological legislation through the House. It rarely works. The history of this House reveals that all legislation that it has knocked back has been pretty insignificant. The only significant Bills that this House has ever knocked back are electoral Bills. All the others relate to issues that have come and gone. It knocked back the road traffic authority legislation. A few years later it was passed; now it is gone. So what? All the things that this House has knocked back have not been important in the scheme of things. The only important Bills really have been the electoral Bills, and they have quite crudely preserved the Government's power in this place. I suppose in doing that it has allowed us to take a lot of liberties that we may not have taken if we had had the majority in this House from time to time. I do not know whether that has any benefit in the long term.

The legislation that we will be asked to debate was not an issue at the last election. This is an opportunistic move by the Government to get this Bill passed between an election where it was not an issue - it was not raised as policy - and the 22 May change to this House. In that sense, the rush to get this legislation through is an attempt to take advantage of a quirk in our Constitution, under which the two Houses do not retire at the same time. In my view, we should get rid of that.

It is clear from my discussions with the mining industry that it is not keen on this legislation. I attended one meeting at which the industry was surprised to learn about the contents of the Bill and was surprised that its industry organisation had not circulated the detail of this Bill. The executive had discussed it with the Government without discussing it with the constituent members of the organisation. There is no enthusiasm in the larger end of town for this Bill. There is an old saying that we cannot legislate for passion and love. This legislation creeps into that area. The Government is on the wrong track.

Members opposite seem to think that this Bill will deliver a safer and more rewarding workplace. However, safety is deteriorating in the mining industry and the superannuation tax is eroding the benefits of those who earn high salaries for the very dangerous work they undertake. We have seen the social fabric of mining towns like Kambalda collapse. The residents do not enter sporting teams in competitions because everyone works 12 hour shifts, and they come home from those shifts absolutely exhausted. That has a detrimental effect on their family life. It is not only people living in those towns who are affected; members should talk to people who work on a fly in, fly out basis. When they get home they are absolutely buggered for the first couple of days and must catch up on sleep after working so many 12 hour shifts. It takes a toll on people and their relationships. It is not producing the right outcomes for our society. We cannot look only at the bottom line. The job market is static and there is a real prospect of declining private investment in this State.

This legislation is wrong and we should not be ramming it through with this guillotine. I would like to see this legislation considered by a committee - the amendment refers to the Estimates Committee. That forum would allow us to arrive at sensible, workable amendments. Those amendments would not be driven by ideologues of the right or the left, and we could avoid the industrial disputes and turmoil that will accompany and follow the passage of the Bill through this House. This legislation is frightening many people in the community, and that fear will manifest itself in industrial disputes and more trouble in our community. If this Bill can be improved, that would be achieved most effectively off the floor of the House in a committee, where it could be considered dispassionately.

Clause 97J provides -

> (1) The Governor may make regulations -
>
> (e) providing for the manner in which expenses incurred in conducting a pre-strike ballot are to be met, including the extent to which those expenses may be met by the State;
>
> (f) authorising the payment by the State of expenses incurred in a pre-strike ballot;

It is not clear who is to bear the expenses incurred as a result of this clause. If a ballot is conducted for the Transport Workers Union, how does one ensure that all members vote? Some might be at a truck depot in Townsville or travelling across the Nullarbor. Somehow, someone must organise a pre-strike ballot. How will that be done? Who will meet the costs and how will a handle be kept on those costs? That, along with the regulations, will present a real problem for this Government. The Estimates Committee could consider a number of other cost ramifications of this Bill. A number of matters dealing with federal award coverage will result in expenses being incurred. I am not sure whether this is designed to enable the Government to make the unions impecunious through legal action. It is difficult to say just what will happen.

This clause allows the Minister to issue a number of writs against unions that will result in significant expenditure, and the clause dealing with political expenditure also imposes costs. Reference is made to the recovery of unauthorised payments by unions to political parties, but nothing is said about the recovery of such payments by businesses or public companies. One wonders why we have this separation. It is not clear whether the Government intends to incur those costs or whether it will shift them to the unions concerned. The other issue of concern is the general costs associated with the ideology behind this Bill, and two previous speakers have referred to those macro costs.

In the long term, this legislation will be shown to be a mistake. It is not worth the cost that it is imposing on the community. The Government should show more respect for the working people of this State by acknowledging that many do not have the capacity to represent themselves and can be represented only by unions. Individually they are weak; collectively they have some bargaining power. That right should not be eroded by the likes of the ideological Minister for Labour Relations. To send this Bill to the Estimates Committee might result in a more sensible piece of legislation being placed on the Statute books in this State.

The DEPUTY PRESIDENT (Hon W.N. Stretch): We are dealing now with the amendment, moved by Hon John Halden, to delete the words "Standing Committee on Public Administration" and substitute the words "Estimates and Financial Operations Committee".

Amendment on the amendment put and negatived.

The DEPUTY PRESIDENT: We are dealing now with the second amendment, moved by Hon Kim Chance, to delete the words "Legislation Committee" and substitute the words "Standing Committee on Public Administration".

Amendment on the amendment put and negatived.

The DEPUTY PRESIDENT: We dealing now with the original amendment, moved by Hon Nick Griffiths. The question is that the amendment be agreed to.

Amendment put and negatived.

Debate (on motion) Resumed

HON TOM HELM (Mining and Pastoral) [2.03 am]: I propose to move at the end of my speech -

(a) After the words "Second reading" delete "Thursday, 8 May and substitute "Wednesday, 28 May";

(b) delete the balance of the table; and

(c) delete paragraphs (4) and (5).

My proposed amendment is self-explanatory.

Hon E.J. Charlton: It does not sound like it.

Hon TOM HELM: For most people it would be self-explanatory, but for people like Hon Eric Charlton it needs a more detailed explanation.

Hon E.J. Charlton: Absolutely.

Hon TOM HELM: The first line of the box which outlines the stages indicates that the second reading will be heard on Thursday, 8 May at 2400 hours. My comrade Hon Paul Sulc has brought to my attention that there is no such time. Midnight is usually described on the 24 hour clock as 0000 hours. However, for the sake of the argument, we will say it is midnight on May 8. I propose that read Tuesday, May 28.

I ask the House to agree to this amendment so that the House as constituted on 14 December after the returning of the polls will have an opportunity to debate this matter, as the people of Western Australia determined on that day. That will be a historic time, because for the first time in 103 years, the conservatives of this State will not have a majority in this House. It is a bit odd for me and people who are of the same mind as me - and that includes the Editor of *The West Australian* -

Hon E.J. Charlton: I would never admit to that!

Hon TOM HELM: I would not have said, until recently, that I was of the same mind as Paul Murray, but it obvious that people in the coalition cannot take off their blinkers and see that the people of this State need to have this legislation reviewed. We are not talking about just trade unionists or people like me who are used to taking to the streets in protest at the heavy handed actions of the employers - the bad employers, not the good ones. We are talking about ordinary people and church groups - people who for the most part voted for the coalition - who are concerned that this legislation will not receive its due review.

When it comes to the Democrats - and I do not wish to decry the Democrats - surely their track record is that they have no particular loyalty to the labour movement and they have shown federally that they can, and have, compromised on legislation of this kind. Therefore, there should be no reason for the coalition to fear a newly constituted House that contains two Democrats with a powerful vote. I cannot understand why the coalition is afraid. I can suggest only that it is afraid because this legislation is very flawed. It would not stand up to the scrutiny of any fair minded person. It is before us at this time for no other reason than revenge, and the born to rule mentality on the other side of the Chamber that we find all too often. If this were a legitimate piece of legislation, a legitimate attempt to address ills in this State, I would have less of an argument to put to the House. However, it is an illegitimate document that has no standing in the community. Could the Government not see that those 25 000 to 30 000 people who marched on Parliament House were not what I have heard members opposite describe on the odd occasion as a rent-a-crowd? Could members opposite not see that they were not shop stewards and unions organisers, but ordinary people of this State who have grave concerns about this legislation and who demand that it be given the utmost scrutiny?

The point of my amendment is to allow this place to properly scrutinise this legislation when the House is reconstituted to reflect the results of the election held on 14 December 1996. Even from the most cursory glance one would say that the Labour Relations Legislation Amendment Bill is a major piece of legislation and it is incumbent upon us to consider it carefully to ensure that we have it right. The Government needs to take heed of not only what

the people of Western Australia are doing, but also the evidence that is before our eyes now; that is, the number of amendments that are proposed to the Bill. That should suggest to members opposite that the Bill is an illegitimate document. If that does not tell members opposite that mistakes were made in another place when this Bill was being debated nothing will. If members opposite will not listen to their own constituency, to the arguments that have been put to them by the Trades and Labor Council, church groups and various other organisations within the community, they should look at these amendments. The Bill is substantially flawed, otherwise we would not need this number of amendments.

Hon E.J. Charlton: We do not need any.

Hon TOM HELM: If we do not need any why are these amendments in front of us now? Hon Eric Charlton in his usual silly way is demonstrating that he has not read the Bill, or if he has read it, he does not understand it. If the Minister does not think the Bill needs amending either he has sand in his eyes or rocks in his head. He is a silly lad. Only somebody with half a brain would make such an inane comment when we have before us this set of amendments that the poor old Attorney General is trying to sell to this Chamber and to the public of Western Australia.

Hon P. Sulc: They are not giving him much time to do it.

Hon TOM HELM: Time management will not give anyone the opportunity to peruse these amendments. What is wrong with waiting until 27 May to look at this legislation in its entirety? That will allow the legislation to be on the Table for perusal by the main players. I would not describe members of Parliament as being the main stakeholders in this legislation; they are the employer groups, union representatives and the Minister for Labour Relations, whose Bill it is. It would be a wise move to wait until 27 May to look at those issues. I suggest that the Government should wait.

The West Australian says that the Government has adopted a cynical attitude in its overthrow of all the things that this Chamber is supposed to be. This is an opportunity for the Government to get *The West Australian* to eat its words by taking up the recommendations of the Commission on Government that have been described to us by Hon John Cowdell in such great detail. We could take those recommendations on board and look at them. This House could deal with the legislation in a proper manner, but that will not occur. The Government will ram the legislation through as fast as it possibly can. There will be no opportunity to debate what is occurring now at a later stage. We have these proposed amendments to the Labour Relations Legislation Amendment Bill because somebody in another place stuffed up, and we must tidy things up. The ALP is not saying that we need amendments; members on this side are saying we want to kill the legislation and shove it where we will never see it again. However, when one looks at it sensibly it will take some time to bring in amendments that will satisfy the major stakeholders.

These amendments are an admission that the short, guillotined debate in another place resulted in legislative flaws. Those flaws must be corrected. If we can find flaws in a Bill that has been guillotined, what will we find if we get to debate the Bill? We will never know what we will find if the House carries this motion, because the Government will remove the opportunity to scrutinise the Bill and to point out where it is wrong and perhaps how to make it right. That process would allow the legitimate concerns of all the stakeholders in this legislation to have a say and to sit down and sensibly work out how it can be changed, so that it is more acceptable to society.

There can be no greater argument in favour of my proposed amendment than that which has been mentioned before in this and in other places; that is, the industrial relations record of this State over the past 10 years. I have listened to the contribution from my comrades on this side. I have picked up on many relevant points they have made. For instance, Hon Kim Chance pointed out that it was 25 years ago that we had the dispute over ice-cream at Robe River, and Peko Wallsend Ltd went into Robe River and did a slash and burn in the townships of Pannawonica and Wickham. Its tactics destroyed those towns. It was a day of shame for the trade union movement when the finger was pointed at iron ore workers who wanted five flavours of ice-cream. Let us say it is true, and not a popular myth. Not only the union movement but Robe River Iron Associates paid for that mistake. Robe River is not producing any more iron ore per employee than Hamersley Iron Pty Ltd and BHP. It is not making any more profit or achieving a higher tonnage than those two companies. To some extent, Hamersley Iron has travelled the same track as Robe River Iron Associates. It has entered negotiated workplace agreements. I hate workplace agreements; nonetheless the situation was reached in a staged manner. People were hurt but not in the same way as they were hurt by Robe River Iron Associates. The townships of Tom Price and Paraburdoo have been affected by individual workplace agreements, but not to the same extent as Pannawonica and Wickham. The pity of it all is that people like me and others in the iron ore industry come from the school of hard knocks. We have been battered around a bit. We can take some punishment but we can also hand it out, but our wives or children cannot. The families in the north west who belong to the Robe River enterprise have been hurt. I have no doubt that if this legislation is passed in its current form it will cause the same damage across the State.

Since becoming a member of Parliament I have learnt certain lessons as I have matured, but through listening to other members I have also learnt to be more tolerant. I have learnt to listen as well as to expect to be heard. However, one cannot be heard when a guillotine is hanging over one's head. In such a situation, one cannot put a cogent argument on clauses or point to the facts. I have here my prepared notes to assist me during my contribution to the second reading debate - a speech which I may never have the opportunity to give. My notes contain examples of a rogue employer, and outline the benefits which will flow to a bad employer - because nothing good will flow to a good employer. The documents that I have gathered, in preparation for my second reading contribution, demonstrate that BHP is concerned that its industrial relations system will need to be changed, even though the company is satisfied with its current system.

I have spent a lot of time in Newman, and I always have, because it is a good town. The workplace is happy. The workers and their families are happy because it is a very good community. I suggest that members visit that town and talk to and listen to the people. The community is happy because all suspicion has been eliminated. The them and us attitude has gone. As I have said many times in this place, I am comfortable because I know who I am. I am a product of the working class area of the Liverpool docks. I come from a very class ridden society. I was happy and comfortable to take the opportunity to bash the bosses when I could, and I expected to be bashed in return. I was quite happy, as most Poms are, in that distinct class system. I knew where I stood. In Australia it is very confusing because the distinctions are blurred. However, it is better here; it is more comfortable and peaceful because society can grow and prosper, and our kids can have a better life.

The secret ballot provisions in the Labour Relations Legislation Amendment Bill worry BHP and the unions. The company allows workers to meet periodically, without secret ballots, to discuss where the company is going. The unions hold meetings and the company periodically provides a "state of the nation" report to the wives and husbands of the workers at BHP. People assemble at the civic centre and have a cup of tea, and the company explains where the markets are. The company takes workers to Japan, China and Korea so that the customer can meet the workers who produce iron ore. In future, when the legislation is passed, a secret ballot will need to be undertaken, if those events are to continue.

The DEPUTY PRESIDENT (Hon W.N. Stretch): Order! The member has said that he will contribute to the second reading debate. It appears that he is making that speech now. He should address his comments to the time management motion.

Hon TOM HELM: I have not opened my notes relating to my second reading contribution. I have quite a bit to say. I am trying to outline the benefits which will flow from the successful passage of my amendment. I am being careful not to transgress the standing orders. I take heed of your warning, Mr Deputy President. I hope to be able to keep within those restrictions, but it is difficult to do that and still argue that my amendment will be beneficial. The amendment must relate to the motion, and if we do not pass the amended motion, the matters to which I have referred in passing may never be discussed because the guillotine will be moved and an opportunity to put that argument will not be available to me.

In the United Kingdom opportunities for people like me to have a say would be severely limited. I was probably more involved in the union movement and politics in the United Kingdom than I am here. However, I had no opportunity to be a member of Parliament in the United Kingdom.

Hon E.J. Charlton: You might have had the opportunity this time around.

Hon TOM HELM: Not even under Tony Blair - particularly not under Tony Blair!

Hon N.F. Moore: Aren't you a "new Labour" man?

Hon E.J. Charlton: Don't you belong to the new, fresh approach?

Hon TOM HELM: I have been trying to say that I have learnt a few lessons since I came to Australia, but not from Hon Eric Charlton. I have learnt about tolerance and understanding. The President often says that we do not have to like what a member is saying, but we must listen. That is another lesson that I have learnt. In the United Kingdom I would be encouraged not to learn that lesson. I am trying to reverse the role here: Members should listen. If members cannot look at the television and see the demonstrations, if they cannot see the mature way that the Trades and Labor Council has put together its campaign, if they cannot listen to their constituents or the radio and hear what is being said, if they cannot understand how easy it is and was for the TLC to coordinate this campaign, they are making a rod for their own backs. It is all very well to say that we must wait another three and a half years before the next election, but the odium being inflicted on people will continue until then. John Major and Maggie Thatcher went a little over the top. The arrogance the Government is displaying after one term is remarkable. It is nearly as arrogant as Eric Charlton, but not quite.

Hon E.J. Charlton: They were there for only 18 years!

Hon TOM HELM: It is fine for a political party to put together the things it has a mandate to do. In some cases I could be tempted to keep quiet and let the Government do it, because the more mistakes the Government makes this way the quicker the Australian Labor Party will be back in government. We will be returned to government anyway because members opposite obviously cannot manage themselves. If I were in the United Kingdom and this was occurring, I would say, "Great, this is another battle in the class war. Let's go for it." However, in the class war the innocent are hurt: When the elephants fight, the grass is trampled. That is what the Government is doing.

Apart from Minister Kierath's intention to pay back the union movement for what happened to him when he was a contract cleaner, and the view of the Attorney General that workers must learn their place and that it is the managers' right to manage, and all the cliches I walked away from in 1980, the Government has no motive for this legislation. It cannot say the unions are out of control. It cannot say the work force has taken over the workplace. It cannot say the State's productivity is low. It cannot say the State is not exporting more than it did before. It cannot say the State is not booming. If the Government does not have those motives, which are difficult to argue against, the only motives it can have are revenge and the arrogance of the Attorney General. I think the Attorney General will happily handle this legislation if he can get back into the Chamber from other parliamentary business.

As I tried to explain to members before, by implementing this legislation, examples such as the Liverpool dockers who were on strike for two years will never be stopped. "The workers united will never be defeated" is more than a slogan. A few workers, of whom I consider myself one, will fight forever for a matter of principle. We are trying to protect our families, but other families will be hurt. Innocent members of the community will be hurt because this legislation will support the inadequate employers - the poor employers, the lame ducks - who should not be in business because they are not good employers and are not good at managing their business or their employees. Members opposite might think this legislation is an attempt to help those people, but I doubt it will. Why would the Government want to do that, unless the State was in dire straits with a huge debt or had resources that were not being developed? The Government will hurt innocent people. It will no doubt pay for it at the ballot box. However, Labor Party members are trying to tell the Government that we cannot sit still and let it happen. So long as there is breath to draw in our bodies we will not stand around idly and see the Government pass this legislation that will hurt innocent people - for nothing.

The State is not at war, it has no enemy at the gate, and it is not in dire straits. Western Australia is the most progressive State in the nation. It has industrial legislation that meets almost all standards, anywhere. However, the Government is taking us down a track that will see us condemned internationally. It is taking us down the track of the Liverpool dockers. The port of Liverpool lost in the region of £63m from blockades on ships leaving Liverpool and in ports in 27 countries around the world. That is another thing workers can do. We are no longer parochial about our business; we have international connections. We can take a dispute anywhere we want once we get the agreement of comrades in other places. The Government has been advised that the International Labour Organisation conventions to which the State is a signatory are also being broken.

The first part of my proposed amendment suggests the Opposition would accept the guillotine on the date specified. To ensure it is not read that way, the Opposition must insert that it wants the rest of the stages deleted. In 1997 elected representatives cannot be expected to debate this sort of issue with the guillotine hanging over their heads. I understand the other place imposes the guillotine as a matter of course. I have no doubt there is a good reason for that. However, in this place we have seen fit to put in place standing committees to examine legislation. The Opposition has argued that it thinks a number of committees may be suitable for this legislation, but it has lost the argument. If the House does not agree that that is where this legislation should go, surely the Opposition can put forward an argument that the House should sit as a committee and do all the things a committee should do?

Members do not give themselves limited time on a committee. Members on a committee look for consensus. We look for a path that will give us all the things committee members want so we can return to the House with recommendations with which we are all comfortable. If the Government will not allow that, it must fall back to the alternative; that is, the whole House will be that committee. A gag or a guillotine is not the best way of starting debate. We must debate this matter as fully and as completely as we can. That is why I ask for the deletion of the rest of the table in the Government's motion.

It is no good the Government asking members as a Committee of the Whole not to worry about the second reading speech or the clauses, but to just get them through as quickly as they can. We were told not to worry about other matters on the Notice Paper because we had only certain dates and times within which to debate the Labour Relations Legislation Amendment Bill.

Even if a constituted House of Review were in session, it would not be in the best interests of the people of this State for that guillotine to be implemented. Appropriately, Hon Cheryl Davenport gave us a potted history of the use of

the guillotine in this place. However, it seems that standing order 17-16 referred to by Hon Nick Griffiths is the one the Government likes to fall back on. We should not hope that when the numbers in this place change and standing order 17-16 changes, the Government will make the same cry when even decent legislation is delayed because people on this side think the Government should have some of its own medicine.

Members opposite can echo my words when the numbers change. However, we want to examine the legislation, point out its flaws, improve it where we can, and highlight our philosophical differences on it before we pass it. That is what happens in Committee. As the Commission on Government said, that is what the House of Review is for. The Committee is the forum in which we can debate individual clauses and the Bill as a whole. There are often many Bills with which we agree.

As happens in the Standing Committee on Delegated Legislation we put many arguments about disallowing regulations. However, as soon as we heard the word from the Minister or his adviser that a regulation was a policy statement we backed off. That was recognition that the election was won by another party and a mandate was given by the people for it to deliver certain policies. Although I am obliged to fight that mandate in this Chamber and in Committee I would feel differently under normal circumstances. This is where the argument must stop. By imposing the guillotine there is no way that we can argue that this legislation will get the scrutiny it deserves.

Losing the election sticks in my craw somewhat. We feel cheesed off about it. We acknowledge that the Government has a right to put up legislation for which it has a mandate; we do not argue about that. However, the Opposition has a responsibility to argue its philosophical view and to scrutinise legislation so that it will have a less painful effect on the people who elected us. Like members opposite, we do not believe our constituents are only Labor Party supporters; we believe they comprise everyone we represent in our electorates. Members opposite no doubt feel the same way. Although members opposite can argue that the Government has a mandate to pass obnoxious legislation such as this Bill, we have a right to argue that it does not. If they are not going to send the legislation to a committee so that it can scrutinise the Bill and recommend better legislation, we must use this Chamber to do that. The schedule in the motion moved by the Leader of the House should be deleted so that we can debate the legislation without a sword hanging over our heads. We must have time to examine it.

The Leader of the House accused us of fiddling around with disallowance regulations rather than concentrating on this Bill. Where would that leave us as members of Parliament other than in the position of not doing our job?

We are pleased the community of Western Australia is giving the Government a hard time, as it gave us a hard time when we were in government. *The West Australian* would be entitled to criticise us if we were not standing on our hind legs screaming about wanting an opportunity to review this legislation, while acknowledging that the Government has a right to bring it to us. However, that is where the right ends. The right to argue the point philosophically is one right; the right to bring before this place bad legislation is another thing altogether.

The Labour Relations Legislation Amendment Bill must be bad because we were presented with a substantial document containing many amendments to it and within the same hour we were presented with a guillotine motion to prevent us from debating amendments that we have not seen before. There is no way the Government should be allowed to do that. The Government will pay. It has done the labour movement a great service. The unions and the Labor Party have never been closer. They are recruiting like mad all over the place because the Government has highlighted the downside of individual contracts. The Government has done many things to help people realise how important unions are. It has strengthened the union movement for now.

However, this legislation is designed to destroy the union movement. The Government will never do that. Stalin tried it, but he did not make it. Unions exist in every country in the world because they are needed. They will never be destroyed. Thanks to the Government, while this piece of legislation is on the Notice Paper we are recruiting people into the union movement left, right and centre and from all over the place. Members opposite must have been aware of a split between the unions and the Labor Party, but as a result of the Bill we have never been closer. We will show the Government that we will never be defeated.

Amendment to Motion

Hon TOM HELM: With those few words I move -

That -

(a) after the words "Second reading" delete "Thursday, 8 May" and substitute "Wednesday, 28 May";

(b) delete the balance of the table; and

(c) delete paragraphs (4) and (5).

I hope the House will support my amendment.

HON P. SULC (East Metropolitan) [2.49 am]: I support the amendment. I am truly disgusted by the behaviour of the Government I have seen over the short period I have been here. I have seen sessional orders drafted and changed within a day. Shortly after that, the guillotine motion was introduced. It is incredible behaviour. I imagine there is some urgency on the other side of the Chamber to pass the legislation quickly. I urge all members to subject this Bill to as much scrutiny as possible. The motion before the House will not give members the time they need to subject this Bill to the full scrutiny it deserves. The Leader of the House put forward the argument that by cutting out much of what he has termed filibustering, we shall have more time to debate the Bill, but that is a spurious argument. If members opposite were serious about debating this Bill, they would allow us to debate it 24 hours a day for five days, or even seven days, a week until it is finished. The Government has changed the sessional orders to allow the House to sit beyond its normal times and it would have no problem introducing a motion to change the timing. Under this motion members will not have a chance to discuss the Bill. I have spent some time preparing my speech for the second reading debate and the items I wish to discuss at the Committee stage. I felt insulted when the Leader of the House said he already knew all the arguments to be put forward by the Opposition and they would be pretty much the same. I know from talking to my comrades that we have made sure we will not argue the same points over and over again. We could talk ad infinitum and still not touch each other's arguments. As this motion stands, I will not have five minutes to spend on this debate, and I have much to say.

I do not want to hear just from members on my side of the House. I am interested to hear all members in this Chamber speak to this Bill. I would like to hear their arguments and their justification for it. A couple of Bills have passed through this place in the extremely short time I have been a member. All the speeches in the second reading debate and in Committee were made by members on this side of the House. I have heard very little from members opposite. I had the idealistic view that this was a House of debate with members from both sides contributing.

Hon Kim Chance: Do you mean no-one briefed you on the mushroom club?

Hon E.J. Charlton: Look in the *Hansard* for the 1980s and see how much debate there was from this side.

Hon P. SULC: I would like to hear from every member opposite, instead of their supporting whatever their Minister tells them to support. It is the duty of all members to voice their concerns and their support for the measures introduced in this place.

Hon N.D. Griffiths: You have to be alive to do that!

Hon P. SULC: The Bill under discussion is about stifling debate and consent in the community, starting with the union movement and progressing further. The Government has told members when debate will be finished in this Chamber. It sounds like a 28 day strike limit. I said earlier that we could debate this Bill 24 hours a day for seven days a week. Bearing in mind the time now, we would have 381 hours in which to debate this Bill, if members opposite were serious about doing so. I am willing to sit here until 21 May to debate this Bill. I want to debate it and to hear the arguments from members on both sides. I do not like the idea of the guillotine. I am sure that most experienced filibusterers in this place could not fill 381 hours trying to extend the arguments on the Bill. I would like the opportunity to have all members' concerns aired and addressed and I would like the Bill to be subjected to full scrutiny. I have some opinions about why the Government is doing this, but I will not raise them at this stage.

A further point about the entire time management motion is that it is clearly designed to stop debate in this House a week before 22 May. The fact that members opposite do not want the Bill debated by the minor parties entering this House is a frightening prospect. If it were even slightly pernicious I am sure members opposite could persuade the Democrats to support it. Last year in the federal sphere a Bill about which I had serious concerns was passed through the Senate with amendments with the help of the Australian Democrats. It was a true reflection of a House of Review. I may have had problems with the end result, but the minor parties allowed the Bill to go through although I thought it had serious flaws. However, it was subjected to some scrutiny. The Senate did not have the nonsense of trying to force a Bill through in a certain period, basically to pander to the fears of a Minister who is not even a member of this place. We are not to be given time to subject this Bill to full scrutiny and move amendments which might make this Bill work. This is a real problem.

I thank my colleagues for reminding the House of the first time the guillotine was used in this place. I was not sure of the exact circumstances. I had a broad understanding of the Bill involved and its use, but was unaware of the details until today. What a triumph was the first and last time the guillotine was used in this place! It rushed through legislation which was chucked out in a High Court challenge with a 7-0 judgment. I imagine that such process leaves us open to ridicule.

Surely the Government in its present cash strapped state would thank the Opposition for possibly saving it millions of dollars in High Court challenges by subjecting this Bill to the full scrutiny it deserves. I am sure that High Court challenges will be made as a result of serious community concerns about the Bill.

I am increasingly aware that the real master of this place is the executive arm of Government, not the members of this place. We are told that too much scrutiny might be a bad thing, and that the Executive knows what is best for us. That is a spurious argument. The only reason it has any credence in this place is the famous standing order 17-16. A strong ideological push behind the Bill is forcing us into an untenable position.

Scrutinising Bills and amendments is one of the reasons for which we are paid to be here, and this motion places unreasonable restrictions on us. In no way can we do what is in the best interests of our constituents under this motion. If this Bill passes in this way, I will be personally failing my constituents by not subjecting it to the fullest scrutiny possible. This time management motion prevents me and all my colleagues from performing that scrutiny, and has the effect of disfranchising a large number of my constituents and those of all members in this House. I will do all in my power to fulfil my obligation to my constituents. For those reasons, I support the amendment and oppose the motion.

Amendment put and negatived.

Debate (on motion) Resumed

HON E.R.J. DERMER (North Metropolitan) [3.05 am]: I oppose the motion moved by the Leader of the House. I will refer particularly to paragraph (6) of the motion as its other aspects were adequately dealt with by my colleagues.

The Bill is particularly complex. It involves a complexity of interdependent parts not only in the Bill, but also as it relates to other legislation. My concern with clause (6) of the motion is that multiple amendments will be passed at the prescribed time in the Committee of the Whole; therefore, a number of amendments will be moved in succession without the ability to debate them individually. This is likely to cause errors and unintended consequences with the legislation.

The intended consequences of this legislation are appalling, and we may compound that problem with the possibility of errors and unintended consequences, the likelihood of which is greatly increased by paragraph (6). It will cram the vote on each amendment to one time without adequate debate on the amendments. Some could argue that it is difficult to imagine what could make the consequences of the Labour Relations Legislation Amendment Bill worse than its intended consequences. Unfortunately, my imagination is sufficiently extensive to conceive greater difficulties which could be inflicted on the community as a result of errors or the unintended consequences of the Bill. The probability of these further problems must be increased by paragraph (6) of the motion.

As legislators, particularly in the House of Review, we have a grave responsibility to examine each amendment put forward by the Minister in charge of the Bill. We must scrutinise them thoroughly. This review work will be greatly enhanced by the defeat of the motion moved by the Leader of the House, particularly paragraph (6).

It has been put to me in years past that the smart political tactic of Oppositions, in a situation in which the Government introduces bad legislation, is to let the Government go ahead and carry the legislation. Consequently, one will let the Government carry the impact of the legislation onto its vote at the next election. That advice was given to me by a senior member of the Federal Parliament for whom I have the greatest respect. However, I am concerned that the view is a little cynical. My belief, and that of my colleagues, is that we have a responsibility first and foremost to the people we represent, not to our political futures. For that reason, we will not allow this bad legislation to pass.

It is likely to be of some political advantage to the Opposition if this bad legislation is enacted and the Government subsequently suffers at the next election. However, we are not cynical, and we will not take advantage of that possibility. We put our responsibility to the people of Western Australia first and oppose the legislation, despite the fact that it will be a political burden for the coalition parties at the next election. Although the Opposition will not take advantage of that cynical advice, the advice still stands as a warning to the coalition government parties.

The Minister for Labour Relations put up his proposals as a second wave. Wise heads in the Government decided that was not a good idea leading up to the federal election in March 1996 and the state election in December 1996. The smart, cynical, political tactic from the Government's point of view was to underplay its industrial relations legislation by giving misleading reassurances that there would no be further labour relations legislation without the consent of all parties. Immediately after the election, the Government brought forward this appalling Labour Relations Legislation Amendment Bill in the hope that it would be rammed through the Parliament by 22 May. That sounds like smart politics.

The Government has overlooked that the people of Western Australia have long memories. Government members should be concerned that as this dreadful labour relations legislation bites, it will be then that the people of Western Australia will most acutely come to understand how bad the legislation is. The impact of this legislation on the public in the lead up to the year 2000 will make them aware of how dreadful it is. If the legislation is not properly scrutinised and if paragraph (6) of the motion moved by the Leader of the House remains in place, there is the probability of errors and unintended consequences that will add to the damage intended by the Minister for Labour Relations in the legislation.

To the extent to which the Labour Relations Legislation Amendment Bill diminishes the good work of the trade union movement of Western Australia, it is likely to actually reduce the incomes of the people of Western Australia. It has become clear in recent elections in this country that people understand when their income is being reduced. If their income is reduced by the impact of this Bill in the next three or four years, they will know precisely who to blame at the next election - the Liberal and National Parties in this State.

The shop assistant who has been underpaid by an unscrupulous employer and whose time and wages sheets cannot be scrutinised in time to fix the problem, because of the hurdles in the legislation which will prevent union officials undertaking that important work, is sure to remember the Liberal and National Parties at the next election. The proprietor of a sheet metal work factory in Osborne Park whose productivity will diminish because of this labour relations Bill will surely remember the Liberal and National Parties at the next election. His productivity will be reduced because the convoluted process will stop effective industrial action and industrial relations negotiation in his workplace. The seething anger of his work force will have no outlet and consequently his productivity will decline. That decline will not provide a source of thanks to the Liberal and National Parties at the next election. Interestingly, in that instance those parties will lose not only the vote of the proprietor of the sheet metal factory, but also the financial contribution he might otherwise have made to the Liberal Party. He will remember the Liberal and National Parties at the next election. He will remember the damage done to his enterprise by the labour relations Bill.

The union members who, with great confidence, elect an official to represent them through the democratic process of the union movement and then by the peculiarities of the Labour Relations Legislation Amendment Bill, if it is enacted, may find their union representative has been disqualified from serving in that office for three years. Their democratic right to choose their representative will be trampled by this legislation. Each of the union members, many of whom have voted for the Liberal or National Parties, will remember those parties at the election in the year 2000. Again, more votes will be lost by the coalition parties.

It is tempting for the Opposition to take advantage of what will be the result of the legislation and not to be in this place at this hour debating this motion. It is also very tempting to take the cynical advice traditionally offered to Oppositions to allow Governments to carry the consequences of bad legislation through to the next election. Opposition members, to an individual, are responsible legislators. They have a very keen sense of responsibility to their constituents. For that reason they insist on the thorough scrutiny of this legislation and will not take advantage of the cynical advice to allow bad legislation to be carried by the Government to the next election. Instead, the Opposition will argue the case and endeavour to look at every detail of the amendments to make sure that if there is any way it can ameliorate the damage that will be caused to working Western Australians by the Labour Relations Legislation Amendment Bill, it will do so.

Another concern I have with respect to paragraph (6) of the motion moved by the Leader of the House and the compounding of the voting on various amendments at one point in the debate, is that to date the Opposition has had little notice of government amendments. I expect that as the Government becomes concerned about the dreadful impact of this legislation on Western Australians, further amendments will arrive in this House with very little notice. The fact the Opposition and members opposite will have little notice to consider the amendments makes the proposition of including paragraph (6) of the motion moved by the Leader of the House all the more dangerous. With such little notice of amendments there is a greater danger that voting on them at the end of the Committee debate will be the source of errors and unintended consequences which will have the capacity to aggravate the already dreadful consequences of the Bill for the people of Western Australia.

It is possible that the Government will have a victory in this debate and will succeed in using its 1993 mandate, which has long since been made effectively redundant by the 1996 election. By manipulating the Constitution it is possible the Government will have a victory in this debate. I ask Government members to consider the cost of that victory in the long term. I am reminded of the words of King Pyrrhus of the Kingdom of Epirus following his victory over the Roman legions at Asculum in Apulia in 279 BC. King Pyrrhus' name has become remembered in our language with the reference to a Pyrrhic victory. It is my honest assessment that if the Government achieves a victory by manipulating the Constitution to impose the dreadful burden of the labour relations legislation on the people of Western Australia, in the year 2000 those people will remember and understand that the victory the coalition parties

achieved in May 1997 was definitely a Pyrrhic victory. I will close on the words of King Pyrrhus: One more victory such as that, and we are lost.

Question put and a division taken with the following result -

Ayes (17)

Hon A.M. Carstairs	Hon Peter Foss	Hon M.D. Nixon
Hon George Cash	Hon Barry House	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Muriel Patterson *(Teller)*
Hon Max Evans	Hon N.F. Moore	

Noes (15)

Hon Kim Chance	Hon Val Ferguson	Hon J.A. Scott
Hon J.A. Cowdell	Hon N.D. Griffiths	Hon Tom Stephens
Hon Cheryl Davenport	Hon John Halden	Hon P. Sulc
Hon E.R.J. Dermer	Hon Tom Helm	Hon Doug Wenn
Hon Graham Edwards	Hon Mark Nevill	Hon Bob Thomas *(Teller)*

Question thus passed.

BANK MERGERS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.24 am]: I move -

That the Bill be now read a second time.

Members will recall that over recent years a number of Bills have come before the House to facilitate specific bank integration processes. The integrations are a condition of Reserve Bank approval of the relevant bank mergers which requires the banking licence of the acquired bank to be relinquished.

Without legislation of this kind the transfer of banking business would be time consuming and expensive, with separate documentation being required for each asset and liability. The number of these can be very large; for example, the Westpac-Challenge merger last year involved more than 83 000 loan accounts and 330 000 deposit accounts.

While the benefits of legislation to facilitate bank mergers are clear, the apparent increase in the occurrence of bank mergers has raised concerns about the legislative pressures that are being generated. The requirement for all affected jurisdictions to pass specific enabling legislation is a cumbersome and costly process. The Government has already been approached in relation to two further mergers - the National Australia Bank-Bank of New Zealand, to proceed immediately, and St George Bank-Advance Bank, to proceed within the next few months. There is also an expectation that further bank mergers may occur following the Wallis inquiry.

The Bank Mergers Bill proposes to deal with these concerns by establishing a general framework which will allow bank mergers to be dealt with by either a set of case-specific regulations which will have the same effect as the previous specific legislation; an order adopting the relevant law of another State or Territory with modifications as necessary; or a combination of these two mechanisms. The Parliament of New South Wales passed equivalent legislation last year and other jurisdictions are known to be considering a similar course.

Parliament will not be excluded from the process as the regulations or orders required for each specific merger will be subject to parliamentary scrutiny in the normal manner for subsidiary legislation.

As with the previous specific Bills, this Bill, together with the Bank Mergers (Taxing) Bill, ensures the State will not be financially disadvantaged by empowering the Treasurer to require payment of amounts in lieu of state taxes and charges which would otherwise be forgone. The operation and effectiveness of this legislation will be reviewed after five years and the result reported to each House of Parliament. The legislation is consistent with the Government's commitment to facilitating business efficiency in Western Australia without prejudicing the integrity of the State's revenue base. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

BANK MERGERS (TAXING) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon Max Evans (Minister for Finance), read a first time.

Second Reading

HON MAX EVANS (North Metropolitan - Minister for Finance) [3.27 am]: I move -

That the Bill be now read a second time.

The majority of the provisions to establish a general framework to facilitate bank mergers in Western Australia are contained in the Bank Mergers Bill 1997. As outlined to members in moving the second reading of that Bill, the framework created to facilitate bank mergers includes provisions empowering the Treasurer to require payment of an amount in lieu of state taxes and charges which might otherwise be forgone.

It is possible that the determination of such a payment could be seen as imposing a tax. In recognition of the requirement, in section 46(7) of the Constitution Acts Amendment Act, that a Bill imposing taxation shall deal only with the imposition of taxation, the relevant powers for the Treasurer to impose the charge are contained in this Bill. The operation and effectiveness of this legislation will be reviewed after five years and the result reported to each House of Parliament. I commend the Bill to the House.

Debate adjourned, on motion by Hon Bob Thomas.

House adjourned at 3.28 am (Wednesday)

QUESTIONS ON NOTICE

FISHERIES - LICENSING

Appeals

58. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Fisheries:

How many objections/appeals have been lodged against licensing decisions made under Part 14, sections 147 and 148 of the Fish Resources Management Act 1994, between -

(a) 1 October 1995 and 30 June 1996; and
(b) 1 July 1996 and 1 March 1997?

Hon E.J. CHARLTON replied:

(a) 12.
(b) 14.

HOSPITALS - NARROGIN DISTRICT

Deficit - Assistance

322. Hon KIM CHANCE to the Minister for Finance representing the Minister for Health:

(1) Is the Minister for Health aware that the Great Southern Health Service Board members have been informed that under current projections, the deficit of the Narrogin District Hospital for the year 1996/97 will be more than $900 000?

(2) If this is correct, this represents a deficit more than three times higher than the deficit for 1995/96 and which required special assistance from the Budget in the bail-out of hospitals last year. Can the Minister give an assurance that the Narrogin District Hospital will be similarly assisted in 1996/97?

Hon MAX EVANS replied:

(1) I am advised by the Commissioner of Health that as at the end of April, the Upper Great Southern Health Service District Council's budget might be exceeded by an amount up to $622 200. (Not specifically Narrogin Regional Hospital.)

(2) The Upper Great Southern District Council has advised the Commissioner of Health that it has resolved to examine a range of measures designed to ensure that health service outlays are brought back to within the resourced level. The operations division of the Health Department is providing support to the health service in this regard.

LAND - LANDCORP

Albany Foreshore Redevelopment - Stage Two

334. Hon BOB THOMAS to the Minister for Finance representing the Minister for Lands:

(1) Will the Minister for lands table a copy of LandCorp’s initial plans for stage two of the Albany Foreshore Redevelopment drawn up in 1992 or 1993?

(2) Will the Minister table a copy of LandCorp’s most recent plans for stage two of the Albany Foreshore Redevelopment?

(3) Can the Minister advise the House when LandCorp changed its policy on this development and the reasons for this change?

(4) Who was responsible for those changes?

(5) Who did LandCorp acquire the land for this redevelopment from and at what cost?

Hon MAX EVANS replied:

(1) Plans drawn up during 1992 and 1993 were prepared by the Great Southern Development Authority (now commission - GSDC) under the auspices of the Albany foreshore redevelopment steering committee. A copy of the plans published in April 1993 is appended. LandCorp did not formally commence preparation of plans until 1994.

(2) A copy of the current development plan is tabled. [See paper No 421.]

(3)-(4) LandCorp has not changed its policy with regard to this development. Any changes between the two plans referred to above are not substantive and have been determined under the auspices of the Albany foreshore redevelopment steering committee. That committee is chaired by the Great Southern Development Commission and includes representatives (as required) from the Town of Albany, Ministry for Planning, Department of Transport, Department of Land Administration, Albany Port Authority, Main Roads Department and LandCorp. In addition, any proposed amendments to the plan have been publicly advertised under statutory zoning, environmental and local authority planning procedures.

(5) LandCorp has not yet acquired the land which is the subject of assemblage and native title clearance procedures.

ABORIGINES - SERVICES

Normalising - Consultation

336. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Aboriginal Affairs:

According to the information on page 3 of the Government's '2 year Plan for Women 1996-98', $3m has been allocated in the current Budget to fund a demonstration project in two remote Aboriginal communities to upgrade and "normalise" services such as housing, water, power and disposal -

(1) Have consultations taken place with Aboriginal people, including women, in choosing the communities?

(2) What role are Aboriginal women, in particular, taking in the upgrade and normalising process?

(3) What does the Government mean by 'normalise', and are the Aboriginal people happy for normalising to occur?

(4) When does the Minister for Aboriginal Affairs intend for the projects to reach completion?

Hon E.J. CHARLTON replied:

(1) Yes.

(2) In both communities where the demonstration projects are taking place Aboriginal women are represented on the communities' executive council. All decisions are made regarding progress with the demonstration project through the communities' executive council. Both communities have also employed Aboriginal women consultants (funded through the demonstration project) to ensure that the views and needs of women are integrated into the project planning and implementation. This has resulted in the identification and planned construction of a safe house for women at Jigalong.

(3) Normalisation refers to a process where essential physical and social services are provided in Aboriginal communities on a basis equitable to those provided to a mainstream community of comparable size and location. The effective implementation of normalisation will eventually require a move towards the "user pays" principle, in particular for utility services such as power, water and wastewater disposal. This is consistent with the national competition policy and State Government policy. Some disquiet about changes in introducing the user pays principle has been expressed by community members; however, work is under way within the communities to explain the longer term benefits of the project in upgrading and maintenance of services and infrastructure.

(4) Jigalong and Oombulgurri will receive intensive support through the demonstration project in the current and next financial years, and continuing support until the advances made are self-sustaining. Subject to a satisfactory evaluation of progress with the demonstration project at Jigalong and Oombulgurri, the principles will be applied to the major remote Aboriginal communities across Western Australia over the next 10 years.

GOVERNMENT CONTRACTS - CLEANING

Agriculture WA Building

345. Hon BOB THOMAS to the Minister for Transport representing the Minister for Primary Industry:

(1) Is it correct that a contract has been let for a private company to clean the Agriculture WA building located at the corner of Anson Road and Albany Highway, Albany?

(2) How many staff does the contractor employ and how many hours per day does each cleaner work on this contract?

(3) At what time is the building cleaned each day?

(4) How many rooms are there in the Agriculture WA Albany building?

(5) What is the total floor space meterage of the building?

Hon E.J. CHARLTON replied:

(1) Yes. Contract cleaning for Agriculture WA offices in Albany has been in place since 1978.

(2) This is up to the contractor who must supply sufficient resources to meet the specification.

(3) From 5.30 am each working day.

(4) There are 125 rooms excluding storerooms and some laboratories which were specifically excluded from the contract. The laboratories are excluded because of the nature and type of activity being undertaken.

(5) The cleaning specification included in the tender documentation requested approximately 3 800 square metres.

GOVERNMENT INSTRUMENTALITIES - PROGRAMS FOR ABORIGINES

Funding

441. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Youth:

(1) What programs are conducted in the Minister for Youth's portfolio, and related agencies, to assist and advance the welfare of Aboriginal persons?

(2) What are the details of these programs?

(3) What funds are made available to these programs?

(4) What is the source of those funds?

Hon MAX EVANS replied:

(1)-(4) The Office of Youth Affairs in conjunction with the Aboriginal Affairs Department recently conducted a successful Aboriginal youth conference at Point Walter. The conference was attended by 220 young people and adults. The conference addressed a range of issues of concern to Aboriginal youth and culminated in a report being presented to me and representatives of the two government agencies involved.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL DEVELOPMENT - IRON AND STEEL PROJECT

Oakajee

279. Hon J.A. SCOTT to the Leader of the House representing the Minister for Resources Development:

I refer the Leader of the House to the proposed mid west iron and steel project at Oakajee.

(1) What is the projected direct employment to be created by the project during the -

(a) construction phase; and

(b) operation phase?

(2) How many apprenticeships are projected to be created in each phase of the project?

(3) What flow-on employment is predicted for each phase?

(4) What is the predicted capital investment to employment ratio for the project during the construction and operation phases and how does this compare with the statewide average?

Hon N.F. MOORE replied:

I thank the member for some notice of this question. Unfortunately I do not have an answer from the Minister for Resources Development. A fair amount of information would need to be obtained in order to respond. I suggest the member put it on notice or ask it again tomorrow.

TRANSPORT - CONCESSIONAL FARES

Dayrider - Rorting

280. Hon GRAHAM EDWARDS to the Minister for Transport:

I refer to the comments made by the Minister for Disability Services while defending the Government's reduction in the concessional conditions on public transport when he claimed, as reported in *The West Australian* of 23 April, that pensioners were rorting the system, and ask -

(1) What was the nature and depth of the rorting and how much does the Minister estimate it was costing the State?

(2) If the Minister does not agree with these statements why did he bring in a time limit of 9.00 am on all-day Dayrider tickets?

(3) What will be the financial benefit to the Government of reducing the time limit on return journeys from two hours to 90 minutes for all-day Dayrider tickets?

Hon E.J. CHARLTON replied:

(1) Originally the concession fare was implemented to deliver a tourism opportunity for people who wanted to buy a ticket for the whole day, whether it was a local person, someone from the country or someone from the Eastern States. Full fare paying passengers could do that only after 9.00 am. However, over the years concession holders have been able to use them all day; that is, prior to 9.00 am.

A number of people, including students, pensioners and anyone else who was a concession holder, have taken advantage of the all-day concession rather than using other fare options provided in the system, such as cash fares, Multirider tickets or Multirider Plus tickets. An anomaly has been created by people in outer areas taking advantage of the Dayrider.

As a result of our commitment and desire to provide improved public transport opportunities, whether it be to concession holders or full-fare paying passengers, we want to provide more frequent services and services into areas where they have not been before - for example, the express buses from Mandurah - and to increase transport opportunities to the north of the metropolitan area.

The all-day Dayrider concession was taken away simply because people were using it to make a specific journey. That was not the intention of that fare.

Hon J.A. Scott interjected.

Hon E.J. CHARLTON: Mr Scott should listen. I will give him and all other members opposite the opportunity to be briefed on the whole fare structure. That is a genuine offer to take up as soon as members wish. The matter is complex. We want to provide an opportunity for everyone to get the best deal out of our public transport system.

An unfair anomaly was created where students paid $2 to travel eight zones to and from school while other students who travelled a very short distance paid almost the same amount - anything up to $1.90. The new arrangement has eliminated that anomaly. Ninety-nine per cent of students travel not seven or eight zones but from two to four zones. The distance from Armadale to Perth is four zones. We are talking about people travelling much further than that.

(2) We made the new fare rate applicable after 9.00 am to make it consistent with the full fare. As a result of some very genuine people being disadvantaged, students in particular, we are re-examining the situation. From the information I have gathered in the past few days most of those students leave home before 7.00 am. It is almost certain that students will be able to use the all-day ticket up to 7.00 am; that is, it will be only between 7.00 and 9.00 am that people will not be able to use the all-day Dayrider fare.

Claims that an all-day ticket was $2 and is now $4 are incorrect. The amount of $4 applies to a return cash fare to travel those zones. However, they can buy 10 rides for, I think, $3.40 on a Multirider - 60¢ less.

The PRESIDENT: Order! Is the Minister nearly finished?

Hon E.J. CHARLTON: It is no good giving half an answer, Mr President, while misinformation is being spread about this issue.

(3) Approximately five million trips a year have been taken on the all-day fare. We will be providing the opportunity for people to continue to do that. The only difference is that they will not be able to do it before 9.00 am. We have concluded that a number of people are disadvantaged and we have arrived at an option that will alleviate that situation.

The Government's conclusion is that a number of people are disadvantaged and it will come up with another option.

SCHOOLS - PRIMARY

Burekup - Closure

281. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

(1) Will the Minister confirm that up to 60 primary school students are being taught by volunteer teachers in a local community hall in Burekup?

(2) Is he aware that this situation has arisen because parents are fearful that they will lose their school if they allow their children to be bussed to Picton?

(3) Is he aware of the importance that a primary school in Burekup has to the future of this town?

(4) Given the parents' determination to keep a school at Burekup, what action will he be taking to meet their demands?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) A makeshift school in the local hall has been set up by the parent body. In April the Minister for Education informed the President of the Burekup Parents and Citizens Association that the nearby Picton Primary School had the capacity to accommodate all students from Burekup Primary School and bus transport was available to transport the children from Burekup to Picton. This arrangement was made to ensure that children would be able to remain in their established classes and for their education to continue with as little disruption as possible. Parents also have the option of sending their children to any other school in the area which has excess capacity.

(2) Yes. This concern was expressed by the Burekup community on Monday, 17 March 1997 during a visit to the area.

(3) The members of the Burekup community expressed this view on Monday, 17 March 1997, and in subsequent correspondence. The district superintendent has discussed with the school community the possibility of looking at options for the future education of Burekup Primary School students.

(4) The district superintendent has been asked to examine the possibility of a merger between Burekup and Roelands primary schools and the viability of building a new school in the area. The district superintendent has held three meetings with the representatives of the committees of the Roelands and Burekup parents and citizens associations to discuss this issue.

The Director General of Education visited the school and met with the community last Thursday, 1 May 1997, and the Education Department is presently preparing a set of recommendations for the future of Burekup Primary School.

TOURISM - ELLE RACING

Contracts - Compliance

282. Hon TOM STEPHENS to the Minister for Tourism:

I refer the Minister to his answer to question without notice 274 of last Thursday and ask whether the Minister now has an answer to the following question -

(1) Will the Minister confirm that the Government sent an officer from the Crown Solicitor's Office to New York to hold discussions with solicitors representing Elle Macpherson?

(2) Did these discussions relate to the contracts the Western Australian Tourism Commission had entered into with Elle Racing Pty Ltd?

(3) If yes to (2), were there concerns about compliance with these contracts?

(4) What were the concerns?

(5) Have they now been resolved?

Hon N.F. MOORE replied:

(1) Yes.

(2) Yes, the discussion related to the elements of the contract that pertain to Ms Macpherson's availability for the WATC Brand WA television commercials.

(3) Yes.

(4) To ensure Ms Macpherson's availability for the WATC Brand WA television commercials.

(5) Yes.

POLICE - STATIONS

Bunbury - New

283. Hon J.A. COWDELL to the Attorney General representing the Minister for Police:

(1) Is the Minister aware that commitments were given during the recent state election campaign that work would start this year on a new regional police station in Bunbury?

(2) How much has been allocated in the current Budget to allow work to commence on the promised new police station in Bunbury?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) An allocation of $150 000 has been included in the 1997-98 state Budget for a feasibility study for various police complexes. Part of this allocation will be used for the Bunbury complex.

HERITAGE - PRECINCT

Central City Area - Car Park Proposal

284. Hon J.A. COWDELL to the Leader of the House representing the Premier:

(1) Is the Premier aware that the Perth City Council proposes to spend $3m on the construction of a 95-bay short-term public car park at the rear of Council House?

(2) Does the Government have any commitment to a heritage precinct that includes Government House, the Supreme Court and Stirling Gardens?

(3) How does the Government view the car park proposal in terms of the maintenance of state heritage values?

(4) What action, if any, will the Government take on this matter?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The Premier is aware that the Perth City Council is considering an underground car park but he is not aware of any detail of the plans.

(2) Yes, the commitment was outlined in the Perth - A City for People concept plan released in October 1994 for revitalisation of the central city area.

(3) The Heritage Council of Western Australia has not had the opportunity to view the details of the proposal and, therefore, has not provided advice on the matter to the Government.

(4) The Government is awaiting a detailed briefing from the City of Perth on its proposal.

TOURISM - ELLE CAMPAIGN

Costs

285. Hon TOM STEPHENS to the Minister for Tourism:

Last Tuesday the Minister said he would make a statement in the House either this week or next week on the total cost of the Elle promotion. Can the Minister inform the House when he will be making that statement?

Hon N.F. MOORE replied:

I hope to do that tomorrow.

TOURISM - ELLE RACING

Contract - Tabling

286. Hon TOM STEPHENS to the Minister for Tourism:

On Thursday, 1 May the Premier said in the other place that he would ask the Minister for Tourism if he would table the contract between the Western Australian Tourism Commission and Elle Racing.

(1) Will the Minister table that document given the preparedness of the Premier to table the Global Dance contract in the other place?

(2) If not, why not?

Hon N.F. MOORE replied:

(1)-(2) The contract has been subject to freedom of information applications, and the Western Australian Tourism Commission is the organisation contractually involved. It believes that information should not be released under FOI because of the commercial confidentiality of a number of parts of the contract.

Hon Tom Stephens: I am not asking for that.

Hon N.F. MOORE: Does Hon Tom Stephens want to hear the answer or to keep asking the question? I am about to tell the member what the answer is. I will need to consider and discuss with the Tourism Commission those matters which it believes are commercially confidential.

Hon Tom Stephens: Will you discuss it with the Premier, who gave that assurance?

Hon N.F. MOORE: I do not think the Premier gave any assurances. The member should not put words into anyone's mouth, even though he has a habit of doing so. I will look at the matter and make a decision. However, at present, the advice I have is that it was not available under FOI because of the confidential nature of some matters. That may also apply to its tabling in this House.

ENVIRONMENT - CABLE SANDS (WA) PTY LTD

Jangardup Minesite

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

(1) Has Cable Sands (WA) Pty Ltd complied with any ministerial, Department of Environmental Protection or Environmental Protection Authority environmental conditions or requirements at its Jangardup heavy mineral sands minesite?

(2) If yes, which environmental conditions or requirements have not been met by the company?

(3) What action will the Minister take for any breaches by Cable Sands (WA) Pty Ltd of its environmental obligations?

(4) Have officers of the Department of Environmental Protection inspected rehabilitation work carried out by Cable Sands (WA) at its Jangardup minesite?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Cable Sands was reported to be in possible non-compliance in the chief executive officer's February-March report to the Minister.

(2) The possible non-compliance related to parts of conditions 5 and 6.

(3) The Chief Executive of the Department of Environmental Protection on behalf of the Minister has asked that Cable Sands submit a report by 31 May 1997 which demonstrates that it complied with the requirements.

(4) A site inspection was carried out on 25 March 1997 by officers of the DEP.

SCHOOLS - HIGH

Australind - Demountable Classrooms

288. Hon J.A. COWDELL to the Leader of the House representing the Minister for Education:

(1) Will the Minister confirm that 20 demountable classrooms are planned for the Australind High School?

(2) What is the current enrolment at that school?

(3) What is the estimated peak enrolment for the school?

(4) When does the Minister estimate work will begin on the planned new high school in the neighbouring suburb of Eaton?

Hon N.F. MOORE replied:

I do not have an answer from the Minister for Education for that question or three others that Hon John Cowdell has asked. As the member may be aware, the Minister has been overseas and returned only yesterday. He may not have had an opportunity to get an answer for those questions. I ask the member to place those questions on notice or to ask me the same questions tomorrow.

EDUCATION - FUNDING

Statistics

289. Hon TOM STEPHENS to the Leader of the House representing the Minister for Education:

(1) What level of state government funding was provided for education in 1993-94, 1994-95 and 1995-96?

(2) What is the projected amount of funding for 1996-97?

(3) Does the Minister intend to increase state government resources to cut the Education budget in Western Australia?

(4) If not, why not?

Hon N.F. MOORE replied:

I regret that this question falls into the same category as the question Hon John Cowdell directed to the Minister for Education. As the question is not one of great urgency, I suggest that if it is put on notice the member will receive an answer fairly quickly.

HOMESWEST - KARAWARA

Sale of Dwellings

290. Hon CHERYL DAVENPORT to the Minister representing the Minister for Housing:

(1) In conjunction with the proposed redevelopment of Karawara, why is Homeswest now selling another 71 units or duplexes outside the redevelopment zone, but still in Karawara?

(2) Have these 71 dwellings been offered for purchase to Curtin University of Technology?

(3) Will the current tenants of these 71 units be offered relocation in Karawara?

(4) If not, why not?

(5) If Curtin University were to purchase the units, would current tenants be guaranteed long leases; that is, five to 10 years?

(6) Given that some tenants in these 71 units want to stay, has Homeswest approached the Western Australian Coalition of Community Housing with a view to offering those tenants who want to buy the dwellings they currently rent such an option?

Hon MAX EVANS replied:

I thank the member for some notice of this question and ask that it be placed on notice.

GOVERNMENT CONTRACTS - OFFICE CLEANERS

Master Cleaners Guild - Membership

291. Hon TOM HELM to the Minister representing the Minister for Works:

(1) Is it true that item 1.2.6 of the tender guidelines for office cleaners in the government sector requires prospective tenderers to produce evidence of their membership of the Master Cleaners Guild of Western Australia (Inc)?

Hon Kim Chance: No ticket, no start.

Hon TOM HELM: To continue -

(2) If so, does this constitute the use of the no ticket, no start - it pre-empts a closed shop - principle by the Government?

(3) If the membership of the Master Cleaners Guild is simply a desired qualification and non-members are still fully considered, what possible purpose is served by the requirement to produce a membership ticket?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) No. Mandatory membership of the Master Cleaners Guild was introduced into Building Management Authority contracts in September 1991. This was changed to "desirable" in February 1995.

(3) Membership of the Master Cleaners Guild is part of the evaluation process for cleaning contracts called by the maintenance services directorate of the Department of Contract and Management Services.

DETENTION CENTRES - JUVENILE

Banksia Hill - Floor Coverings Tender

292. Hon TOM HELM to the Minister representing the Minister for Works:

Further to the answer given by the Minister on 8 April regarding the tender for floor coverings for the Banksia Hill Juvenile Detention Centre -

(1) Is it true that the gymnasium floor covering requirements - laid out in the original tender document - have changed since the contract was awarded to Bateman's Carpets?

(2) If so, why was this done?

(3) If the requirements were changed after the contract was awarded, will the contract be re-opened, thereby allowing other tenderers the opportunity to bid under these changed circumstances?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) No. The tender documents specified the requirements for the gymnasium floor covering by example. It also allowed for alternatives to be offered, which the Government was obliged to consider.

(2)-(3) Not applicable.

TOURISM - EVENTSCORP

Whitbread Office - Establishment

293. Hon TOM STEPHENS to the Minister for Tourism:

(1) When was the EventsCorp Whitbread office set up?

(2) What is the purpose of the office?

(3) How many staff are working at the office?

(4) Is the office privately rented; if so, from whom and what is the rental?

(5) Does EventsCorp provide office space to any other organisations; if so, which organisations?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) The EventsCorp Whitbread office in Fremantle was officially opened on 31 January 1997 by the former Lady Mayoress of Fremantle, Ms Jenny Archibald.

(2) To run the Fremantle stopover of the Whitbread event.

(3) Two.

(4) The City of Fremantle provides the office space free of charge as part of its support for the Fremantle stopover in the Whitbread event.

(5) EventsCorp provides office space for the staff managing its events. If the event is managed externally, very occasionally the agreement will include the provision of office space. Currently, part of EventsCorp's existing office space is provided to the externally managed event of the Aerobics World Championships and all internally managed events, including the Festival of Triathlon, the Windsurfing World Championships and Rally Australia.

HOSPITALS - KING EDWARD MEMORIAL

Special Care Nursery - Incubators

294. Hon TOM STEPHENS to the Minister representing the Minister for Health:

(1) How many incubators are there in the special care nursery at King Edward Memorial Hospital for Women?

(2) Is there a shortage of incubators in the special care nursery?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) There are 35 incubators in the special care nursery at King Edward Memorial Hospital.

(2) There is no shortage of incubators.

STATE BUDGET - ADVERTISING

Cost

295. Hon J.A. COWDELL to the Leader of the House representing the Premier:

(1) What was the total cost involved in the preparation - layout, artwork, etc - of -

(a) newspaper advertisements in relation to the 1997-98 state Budget; and

(b) brochures and pamphlets in relation to the promotion of that Budget?

(2) What agencies or advertising companies were involved in the preparation of this material?

(3) How much were they paid in each case?

Hon N.F. MOORE replied:

I thank the member for some notice of this question.

(1) Treasury spent $128 597.17 on pamphlets and advertising in relation to the 1997-98 state Budget.

(2) Stratagem Advertising and Communications Consultants.

(3) Stratagem's total bill was $119 380.50, which included delivery and printing costs for the 1997-98 budget pamphlet which was sent to households throughout the State.

JUSTICE, MINISTRY OF - CONTRACT EMPLOYEES

Police Checks

296. Hon TOM STEPHENS to the Attorney General:

(1) Are criminal checks carried out on employees of contractors who are involved in work contracted to their employer by the Ministry of Justice?

(2) If no, why not?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes. Individuals proposed as sheriff officers are subject to police checks prior to appointment. No such check is done on any other employee.

(2) Not applicable.

HOSPITALS - JOONDALUP

Health Care of Australia - Contract Changes

297. Hon J.A. COWDELL to the Minister representing the Minister for Health:

(1) Has the owner-operator of the planned new hospital at Joondalup been in contact with the Government seeking a review of the charges agreed to for the provision of services to public patients?

(2) If yes, will the Government consider changes to the contract it has with Health Care of Australia?

Hon MAX EVANS replied:

I thank the member for some notice of this question.

(1) Yes. This is part of the agreed process for annual adjustment of prices paid to the operator in accordance with the mechanism set in the contract.

(2) No. Negotiations are within the terms of the contract.

COURTS - SHERIFF'S OFFICE

Nationwide Mercantile Service - Fines Enforcement Warrants

298. Hon TOM STEPHENS to the Attorney General:

I refer to the awarding of contracts to collect fines under the new Fines, Penalties and Infringement Notices Enforcement Act.

(1) Can the Minister confirm that Nationwide Mercantile Service was awarded two of the five new contracts?

(2) If yes, which areas did these contracts cover?

(3) Has NMS subcontracted these two contracts to Anthony Holton and Willy Smeets?

(4) Is subcontracting allowed under the original contract signed with NMS?

(5) Have police checks been carried out on those involved in the original contract and those involved in subcontracting?

(6) Have the original contractor or the subcontractors been issued with official identification and badge of office?

Hon PETER FOSS replied:

I thank the member for some notice of this question.

(1) Yes.

(2) The eastern and central regions as defined in the contract for services with respect to the execution of fines enforcement warrants.

(3) Mr Holton and Mr Smeets are appointed as sheriff officers for the eastern and central regions.

(4) Under the contract, the contractor "shall select a sufficient number of suitable persons to assist the contractor in the performance of the services under the contract".

(5) Police checks are carried out only in respect of nominations from the sheriff officers prior to appointment.

(6) Appointed sheriff officers are issued with identification and a badge.

COURTS - SHERIFF'S OFFICE

Nationwide Mercantile Service - Mr Ken Marriott

299. Hon TOM STEPHENS to the Attorney General:

(1) Can the Minister confirm that a Mr Ken Marriott attended an orientation day for new sheriff officers and contractors on Thursday, 9 January 1997 at the office of the Ministry of Justice?

(2) If yes, is Mr Marriott a sheriff officer or a contractor with the sheriff's office?

(3) If no to (2), can the Minister explain why Mr Marriott was in attendance at the orientation day?

Hon PETER FOSS replied:

(1) Yes.

(2) No.

(3) Mr Marriott is the Accounting Manager for Nationwide Mercantile Service and attended the orientation day representing his employer NMS to be provided with the sheriff's requirements with respect to the relevant accounting and reporting procedures.

POLICE AND EMERGENCY SERVICES - COMPUTER AIDED CALL TAKING

Introduction

300. Hon KIM CHANCE to the Attorney General representing the Minister for Police:

(1) Has the Government been considering a proposal to introduce a computer aided call taking and dispatch system for police and emergency services?

(2) If so, has the Government been approached by any company to assist in the development of such a system?

(3) When is it expected the new system will be introduced?

Hon PETER FOSS replied:

(1) Yes.

(2) As a result of a review into computer aided call taking and dispatch services for police and emergency services an advertisement was placed in the Press requesting expressions of interest in this matter. Responses were received from several companies.

(3) This is not known at this time. Planning is under way for the introduction of a new emergency communication and dispatch system.

ROADS - BUNBURY-MANDURAH

Signs

301. Hon J.A. SCOTT to the Minister for Transport:

While travelling from Bunbury to Mandurah yesterday, I noticed some signs which said that that section of road had been paid for by the people of Western Australia.

(1) What is the purpose of those signs?

(2) What is their relevance, considering that that stretch of road was in place before the petrol levy was introduced by the State Government?

Hon E.J. CHARLTON replied:

(1)-(2) I did not catch the last part of the question. The signs are in place to ensure all users of our road network understand where their money is going and that the sections of the road are being upgraded as a direct result

of the 10 year, 4¢ a litre program. In case Hon Jim Scott does not know, roads have existed in Western Australia for 150-plus years. However, they do not last forever; they must be upgraded, reconstructed and improved. Rather than let the roads run down and see the asset deteriorate -

Hon Kim Chance: We put up signs!

Hon E.J. CHARLTON: - we put money into road improvements. Unlike successive Federal Governments, which have not only insisted but require absolutely that a sign go up before any money is spent on the national highway - Hon Kim Chance and I see those signs quite regularly, and I would like to add words under those signs, but I will probably be sent away to detention if I did so -

Hon Kim Chance: Something like we paid for it.

Hon E.J. CHARLTON: Exactly. The money being put into national highways is totally inadequate. Although we are upgrading the roads, we have achieved only about 50 per cent of what is required. I am pleased to see Hon Jim Scott is actually driving a car and getting around, instead of whingeing and bitching all the time about using the roads.

The PRESIDENT: Order! The Minister cannot say that!

Hon E.J. CHARLTON: Which part, Mr President?

The PRESIDENT: Order! The whole of the last sentence.

Hon E.J. CHARLTON: I rephrase that by saying that I am glad Hon Jim Scott is driving his car instead of complaining about the roads all the time.
