



PARLIAMENT OF WESTERN AUSTRALIA

VALEDICTORY SPEECH



HON SHEILA MILLS, MLC
(Member for South Metropolitan Region)

Legislative Council

Wednesday, 20 May 2009

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CLOSE OF SESSION

Valedictory Remarks

HON SHEILA MILLS (South Metropolitan) [7.30 pm]: In my inaugural speech, I spent some time discussing the nature of Australian federalism and the increasingly unilateralist behaviour of John Howard in his dealings with the states. I also noted that the then Leader of the Opposition and the previous Leader of the Opposition, who is now the Premier of Western Australia, took a bipartisan approach to federal incursions into matters that are properly the responsibility of the states. The Productivity Commission's final report on national competition policy, tabled in federal Parliament on 14 April 2005, made it quite clear that success depends on cooperative federalism and that national coordination between governments is critical to good outcomes. When the Rudd government was elected, it was gratifying to see that one of the first acts of the new Prime Minister was to convene a Council of Australian Governments meeting. This cooperative approach has become more critical, given the financial crisis that has enveloped the global economy. This cooperation was enhanced at the COAG meeting late last year when the enormity of what was happening in the global economy began to hit home, particularly with regard to the Western Australian economy. With the only Liberal member of COAG, Colin Barnett, an agreement was reached between the federal government and the state governments to speed up the audit of Infrastructure Australia needs. It was therefore satisfying to see in the federal budget that funds were allocated to Western Australia for the necessary infrastructure projects. More could have been allocated. Queensland did very well, unsurprisingly. However, it was a critical decision that will assist in helping WA during the current global financial difficulties.

There are other positive indications that a more cooperative approach to federal-state relations is being considered and implemented. However, there are areas about which I have some concerns. As a member of the Standing Committee on Uniform Legislation and Statutes Review for the past four years, I have noticed an increasing propensity for some uniform legislation to erode the rights that are rightfully enjoyed by the people of this state. History has shown that once those rights are taken away, governments of whatever persuasion never seem to want to give them back. A recent example of that is the Vocational Education and Training Bill. Amongst other things, clauses in the bill allowed bureaucrats to enter the premises of registered training providers and to search and seize material without a warrant. Failure to allow this would have incurred a significant fine. From memory, it was about \$10 000, but I stand to be corrected by the Minister for Training. When questioned as to why a warrant was not a requirement, the bureaucrats said that they did not want to tip-off anyone about what they were going to do. That legislation, with this and other questionable clauses, passed through the Legislative Assembly without anyone batting an eyelid or querying it whatsoever. It was because of the work of the Standing Committee on Uniform Legislation and Statutes Review that this matter was drawn to the attention of the house and the minister, Hon Peter Collier. To the credit of the minister, he made the changes to the legislation that the committee requested, and we thank him for that.

I have noted over time that there has been an increasing propensity to insert similar clauses into uniform legislation. The Water Efficiency Labelling and Standards Bill and the Food Bill spring to mind. The Vocational Education and Training Bill also exhibited another trend in uniform legislation; that is, placing significant matters into regulation that quite properly should have been in the body of the legislation itself. Hon Ray Halligan raised that issue earlier in his valedictory speech. This, coupled with the often tight time frames for reporting because a bill must be passed by a certain date, as decided by either an intergovernmental agreement or ministerial council, reduces the capacity for the adequate scrutiny of uniform legislation. It is because of the imperatives of the intergovernmental agreement that the state Parliament almost becomes a rubber stamp and flaws and inequities pass under the radar. This, of course, is coupled with the original introduction of a fair percentage of this type of legislation into the Queensland Parliament, which, of course, has only one house. That point should be noted by the member for Riverton.

Several members interjected.

Hon SHEILA MILLS: Sorry; I could not help myself!

The doozy of this type of legislation was the Terrorism (Preventative Detention) Bill 2005. The hysteria surrounding the introduction of the uniform legislative scheme was unbelievable and the draconian provisions were extraordinary. While acknowledging that the world has become a more dangerous place, I think that these measures were an overreaction and provided little or no accountability. I regret that at the time it was introduced and went before the committee to be considered, I did not have the courage to put in a dissenting report on that legislation.

Accountability is a word that is tossed around but often is discounted or ignored. It is quite prevalent now. Members of Parliament and public officers are open to constant scrutiny, and rightly so. I note that the Standing Committee on Uniform Legislation and Statutes Review also has in its terms of reference a review of the statutes. This includes not only the statute book, but also legislation that is either defunct, obsolete or needs very minor amendments. Last year, the committee dealt with the Statutes (Repeals and Miscellaneous Amendments) Bill 2008, which was a rather large bill that dealt with many pieces of legislation that fell into those categories, as Hon Simon O'Brien will recall. The committee found that some departments actually slipped significant amendments into the legislation that rightfully should have been part of an amending bill and subject to the scrutiny of the house. One of the organisations that tried that tactic was the Corruption and Crime Commission. I go back to the issue of accountability. The CCC is the organisation that has been set up to pursue matters of corruption. It has too much power, in my view, without adequate accountability or scrutiny. I hold no brief on behalf of a person or a group in my criticism of the CCC. It is just the type of organisation to which I am philosophically opposed. I know that there is the oversight committee and the Parliamentary Inspector of the Corruption and Crime Commission, but there seems to be a reluctance on behalf of the CCC to accept any criticism of its operations. The disagreement between the previous parliamentary inspector and the commissioner of the CCC saw them go to the Supreme Court, notwithstanding that the commissioner was the parliamentary officer. There was increasing pressure to seek access to material that was subject to parliamentary privilege. My view is that the CCC has always had a presumption of guilt, even of people who were subsequently cleared of any wrongdoing. The reversal of the onus of proof is anathema to our system of government, in my view. At the end of the day, despite significant findings, the CCC and its predecessor, the Anti-Corruption Commission, have not performed particularly well. I note the comments made in today's *The West Australian* by the new parliamentary inspector, which were positive. In spite of all the hype surrounding the CCC's performance, I think it has performed embarrassingly and well below expectations. I wonder whether funding and surveillance powers would be better directed towards WA Police to enhance the squad investigating the outlaw motorcycle gangs and organised crime which, to me, provide a far more dangerous threat to Western Australian society.

In dealing with corruption in the public sector, consideration should be given to strengthening the Public Sector Management Act to allow prosecutions to commence against public officers rather than allow them to resign and thus become immune to corruption proceedings. This position has been endorsed by the Director of Public Prosecutions, as discussed during the Standing Committee on Estimates and Financial Operations hearings into the Balga Works program. As we know, no charges were laid against a former principal at Balga Senior High School for that very simple reason—he resigned; therefore under the Public Sector Management Act, as it exists, he could not be charged with corruption. As we all know through the committee's report, it was a very significant abuse of a position of power and public moneys at Balga Senior High School and the Balga Works program.

Finally, I make comment on our bicameral system of Parliament. Western Australians, indeed most Australians, like the checks and balances of our system. This house provides checks and balances, particularly through the standing committee system. The committees provide excellent and well-researched reports on an array of matters. Sometimes I feel that governments, of any persuasion, do not pay as much attention to these very, very good reports as they should. I particularly would like to draw attention to a report that I tabled on Tuesday, which I do not think will be debated for quite some time. It is the sixteenth report of the Standing Committee on Environment and Public Affairs on municipal waste management in Western Australia. Waste management is not a sexy subject—rubbish tips, dumps and recycling—but, to many people, it is a vital service. I hope the government takes notice of the recommendations in the report, particularly that waste management should be legislated for as an essential service. Appropriate solutions to deal with waste management, landfill and recycling issues tend to be pushed to one side. People do not think about it—their bins get picked up every week and they do not worry about it. It is a significant problem and will be an even more significant problem in the future. I hope members in this house have had the chance to have a good look at that report. It is a very good report and its recommendations are very sound. I hope that the government, through the minister, takes up the recommendation that waste management is legislated for as an essential service. They are the main matters that are of concern to me and have been of concern to me over my period in this house.

I will go on to my thankyou's. I thank the staff of the Legislative Council and committee office for their professionalism and support. I also thank the security staff, dining and catering staff, Hansard and Cathy, Marilyn and Rosie on the switchboard. I am deeply appreciative of my electorate office staff, Sandra Smith, Helena Ball and Kiley Roberts for their hard work, loyalty, friendship and professionalism. I thank my family—my husband, David, and my son, Simon.

I wish to make one more comment about the failure of the Legislative Assembly to acknowledge the work and role of the Legislative Council. There seems to be a view that the Legislative Council is merely here as a rubber stamp and that the work done here is of little or no value. I think the contrary. The work of the Legislative Council is of

greater value than the work of the Legislative Assembly in its scrutiny of legislation, its standing committee reports and its considered debate. I suppose the Legislative Council has a lack of raucousness.

The bicameral system serves this state very well. The only comment I make about that is that the electoral system for this house should be looked at. The legislative system that was put in to get the one vote, one value legislation through should be looked at and analysed, maybe by a standing committee. I do not think it is a democratic system.

Other than that, I have enjoyed my time here—even Hon Norman Moore, who has given me a very hard time on occasions.

Hon Norman Moore: I do not think so.

Hon SHEILA MILLS: Yes, you have.

Hon Norman Moore: I think your speech tonight has been marvellous. I agree with everything you have said.

Hon SHEILA MILLS: He has been a good Leader of the House; a great traditionalist. There is nothing wrong with that—it is good to keep traditions. I thank Hon Simon O'Brien, whom I have worked with on the Standing Committee on Uniform Legislation and Statutes Review, for his sense of humour.

Hon Simon O'Brien: It has been a privilege to serve with you, Sheila. Good luck.

Hon SHEILA MILLS: Underneath that gruff exterior, he has got a good sense of humour! I would like to thank my colleagues on my side of the house. I particularly thank Hon Bruce Donaldson for his support as deputy chairman of the Standing Committee on Environment and Public Affairs, and anybody else who has participated in the committee system. Thanks.
