

**ADJOURNMENT OF THE HOUSE**

*Special*

On motion without notice by **Hon Kim Chance (Leader of the House)**, resolved -

That the house at its rising adjourn until Tuesday, 14 August 2007.

*Ordinary*

**HON KIM CHANCE (Agricultural - Leader of the House)** [5.10 pm]: I move -

That the house do now adjourn.

*Business of the House - Cooperation of Members - Adjournment Debate*

**Hon KIM CHANCE**: I express my gratitude for the cooperation of the house in getting that last bill through. I think members understand how important it is to me personally, but it is also important to our agriculture industry. I wish members well for the winter break.

*States' Rights - Federalism - Adjournment Debate*

**HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition)** [5.11 pm]: I want to use this debate to raise a couple of issues that are of concern to me, and which were mentioned by the Minister for Child Protection in an answer to a question today, which was more of a political statement about the federal election than an answer to a question. It relates to the Howard government's initiatives in the Northern Territory. I want to place on record a couple of views I have on this matter and give the state government some advice, for what it is worth.

Members may know that I am an avowed federalist and I have argued all my political life that states have responsibilities and rights and they need to be protected. I have for a long time been very concerned at the way in which various federal governments of both political persuasions have been intruding into those areas of states' responsibilities that are constitutionally the prerogative of the states. What has concerned me in recent times in respect of this particular matter in the Northern Territory is that the federal government is making decisions in respect of the Northern Territory which it is constitutionally entitled to do, but it cannot do the same in the states, as I understand it, without intruding into the states' responsibilities, which relate essentially to health, education and law and order.

We are going to lose the federalism battle if the states of Australia continue to do several things. I will go through what they are in my view. Firstly, if they perform poorly in those areas for which they have responsibility and the public simply says, "The time has come for you to vacate those areas of responsibility because you can't do the job properly." Secondly, if we increasingly see state governments blaming the federal government for their own problems. That is what we saw the other day. I heard the Premier say on radio, "Where has John Howard been for the last 11 years in respect of police stations, law and order, health and education in Aboriginal communities?" I thought to myself, as a matter of fact it has got nothing to do with them constitutionally. It is the responsibility of the states. Every time the states criticise the commonwealth because of their own failings in respect of the areas of responsibility that are theirs constitutionally, the commonwealth feels the need politically, if for no other reason, to intrude. If the states say, "Why isn't the commonwealth doing something about law and order?", knowing it is their own responsibility, then ultimately the commonwealth will take the view that it will intrude into that area of responsibility and use whatever mechanisms it can to take control.

I make the point as clearly as I can that the more the states of Australia blame the commonwealth for their own shortcomings, the more the commonwealth will take over their responsibilities. State governments, including the Western Australian government, have to accept their responsibilities or they will ultimately lose them. The problems in Aboriginal communities are problems that I have been very closely associated with for the 30-odd years I have been in Parliament and prior to that, having lived in remote parts of Western Australia. The living conditions for Aboriginal people in many parts of the state are appalling, to say the least, and getting worse, in my view. When I first entered Parliament, I made statements that would these days be considered politically incorrect. Some of the things I said years and years ago about these matters would probably raise a few eyebrows now. However, the more I look at those comments, the more I realise that nothing has changed, and that the issues that were raised then are the same issues that are being raised now. The propositions put forward in those days by people like me are the sorts of propositions that are being put forward now. Somebody has to take some positive action, and regrettably, from a federalist perspective, it has to be the federal government. I know the federal government has lots of money; I also know that the state government has lots of money. It is not good enough, in my view, for the Premier of this state to castigate the federal government on radio for not looking after the health, education, and law and order crisis that exists in many Aboriginal communities in

Western Australia. It is, in fact, the responsibility of the state government. If the state government cannot handle it, it should hand power to the commonwealth and we will close down the Federation. That is what the ultimate scenario is likely to be unless state governments say, "This is our responsibility; we will deal with it and fix the problem."

I raise these issues because I was irritated by the comments made today by the Minister for Child Protection, who tried to create the impression that John Howard is performing some political stunt. The federal government is actually prepared to make some hard decisions about some of the endemic problems that exist in the Northern Territory and across Australia. We know that these problems exist in significant numbers in Western Australia. The crisis in Halls Creek was only a short time ago; I actually think Fitzroy Crossing has greater problems than Halls Creek. There are many communities in the desert with even greater problems. These problems have to be fixed and it is not good enough for the state government to say that because the federal government wants to do something about it, it must be a political stunt. The state government should be saying, "We accept responsibility for health, education, and law and order, whether it is an Aboriginal or non-Aboriginal community. That is our responsibility as a state government, and we accept those responsibilities." The referendum of 1967 did not mean that only the commonwealth government can make laws for Aboriginal people and that state governments do not have to; it was quite the contrary. It actually provided for the commonwealth to do things that it was prohibited from doing before. The states had the constitutional responsibility for health, education, and law and order. If the state government does not take responsibility for these matters throughout the community, it will lose those responsibilities, and the ultimate fate of the states will be sealed because the people of Australia will say, "If you can't do it, we don't need you."

*States' Rights - Federalism - Adjournment Debate*

**HON JON FORD (Mining and Pastoral - Minister for the Kimberley, Pilbara and Gascoyne)** [5.18 pm]: I respond to the comments made by Hon Norman Moore, Leader of the Opposition. I am also a federalist, but I do not actually see any threat to federalism through the sorts of remarks made by the Premier. To be generous, I understood the Premier to mean that the commonwealth government, through the Prime Minister, had decided to go down the path of taking an unprepared, non-negotiated and very harsh position on this issue so as to generate as much public opinion as possible.

**Hon Norman Moore:** Do you know why he might have done that? It is because people think it needs to be done!

**Hon JON FORD:** The Premier's response to that was we have had the Gordon report, we are putting multi-agency police stations into remote communities, we are looking at education programs and health outreach programs, we are doing studies on what the removal of CEDP may mean for the migration of people out of desert and remote communities into fringe-dwelling communities -

**Hon Kim Chance:** Plus authorised police stations.

**Hon JON FORD:** Yes, plus authorised police stations with the territory. We are doing a heck of a lot. As I remember the Premier's comments, there was some minuscule debate about whether this state should send 10 police officers to the Northern Territory, as though that would somehow be a miraculous -

**Hon Sue Ellery:** As though that would make or break the whole situation!

**Hon JON FORD:** Yes.

**Hon Norman Moore:** If it is of any help to you, I think the Premier should leave those police officers in Western Australia to deal with the problems in Western Australia. No-one disputes any of the things you have said. However, the Premier is blaming the commonwealth for the problem.

**Hon JON FORD:** No. He was saying that it is a hard sell.

**Hon Norman Moore** interjected.

**Hon JON FORD:** I appeared before a Senate select committee two years into my tenure in this place, and talked about poverty in remote communities. The Leader of the Opposition can look at the *Hansard* of that debate. I have made some pretty hard statements as well. I do not wish to comment too much on that committee, but it could not even be bothered to get out of Perth and look at those areas! I share all that frustration. However, the fact remains that policy decisions like the removal of the CDEP -

**Hon Norman Moore:** I think you had better open your mind to that a bit.

**Hon JON FORD:** No in-depth work has been done on what the net effect of the removal of the CDEP will be. The Prime Minister made a decision to take away the CDEP, and we are now seeing the impact of that in both the Leader of the Opposition's electorate and my electorate, with people moving into other town sites. We are doing work to see what that means, so that we can provide the necessary services. That is our responsibility, and

we are doing it. The commonwealth cannot make policies that remove federal funding from health and education programs and then accuse the states of not doing anything.

**Hon Norman Moore:** I do not think that is what has happened at all. You have accused the commonwealth of causing the problem.

**Hon JON FORD:** The commonwealth is pulling away funds on the one hand and is demanding a few of our police officers on the other hand, with the view that that will fix the problem.

**Hon Norman Moore** interjected.

**Hon JON FORD:** The Leader of the Opposition has his opinion, and I have mine. We are taking our responsibilities seriously. We are doing what we can. It is a huge problem. It has been going on for years and years. I agree that if something does not work, we should not be afraid to chuck it out and try something else. I also agree that we need to stop the blame game. The Premier is acting in the best interests of this state. He wants to make sure that we have the resources to deal with the issues in this state, rather than react to a very politically-charged statement made by the Prime Minister.

*Living Wills Bill - Minister for Health - Adjournment Debate*

**HON HELEN MORTON (East Metropolitan)** [5.23 pm]: I apologise for delaying members, but unfortunately this matter cannot wait until August. We have all heard the Minister for Health champion his living wills bill and talk about how he wants to get it through the Legislative Council as soon as possible. The minister has worked pretty hard at getting plenty of press coverage on this matter. I have pulled out 21 pieces of local press coverage on this matter in the past 12 months. However, when the minister really needs to champion this matter, he is nowhere to be found. He is missing in action at the moment. The minister said that the living wills bill was five years in the planning, and he hoped to get the bill passed by the end of 2006. It is now June 2007, and the bill has still not been brought on for debate in this place. If the Minister for Health is so keen to implement advance health care planning in Western Australia, why is it that tomorrow the funding for the pilot program at Fremantle Hospital will run out, and the staff who are dedicated to putting that program in place will be sent back to their respective jobs? The Respecting Patient Choices program at Fremantle is exactly what the minister has been talking about. This fantastic program has been operating for just over 12 months. It is mostly funded by the federal government. As Hon Norman Moore said, the state is prepared to let the federal government pick up the tab for something like this. In the past four months the state has provided some funding to keep it going until 30 June. I really have to ask: if the minister is so keen to see advanced health care planning operate in Western Australia, why is he letting this pilot program stop tomorrow after all the work that has been done, all the momentum that has been built up, and all the policies, the programming and the organisation that have been put in place to make it happen? A significant amount of work has been done.

It cost the state \$56 000 to do its bit but it has cost the commonwealth \$165 000 to get the program to the point where it is now. It has had a significant amount of success. It has trained 62 Respecting Patient Choices consultants at Fremantle Hospital; 284 patients have been introduced to the program; there have been 391 discussions; and it had 54 completed statement choices or advanced health care planning documents in place. It will stop tomorrow. Absolutely no-one will be doing any work. No training has taken place for a couple of months because the program has run out of funding. I suspect that the staff have been too successful. I think the problem from Mr McGinty's point of view is that this program has been so successful that it did not need the legislation in place to do what it has done. When the program was this successful and had this amount of momentum, why did the minister let it drop? If the minister is the champion of advanced health care planning, he needs to ensure that the program has funding and that the staff who have been dedicated to the program who are returning to their jobs next Monday have funding to enable them to continue to work in the way that they did on this program.

*Community Development Employment Project - Adjournment Debate*

**HON KEN BASTON (Mining and Pastoral)** [5.27 pm]: I refute the claims made by the Minister for the Kimberley, Pilbara and Gascoyne about the community development employment project. Comments were also made on this subject the other night in the adjournment debate. The minister said that people were moving in from the communities. That is not the case. The areas that are affected under the CDEP model are Perth, Broome, Albany, Bunbury, Kalgoorlie and South Hedland. There is a shortage of labour in these areas. The program runs for a year, after which participants are given training if they want it. The CDEP is not taken away from those remote communities.

**Hon Simon O'Brien:** That's not what we were led to believe.

**Hon KEN BASTON:** I have spoken on this issue in this house before. Obviously, I did not get my message across. Moving out of the CDEP and into a structured training and employment program reduces dependency on

passive welfare. Years ago - I am not sure how many - it was controlled by Indigenous corporations. I do not believe that it has achieved what it wanted to achieve; that is, to train people, to put people into jobs and to enable people to have a purpose in life.

A press statement was made in the past few days saying that Goolarri Media in Broome would lose its people. The press statement said that the government has propped it up by giving it a couple of million dollars or something of that nature. Organisations such as Goolarri Media would benefit from programs such as this because it would get acknowledgement and real jobs.

Two articles in *The Australian* this year pointed to a shift in Labor's policy on CDEP. On 19 February 2007 a lengthy article was written by Patricia Karvelas entitled "Labor to go further on indigenous jobs".

It states -

LABOR will overhaul the 30-year-old indigenous work-for-the-dole program, promising to go further than the Howard Government to end Aboriginal welfare dependence.

Opposition spokeswoman Jenny Macklin yesterday supported the Government's plan to end the indigenous welfare program, known as Community Development Employment Projects (CDEP), in cities and regional areas.

...

Ms Macklin said she feared the Government would under-invest in the new program.

"It's certainly the case that CDEP hasn't delivered the employment results indigenous people deserve, and that's true in the city as well as in more remote parts of Australia," Ms Macklin said.

She said the Howard Government should have acted earlier to reform CDEP.

...

"There's no question that CDEP hasn't achieved - look at the unemployment rates."

There was another article in *The Australian* on 6 March 2007 entitled "Labor to shift on welfare". It reads -

LABOR is set to move away from the Left on indigenous affairs, promising radical reform of the welfare system to get Aboriginal people into jobs.

Labor indigenous affairs spokeswoman Jenny Macklin will today begin a 10-day tour of remote communities in which she will meet some of the nation's most senior indigenous leaders, including Noel Pearson, to be guided on policy alternatives to get Aboriginal people off welfare.

...

"One of Noel Pearson's criticisms is that the way CDEP fits with the social security system doesn't encourage people to get off CDEP," she said. "I think it's not good enough to say we are just going to get rid of CDEP in the city and leave people in remote regions to just continue to live in terrible poverty."

It is quite clear that both sides in the federal arena are heading in that same direction, judging from the upbeat press releases I have seen in the past few days. Some positive reform is happening now that will make things work to the betterment of Indigenous people.

Question put and passed.

*House adjourned at 5.31 pm*

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