



# Legislative Council

## Local Government Amendment Bill

30/11/2000

### Hansard Extract

**The Hon. I. W. WEST** [6.06 p.m.] (Inaugural speech): Madam President, I support the Local Government Amendment Bill. As this is my inaugural speech in this House, I thank honourable members for their indulgence. I wish to also thank the officers and staff of the Parliament, who have offered me their able assistance and made me feel welcome. It is greatly appreciated. I congratulate the Hon. Greg Pearce on his entry to this place on the same day as myself and I wish the honourable member well in his work ahead. I also congratulate my colleague the Hon. Amanda Fazio on an excellent inaugural speech.

I would like to acknowledge Andy Manson, whom I have replaced in this House. I have known Andy for many years. He is a working-class man of honesty and integrity. He conducted himself with humour and without pretension, and he acted without want or need of the limelight. I wish Andy and Jackie well. I trust that the rest of the Manson clan will be very pleased to have Andy back.

Madam President, I will be doing my best to earn the respect of all honourable members even though the work and nature of this place means that we will have many occasions to enter into robust debate with diametrically opposing points of view. I hope to maintain a sense of humour. Most importantly I shall be striving to earn the approval of the broader community—especially the disenfranchised, those not able to fully help themselves and those who feel let down by the system.

Madam President, I believe that most of the things I am about to say are self-evident and I assume that they have been said many times before in this Chamber. I do not pretend them to be original thoughts. I say them because I believe in the community; I believe in acting collectively. I believe we measure the success of our democracy, the civilisation of our society, by how we provide for our disadvantaged, the vulnerable, the sick, the young and the elderly.

The community vests its trust, hopes and frustrations in institutions such as this place. People rely on social infrastructure and environment to survive: services and facilities like roads, schools, hospitals, public transport, and community services. The people of New South Wales expect institutions like the Parliament, the judiciary, the media, unions and the Australian Labor Party to protect, uphold and improve our democratic structures and values which have served to build up these services and facilities.

Our social infrastructure allows democracy, however fragile and however immature, to exist and mature, and in doing so allows people to be productive and inventive. Without even these simple things, we would quickly end up with the law of the jungle and survival of the fittest. As it is a long time since I was the fittest I am not too keen on that structure.

Madam President, millions of ordinary workers perform extraordinary tasks each and every day around New South Wales. They build, operate and maintain the State's infrastructure, the physical things upon which our society is based and upon which individuals are able to flourish. Many of them belong to employee organisations. Workers have always faced great political opposition in organising. Let us look at a couple of historic cases, firstly the Tolpuddle Martyrs, also known as the Dorchester labourers. They were six men from the village of Tolpuddle, England, who were transported to Australia in 1834, having been convicted of administering unlawful oaths. In 1833 agricultural labourers received seven shillings a week, a sum which they wished raised to 10 shillings. Instead, a reduction of their wages was threatened.

In November 1833 the Friendly Society of Agricultural Labourers was formed. Each member took an oath of fealty to the society. The combination laws were repealed in 1824, so the union's formation was not illegal. A local magistrate and landowner, James Frampton, became alarmed at the movement and sought assistance from Viscount Melbourne, who drew his attention to the Unlawful Oaths Act 1797, which was introduced to stop mutiny in the naval war with France, and which had not yet been repealed. The

Tolpuddle Martyrs were arrested and placed in gaol. The judge condemned them for their "wicked plans". In their defence their leader said this:

We were uniting to preserve ourselves, our wives and our children from utter degradation and starvation. We have injured no man's reputation, character, person or property.

The jury found them guilty and they were sentenced to seven years transportation to Australia. Another infamous event was the tragic Triangle Shirtwaist Company fire in the Ansch building, New York, which happened in 1911. One hundred and forty six people died: 133 women and 13 men suffocated, burned or jumped to their deaths. Just one year before the fire, shirt waist makers had demanded safer working conditions but were blocked by the Triangle company's management, which resisted collective bargaining. The disaster led to the creation of health and safety legislation, factory fire codes and child labour laws, and helped shape future labour laws in many countries of the world. These past events illustrate the issues and problems faced by workers who seek a better workplace and conditions.

Statistics gathered by the International Confederation of Trade Unions indicate that more than 1.1 million workers die each year at work, nearly 3,300 a day, due to inadequate occupational health and safety measures. Approximately 12,000 workplace accidents claim the lives of children. Here in New South Wales unions, government and responsible employers are working to prevent deaths, injury, disease and illness in the workplace. But our efforts must be redoubled. According to the WorkCover statistical bulletin 1998-1999, 163 people went to work and did not come home in that financial year. Deaths in New South Wales over the last 12 years totalled over 2,500.

But these figures understate the number of deaths. They exclude fatalities of self-employed people, those whose funeral expenses were not paid, those who had no dependants, those who were Commonwealth employees, and those other than coalminers who died of dust diseases. Deaths which occur years later from degenerative diseases also are not included. Although the numbers are declining, all deaths in the workplace are unacceptable. Injuries, illness and disease are also a source of great concern. Last year, over 41,000 injuries were reported, and of those just under 8,000 employees were permanently disabled. And last year over 9,000 cases of industrial disease were reported. We know that these things are preventable.

It is important to recognise that right now, around the world, and especially in undeveloped countries the abuse of workers rights, or human rights, continues, and that is why it is so important for employee organisations to be fostered and promoted in order that we may have a truly decent and humane society.

One of the most affronting situations to a decent and humane society is the existence and use of child labour in many countries. Children between five and 16 years of age are working in clothing and garment making, woodworking, footwear production, metal industries, agriculture, mining, fishing, prostitution, and general street life. Their access to education is stopped, their social and psychological development are destroyed. They perform the work of adults for little or no wages. My work for the last 24 years as an official of the now Liquor, Hospitality and Miscellaneous Workers Union [LHMWU] has taught me much and given me perspective on the daily struggles faced by workers here and elsewhere to feed, clothe, shelter and educate themselves and their families.

To me, there is no finer feeling than to have in some small way helped somebody to help themselves through the union collective to find dignity, respect and some semblance of equality. The LHMWU has a diverse membership covering industries such as cleaning, manufacturing, home care and child care, hospitality workers and pathology workers, and workers with disabilities. A large number are women from non-English speaking backgrounds working part-time hours cleaning schools and hospitals, tending to the education of pre-schoolers and looking after the frail and aged. These employees are among the most vulnerable workers in an industrial sense, performing important work for \$10 to \$15 an hour. They have little bargaining power and rely on an industrial relations system to protect them and give them a feeling of equality in the bargaining process.

They rely on a union to negotiate an industry award and an Industrial Court in which they can be represented to enforce action against breaches of their award and to air grievances including occupational health and safety issues, vilification, bullying, discrimination and unfair dismissal, to name just a few. These people have many skills which traditionally have not been recognised, and their ability to bargain for a decent wage and standard of living has been greatly enhanced by the LHMWU. The membership reflects

contemporary Australian society, and I believe as such has an extremely bright future.

I take this opportunity to congratulate Annie Owens as the first female New South Wales branch secretary of the union. The union is in good hands with Annie, Susan McGrath, Mark Boyd and Sonia Minutillo at the helm.

I am acutely aware from my years as a union official that you need more than high principles and ideals; you have to be prepared to do the hard yards. I also know that the democratic process grinds slowly and more often than not you do not get the outcome you want. My union helped me to gain an understanding of the Westminster system of government and the Constitution. The Constitution lays down the principles of responsible government and representative democracy, the rule of law and the independence of the judiciary. With the High Court's protection, judges could act with neutrality and courage. An implied constitutional freedom of expression was found by the High Court to exist. And our political system supports that, even though many improvements still need to be made. We have the right and obligation to vote. People around the world have died and are dying for the right to vote.

Just one example is the former apartheid system in South Africa, where more than 90 per cent of the entire population lived under a system in which they were not entitled to vote. I am proud of the Australian trade union movement and my union, in particular, for the many years of financial and moral support for Nelson Mandela and the African National Congress. We have the right to agitate. The majority decision of the High Court of Australia in *Neal v The Queen* in 1982 is a very good case in point. Mr Neal was the chairman of the Yarrabah Council in northern Queensland. He was convicted by a stipendiary magistrate at Cairns on a charge of unlawful assault and was sentenced to imprisonment for two months with hard labour. He appealed to the Queensland Court of Criminal Appeal on the grounds that the sentence was manifestly excessive. During the course of the argument that court determined that it had the power to increase the sentence and did increase the sentence to imprisonment with hard labour for six months. The offence was spitting and the magistrate found that no actual violence had occurred. His comments give a greater understanding of the issue. The magistrate stated:

I blame your type for this growing hatred of black against white ... as a magistrate I visit four to five communities, and I can say unequivocally that the majority of genuine Aborigines do not condone this behaviour and are not desirous in any shape or form of having changes made. They live a happy life, and it is only the likes of yourself who push this attitude of the hatred of the white community, that upset the harmonious running of these communities.

On appeal to the High Court of Australia the matter was put somewhat right by Justice Murphy, who said:

That Mr Neal was an "agitator" or stirrer in the magistrate's view obviously contributed to the severe penalty. If he is an agitator, he is in good company. Many of the great religious and political figures of history have been agitators, and human progress owes much to the efforts of these and the many who are unknown. As Oscar Wilde aptly pointed out in *The Soul of Man Under Socialism*, "agitators are a set of interfering, meddling people, who come down to some perfectly contented class of the community and sow the seeds of discontent amongst them". That is the reason why agitators are so absolutely necessary. Without them, in our incomplete state, there would be no advance towards civilisation. Mr Neal is entitled to be an agitator.

The right to protest and the right to organise are upheld by our social, legal and political systems. For democracy to truly flourish each person must be enabled, empowered and encouraged to contribute. And so I believe that to not belong to your appropriate association is to not exercise a basic democratic freedom, and to benefit without contributing is to walk away from your obligations and responsibilities. So I come to the issue of free choice and freedom of choice. I shall quickly illustrate my point with a story of an innocent 23-year-old Indonesian woman who was killed in 1994. Marsinah worked at the Surabaya watch factory which was jointly owned by Indonesian and Swiss interests. Her daily wage was \$1.20 plus a meal allowance of just under 40¢. Five hundred factory workers had gone on strike to demand that their meal allowance be built into their regular wage. They called for the SPSI, the only legal body, run by the country's regime, to be replaced by an independent union.

Within hours summonses were sent to the workers to report to the local military headquarters. There they were subject to prolonged threats and intimidation before they were forced to sign an apology and a resignation from the company. The company embarked on a campaign of terror and Marsinah's body was found on a roadside—she had been savagely beaten, stabbed and raped. The bargaining capacity of

workers is a measure of the level of dignity accorded them as humans and the level of civilisation reached by a society. To deliberately pursue an agenda of creating an industrial environment in which collective bargaining by workers is sidelined or can be avoided under the guise of individual freedom is, I believe, at best ill informed and at worst deceitful and insulting. Countries that do not have significant and free trade union movements are generally lesser democracies or worse. The greatest leaps forward for this population and others throughout our modern history have occurred simultaneously with the organisation of labour.

Throughout history dictatorial regimes have attempted to crush and control workers' movements to maintain control. At the same time, unions have given voice to the aspirations of ordinary people and have agitated to change unjust laws and made living and working conditions more bearable for the whole community. Unions bring balance to a world increasingly prone to the power and influence of multinational companies, which appear to be in a race to the bottom in relation to working standards and conditions. The Smith Family's report entitled "Financial Disadvantage in Australia—1999 (The Unlucky Australians)" provides an insight into the desperate situation faced by some of the have-nots. The report shows that in Australia today having a job is no longer a guarantee that people and their families will no longer live in poverty. The Smith Family estimates that 1.7 million adults and 732,000 children live in poverty. The poverty line for that analysis was set at an income for a family of four—comprising two adults and two children—being \$406 or less per week.

Economists can talk about the bottom line, but really people are the bottom line. We have moved from the Dark Ages, from the jungle where life itself was measured by survival, and without eternal vigilance we will surely, bit by bit, lose the little democracy that we have. Use it or lose it, as the saying goes. I do not pretend that union members and their leaders have always been completely right. Just as juries convict innocent people, governments make bad laws and the media fails to absolutely explain all the issues, so, too, do employee organisations make mistakes. But just as juries, governments and the media are important elements in a democracy, so are employee organisations. Around the world the struggle for what we take for granted goes on and we are morally obliged to improve our game here and to help others elsewhere. In some small way I aspire to contribute from here and to see the people of New South Wales get the opportunities to fully participate in building our society to its fullest social, economic and political potential.

I am extremely grateful to the many comrades, mentors, friends and colleagues who have helped, supported and encouraged me. I would like to pay tribute to some of the people who have been instrumental in shaping my life. I trust that I can in some way repay the generosity and support given me and the faith that has been placed in me. I pay tribute to Tom O'Brien and his family for introducing me to the ALP in the late 1960s and the Miscellaneous Workers Union shortly thereafter. Although Tom and Dorie O'Brien have passed away, their legacy lives on through family, friends and those with whom they came in contact, in particular, their son, Tasmanian Senator Kerry O'Brien. I thank Peggy Errey, a lifetime trade union activist on the South Coast, a cleaner at the University of Wollongong, who held numerous State and Federal honorary positions in the union and highlighted for me the rich complexity of collective humanity. Her patience, passion and commitment, as well as her selfless, tireless work helping union members and their families far beyond what many ill-informed would see as union activity, made her a much-loved institution.

To the many hundreds of staff, friends, members and comrades at the now LHMU over almost a quarter of a century—half my lifetime—I have very fond memories, experiences and friendships. I wish to mention in particular Chris Raper, Jeff Roser and Elizabeth Bishop, who for many years were executive officers of the New South Wales Branch with me. The camaraderie developed will be enduring. Chris Raper, Secretary of the New South Wales branch from 1977 to 1999, is I believe one of the most effective labour leaders this State has produced. He earned respect from all sides of the industrial landscape through his intellect, presence, honesty and integrity.

As honourable members know, the Australian Labor Party has come from the organised labour movement. It is Australia's oldest political party, having been formed after the great maritime strike in 1890, when workers sought to effect social change through diversifying their industrial base to include political representation. The ALP has a rich history and has achieved many great things, and I am very mindful of the responsibility and obligation I enter into by coming here. I want to express my gratitude for the great privilege and honour I have been given. I want also to acknowledge and thank the members of the Administrative Committee of the New South Wales ALP, of which I am still a member, for the many letters and phone calls of congratulations. To all officers and affiliates of the New South Wales Labor Council,

where I served as delegate and executive member, I thank you for all your assistance and comradely good humour, and I look forward to continuing such associations.

To my mother, Rita, and my father, Bill, and my two brothers, Alan and Robert, who have given me the lessons and advice, values and support, I thank you. My parents' love and sacrifices gave sustenance to a close-knit family where I and my two brothers had opportunities to make choices in life, and every encouragement to pursue whichever choices we made. From the age of 14 my father was a forest worker, cutting sleepers with a hand-held axe for the railway lines. He later joined the Australian Navy to fight fascism in World War II on HMAS *Shropshire* and HMAS *Lithgow*, and he served in Darwin, Borneo, Singapore and Tokyo Bay. After the war, dad worked as a painter and decorator.

My mother instilled in me her Christian values. Although I do not share her belief in that sense, I have the utmost respect for those like mum who do not preach about it but actually attempt to put into practice their ideals in their daily lives. The family lived in the western suburbs of Sydney at Bass Hill. The three boys were educated locally at Bass High School. My eldest brother, Alan, served his country in Vietnam. Although I supported agitation against conscription and the war, I have the utmost respect for the sacrifices made by the young men and women who obeyed the demands of their country's Government at that troubled time. My elder brother, Robert, completed his law degree as an articled clerk and has gone on to practise in Chester Hill. I have great admiration for this feat as I also tried, but failed to last the distance. Finally, I thank my wife, Gail, for putting up with me and for picking up the pieces when things have not gone as one might hope. I am still convinced that I got the best half of the deal. I thank honourable members for their indulgence and I am sure that there will be unanimous support for the Local Government Amendment Bill.