

# Legislative Assembly

Thursday, 12 March 1992

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## MEETING OF THE ASSEMBLY

The Legislative Assembly met at 2.15 pm.

**THE SPEAKER** (Mr Michael Barnett) took the Chair, and read prayers.

## PROCLAMATION

The Clerk of the Assembly (Mr P.J. McHugh) read the proclamation of His Excellency the Governor (The Honourable Sir Francis Theodore Page Burt, AC, KCMG, QC) summarising the fourth session of the Thirty-third Parliament.

## SUMMONS FROM THE GOVERNOR

The Speaker and members, in response to summons, proceeded to the Legislative Council Chamber and, having heard His Excellency deliver the opening Speech (see Council report preceding), returned to the Legislative Assembly Chamber.

## CONDOLENCE MOTION - NORTON, THE LATE DANIEL

**DR LAWRENCE** (Glendalough - Premier) [2.51 pm]: I move -

That the House records its sincere regret at the death of Daniel Norton, a former Speaker of the Legislative Assembly, and tenders its deep sympathy to all members of his family on their loss.

It is very important and appropriate to record today our regret on the death of Mr Daniel Norton. I extend to the members of his family our sympathy and sorrow on their loss. Danny Norton, as some members would be aware, was member for Gascoyne for 21 years. He was elected to the Legislative Assembly in 1953 and held the seat until 1974, and he was also the Speaker of this House from 1971 to 1974.

Daniel Norton joined the Labor Party as a very young man. He was born in England and moved to Victoria when he was eight years old. He worked for the then Victorian State rivers and water supplies department on wheat farms and vineyards, and he also picked up trade as a motor fitter. He moved to Western Australia when he was only 23 years old and worked in a number of occupations throughout the agricultural region. He enlisted in the Australian Imperial Forces in 1941, and was a staff sergeant in the Australian Mechanical Engineers.

In 1945 he became a banana plantation owner in Carnarvon, and became a member of the Australian Workers Union, the Carnarvon Banana Growers Association, the director and chairman of the Gascoyne cooperative, the first chairman of the water rights and irrigation (Carnarvon) committee, and also was the President and a driver for the St John Ambulance Association. Clearly, Danny Norton had a strong commitment to his community in all its elements.

As well as being a Speaker of this House, he was a Deputy Chairman and Chairman of Committees and a member of the Joint Library Committee for four years. Also, he represented the Western Australian Branch of the Commonwealth Parliamentary Association at the general conference in Canberra in 1959. I call on all members of Parliament to join me in extending deepest sympathy to his family and friends, and in so doing recognise Mr Norton's substantial service to the Labor Party and to the State.

**MR MacKINNON** (Jandakot - Leader of the Opposition) [2.54 pm]: I join the Premier in extending condolences to Mr Daniel Norton's family. Mr Norton was not known to me; however, he was well known to some members on this side of the Parliament, and I am aware that at least one such member will make a contribution to this debate. Mr Norton gave 21 years of his life to the Parliament, three of which were spent as Speaker. He made a significant contribution. He was fortunate enough to live to see the fruits of his labours in

Carnarvon through the growers cooperatives and his work on behalf of plantation owners. The Opposition extends its condolences to Mr Norton's wife, his two daughters, his son, his eight grandchildren and his three great grandchildren.

**MR COWAN** (Merredin - Leader of the National Party) [2.55 pm]: On behalf of the National Party I join the Premier and the Leader of the Opposition in extending sympathy to the Norton family. In examining the address given by the late Mr Norton in his maiden speech to this House it is interesting to note that some of the issues raised are still relevant today; I am not sure whether this is an indictment on current members and their predecessors in not solving the problems. However, Mr Daniel Norton raised four important issues during the speech: The questions of transport; the defence of the north west, and the need for a genuine commitment from the Commonwealth to defend that region of Western Australia; the need for the development of that region of the State through the introduction of taxation incentives and other reforms which would allow the people of that region to keep some of the wealth they create; and, finally, the need to promote Carnarvon as a fruit growing region.

Clearly, the late Mr Norton had vision, and what a pity we have not been able to do more to achieve the excellent goals set in that maiden speech. The National Party supports the condolence motion.

**MR GRAYDEN** (South Perth) [2.56 pm]: I join previous speakers in supporting this condolence motion for the late Mr Daniel Norton. I left this Parliament in 1949 to transfer to the Federal Parliament. When I returned in 1956, Danny Norton was a member of this House - he had been elected three years previously - and I had the privilege of serving with him for the next 18 years.

It has always been accepted that a basic part of our democratic system of Government is that Parliament comprises a cross-section of the community, but Danny Norton was a cross-section of the community himself. He was a person of extremely wide experience; he had experience in agriculture, the Public Service, as a tradesman, in heavy transport, commerce, business, and, as the Premier has indicated, as a serviceman in the Australian Imperial Forces from 1941 to 1943. He was a banana plantation owner in Carnarvon, and as such was a tower of strength in the consolidation of that industry in that town.

Danny Norton had many other attributes. For many years he was the Deputy Chairman of Committees in this House. At a later stage he became the Chairman of Committees and later still he became the Speaker. We have had some outstanding Speakers in this House over the years, and without question Danny Norton was one of the best.

He was a man of simple tastes. Also, as a result of his innate ability to learn through his many experiences, he was very knowledgeable and a man of great commonsense. He was a very fair man and members from both sides of the Chamber frequently went to seek his advice as Speaker. He always gave that advice impartially and freely. Mr Danny Norton was an exemplary member for the Carnarvon area and as Speaker he was the epitome of all that could be asked of a person who attains that high office. It was with profound regret that I learnt of his passing, and I join previous speakers in extending my deepest sympathy to his family.

**MR LEAHY** (Northern Rivers) [3.00 pm]: I join the Premier and other members in this condolence motion for the late Danny Norton. He was, indeed, a great member and the longest serving member for Gascoyne, serving approximately 21 years. He was elected in 1951 and served the region very well until 1974. It is not widely known that in 1971, when he was in his mid sixties, he wished to resign from Parliament. However, he was convinced by members of the Labor Party and others that he should contest the seat of Gascoyne in 1971, which he won. The Labor Party was returned to Government with a majority of one member after a long period in Opposition. Without Danny Norton's standing for election that would not have been the case as in 1974, when the seat of Gascoyne was won by Ian Laurance for the Liberal Party. Danny did a great service to the Labor Party in enabling it to govern for those three years.

During his time as member for Gascoyne he was instrumental in the implementation of the integrated water scheme for banana growers. Before his election to Parliament he was one of the successful banana growers in the region. That industry now contributes much to the economy in Carnarvon. During Danny's time in Parliament the north west coastal highway

from Geraldton to Carnarvon was sealed, which enabled the produce grown in that area to be easily transported to the markets in Perth. Prior to that it had been much more difficult to convey produce because shipping was the only means of transport available.

He also assisted with my election to Parliament in 1989. At that time he was in his late seventies, but he was always on hand. He doorknocked with me, attended the polling booths and contributed much towards my election. I pass my condolences to Danny's family.

**MR THOMPSON (Darling Range) [3.03 pm]:** As one of only three current members of the House who served with Hon Dan Norton, I record my appreciation for the service he provided to this House, to his electorate and to the State. He became the Speaker in very controversial circumstances. Merv Toms, the first Speaker during the Tonkin Government, died in office. As a result, because of the numbers in the House, there was some speculation that the Government might fall. However, during the weekend which intervened between Merv Toms' death and Parliament's sitting the Governor prorogued Parliament. That allowed for a by-election to be held. People are present in this Chamber today who know that after the 1971 election the Tonkin Government had a majority of one. After the Speaker was elected, the numbers were even on the floor of the House. It was in that atmosphere that Dan Norton served as Speaker. Sir Charles Court, who is in the Chamber today, will attest to the fact that a fairly lively Opposition put much pressure on Dan Norton as Speaker. He was required to use his casting vote on every contentious question to determine the outcome of the debate.

I am also aware of the tremendous pressure that Dan Norton was under because of certain elements in his party; he did an excellent job during that period. I have absolutely no doubt that he would not have spent an enjoyable two and a half years as Speaker. He distinguished himself as a Speaker and I pay my respects to his family.

Question passed, members standing.

## **MOTION - SENATE VACANCY**

### *Joint Sitting - Time and Place Consultations*

**DR LAWRENCE (Glendalough - Premier) [3.06 pm]:** Pursuant to the message from His Excellency the Governor advising that a vacancy has occurred in the representation of Western Australia from the resignation of Senator Josephine Vallentine and the report to the House by Mr Speaker on 5 February 1992 I move -

That Mr Speaker be requested to confer with the Honourable the President of the Legislative Council in order to fix a day and place whereon and whereat the Legislative Assembly and Legislative Council, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

Question put and passed.

## **BILLS (3) - ASSENT**

Message from the Governor received and read notifying assent to the following Bills -

1. Crime (Serious and Repeat Offenders) Sentencing Bill
2. Criminal Law Amendment Bill
3. Aboriginal Heritage (Marandoo) Bill

## **CRIME (SERIOUS AND REPEAT OFFENDERS) SENTENCING BILL**

### *Returned*

Bill returned from the Council without amendment.

## **MEMBER FOR ASHBURTON - BUCHANAN, MRS P.A.**

### *Resignation*

**THE SPEAKER (Mr Michael Barnett):** I have received the following letter of resignation from the member for Ashburton -

Dear Mr Speaker

I hereby give notice of my intention to resign from the Seat of Ashburton due to ill health, resignation to take effect from today, Tuesday 3rd March 1992.

With regret.

Yours sincerely

Pam Buchanan MLA

With respect to that letter I have caused a writ to be issued to cause a vacancy for the district of Ashburton. The writ was issued on 4 March, nominations closed yesterday and polling day will be 4 April 1992.

### **PETITION - D'ENTRECASTEAUX NATIONAL PARK**

#### *Mining or Exploration Legislation Opposition*

**DR ALEXANDER** (Perth) [3.07 pm]: I present the following petition -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned are opposed to any proposed legislation which would allow any exploration or mining in the D'Entrecasteaux National Park including the proposed extensions to the park and in any nature reserves.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 44 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

[See petition No 1.]

### **PETITION - CALTEX SUPERTANK COMPLEX, FREMANTLE PROPOSAL**

#### *Opposition*

**MR MCGINTY** (Fremantle - Minister for Housing) [3.09 pm]: I have a petition in the following terms -

To: The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia wish to express our total Opposition to the proposed Caltex supertank complex in North Fremantle for the following reasons: -

- \* the potential for fire hazards, petrol spills and explosion
- \* the dangerous noxious petroleum vapours discharged from roadtanks in cleaning and loading
- \* Port Beach is too valuable a recreational asset and will be reduced by this proposal
- \* a compatible mix of residential and light, port related industry is a better use of the N Fremantle peninsular
- \* undesirable increase in industrial traffic through residential areas
- \* a spill could damage tourism, aquiculture and fishing industries
- \* if imported fuel is stored this will adversely affect Kwinana and the local petroleum industry

Your petitioners therefore humbly pray that you will give this matter urgent and earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 197 signatures and I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.  
[See petition No 2.]

## JOINT SITTING - SENATE VACANCY

### *Time and Place Advice*

THE SPEAKER (Mr Michael Barnett): I wish to advise members that following the resolution of the House with respect to a proposed joint sitting of the two Houses to fill a casual vacancy in the Senate, the time and place for the joint sitting has been fixed at 3.45 pm today in the Legislative Council Chamber. If the Legislative Assembly is still conducting business at that time I will ask the relevant member to give advice about the arrangements for continuing the business of this House.

## RATES AND CHARGES (REBATES AND DEFERMENTS) BILL

### *Leave to Introduce*

DR LAWRENCE (Glendalough - Premier) [3.21 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move -

That leave be given to introduce a Bill for "An Act to permit administrative authorities to allow rebates on, or the deferral of payment of, certain amounts payable by way of rates or charges by pensioners and other eligible persons, to repeal the Pensioners (Rates Rebates and Deferrals) Act 1966 and the Seniors (Water Service Charges Rebates) Act 1990, and for related purposes."

Question put and passed; leave granted.

### *Introduction and First Reading*

Bill introduced, on motion by Dr Lawrence (Premier), and read a first time.

## GOVERNOR'S SPEECH

### *Distribution of Copies*

THE SPEAKER (Mr Michael Barnett): Accompanied by the honourable members of this House, I attended His Excellency the Governor in the Legislative Council Chamber to hear the Speech which His Excellency was pleased to deliver to members of both Houses of Parliament. For the sake of greater accuracy, I have caused printed copies of the speech to be distributed among the members of this House.

## ADDRESS-IN-REPLY - FIRST DAY

### *Motion*

MR KOBELKE (Nollamara) [3.23 pm]: I move -

That the following Address-in-Reply to His Excellency's Speech be agreed to.

May it please Your Excellency -

We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

In closing his speech the Governor said -

... in this challenging period in Western Australia's history it is desirable that a spirit of unity and co-operation prevails in the interest of all Western Australians.

I support and reiterate that statement. While it might seem to be rather idealistic in this the final year of the term of this Government, the situation facing this State and nation is one which we must address with a sense of unity and purpose.

Since this House rose at the end of last year I have served on two Select Committees where I have worked with members from this side and the other side of the House to try to advance the interests of this State. Members of those committees were able to take up the issues on

the facts that were presented and reached agreement for the betterment of the people of this State. That is not to underestimate the very real differences in philosophy or policy, but respecting that our job is to represent the people of Western Australia. While recognising that differences do exist a unity of purpose means that considerable progress can be made in reaching common ground and I will take that up with respect to the matters which are very important to this State.

Members on both sides of the House would agree that the general standing of members of Parliament and the parliamentary system is at a low ebb. While we may disagree with the causes - the economic downturn or some of the events which occurred during the 1980s - the fact is that this situation prevails in this State and must be addressed.

Several members interjected.

Mr KOBELKE: I will come to corruption.

If members of this House are willing to face up to the facts and work together, instead of emphasising, on a regular basis, the areas in which we differ - I acknowledge we have a right to do that - we will reach common ground which will allow us to go forward together. However, the community is genuinely concerned about our parliamentary system - our system of democracy - and the need to try to do it better. It is something this House must take up and I am sure it will take it up in this session of Parliament.

I have great fear about some of the suggestions that have come forward from members of the public and from interest groups because in the end they will undermine our democratic system rather than strengthen it and help it to do the job better.

I turn now to a quote by a well known member of the British Parliament, Sir Winston Churchill. He said, "It has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time." We have seen around the world the collapse of the Communist regime in Eastern Europe and problems in South Africa and in other parts of the world, but in Western Australia we have a parliamentary system which has stood us in good stead. Over the years we have been able to reform that system to make it better suit the needs of the people of this State and that is something for which we can be thankful. Our democratic tradition is well established. It is a complex of legislation, procedures and practices and it is founded on the support and respect with which it is held by the members of the community of Western Australia.

I turn now to what I referred to earlier; that is, the perception held by the Western Australian community of this Parliament and its members, which is incredibly important. Without the respect of the public this Parliament will not be able to play the role which it should play. This Parliament has ensured for the people of Western Australia a degree of freedom and a standard of living which is surpassed by few other places in the world. It does not mean we should try to get away from the many blemishes and the associated problems of which we are well aware and which we must overcome. If we try to address these problems without a clear understanding of the strength of our parliamentary system we run the risk, to use the old cliché, of throwing the baby out with the bath water.

In the 100 years of the history of this Parliament it has been one of the first Parliaments in the world to take up a large number of reforms including the secret ballot, granting women the right to vote, postal voting and the introduction of preferential voting. Our response to the existing problems and criticisms must be not only measured and balanced to support the strength of our system, but also improved to meet the present and future needs. Such an approach requires an honest and frank assessment of this system. We do not need to criticise Western Australia by trying to put down all that exists in this State. All too often commentators and members of this House have, in their eagerness to point out the errors that have been made or to put their point of view, overstepped the mark. What has become an exercise in pointing out this State's problems has led to the denigration of this State. We need to guard against that. This State provides many benefits and has many advantages and strengths. If people are harping all the time on the negatives they will create an image across the nation and internationally which will do a great disservice to the State. A need exists to build confidence in the State, not only to ensure the vigour and survival of our political system but also to improve our economic conditions. I have heard from members on both sides of the House during the past year or two of the need to engender confidence in Western

Australian businesses so that they will invest and create the jobs and the wealth we so badly need in this State. We must address this matter of confidence and respect for the parliamentary system, not only to support that system but also to help the economic revival of this State.

What I have just said must be seen in the context not only of the present recession across Australia and most of the world, but also the rapid changes presently taking place in the world around us. We can no longer fall back on many of the old ways of surviving in this State; that is, the tried and true means of agriculture, and so on. Those tried and true means will always be present and important to the State, but we must broaden our scope and look to new areas so that we can create jobs and benefits for the people of this State. In the WA Advantage statement issued by the Premier yesterday we saw a positive and imaginative way of doing that in this State. I have no time to take up that matter now, but I am sure that it will be taken up in later debates because that statement offers a blueprint to take Western Australia forward.

The solutions to a number of the problems in the functioning of our parliamentary system lie in the hands of members of this Legislative Assembly. It is here that the Government of Western Australia is formed. It is the members of this Chamber who are directly responsible to the people of Western Australia. This is where the buck stops! We collectively must take upon ourselves the responsibility for raising public expectations and confidence in this Parliament. We can do that in two major ways. Mr Speaker, you have already drawn the attention of members of this Chamber to their general behaviour in the Chamber and how they address the business of this House. I see considerable room for improvement in that area. We also must address that matter very much in relation to the laws passed by this Parliament. Those laws can improve the present system and make our democracy stronger, and more vibrant and vigorous. In doing that we can take a gradual and reformist approach or, as some in the community suggest, a far more radical approach to change and to our expectations of our system of Government.

Only yesterday on the news I heard about a breakaway group from the Liberal Party which is suggesting we should establish an American style legislature in Western Australia. I give that as an example of the dissatisfaction with political parties in this Parliament which is causing some people to advocate a shift to a radical new style of Government. I do not support such a step. I wish to work here with other members for the reform of the existing system so that we have the best possible Government for our people. Our system of Government has great strengths and flexibility and is capable of being reformed to meet our needs. It can be changed as the needs of our society change so that the Parliament is better able to serve them.

Reference was made earlier to the problem of official corruption in Western Australia. This problem is receiving a great deal of attention in the media. It is something I know all members of this House have reason to be concerned about. Corruption is something that we must admit will always exist; there will always be people in Government positions and outside Government who will choose to abuse their position of trust in order to do something wrong. That is something which, like taxes and death, will always exist. We must ensure that our system of Government is such that it attacks corruption where it occurs and always prevents corruption as far as possible; that is, that we have proactive programs to ensure that corruption is at the lowest possible level.

In looking to the types of agencies which may be appropriate to attack corruption and reduce it to the lowest possible level we must look at other States and parts of the world to ascertain whether we need a new, powerful crime fighting organisation or, as I suggested previously, we need to look at how existing agencies might be reformed or better resourced to deal with existing problems. If we look at what happened in other places when they set up large institutions to tackle crime we find cases of excess. For instance, in the 1960s the FBI, when headed by J. Edgar Hoover, conducted activities that were contrary to what was expected in a parliamentary democracy. Therefore, there can be excesses when such bodies are set up.

In New South Wales we saw the Independent Commission Against Corruption; in Queensland, the Criminal Justice Commission; and nationally, the National Crime Authority. Those three bodies were established in an attempt to root out corruption and fight crime in Australia where it is seen to be getting out of control. All of these bodies present certain

difficulties. This does not underestimate the role that they play, or attempt to say that they do not do a valuable job. However, they all have problems because they must be accountable to the Parliament or to the people. One cannot have members of Parliament looking into the operational matters of such bodies to ascertain whether they are working efficiently and well.

Accountability problems have been addressed in some places by establishing parliamentary committees. I have talked to people about how those bodies work. I talked to members of Parliament in other parts of Australia about this matter and was told that a great deal of time and energy is wasted in trying to work out the relationship between particular crime fighting bodies and parliamentary committees that are supposed to oversee them; so those bodies do not necessarily provide the level of accountability with which people are happy. As a result of the powers given to such bodies individual freedoms and rights are sometimes infringed upon. If the level of crime is sufficiently ingrained and of sufficient concern, perhaps people will forgo their freedoms and rights. The citizens of this State should not be asked to forgo such freedoms and rights unless they are clear about what will be achieved by establishing such bodies.

These crime authorities, or whatever they are called, require considerable resources. The CJC in Queensland cost between \$15 million and \$20 million. The ICAC in New South Wales cost about \$15 million. It is not just the cost and how effectively money is spent by such bodies that is of concern but also the fact that they tend to draw some of the most experienced and skilled people away from the Police Force and other crime fighting authorities. As a result, one may end up with the Police Force or other agencies having to tackle corruption in the community while underresourced or having insufficient expertise to do the job properly. That is something we must guard against.

Another aspect of such authorities is that they become bureaucracies and take on a life of their own. They are sometimes large organisations employing several hundred staff who are not accountable directly to the Parliament because of the secrecy needs associated with them. As a result they can conduct investigations that are contrary to democratic parliamentary traditions. A recent example of this in Queensland was an undercover activity to catch car thieves where the Criminal Justice Commission had an oversight of the operation. As that operation seemed to get off the rails, the Queensland Government had to set up a Royal Commission to oversee that investigation by the Royal Commission.

Where does it stop - a Royal Commission to look into the Royal Commission to look into the Royal Commission? The great danger that one finds when one takes this path is that the Parliament is no longer in charge of what is going on. However, that is not, as I said earlier, to discount the value of those organisations. We must keep in mind that in both Queensland and New South Wales, Police Commissioners were either clearly known to be corrupt or convicted and sent to gaol. Ministers in both States were gaol. In one State a senior magistrate was gaol. It is obvious that severe action must be taken when that level of corruption exists. In the light of that, one can see the reason that those bodies were given that role. However, when one compares that with Western Australia, and despite all the huffing and puffing that goes on, I do not think anyone can put up a case that we are in that league.

Mr Lewis: They have not started yet!

Mr KOBELKE: Members opposite have been saying that for some years.

I turn now to the level of corruption in Western Australia. The annual report of the Official Corruption Commission dated 30 June 1991, which covered roughly a two year period, indicated that 15 matters were referred for investigation. According to the information that I was able to get from tabled papers, the Commissioner of Police reported that 14 matters were referred to the police. There are reasonable administrative reasons why there could be a doubling up; for example, there could be two reports for the same matter. In eight of those 14 cases, there was no supporting evidence; in two cases the information was shown to be inaccurate or false; in one case there was insufficient evidence; in one case a nolle prosequi Bill was entered by the Crown; one case has gone to trial; and one case is still under investigation. Therefore, in two years of operation of the Official Corruption Commission, there is not a great deal of evidence to suggest that corruption in Western Australia is widespread and deep.



The figures provided by the Police Force - which has a wider ambit than the Official Corruption Commission - indicate that from 1982 to 1983, out of 55 complaints about official corruption, there were 19 prosecutions. The Commissioner of Police indicated that most of these cases were in relation to the licensing and examination of vehicles and to examinations for motor driver licences.

Corruption always exists, but we are finding it difficult to make out a case, as some members opposite would wish to. Unfortunately, time does not allow me to make out the case that I wished about how this Government and Parliament can address the need to fight corruption in this society, but a number of Bills have already been brought into the Parliament and will be discussed in this session. I hope that members will consider those Bills in light of the needs of this State, and with their support, and under the determined and capable leadership of Premier Carmen Lawrence, this State will be able to go forward.

Government members: Hear, hear!

**MR READ** (Murray) [3.41 pm]: I formally second the motion.

Debate adjourned, on motion by Mr Blaikie.

## **DEPUTY CHAIRMEN OF COMMITTEES**

### *Appointment*

The Speaker (Mr Michael Barnett) announced the appointment of the member for Albany (Mr Watt), the member for Maylands (Dr Edwards), the member for Nollamara (Mr Kobelke), and the member for Peel (Mr Marlborough) as Deputy Chairmen of Committees during the present session.

## **ADJOURNMENT OF THE HOUSE - SPECIAL**

On motion by Mr Pearce (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 17 March 1992 at 2.00 pm.

*House adjourned at 3.44 pm*

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## JOINT SITTING OF THE LEGISLATIVE COUNCIL AND THE LEGISLATIVE ASSEMBLY

Thursday, 12 March 1992

### SENATE VACANCY

In accordance with the Standing Orders passed by both Houses of Parliament and approved by Executive Council, the members of the Legislative Council and the Legislative Assembly met in joint sitting in the Legislative Council Chamber to fill the vacancy in the representation of Western Australia in the Senate of the Federal Parliament caused by the resignation of Senator the Hon Josephine Vallentine.

The President of the Legislative Council (Hon Clive Griffiths), in accordance with the Standing Orders, took the Chair at 3.48 pm. He was accompanied by the Speaker of the Legislative Assembly (Mr Michael Barnett).

### ELECTION OF SENATOR

**THE PRESIDENT** (Hon Clive Griffiths): Honourable members, this joint sitting has been called to choose a person to hold a place in the Senate of the Commonwealth of Australia rendered vacant by the resignation of Senator Josephine Vallentine, notification of which has been reported to each House by His Excellency the Governor (Sir Francis Theodore Page Burt, AC, KCMG, QC).

I now call for nominations to fill the vacancy.

### MOTION - SENATE VACANCY

*Vallentine, Senator Josephine, Resignation - Chamarette, Christabel, Appointment*

**DR LAWRENCE** (Glendalough - Premier) [3.49 pm]: Honourable members, I move -

That Christabel Marguerite Alain Chamarette of 7 Wright Street, White Gum Valley, being a person who is eligible to be chosen pursuant to section 15 of the Constitution of the Commonwealth of Australia as amended be chosen to hold the vacant place in the Senate of the Commonwealth Parliament created by the resignation of Senator Josephine Vallentine.

I advise that I have Ms Chamarette's assurance that if chosen she is willing to act.

**MR MACKINNON** (Jandakot - Leader of the Opposition) [3.51 pm]: It is not often that we meet at such a joint sitting to ratify the appointment of a new senator occasioned by the retirement of a sitting senator, in this instance Senator Josephine Vallentine. On the last occasion, in May 1990, we met at a joint sitting to ratify the appointment of Senator Ian Gordon Campbell on the occasion of the retirement of Senator Fred Chaney, and at that time I made comments about the relevance and importance of that occasion. I want to repeat those comments because they are probably more relevant today than they were a couple of years ago. At that time, I commented -

... this joint sitting today is not merely some novel but bothersome ritual to fill a casual vacancy in the Senate. What is happening here, in several of its elements, gets to the very heart of the Federal system; that is, the system which from 1901 has ensured that political power is distributed between the State and the central Parliaments and Governments.

There are those who say that the notion of the Senate as the States' House is outmoded; that the party political system, in all its regimented form, has effectively replaced the original and stated role of the Senate. To that I say simply that there is still a strong belief on the part of many Liberals and senators that they are sent to the Senate to vote with the State's interests in mind, not the party's.

This, then, is the time and place to restate the fact that the smaller colonies would never have joined the Federation without the guarantees that the Senate brought with it.

That is a message that all of us, regardless of our politics, should send with Ms Christabel Chamarette who within a few minutes will become a senator. I continued in May 1990 -

But the occasion allows us to do more than restate the view that the Senate was intended to be, and must get back to being, the States' House. Indeed the occasion demands that we reflect on the role and importance of upper Houses themselves. I remind the Premier that the instance of which she spoke -

That is, in 1990 -

- where the convention was breached occurred in the only State Parliament in this nation which has no Upper House.

I ask, therefore, as we make this appointment today that we ask the new senator to remember, firstly, the importance of the institution to which she has been nominated and elected, and to fight to protect this important part of the democratic process - the checks and balances in our system. I urge her to do that. Secondly, she should recall the original purpose of the Senate; that she has responsibilities, not only to her party, colleagues and supporters but also to the people of Western Australia. Thirdly, I hope she does that - with all respect to Jo Vallentine - in a much more effective way than did her predecessor.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [3.54 pm]: We are here today to confirm the appointment of a successor to Senator Jo Vallentine. It is fair to say, in supporting the motion, that the period during which Senator Vallentine represented Western Australia was one which could justifiably be called unique. During her six years in Canberra, Senator Vallentine attracted a fair amount of publicity. I recently went through newspaper cuttings of comments relating to Senator Vallentine's antics during her term in office. In September 1991 *The West Australian* labelled her an "unconventional politician", and another article called her "the feisty campaigner from WA". However, an earlier 1987 *Daily News* article labelled her "a stuntperson more than a Stateswoman". In fact, the announcement of her resignation in September 1991 led *The West Australian* to comment that "Senator Vallentine regularly startled the Canberra establishment by getting herself arrested, being ordered out of the Senate, or simply meditating on the lawn outside Parliament".

It is said that Senator Jo Vallentine was the first politician to be elected to a national Parliament on a sole issue - that is, opposition to nuclear arms. She went on to achieve what must be an equally unique distinction; that was, to be the only person to be elected to the Australia Senate three times on three different platforms. In 1984 Senator Vallentine represented the Nuclear Disarmament Party, but by 1987 she was an Independent under the banner of the Vallentine Peace Group, and by 1990 she was one of a group known as Greens (WA). Interestingly, Senator Vallentine was generating publicity even before she was formally elected to the Senate by resigning from the Nuclear Disarmament Party before officially becoming a senator. Members would be aware that Senator Vallentine stated on a number of occasions that she would not be a multi-issue senator. However, the Senate *Hansard* of 1986 indicates that our single-issue campaigner was missing in a debate on the key anti-nuclear issue of the South Pacific Nuclear Free Zone Treaty Bill. The reason given for her absence was that she was in New Zealand on private business.

Members would probably also be aware that while Senator Vallentine was overseas in 1987 she was arrested with other demonstrators for trespassing on a United States nuclear test site in Nevada. In October 1987 she and other demonstrators were arrested for trespass at the joint United States-Australian Pine Gap defence establishment. At that time a *Daily News* editorial suggested that by courting that kind of activity Senator Vallentine was being perceived by most Australians, and particularly by Western Australians, as being more a "stuntperson than a Stateswoman". Senator Vallentine was fined \$250 for that arrest at Pine Gap, but she refused to pay that fine and subsequently spent three days in the Alice Springs Prison. Also, in 1989 Senator Vallentine was suspended from the Senate for 24 hours for accusing both major parties - that is, the Liberal and Labor Parties - of colluding to avoid a debate on the then recent military exercise at Narrunga. The Senator's fourth and final arrest was in August 1990 when she led a sit in at the office of a Federal Minister to protest the decision to send war ships to the Middle East during the gulf crisis.

I raise these issues, firstly, to support the comments of the Leader of the Opposition and,

secondly, to emphasise that the senator we are confirming today is a senator for the State of Western Australia. The Premier has stated that we are here to confirm the endorsement of Senator-elect Chameratte. I have had some association with Senator-elect Chamarette, and I am sure she will not follow the course set by Senator Jo Vallentine during her period in office. The Liberal Party looks forward to working closely with Senator Chamarette.

Mr Pearce: What will you say about her after she leaves the Senate?

Hon GEORGE CASH: That will depend on how she conducts herself. Senator Chamarette has already indicated that she does not see herself as having to be arrested to grab the headlines, that she is a more positive person, a more creative person, and will offer the people of Western Australia better representation than we got from Senator Vallentine.

Hon Tom Stephens: Have some grace and sit down.

Hon GEORGE CASH: This State Parliament should address the circumstances -

Hon T.G. Butler: How long will this take?

Hon GEORGE CASH: If Hon Tom Butler is so desperate for his cup of tea -

Hon T.G. Butler: I am not desperate for tea, I am desperate for you to sit down.

Hon GEORGE CASH: I want to raise the circumstances under which this joint sitting has been called. Members would be aware that Commonwealth legislation directs this State Parliament to do certain things to confirm a Senate representative for Western Australia. My colleague the Leader of the Opposition in the other place stated that consideration should be given by the Parliament of Western Australia to passing an Act of Parliament that better sets out the appointment or replacement of a senator, because, without question, senators are appointed by their specific State to represent that State. It is something to which members might like to give consideration in the future. I believe it would be to the advantage of Western Australia and, more important than that, it would again signify the importance of the Senate as the States' House and give greater recognition to that.

MR DONOVAN (Morley) [4.04 pm]: For the benefit of Mr President and members of this House, having heard the last contribution to the debate it is very important that I remind members of the Legislative Council that I sit in the Legislative Assembly as an Independent Labor member of Parliament, and having heard the remarks of Hon George Cash members would understand my emphasis on that fact. I stand on this side of the Chamber because a seat was empty and because it was pointed to me by an attendant. However inconvenient and however much my remarks may delay these proceedings it would be a travesty and un-Australian and definitely un-Western Australian to allow Senator Vallentine's resignation to be dealt with exclusively in the way we have heard this afternoon. In the five years I have been in the Parliament I have never heard a retiring member of a political party, Labor, Liberal or National Party, so severely dealt with in quite the way Senator Vallentine was dealt with by Hon - I guess I have to say that - George Cash. It is un-Australian, un-Western Australian, and frankly shows no dignity to this place at all.

Government members: Hear, hear!

Mr DONOVAN: I recall Hon George Cash's greatest strength when he was in the other place was to put his finger on the facts; the question was in the way he would colour them. Certainly it is true that Senator Vallentine has the record that Hon George Cash outlined and members could settle for a mere colouring of those events in the way that members just heard; on the other hand, members could look at the facts quite differently. Members could certainly see Senator Vallentine as an unconventional politician, as someone who was prepared to take the sorts of risks with her personal liberty and freedom that I know no other members contemporaneously were prepared to take. Members could say of Senator Vallentine that in spite of her health - and it has been difficult over the last couple of years I can assure members - her risk taking capacity was no less strong and was not diminished in any way. Members could say of Senator Vallentine that there were things she regarded as bad laws and the people who should be most outspoken, who should be most visible in the community about those laws that some of us in the community may from time to time regard as unhelpful to this country, are politicians. They are precisely the people who should be drawing attention to those laws. What do politicians mostly do? We apologise, pretend, and bend the truth. One thing we could depend on Senator Vallentine for was that the truth was very rarely bent.

Mr Court: What about the time she was thrown out of the Legislative Assembly?

Mr DONOVAN: It was the case, as Hon George Cash described, that Senator Vallentine came into the Senate on an anti-nuclear ticket, and, as I am reminded by the member for Collie, it was a full Senate election and she received seven per cent of the quota. She was re-elected as a peace activist with the same sort of quota - another seven per cent quota or thereabouts. When Hon George Cash or any other member of this place dismisses that senator so lightly, he or she also dismisses seven per cent of this State's population. Senator Vallentine had no idea that I would be making this speech -

Hon E.J. Charlton: I can understand that.

Mr DONOVAN: - neither did the senator designate whose presence I note in the Gallery. It is true that Senator Vallentine then became a member of the WA Greens and reflected its environmental concerns. It is important to reflect those views in the Senate because they are not being reflected very well in this place in this State. I suspect that what we see federally in the development versus environment argument will continue down that track rather than draw back from it. In that sense Senator-elect Christabel Chamarette will certainly have hostile turf in which to work. We had an example in the Governor's Speech today and in the public remarks yesterday of the Deputy Premier as to the direction this Government intends on those issues. The Deputy Premier expressed the argument in terms of development versus anti-development and that gets him around the problem of dealing with our quite legitimate, vitally important concerns that remain. It is absolutely essential that those concerns be expressed. It is to be deplored that somebody of the Deputy Premier's stature could say that anybody who expresses opposition to development is opposing for opposition's sake and must join the ranks of the inhumane. What a terrible thing to say about all of those people in our community who care about the environment and who commit themselves to its protection. I do not think anybody in this State underestimates the importance of jobs in our community. It does not do the Government too much good to simply wipe the concerns of the environment under the carpet in quite the way it has done. It is very important to concern ourselves with environmental concerns that exist and it is important that Senator-to-be Chamarette be given some support rather than the disparagement that was given to her predecessor. It is important that she knows that while this State is concerned about economic development and jobs, irrespective of the rhetoric we will hear over the next 12 months, a large section of the community is equally concerned about the protection and enhancement of the environment for future generations. I know that Senator-elect Chamarette knows that and will not be deterred by the rhetoric. She has my support and I wish her well in her job.

MR COWAN (Merredin - Leader of the National Party) [4.11 pm]: Although some people may be better qualified than I to make these comments, such as the Attorney General, all members would have been somewhat startled to have read in *The West Australian* that this was to be an historic occasion because, for the first time, a joint sitting of Parliament was to be held to appoint a senator to fill a casual vacancy. From my knowledge that has occurred on seven previous occasions and this is the eighth. It was in fact the ninth casual vacancy to be filled. At one time when a casual vacancy occurred Parliament was prorogued and Senator Reid was appointed to fill that casual vacancy. However, because of a double-dissolution and his loss of the seat, the opportunity did not arise for the Parliament to ratify that vacancy. From my knowledge of the journalist who wrote that story, she has a great deal of experience and I can only assume her story was the subject of the editor's pencil. It is important that the record be set straight.

It is also important that, as members of Parliament, we strictly observe the constitutional responsibilities conferred on us. Very clearly the Government's decision was correct if, indeed, it was a decision of the Government. If it was a decision of yours, Mr President, you were correct. The Parliament may not have been sitting, but it was in session. It was not prorogued and for that reason the talk in the media about the delay of the appointment or the filling of the casual vacancy is exactly that; all talk. The correct procedure has been followed. Had the Parliament been prorogued it may have been possible for the Government to make an appointment to fill the casual vacancy but a joint sitting would still be required to ratify the filling of the casual vacancy.

I endorse the remarks made by the Leader of the Opposition. More than ever we are witnessing attempts by Canberra towards centralisation. We all feel somewhat threatened by

the proposals which seem constantly to emanate from the Federal Parliament for the encroachment on what are clearly the responsibilities of the State. It is important to remember that, notwithstanding the fact that Senator-elect Chamarette has been elected to represent a single interest group, she is a representative of the State of Western Australia. I join with the Leader of the Opposition and appeal to her to be sure that the constant attempts by Canberra to encroach on the constitutional responsibilities of the State are resisted.

**DR LAWRENCE** (Glendalough - Premier) [4.16 pm]: I endorse the view of the member opposite that this is the correct procedure for filling the casual Senate vacancy. Advice to that effect was given to the Government. I know that at times in the past another procedure has been followed. However, very clear advice to the Government from its law officers and from the New South Wales Government was that this was the correct way to proceed and that any other procedure would almost certainly have been reasonably seen to be a breach of the Constitution. I have suggested to the senator-elect that, through the Federal Parliament, she should seek to clarify the Constitution if that is possible. If not, other measures may be taken to ensure no future members will be under the misapprehension that an Executive Council decision would be sufficient to put a member from Western Australia into the Senate. I am glad all members appear to agree on that important issue. I agree also about the importance of senators representing Western Australia's interests. Members may be elected on a particular platform, whether it is a party political platform or one that has, in a sense, a less well defined brief, as is the case with former Senator Vallentine and Senator-elect Chamarette. However, there is no doubt that their foremost responsibility is the interests of the people of Western Australia. Our constitutional founders certainly understood that and we must be very vigilant in maintaining the distribution of power and in monitoring the balance between State and Federal Governments.

Finally, I am extremely disappointed with the honourable members opposite who chose this occasion to so disparagingly reflect on the senator who had served extremely well the group of people in this State who elected her. I do not think a single member in the Western Australian community would say, no matter how often they disagreed with Senator Vallentine, that she did not have the right in a democratic community to act as she did and to vigorously represent her constituents. Members of Parliament adopt very many strategies to ensure their constituents' views are heard and represented in the highest office in this land. I repudiate on behalf of the Government - I am sure I can speak for all members on this side - the very ungracious and untimely remarks of Hon George Cash.

I am sure at times we will disagree with the senator-elect and her representations in the Parliament. However, she has our support as a democratically elected member of the Senate of Australia in carrying out her duties properly, as she sees fit, not as members with different political views believe she should.

**The PRESIDENT:** Are there any further nominations for the position? There being no further nominations I declare that Christabel Marguerite Alain Chamarette has been elected to hold a vacant place in the Senate.

Question put and passed.

*The joint sitting concluded at 4.15 pm*

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