



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Hon Adele Farina, MLC
(South West Region)

Address-in-Reply Debate

Legislative Council, Wednesday 30 May 2001

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ADDRESS-IN-REPLY

Motion

HON ADELE FARINA (South West) [7.45 pm]: Mr President, I congratulate you on your election to the high office of President of this place and on being the first Labor President. I am sincerely pleased that your aspirations in this regard have been realised. I know you will fulfil the office of President with honour, dignity and distinction. Knowing your keen interest in the presidency, I thought it magnanimous of you to nominate Hon George Cash for the position. However, I noticed that you were not distraught when he declined it. I also congratulate Hon George Cash on his election to the position of Chairman of Committees. His experience and knowledge as past President will befit him well for his new position, and I am confident that he will be fair and impartial in his rulings.

I acknowledge the Nyoongah people on whose traditional lands I stand. I pay tribute to my predecessor, Hon Bob Thomas, for his commitment to and strong representation of the people of the south west. At a time when the Labor Party held no lower House seats in the south west, he took on the large task of being the Labor representative for much of this large electorate. He worked to help many communities and individuals, and he has set a standard that I will try to emulate in serving the people of the region. I thank him personally for his advice and guidance during the campaign and sincerely wish him well in his future endeavours.

The south west is a diverse and dynamic region. It is the most popular destination outside Perth, with a population growth rate three times the national average. It is clear that people are travelling to the region not simply to holiday, but also to live, work and invest.

The coastal areas of the south west have experienced phenomenal population growth in recent years. Over the past 20 years, Mandurah has changed dramatically. It has grown from a town to a city of nearly 50 000 people in 2001 - more than tripling its population. Last year, Mandurah recorded a population growth of 3.7 per cent. It is no longer populated predominantly by retirees. There has been a movement of younger families into the area, with people over the age of 15 now representing 23.3 per cent of the city's population. This strong population growth is reflected in the Peel region generally. The cities of Bunbury and Albany have maintained steady annual population growth rates of about one per cent. By far the fastest population growth has been recorded in the shires of Busselton and Margaret River. Over the past five years, Augusta-Margaret River has recorded a population growth rate of 5.4 per cent. Busselton is the fastest growing municipality in Western Australia. Last year, its permanent population grew by 5.9 per cent. That was the sixth

year in which growth has been more than 5.5 per cent. Indicators show that Busselton's current population growth rate is sustainable over the next 10 years.

Busselton has a traditional employment base in the hinterland mining and timber industries, and new jobs have been created in viticulture and tourism. Australian Bureau of Statistics figures show that last year approvals were granted for \$65 million worth of new residential dwellings in Busselton. The extent of residential, resort and shopping development has meant that construction-related industry is now the biggest employer in the municipality. Busselton, like Mandurah, has traditionally been populated predominantly by retirees, but this is changing. With many young families moving into Busselton, the proportion of residents aged 65 and over is declining and the number of students is rising. Provision of essential infrastructure and government services is seriously lagging behind the rapid growth rates of Mandurah, Busselton and Augusta-Margaret River. Strains on infrastructure - sewerage, road systems, and community services such as schools, health and police - are already evident. This presents a major challenge for government. Provision of, and access to, quality health services remains a real need in these areas. I welcome the Labor Government's commitment to properly fund country hospitals and to examine the use of incentives to attract to the regions professional staff and appropriate specialist services. Many schools in south west towns are old and in need of major upgrades to meet the educational needs of today's students. In some areas, new schools will be needed to meet increasing student numbers. With increased traffic movements on south west roads as a result of increased population, more money will need to be directed towards improving and maintaining the road network of the south west in these growth areas.

In stark contrast to the coastal boom, the inland areas of the south west are hurting. The shire of Collie has recorded a negative population growth rate over the past five consecutive years, with a growth rate of minus 1.7 per cent for the past year. The shire of Manjimup has recorded negligible population growth rates over the past five years. Changes in the timber industry are likely to result in negative population growth rates over the next few years. Government, together with local government and local communities, must act quickly to develop a plan to manage the future growth of the south west to ensure the protection of the characteristics and qualities of the south west that make it unique and attractive to people in the first place.

A section of my electorate is facing immediate and serious problems. I refer to those communities that have traditionally relied on the native forest timber industry as their major industry. There can be no doubt that the Labor Government, in implementing the declared policy on which it was elected - to phase out the logging of old-growth forests - was responding to a strong and widely-held community view on that issue. The implementation of this commitment has been swift: the logging of old-growth forests effectively stopped as soon as the Government was sworn in. Work is under way to place those areas of old-growth forest into secure reserves. The Labor Government was also elected on a pledge to look after the timber communities, and the workers and their families, who have been affected by this decision. It is important to my electorate that this pledge be also fully honoured, and I am confident that the Government is working to ensure that this is so.

A major priority in this implementation must be to ensure that the maximum number of jobs is preserved in the industry. Job losses are inevitable under the policy, but every effort must be made to keep these losses to a minimum. Saving and creating jobs has historically been one of the fundamental principles of the Australian Labor Party, and I am confident that this Labor Government will give effect to those principles in this case. It is important to timber communities that this happens. Many of these communities are small towns, even in Western Australian terms, and the closure of a mill may be the death knell for its community. Even with the reservation of old-growth forest, there is the capacity to maintain a viable timber industry and preserve as many jobs as possible. In striking the new balance in the forest between reservations and use, the

Government must give equal weighting to the needs of the people and the communities, as well as the need for forest preservation.

I have spoken with many timber workers and their families, and I can tell the House there is a great deal of anger and bitterness among them. They feel that their livelihoods are being threatened by city people who do not understand them or their problems. They are fearful that neither they nor their families, nor their communities, have a future. They want answers to their questions about the future for their industry and themselves, and it is up to the Government to provide these answers as quickly as possible.

On behalf of my constituents in the timber communities of the south west, I will be pressing the Government to ensure that as many of them as is possible are kept in their jobs. For those who do lose their jobs because of the reduction in timber volumes, I will be pressing the Government to provide a fair and equitable redundancy package which provides not only financial support for their period of unemployment but also financial assistance to retrain and find other jobs. These people are losing their jobs not through globalisation or economic downturn, or because the businesses in which they worked failed, but because of a deliberate decision by the Government, in response to the wishes of the community. It is up to the Government and the community to ensure that those people whom they have put out of jobs are looked after.

I am pleased to note that the Premier has said that the Government will not only look after displaced timber workers but also will be generous towards them. I fully support this approach. It is important, though, that we do not merely look to pay off these workers. There is a need for retraining options and substantial assistance to help them find other work. I know that the Australian Workers Union, which covers the industry, has prepared a thorough and carefully considered set of measures to assist displaced timber workers to retrain and find a place in other industries, and I am looking to the Government to give effect to these measures.

As well as looking after the workers, we need to look after the communities from which they come. I am pleased that the Government acted quickly to ensure the future of the Nannup mill, which is so important to that small community. A condition of the assistance given in that case is that the current level of jobs must be maintained. This is an excellent approach, because the saving of jobs is the salvation of communities. However, many mills will have to close, and it is important that in those areas where the level of timber industry jobs cannot be sustained, every effort is made to attract new industry and to provide new real jobs, which would not otherwise be available to that community. I will be making it a priority in my work in the electorate to help ensure the viability of these communities, and to continue to press the Government to honour its moral obligations to them.

I have already mentioned to the House my concern about the deep level of fear and concern in the timber communities of my electorate. After years of uncertainty, it is now incumbent on the Government to give these communities and these families some certainty about their future to allow them to live their lives without the constant fear of loss of jobs, income, family and community. I pledge to those communities that as long as I am in this Parliament, they will not lack a voice.

Dairy farmers are another sector of my electorate who are doing it hard because of a deliberate decision of the Government to deregulate the dairy industry. Government must recognise the hardship being suffered by dairy farmers and take steps to ease the burden on those adversely affected by this policy decision.

I turn now to a significant policy issue which affects many thousands of workers across my electorate. As a lawyer practising in the area of personal injuries law, I have seen first-hand the effect on workers of the 1999 legislative amendments to workers compensation. The legislation restricts the right of workers injured as a result of negligence on the part of their employer to claim common law damages. Injured workers may claim common law damages only if they can establish

a degree of disability assessed at not less than 30 per cent of the body as a whole - the first gateway - or if they can establish a degree of disability assessed at less than 30 per cent but not less than 16 per cent - the second gateway. There are major problems with the second gateway to common law. A second gateway claim requires that injured workers elect within six months of the commencement of their weekly payments of workers compensation to either remain on workers compensation or pursue a common law claim. If they do not elect within that six-month period, then unless they can obtain an extension of this period, which may be granted for only a further six months, they are statute-barred from pursuing the common law claim.

The six-month election period is usually a completely inadequate time in which to make any decision about permanent disability, because the medical condition has usually not yet stabilised. This is particularly the case when workers have been seriously injured or have received multiple injuries and the final effects of their accident may not be known for several years. In this event the maximum extension period of a further six months may also be inadequate. Extensions are very difficult to obtain and the criteria are too restrictive. An extension will be granted only when the worker requires major surgery within the next six months. A seriously injured worker requiring extensive treatment, but not necessarily surgery, will not be granted an extension. A worker requiring surgery, but not within the next six months, could also be denied an extension.

Further, the legislation does not define "major surgery", nor does it make provision for workers who are seriously injured but will not require surgery at any time in their treatment, such as those suffering from mental disabilities. If an injured worker is out of time to elect, through no fault of his own, unless he can establish a degree of disability of not less than 30 per cent, which is to be agreed as such by the insurer, he is denied the right to make a common law claim. An election to pursue a common law claim means that the worker's entitlements to weekly payments of workers compensation are extinguished outright. This means that he is without a source of income and forced to meet the costs of his medical treatment while pursuing his claim through the courts.

Further, the legislation caps the quantum to be awarded under the second gateway to a maximum, in round figures, of \$256 000. This amount is apportioned according to the severity of the disability and reduced by the statutory benefits already paid. The cap, together with the time-consuming exercise of conducting court proceedings, can mean that by the time settlement is reached the injured worker may not be entitled to very much more than he would have received had he remained on weekly payments of workers compensation.

If an injured worker wants to elect to pursue a second gateway common law claim, and the degree of disability cannot be agreed between the injured worker and the insurer, the injured worker must make an application for the matter to go before a review officer. WorkCover WA is clogged up at present with determinations about percentage disabilities. It will usually take a worker a minimum of four months to get a determination from a review officer so that the claim may be progressed. In many cases this means that the injured worker is out of time to elect. The review officer may determine the matter himself or he may refer the matter to the medical assessment panel for determination. An appeal against a determination of a review officer takes about six months to come for hearing before the workers compensation magistrate. This means that the worker is out of time to elect.

The legal and other costs associated with such protracted proceedings are extensive and the level of anxiety caused to the injured worker is unbearable. If the question of degree of disability is referred to a medical assessment panel for determination, the finding of the panel is final. The panel can in effect decide the legal rights of the injured worker, yet it does not function by the rules and requirements of a judicial body, and its decisions are not reviewable. The election process is too bureaucratic and complex for most workers to understand. It is harsh and unfair.

The percentage disabilities used as thresholds are arbitrary and bear no relation to the economic loss suffered by the injured worker. An injury may deny a manual worker any chance of ever earning a reasonable income, yet a different employee incurring an identical injury may not have his long-term income earning capacity affected. The arrangements of the second gateway in effect exclude most injured workers from making common law claims, notwithstanding that their injuries may have been caused solely through the employer's poor and dangerous work practices or by some other form of negligence. The provisions of the legislation relating to percentage disability impact most seriously on injured workers - the very workers who should receive the greatest protection and assistance. A severely injured worker is less likely to be able to have his or her disability assessed within six months and may not get an extension. The legislation is unfair and works a grave injustice to workers.

The Labor Government was elected on a pledge to undertake a major overhaul of the workers compensation system, including providing more genuine choice for injured workers, an alternative second gateway threshold to the harsh and arbitrary threshold of percentage disability, more time for a medical condition to stabilise before requiring a major decision by the injured worker and a less bureaucratic procedure that people can understand. I am confident that the measures proposed by the Government will restore to injured workers a fair and efficient workers compensation system. I believe that prevention is better than cure and I strongly support the Labor Government's proposed premium rebate scheme to reward employers with a good health and safety record with lower workers compensation premiums.

I would like to acknowledge my parents, whose courage and self-sacrifice made it possible for me not only to dare to aspire, but also to realise my aspiration, to serve the people of Western Australia in this place. My parents migrated to Australia from Italy in 1959. Like many post-war Europeans my parents left their families, friends and all that was familiar to them to travel to the other side of the world on the promise that Australia, the land of opportunity, would provide a better future for them and their children. My parents arrived in Melbourne with only their few belongings, little money in their pockets and unable to speak English. Having borrowed money to pay for the voyage, they also had a not insignificant debt to repay.

Forty years ago there were few support services for people from non-English speaking backgrounds. What there were my parents did not know how to access, so they were left to find their own way and cope as best they could. There were no government-funded English classes, and my parents could not afford privately funded classes. They learnt to speak English the hard way by necessity and trial and error. I recall at the age of six each night sitting at the kitchen table with my mother doing my reading homework. My mother spoke basic English only, yet each night she would listen to me read my Dick and Dora reading books and read along with me. Together mum and I learnt to read English. In those early years silent consonants were a bit of a mystery to mum and me, which led to some very interesting pronunciations until I was corrected by my teachers.

My parents experienced isolation, frustration, discrimination and prejudice. They did not come to Australia expecting handouts, nor did they receive any. My parents came to Australia with hearts full of hope for a better future, minds full of dreams and a willingness to work hard to realise their dreams and aspirations, and work they did. About six months after arriving in Melbourne my parents travelled west to join my father's sister and her family in the mining town of Gwalia in Western Australia.

Nothing could have prepared my parents for their life and the isolation of the barren Western Australian outback and the stifling heat. Their home was constructed from tin sheeting that made up the outer walls and the roof. Masonite sheeting to half height, and above that hessian fabric, formed the internal dividing walls. My father worked initially as a labourer and then as an underground miner in the goldmines of Gwalia. He worked 12-hour shifts, seven days a week. The work was hard and the conditions hazardous. At the time, many underground miners lost their lives

or suffered horrendous injuries. My father hated working underground, but with a debt to repay and a family to provide for, he persevered for three long years before heading to Perth vowing never to set foot underground again.

In Perth, my father got work as a grano worker. The work was hard but at least it was above the ground. After a few years, and with no secondary education or formal training, my father established a business as a subcontractor, which he successfully operated until he retired a couple of years ago. All his working life my father worked long days, seven days a week. My mother devoted herself to caring for the family and raising me, my brother and my sister. Later when we children were in high school she worked part-time in the retail industry. With a basic grasp of spoken and written English my parents relied on me, my brother and my sister to interpret for them, to complete forms and to write letters. Being forced into an adult world from a young age I had to grow up fast.

My story and that of my parents is not unique; it is similar to that of other migrants and their children. I have seen and personally experienced the hurt of racial prejudice and discrimination. I do not understand the intolerance and lack of compassion directed to people because of their race. My parents place great importance on a good education. They encouraged me to study and they worked hard and made many sacrifices to provide me with a tertiary education. My parents instilled in me a strong work ethic. They taught me that you get back what you put in. They taught me to value and make the most of the opportunities afforded to me. I am only too aware that not all people are afforded the same opportunities in life, and I have always felt that as I have been fortunate to benefit from many opportunities denied others, I have an obligation to give something back to the community. It is this sense of civic duty, my life experiences, and my belief that life does not need to be as difficult as it is and that all people should be afforded equal opportunities in life to do with them as they will, that has brought me to this place.

Having joined the Australian Labor Party at the age of 17 I strongly believe in its democratic social principles and its reform agenda for correcting the inequalities and injustices in society. I have had the rare privilege of working at all three levels of government. I have served as a local government councillor and deputy mayor. I have served as a ministerial staffer in three past State Labor Governments and two past federal Labor Governments in the portfolio areas of transport, planning, environment, resources, state projects, industry, trade and parliamentary and electoral reform. During that time I was involved in the development and implementation of many government policy issues.

As a strong advocate for rail transport, I was pleased to be involved with the development of the northern suburbs railway. I acknowledge the vision of Hon Bob Pearce, the then minister, with his proposal and implementation of this policy initiative. It was a privilege to work with him in the development of this policy initiative and the development of a passenger rail network to service the expanding metropolitan areas. During his term as Minister for Transport we investigated the feasibility of, and prepared plans for, the rail link to Mandurah and an underground loop for the inner city.

It has been a great disappointment to me that the last Liberal Government did so little to advance this vision of a passenger rail network to serve the growing metropolitan area. The railway line to Mandurah planned in 1989 is still years from completion. The idea of a new rail service branching from the Midland line to service the growing Ellenbrook area seems to have been forgotten entirely. The northern suburbs railway has been a huge success, and has increased the use of public transport in Perth - a city in danger of being strangled by motor vehicles. Fast electric trains are attractive to commuters and we must plan ahead of the expansion of our suburbs to provide a public transport option that people will use. Of course, public transport needs to be not only fast and comfortable to attract commuters, but also safe. The deterioration of security on our trains has been a great

concern in recent years, and I am pleased to note that the current minister, the Minister for Planning and Infrastructure, has moved quickly to provide a more secure environment for rail travellers.

Mr President, I will be a strong advocate in this Parliament for public transport. However, public transport is an issue for not only the people of Perth, but also the people of the south west, particularly those in its expanding cities. The simple fact is that since Labor introduced the first comprehensive bus service to Bunbury, virtually nothing has been done to provide public transport to south west towns or to connect south west towns with the capital city. Members will know that many people who work in London live in surrounding rural areas at distances from their workplaces comparable to the distance between Perth and Bunbury. They are able to do this because of the fast trains operated by BritRail that get them into London in about an hour. A similar fast train to Bunbury would open up many more options for city workers who would prefer a more rural lifestyle, reduce the strain on the resources of a rapidly growing capital, and aid decentralisation and the growth of our major south west town. It would also give young people in Bunbury the chance to advance their careers in Perth without having to leave their home town. I am talking not about embracing the super-fast and super-expensive trains like the French TGV, but about technology that is well within the capability of our public transport system.

I know that many people in Albany want to see the return of the passenger rail service to the town that was taken away more than 20 years ago. With the recent growth in Albany, I believe that it is time to revisit this issue and to conduct a feasibility study to see whether the reintroduction of a passenger rail service to Albany would now be viable.

So many people have supported, encouraged, challenged and inspired me, that it is simply not possible for me to mention all of them tonight, and I will limit myself to a few special people whom I really must thank. I have already acknowledged my parents, so all that is left for me to say is, "Thank you mum and dad." I thank my brother Albert, my sister Paola and my brother-in-law Doug, who have over many years suffered many fundraising functions and many hours handing out how-to-vote cards at polling booths in support of my political aspirations. They can look forward to much more of the same in the years to come.

The Australian Labor Party was founded by the union movement, and unions continue to play a very important role. I have been fortunate to have the support of a number of those unions, and I take this opportunity to thank the Construction, Forestry, Mining and Energy Workers Union of Australia, the Transport Workers Union, the Australian Workers Union and the Shop Distributive and Allied Employees Association of WA. I thank the ministers whom I was privileged to serve, Hon John Dawkins, Senator Peter Cook, Hon Ian Taylor and Hon Bob Pearce for their encouragement, inspiration and wise counsel. I make special mention of Hon Bob Pearce, my good friend and mentor. Bob taught me that no issue or problem is so big that it cannot be solved with some lateral thought and by taking it step by step. He taught me the finer points of political strategy, and remains one of the best debaters ever in the WA Parliament.

I thank my friend, the federal member for Canning Jane Gerick for her friendship and support. Many members will know that Jane was diagnosed with acute myeloid leukemia three months ago. Jane has shown great courage in fighting this terrible disease and the horrors of chemotherapy. I am pleased that she is now in remission at home - actually she is here tonight - and intends to soon return to her electorate duties. I am confident that she will make a full recovery and I thank her for her support and friendship.

I thank the members of my former sub-branch of Morley-Embleton for their support and encouragement over many years. I extend a special thank you to Margaret and Fred Ward, Jim and Beryl True, Audrey and Gerry Leeuwangh, Frank Parry, Glen Bennett and Nerida Aitken. I also thank the many friends and extended family members I have not named who have supported and encouraged me.

Mr President, the issues I addressed this evening are just a few of the issues affecting the people of the south west that I will be taking up on their behalf in this Parliament. Western Australia is one of a small number of States and countries that have an unbroken history of democratic government. The strength of our democracy lies in the capacity of its elected members to project thoroughly and effectively the views, wishes and aspirations of the people they elect to represent them. It is a great responsibility, which lies on all of us. It is also a great privilege to serve the people in this place. I will do my utmost to be worthy of this privilege and to discharge the responsibility in the way that people who elected me would wish.

[Applause.]
