



**PARLIAMENT OF WESTERN AUSTRALIA**

**VALEDICTORY SPEECH**



**Hon George Cash, MLC**  
(Member for North Metropolitan)

**LEGISLATIVE COUNCIL — RETIRING MEMBERS**

**Thursday, 21 May 2009**



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## LEGISLATIVE COUNCIL — RETIRING MEMBERS

### *Valedictory Remarks — Motion*

Resumed from 20 May on the following motion moved by Hon Norman Moore (Leader of the House) —

That this house expresses its appreciation to retiring members for their significant contribution to the Legislative Council and the state of Western Australia.

**HON GEORGE CASH (North Metropolitan)** [11.56 am]: Firstly, as this is going to be my final speech to the Legislative Council, I say to members that it has been my honour to have been a member of both the Legislative Assembly and the Legislative Council for the past 24 and a half years. The good news is that I have enjoyed every minute of my membership of both houses of this Parliament.

The other point that I should make is I would do it all again, starting tomorrow. That is how much I have enjoyed it, and I think that if anyone can leave a job with those sentiments, he or she has had a reasonable spin during that time, so to speak. The problem is of course that life is finite. The time has come for me to now move on to the next, I hope, exciting and productive phase of my life. I also hasten to add that during the period that I have been in Parliament—as I say, it has been a fantastic honour and opportunity—I have also made a lot of friends on both sides of the house. That in itself has been one of the additional privileges of being a member of this place. I trust that my final speech to this house will not be a speech about what I did or did not achieve in the past 24 and a half years but more some observations on the workings and some of the aspects of our Parliament and government; and, finally, an issue of governance in Western Australia.

Some members may be aware that a few years ago I made a number of speeches in this place dealing with confidentiality attached to government information and the power of the Parliament to require the tabling of certain documents that members were seeking information on. It is fair to say that there has been a blurring of the respective roles of the Parliament and the executive over a long period. Claims that commercial-in-confidence clauses in government contracts or documents prevented ministers from answering questions asked of them in the Parliament have been a matter of some concern to me and, I am sure, of some concern to current and former members. Some of the points I raise today are not directed to current members; they are in fact directed to future members who are going to face certain challenges as we move through the next decades of the Parliament. My comments today will represent an amalgam of those issues, which, in my view, continue to threaten the effective discharge by the house and its members of their fundamental constitutional role. I intend my final comments to be, as I say, more directed to the newly elected members who will be sworn in tomorrow, so that they can recognise their fundamental rights as members of Parliament and to also encourage them to ensure that the Legislative Council, as one of the two Houses of Parliament in Western Australia, is not in any way diminished by a failure of its members to recognise, maintain and support the Constitution's authority and the continued existence and the proper functioning of the house as a critical part of the system of democratic government in Western Australia.

I think a convenient starting point for any discussion on the Legislative Council is the Constitution of Western Australia because that document describes the three arms of government—namely, the legislature, the executive and the judiciary. Members will be aware of the doctrine of the separation of powers, which clearly indicates that it is intended that there be independence between those three arms of government. However, I regret to say that over the years that I have been a member of Parliament, there has been and continues to be a distinct blurring of the respective roles and functions of the legislature and the executive. This blurring of functions is often reinforced and complicated by the development of the party political system that exists in Australia and has now become a dominant feature of Australian politics, which in some cases requires that members toe the party line and adopt an almost unquestioning and submissive stance to legislation that is proposed by the government of the day. I stress at this early stage of my remarks that I am not directing these comments to any particular party or government; these issues have transcended all parties and all governments over the past 100 years in Australian politics. I also indicate that the problem is not unique to Australia; it is clearly evident in the political systems of many countries around the world.

Although the Parliament or the legislative arm is elected by the people, and one of its roles is to consider the legislation that is brought forward by the executive, what tends to happen because of the dominance of the party system is that the members of the respective political parties that are supportive of the government often forget their true legislative role and can become apologists for the government. Time after time, no matter what the issue,

the government backbenchers will stand and defend the government and say that the opposition or any other political party is wrong because it opposes or questions a particular government line, notwithstanding that there may be considerable substance and merit in what the opposition member suggests. The point I make is that this has been going on for 100 years but I think the problem is getting worse. Government members often automatically take the view that the opposition is wrong to criticise the government, notwithstanding the merit or otherwise of the matters raised, and opposition members often automatically take the view that unless they are seen to criticise the government, they are not doing their job, again, notwithstanding the merit or otherwise of the legislation being debated. It seems to me the real question that we should consider is not who is raising the issue within the Parliament, but whether it is in the broader interests of the people of our state. I think it is fair to say that one reason for the success of our Premier Colin Barnett is that he clearly puts the long-term interests of the state to the forefront, irrespective of short-term political advantage or disadvantage.

I think members will also be aware that during my time as a member of the Legislative Council, I have been supportive of the role of minor parties and Independents. I say that because those minor parties and Independents have been able to raise and bring forward a different perspective on issues raised in the Parliament that might otherwise have been muted by the discipline of the rigid party line. Sometimes the minority party view is more moderate than the view of the government; sometimes it is more extreme. However, the fact that members can raise contrary views often allows for a diversity of views that one would hope, of course, strengthens our overall approach to the democratic system of government in Western Australia and across Australia generally.

On the question of accessibility to government information that should be made public, my comments in the past in this place have been to try to raise the awareness of the inherent rights of members of Parliament to seek information that might assist them in discharging their parliamentary duties. I have raised on a number of occasions the issue of commercial-in-confidence clauses being included in contracts and agreements to which the government or an agency of the government was a party and, indeed, which the government of the day has sought to rely on to prevent certain information becoming public. In discussing this issue I have said that I believe some commercial-in-confidence clauses were being used inappropriately to the extent that the Parliament was being unduly restricted in accessing information to which it was lawfully entitled. I have also said that I believe the Auditor General should maintain a register of all commercial-in-confidence agreements between the government and other parties and that commercial-in-confidence clauses should be reviewed on an annual basis. I argue that if that proposition were accepted, there would, firstly, be a very significant reduction in the use of commercial-in-confidence clauses. I hasten to add that it is often bureaucrats who raise the need for commercial-in-confidence clauses and then advise a government minister on the supposed need for such clauses within a contract. Government ministers are busy people and sometimes they are required to accept the word of their bureaucrats without perhaps sufficient investigation or research, hence some of these commercial-in-confidence clauses are put in for bureaucratic reasons rather than good government administrative reasons. Secondly, if the Auditor General maintained a record of the commercial-in-confidence clauses, the community would have a better understanding of a thing that the government allegedly did not want to make public and hopefully the reasons for that matter being on the Auditor General's register. Having had the opportunity of being a minister, a long-term member of this house and a short-term member of the other house, I have noticed over time that sometimes government agencies see the Parliament as an inconvenient body that they have to work with. Certainly, I have in the past come across instances whereby some public servants tend to think that it is quite acceptable to attempt to prevent the Parliament from accessing information. I would argue that accountability and openness in government requires that those who exercise power whilst performing the functions of government or the functions of public servants are required to demonstrate in an open and practical sense that they are doing so with honesty, integrity and appropriate skill and judgement, and that they are discharging their duties in a proper manner for the common good and in the public interest. It can also be said that the use of commercial-in-confidence clauses as a shield to avoid proper scrutiny of contracts, to which the government or one of its agencies is a party, has the potential to seriously threaten accountability and openness in government and is indeed a threat to the democratic process.

It is regrettable in my view that some people who are entrusted with public power as a consequence of their position, on occasions, seem to believe that they are under no obligation to justify the use of that power when called upon by the Parliament. I refer members of the house to the 1980 case *The Commonwealth of Australia v John Fairfax & Sons Ltd* [1980] HCA 44; (1980) 147 CLR 39 when the then commonwealth government tried to prevent the publication of certain information. During that particular case Mason, J, who certainly was not accepting of the case the government was putting up, said at page 493 —

It is unacceptable in our democratic society that there should be a restraint on the publication of information relating to government when the only vice of that information is that it enables the public to discuss, review and criticise government action.

He went on to say —

Accordingly, the court will determine the government's claim to confidentiality by reference to the public interest. Unless disclosure is likely to injure the public interest, it will not be protected.

Given the judge's comments in the Fairfax case, I think it is pertinent to consider the question of just what information our Parliament has the right to call for. When people become members of this Legislative Council they are provided with the Constitution of Western Australia, the Parliamentary Privileges Act 1891 and various other acts of Parliament. Section 1 of the Parliamentary Privileges Act sets out the privileges and powers of the Legislative Council and, indeed, the Legislative Assembly. Section 4 of that act sets out the power to order attendance of persons before the Parliament or its committees and, indeed, section 8 sets out the power for the house to punish summarily for certain contempts.

Some members may recall the 1992 case that involved the Legislative Council. It was a case that involved a resolution of the Legislative Council that required the Aboriginal Legal Service to deposit certain documents with the Clerk of the Legislative Council within a specified time frame. One of the questions that immediately came to mind for the Aboriginal Legal Service of Western Australia was to determine whether the Parliament actually had the authority to require the production of certain documents. In the case of *Aboriginal Legal Service of Western Australia (Inc) v the State of Western Australia (1992) 297*, the Aboriginal Legal Service made application to the Supreme Court on the question of whether the nature of the inquiry was within the scope of Parliament's investigative powers. The Full Court of the Supreme Court held in part, at page 298 —

The power of the Parliament to make laws for the peace, order and good government required only some connection of fact, circumstance or occurrence or thing in or connected to the state to be within the legislative scope of an inquiry and, therefore, an inquiry into services to be provided to citizens of the state would undoubtedly fall within this class.

I think that is an important matter that future members of this house should be aware of because at times they will be fobbed off by being told that it is not within the power of the Parliament to call for certain documents. Having regard to the breadth of authority that this house has, the answer to the question of just what information does the Parliament have the lawful right to call for is: any information required to discharge its constitutional duty in legislating for the peace, order and good government of Western Australia. That is a very, very wide power. In fact, the decision in that particular case that I referred to confirmed that this Parliament has the widest power necessary to call for any documents to which the government is a direct or indirect party. The only limiting factor is when the information sought is in excess of the state government's constitutional duties that arise when it is legislating for the peace, order and good government of Western Australia.

I make these points in the hope that when questions are raised in this place by members, they understand that the Parliament has the absolute authority to call for papers, notwithstanding any claim by a minister, parliamentary secretary, bureaucrat or other person that the documents contain confidential information. I say that because it is clearly the case that it has been conveniently forgotten that the house has available to it certain procedures that have been used in the past that will give protection to confidential information but still satisfy the right of the Parliament to have documents tabled. Some members will recall, because they were members at the time and others because it has been raised in recent years, that some years ago a minister of the day indicated that some specific information could not be provided to the Parliament because it contained commercially sensitive information and that the government did not want the public to be aware of the price that the government was paying for a particular commodity. Members may recall it involved the purchase by a former Labor government of coal from the Collie area. It involved forward contracts but no-one seemed to be able to establish just how much was being paid. Some members of the Legislative Council recognised that they had a right to seek that information. Equally, the members recognised that they had a responsibility to protect the commercial sensitivity of that information given that, in Western Australia with respect to the large coalminers—there are really only two major coalminers, and there is very significant competition between those two miners—the price that one company was charging for coal would be clearly commercially advantageous information to the other company. It was agreed by the house that the order could be discharged by the information being lodged with the Clerk of the Legislative Council in a sealed envelope with the house authorising any member of the house to read that document but the document was to always remain in the custody of the Clerk. That occurred a very long time ago. I hasten to say that the last time I checked, not one member has ever sought —

**Hon Ken Travers:** I was going to ask whether anyone had actually looked at it.

**Hon GEORGE CASH:** No; no-one has looked, and the mere fact that Hon Ken Travers was looking at me like he did reminded me that the last time I raised it, I thought that perhaps Hon Ken Travers said, "Well, I better go and have a look at that." Has he not as yet?

**Hon Ken Travers:** I did start researching the case of Egan in a bit more detail.

**Hon GEORGE CASH:** Egan is a very important case. The point is I do not think the information is of much value today. Given that it is 15 or so years later, it would not really matter what the price was then. But it really demonstrates that we have the capacity to receive commercially sensitive information or allegedly confidential information in a particular manner. Because of the glint I see in Hon Ken Travers' eye, I should hasten to say —

**Hon Ken Travers:** I will not interject to prolong your speech, Hon George Cash, I promise.

**Hon GEORGE CASH:** I do not expect it to go more than two hours! My comments do not relate to this government, the former government or the government before that; they relate to the authority of this house no matter who is the government.

**Hon Ken Travers:** I share your view on that.

**Hon GEORGE CASH:** I agree. I am not having a shot at any government; I am talking about the authority of the Parliament that can be exercised against the executive or government of the day. Although the doctrine of the separation of powers refers to independence between those three arms—the legislature, the executive and the judiciary—in reality, the executive comes from the Parliament, so there is a conflict in that situation. It is not a conflict that we are going to resolve, unless we decide that we want to go to the American model, but it is something that must be understood. As much as what I say may be for the benefit of future members, I say it also for the benefit of ministers, because I recall a situation some years ago when the house was demanding certain information—when I say “the house”, it was a member; I was the member who was demanding the information—of a government agency, and the minister’s reply was, “That is commercially sensitive; and, if it’s not commercially sensitive, it’s confidential. In other words, you’re not going to get it.”

I was spoken to by a very senior bureaucrat in Perth who said, firstly, that it was his view that it was not sensitive; and, secondly, that if it was not sensitive, it was not necessarily confidential. However, this bureaucrat said to me, “The reason you’re not going to get the information is that you do not have the right to that information.” I said, “Well, that’s interesting.”

**Hon Ken Travers:** That’s throwing down the challenge to the wrong person.

**Hon GEORGE CASH:** No. What I said was, “Where did you get that information?” He said that it was from one of the leading law firms in Perth that represented that particular agency. I had reason to speak to one of the people in the law firm, just to say, “Where are you getting this information from?” The person said, “Oh, no, the law is the law. We can make sure you don’t get it.” I said, “Perhaps you might like to read a little bit about the parliamentary law and have a look at the Constitution and have a look at the Parliamentary Privileges Act. Let me just give you one tip: whatever you do, don’t provide additional advice that suggests that agency does not give the information, because the heads of that agency will end up being called before the Parliament, and if they fail to give the information, they will be in contempt of the Parliament. I have no doubt that they will rely on your good advice and take whatever action they need to after that to satisfy their own position.” Within a matter of days I received a phone call from the agency in which the person said, “We will give you the information, but we would like to come up and hand you the document, because we don’t want it tabled in Parliament.” I said, “Well, you’re more than welcome to come up and give me the document, but there’s just one problem. The first thing I’m going to do is walk into the Parliament and table it, because the Parliament is looking for the information.” Anyway, the agency sorted that out, and it was well and truly fixed. However, it shows that there was unquestionably an attempt by some ill-informed people within the legal profession in Perth to try to withhold information from the Parliament.

I should qualify what I have said by saying that members have a right to receive information, but the first thing that members must do is convince the house that it should resolve to issue an order for that information to come forward. It is not for a member to convince a minister that he or she should get that information; it is the member’s duty to convince the house of the merit or otherwise of that information being the subject of an order of the Legislative Council. I make those comments based on the fact that members of Parliament have the fundamental right to require the government or a government agency to table information or a document that falls within the scope of section 2 of the Constitution Act, and that is all about legislating for the peace, order and good government of Western Australia. I might say that very few caveats apply to that.

In respect to other parts of our state, during my time as a member of Parliament I have been privileged to travel extensively throughout Western Australia. As the Minister for Mines and Minister for Lands, I frequently travelled to the north west of our state. I have to say that the phenomenal potential that exists in that massive area of Western Australia never ceased nor ceases to amaze me. There is no doubt that Western Australia is a resource-rich state. I would argue that we should not avoid the responsibility that we have to ensure that our resources are responsibly developed in a way that benefits all Australians and, indeed, benefits the wider global community. There is no doubt that Western Australia and, indeed, Australia have already benefited in a very significant way from the magnificent resource-rich north west area of our state, given its massive mineral deposits that now are clearly eagerly sought by the rest of the world.

We also have in the north west access to massive quantities of water. I believe that these should be utilised to create a food bowl capable of providing food for export to Asia and other nearby countries. I am referring in particular to the Ord River and the Fitzroy River basin in the Kimberley area. I am delighted that our royalties for regions funding is now being applied in the Ord River and that we are moving forward on that project. It is absolutely

critical, because we in Australia, and in particular in Western Australia, are going to be in a position to service the rest of the world when it comes to food if we use our water properly.

To make the north west work properly, we need two elements. The first is competitively priced energy, and the second is a viable population. However, there are some other constituent factors that are essential if Australia is to reap the optimum benefits from our north west, and they include the motivation to do it, the determination to carry through, and the willpower to actually make it happen. A lack of motivation and willpower has in the past, along with distance, slowed us down with the north west opportunities. The other reason, in my view, is the fact that we have been doing so well in economic terms over a very long time that we have not been forced to pay more attention to optimising the development of our opportunities in the north west.

I can say, from speaking to people in the north, that there is unquestionably a real enthusiasm for north-westers to make things happen. They have a burning desire to progress the north, and they argue to me that they are being held back by government—or I should say they include in “government” the bureaucracies in both Perth and Canberra. It seems to me that if we were to divide the state at, say, the twenty-sixth parallel and create two separate states—that is, one in the south and one in the north—we would immediately see a major shift in the progress of development in the north west.

When I talk about some of the criticism that I have heard over a long time, and I expect other members who represent the north west have heard—people criticising Perth for not being fully up to speed on what is going on, or not spending enough time on making things happen in the north—it brings me back to our criticism, as Western Australians, but particularly as city-centric Perth Western Australians, of Canberra. Over the past few decades we have made an absolute art form of criticising Canberra, because it is a long way from Perth. We say that Canberra people do not recognise or understand the magnificent opportunities that exist in Western Australia. Given that Canberra is about 3 900 kilometres from Perth and that Kununurra is more than 3 200 kilometres from Perth, it seems to me that it is not unreasonable for those who live in the north to have reservations about the capacity of southerners to have, firstly, the requisite local knowledge and, secondly, the motivation to give priority to the interests of the north.

Members will be aware of the many different types of minerals we have in the north of our state. Apart from the iron ore industry centred in the Pilbara only 1 500 kilometres from Perth, from which the country as a whole has enjoyed significant benefits, there are many other opportunities that would benefit both this state and the country if we had the motivation and willpower to develop them. For instance, we have talked in the past about the downstream processing of iron ore into steel, but we have never got past first base. One reason we may not have passed first base is that in the past we have always asked the mining companies that are out there mining the ore to in fact finance, build and operate the steel mills. Now it seems to me that mining is mining and steelmaking is steelmaking, and companies around the world specialise in their respective enterprises.

I recently had the opportunity to travel to China with Mr President as part of a delegation to visit our sister state, Zhejiang province. We had the opportunity to visit modern steel mills in China, which, I may say, were processing Western Australian iron ore. I have to say that the steel mills of today in China are capital-intensive, highly computerised operations that do not need the number of employees that they may have required in the past; and, I might add, they are very, very clean operations. I should add that as one of our major trading partners, China would be an ideal joint-venture partner for the development and operation of a steel mill in the state’s northwest.

In dealing with joint ventures with foreign companies, I should indicate that on the broader question of foreign investment in Australia, I am a strong believer in allowing China and our other trading partners to invest in Western Australia and its industry because they would be able to inject into industry significant amounts of capital. I hasten to add that I do not believe that any foreign partner should have the capacity to undermine the pricing arrangements of our industrial companies to the long-term disadvantage of our country. In that regard, I remind members that if the price of iron ore were to significantly decrease, it would have a significant impact on long-term contracts and therefore on the financial streams that flow to this state in the form of royalties. Who should control the pricing arrangements for Australian commodities is very much a state and national issue.

Obviously the missing ingredient in the viability of producing steel in the north west is, in the first instance, competitively priced energy, as energy is the umbilical cord that gives life to industry both here and around the world. The Mitchell Plateau in the Kimberley contains massive bauxite deposits that can be converted to alumina and then aluminium, and the only ingredient missing is competitive energy. I am a strong advocate of the development of tidal power in the north west. Some members could be excused from remembering that the Parliament—not the Legislative Council but the Legislative Assembly—established a select committee more than 20 years ago to look at the option of tidal power. In more recent times, the former federal Liberal-National government was prepared to put up tens of millions of dollars to advance tidal power operations in the north of the state. Regrettably, those options have faded because it seems that Perth and Canberra were not as eager about the possibilities as were the locals in the north.

On the question of increasing the population in the north, I am absolutely convinced that people would take advantage of the northern lifestyle if employment opportunities existed there. When we think about the mining companies that fly personnel in from all the states of Australia to service their industry and about the cost of doing that, it seems to indicate that we might have our priorities out of balance. I know that some of the north-westerners will say we have to provide schools and facilities in the area. I agree. We cannot expect people to live in the north west unless they have facilities. However, the bottom line is that sometimes we have to subsidise these facilities to get them going. We do not wait for agriculture in a particular area to develop and become ready for export before we build the port. Often a port is built to service agriculture, and as it grows the port is expanded. I argue that we should spend a lot more money providing facilities in the north west because the people will follow. By providing greater opportunities in the north west, we would also provide greater opportunities for the Indigenous population who, in my view, in the main have no prospects of employment and are condemned to live on government handouts.

I appreciate that my comments about creating another state by cutting Western Australia into two will probably not be embraced by New South Wales and Victoria because, obviously, under the Constitution a new state would require 12 new senators. If we think about 12 new senators from the north of Western Australia joining with the southern senators and the senators from Queensland and perhaps Tasmania—who might foresee an interest in this somewhere along the line—we can understand that the alignment of the political structure in Australia would change. That is one reason the Northern Territory is not a state today, albeit I will not argue the same about the Australian Capital Territory. If we look to the system of government in the United States, we see that two senators come from each state, no matter what their size. There is no doubt that if the 24 southern and northern senators from Western Australia joined those from Queensland and the ACT in a bloc, it would frighten the living daylights out of the eastern states-based powerbrokers. However, I also recognise the constitutional arguments that would no doubt be advanced as a convenient excuse to shelve any such proposition in the future. Recognising the vast size of our state and the distances between the more populated south west region and the resource-rich north, with its undoubted potential, the very least I can urge is that the government hold regular cabinet meetings in the far north so that ministers can better understand the needs and aspirations of the far north and real action can be taken to solve the issues that currently beset the north. I know that a convenient response from any government would be to say that we have community cabinet meetings around the town and generally around Western Australia. I am talking about being fair dinkum and spending a lot of time in Kununurra, Halls Creek, Fitzroy Crossing and all those areas in the far north, because unless we spend time there, we cannot truly understand what the problems are all about.

I was in the north west a couple of weeks ago, including Broome, Fitzroy Crossing, Halls Creek, the Warmun community and Kununurra. I recall being in Halls Creek some years ago and seeing the state of that place. I remember that questions were raised in this house and that Hon Ljiljanna Ravlich, then Minister for Local Government, went there and made various commitments. I have to say that those commitments have come to fruition and that Fitzroy Crossing and Halls Creek have never looked better in the times that I have visited over the past 20 years or so. We have made some progress on improving the living conditions in those areas, but we sure have not made any progress when it comes to employment opportunities. When I was in Kununurra the other day, I had the opportunity of speaking to a female Aboriginal elder. I asked her what advice she could offer about the difficulties that the Indigenous communities face in that area, and she said, “Whilst there are no real employment opportunities, our problems will continue.” She said to me, “Stand in the middle of the town and have a look and just tell me where you think the employment opportunities are.” I asked the same question in Halls Creek, where the biggest business happens to be the hotel, but only so many people can work at the hotel before the employment opportunities run out. I am talking about real opportunities for the people in the north, because let us face it: no job, plenty of time on their hands. Members can extrapolate what happens after that, and it has been happening for years.

During my general discussions with Aboriginal elders in the north west, I also focused on the young people; the seven-year-old and eight-year-old children that were running around that day. I said to one person, “What is the future of that young person there? Where is he going to be in 10 years’ time?” The person said to me, “Probably in jail.” There is not much of a future for the young children up there. We have to continue to concentrate on that, and it must be done better. We are very good at talking; I am not sure that we are as good at the practical side. One of the elders also said to me, “You know that Mabo decision? We all thought it was good. In fact we had it sold to us that that would be the salvation of the Aboriginal people. There might have been some compensation paid, but it has never flowed down to the real people at the grassroots level.” The proposition that the compensation is being used towards job creation opportunities does not seem to be flowing through at the moment. I accept that the 1992 Mabo No 2 decision of the High Court basically stated that the doctrine of terra nullius did not apply and that common law recognises a form of native title that is a permissive occupancy at the will of the Crown, able to be extinguished by the Crown, provided any exercise of those powers is not inconsistent with the laws of the commonwealth. The shorthand for that is that compensation is payable where native title is diminished or extinguished. Mr President, I have just heard a bell.

**The PRESIDENT:** I have not heard it, Hon George Cash.

**Hon GEORGE CASH:** As long as the President has not heard it, I am safe!

**Hon Ken Travers:** Did you get a ringing in the ears, George?

**Hon GEORGE CASH:** After a while it happens to you!

The fact is that on the question of compensation, apart from it not flowing through to the real people on the ground, it seems to me that there are circumstances around Western Australia whereby the question of compensation is being used as a foil to frustrate or prevent the timely deposit of various resources in Western Australia. That means that the benefits that should flow from those projects are not flowing through to the wider community. I would argue that the compensation issue relevant to Mabo is being misunderstood and misinterpreted by some parties, and that in so doing, they are delaying the commencement of some of our resource projects, with the aim—I use this term advisedly, because it has a different connotation in Australia than, say, the United States of America—of extorting compensation at a level far in excess of the just terms obligation that was intended when the decision of Mabo was handed down.

To get back to the just terms obligation, or formula, in addressing compensation for native title, it seems to me that there is a need for the government to establish an inquiry to review the quantum of compensation that is being paid both by the Crown and by mining companies for what is claimed to be native title in Western Australia. That is to ensure that the potential revenue streams that would, in the ordinary course of business, form an integral part of the state royalties stream, or a potential profit stream to the company that would be subject to commonwealth taxes, is not being syphoned off on the pretext of compensation payments allegedly for native title. The point I am making is that both the state and commonwealth governments, and therefore the wider community, may be denied their lawful entitlement to current and future revenue streams that are being derived from mining operations in Western Australia because of the unrealistic amounts of compensation being demanded—indeed in many cases being paid—in the name of native title compensation from mining companies, in particular, to gain access to crown land in Western Australia. I see that this issue is compounded by the fact that the compensation allegedly paid to date for native title is not getting through to the intended beneficiaries. I think that is a very serious issue that needs to be addressed, given the potential impact on government revenue streams. By raising the issue of government revenue streams, I am raising the issue of wider community entitlement. Failure by the government and mining companies to recognise this area of concern will only exacerbate the problem and will develop into calls for a judicial inquiry into the problem in the future.

Mr President, I have not mentioned members by name in this my final speech, because to do so would require me to express a view on all those members whom I have served with over the past twenty four and a half years. I do, however, want to recognise three Presidents whom I have served under during my time as a member, and also three Leaders of the Government under whom I have served. I am delighted to note that Hon John Cowdell, a former President of the Legislative Counsel, has joined us today.

But before I do that, I also want to say that I am delighted that the Liberal-National team is again in government. I acknowledge and pay my respects to our Premier, Hon Colin Barnett, who last year, in a relatively short period of time, almost single-handedly turned the fortunes of the Liberal Party around from a flagging opposition to win the recent state election and form government in Western Australia. I have to say that in the first three weeks of the Liberal-National alliance after the election, I thought that the government was pretty fragile—indeed, I believed that it could have collapsed. But since those early days, I am proud to say that I think the government has grown stronger by the day, and that Colin Barnett, as our Premier, has distinguished himself as the twenty-ninth Premier of Western Australia and the leader of the Liberal team in Western Australia. I say to Colin and his ministers and parliamentary secretaries, “Keep up the good work, and make your decisions for the people of Western Australia because they are right, not because they are easy.”

I conclude by thanking the Liberal Party in Western Australia for providing me with the opportunity of being a parliamentary representative of the people of Western Australia for the past twenty-four and a half years. I thank the many thousands of political friends who have offered me strong support and encouragement over the years that I have been a member, and worked exceedingly hard for both me and other Liberal members of Parliament. I cannot do justice to them today by naming and discussing the traits of all the members with whom I have served, as I indicated, but I will mention the three Leaders of the Government whom I have served under in the Legislative Council.

The first was Hon Joseph Berinson. Mr Berinson was a person who had—indeed has—a brilliant intellect, and was a fiercely combative defender of the Labor Party in this house. He is a person whom I might say I learnt a lot from during our frequent clashes in the Legislative Council.

The second of the Leaders of the Government in the Legislative Council that I served under was Hon Kim Chance. Hon Kim Chance managed to ensure the passage of legislation through the house in a manner that was cooperative. As a minister he was, on a number of occasions, prepared to see the merit of opposition amendments. I say quite frankly to Kim and, indeed, to the house—I am delighted that his wife, Sue, is here today—that he was a minister who kept his word. If we have somebody in the political arena who keeps his word, we cannot ask for much more than that. I pay my regards to Kim in that respect.

The third Leader of the Government in the Legislative Council whom I served under is the current leader, Hon Norman Moore. Norman is a close friend of mine and a person of vast political and parliamentary knowledge, and, apart from being the father of the house, is the most experienced member who has obviously participated in all those things that have occurred in the house in the past 32 years and seen the changes that have occurred over that time. He is a minister of undoubted talent and integrity and, in my view, it is his parliamentary knowledge that is the glue that holds the Legislative Council together. I wish him well in his next 30 years as a member of this house.

I said that I have served under three Presidents. The first was Hon Clive Griffiths, who was a member of this house for 32 years and President for 20 years. Clive succeeded in maintaining the dignity of the house during his 20 years as President. In fact, he was my mentor in all the positions I have held in the past twenty-four and a half years, and that includes in both the Legislative Assembly and the Legislative Council. Members may recall that Clive distinguished himself as the executive chairman of the world Commonwealth Parliamentary Association and was the first Australian to attain that high office.

The second President I served under was Hon John Cowdell. I pay tribute to John for the manner in which he discharged his role and duties as President. John was able to convince the then Labor government to provide significant funding to the Legislative Council for major extensions. His role as chairman of the Parliamentary History Advisory Committee has strengthened the position of the Legislative Council over the years.

Hon Nick Griffiths is the third President I have served under. He is the current President and I have developed a close personal friendship with Nick during his term as President. I have enjoyed my role in supporting him in the position of Deputy President. As a former lawyer, Nick has been very effective as chairman of the Legislative Council's Procedure and Privileges Committee and, like his predecessors, he has worked assiduously to maintain the dignity of the house and promote the Legislative Council committee system.

I thank all my parliamentary colleagues on both sides of the house for their friendship over the years, which I hope will continue into the future. I wish members success in the years ahead as they work for the benefit of our state.

Members may be aware that my daughter Michaelia was elected in the 2007 election to the Australian Senate. She is making her mark in that place, which is pretty good for me and makes me proud. I wanted to conclude my comments today by referring to some of the, what I thought were, perceptive words that she used in her inaugural speech last year in the Senate, and I think that they are relevant to all members of Parliament. As part of her speech Michaelia said —

My challenge, and indeed our challenge as representatives of the people of the states and territories of Australia, is to ensure that we have the courage to make the right decisions and where necessary the tough decisions not only for the short term but also for the long-term social, economic and environmental benefit of all Australians.

I must say that I support those sentiments. She went on to quote two notable persons. The first was Reverend Theodore Hesburgh, President Emeritus of the University of Notre Dame in the United States. He said —

The very essence of leadership is that you have to have vision. You can't blow an uncertain trumpet.

Michaelia concluded her inaugural speech with two quotations that she believed would be relevant to her role as a senator. The first is, again, from Reverend Theodore Hesburgh, and he said —

My basic principle is that you don't make decisions because they are easy; you don't make them because they are cheap; you don't make them because they are popular; you make them because they are right.

The second quote is a very simple one from another reverend, Reverend Jesse Jackson, who said —

Never look down on anybody unless you are helping them up.

Those principles can usefully be adopted by members, both current and future. I say to my parliamentary colleagues that, as members, they are often the people's last avenue of resort. It is a humbling responsibility and it is one that needs to be discharged with both care and compassion. Good luck, take care and enjoy the ride.