

**STATE FLAG BILL 2004**

*Second Reading*

Resumed from 2 June.

**MR J.P.D. EDWARDS** (Greenough) [4.00 pm]: I resume my comments on the Bill. I will be brief, because I have already said most of what needs to be said, and I am aware that a number of members on the government side want to speak on the Bill. I remind the House that the reason for the Bill is to provide a legal status for the Western Australian flag by means of an Act of Parliament. The Western Australian flag is very much symbolic of our State. It is part of our recognition of who we are and what we are. With those words, I support the Bill.

**MR M. McGOWAN** (Rockingham - Parliamentary Secretary) [4.01 pm]: I am pleased to speak on the State Flag Bill 2004 on behalf of the Government. The purpose of the Bill, as outlined by the Leader of the Opposition in his second reading speech, is to provide legal recognition for the Western Australian state flag. I will probably be the only speaker for the Government, at least in this House, on the Bill, because I understand there are other issues that the House, and in particular the Opposition, would like to deal with. I am pleased to inform the Opposition that the Government will support the Bill, subject, of course, to whatever happens in the upper House. It has been brought to my attention that one or two minor drafting matters might need to be dealt with. Those matters can be dealt with by the upper House, and we should be able to reach some agreement with the Opposition on improving the Bill as it stands. We have no difficulty with what the Opposition is proposing to do. The approach that the Government is taking is, of course, very refreshing. I do not recall any instance when I was in opposition when the then Government supported a Bill that we put forward. That goes to show that we are capable of listening to positive ideas put by the Opposition and supporting them as a Government.

The Leader of the Opposition said in his second reading speech -

Western Australia's first free settlement was established on the banks of the Swan River in 1829 and was originally called the Swan River Settlement.

That is actually incorrect. The first free settlement of Western Australia was established on Garden Island in Rockingham. It was moved to the Swan River after four or five months, and they went on to establish what has now become modern-day Perth. It is very important for the people of Western Australia to know that the first free settlement of our State was in fact on Garden Island in Rockingham. Therefore, my community has an important place in the modern history of Western Australia and Australia.

Mr P.B. Watson: What about Albany?

Mr M. McGOWAN: The settlement in Albany does not count as the first free settlement. As we all know, it was not an official free settlement of Australia at that time in 1826. The first free settlement was on Garden Island in Rockingham.

Mr P.B. Watson: Not in Albany?

Mr M. McGOWAN: No, apparently not.

The Leader of the Opposition said also that once this Bill is passed, the flag will not be able to be altered without the agreement of the Parliament. I want the Parliament and the people of Western Australia to understand that this Government has absolutely no intention of altering the flag in any way, shape or form. I understand that the federal Opposition also has no intention, and never has, of altering the Australian national flag. It has never been our intention to do so. Therefore, we are happy for that to be put into legislation, although it is a redundant provision, because there is no intention to alter the flag at all.

I note for the benefit of members, because I was not aware of it, that a minor change was made to the Western Australian flag in 1953 when the black swan was changed in direction to face the left-hand side of the flag whereas previously it had faced the right-hand side of the flag. I suppose that sort of minor change would be impossible when this Bill is in place unless it is made with the agreement of the Parliament. I do not foresee that we would want to change the direction of the swan again, but, if we did, we would need to get the agreement of the Parliament.

The Leader of the Opposition said also that he would like the Act to be in place by the 175<sup>th</sup> anniversary of the foundation of the Swan River colony, which was at the beginning of this month. Obviously that has not happened, because the Bill has not gone through the Parliament and received royal assent at this time. However, in a lot of ways it would not have mattered when the Bill went through this House, because it would have reached that logjam in the upper House. About 50 Bills are waiting to be progressed through that House, so this Bill would have joined the queue up there and would not have come into effect for a considerable time. It would have been impossible, considering when the Bill was introduced, for it to have passed through the Parliament

and to have met that time frame. As I have said, we support the Bill and its intention, but we will examine it to make sure that it is drafted correctly and any mistakes are cleared up.

I want to talk now about a few of the things in which I have been involved as a member of this place and that have promoted the stronger sense of identity as Western Australians that this Government has been involved in promoting over the past year or so. I am chair of the Anzac Day working group and also chair of the 175<sup>th</sup> anniversary implementation committee. Last week this House debated the Anzac Day Amendment Bill. That debate commenced in Albany and resumed when the Parliament returned to Perth. I recall that about 20 members of Parliament spoke on that Bill. This Government introduced that Bill 44 years after the passage of the initial Act, to provide some meaning to and recognition of the Anzac ideal, and to provide some strong words to give force to the intent of the legislation. It also gave members in this place an opportunity to put on record what they think about those matters. We were the first Government to consider doing that, and to provide a broader recognition of the events of 1915 and all the heritage and history surrounding Australians and Western Australians participating in the service of their country in the time since Federation.

I was very pleased that this Government put that forward. It was part of a much wider agenda. We had put in place measures to ensure that Anzac Day services were held in every state school throughout Western Australia. We were the first Government to do that, and we make no apologies for that. I note that a number of members of the Opposition objected to the Government making it compulsory for those services to be held in government schools. We decided against trying to do that in private schools, for obvious reasons. However, the Premier issued a directive to all government schools that that would take place, as did the Minister for Education and Training and the Director General of the Department of Education and Training. There can be no doubt about the Government's view of those matters.

I note that two or three speakers from the National Party and two or three speakers from the Liberal Party expressed their opposition to that on the basis of individual freedom and liberty, maintaining that there should be a lack of compulsion - I think that is the way they put it. However, all we are saying is that it should not be a decision of the principal of each school; it should be a decision of the elected Government. If we did not make it compulsory, we would be leaving it in the hands of individual principals, who may have a personal view of these matters, and they would deny the children at their school the opportunity to participate in an event of this nature. That very thing happened in the northern suburbs of Perth. We decided that we would not allow that. Members of the Opposition described it as heavy-handed, unnecessary and the like. However, we did not believe it was acceptable that some schools and children in this State would not have the opportunity to participate in such an event because of the personal view of a principal. People can call us what they want; we were not going to cop that. We believe that the memory of those people who served their country, and died in that service, is more important than that.

However, as we said, if any students have a personal, religious, philosophical or moral objection, they are not required to attend those services. We believe that is right and proper. However, we did not think that perhaps a thousand or up to 2 000 students at a high school should be denied the opportunity to participate in such a service because of the objection of one person - the principal - to these matters. Some members of the Liberal and National Parties are disappointed. However, they will have to learn to get over that.

We have put in place a range of other measures, such as the Anzac Day legislation and compulsory services. We are spending half a million dollars on repairing the state war memorial - that great icon of Western Australia's Anzac history. It has been in a state of disrepair for a long time. We have allocated the funds to repair it, and we have sought matching funding from the Commonwealth Government to assist with that. We announced on Saturday a \$250 000 grants program for all the little communities throughout Western Australia. Forty communities have taken that up. The vast majority of those communities are in the country. The member for Greenough's electorate is a beneficiary, as is the member for Murray-Wellington's electorate, I think. Probably up to two-thirds of the beneficiaries are in opposition electorates - Liberal and National Party electorates. Wheatbelt towns, great southern towns and some of the more affluent suburbs of Perth have been the beneficiaries of the memorial program that we have put in place to fix the honour boards and the memorials throughout Western Australia. We are spending \$32 000 in Kings Park to fix all the little plaques that were put in place by mothers of sons who never returned from the First or Second World War. There are 1 100 such plaques in Kings Park. We are spending that amount of money to make sure that they are all brought back to a pristine state. Many of them - in fact, 900 of them - need some repair work.

We have set up a web site. We wrote to every single council throughout Western Australia and all the Returned and Services League clubs, inviting them to tell us where the honour boards and memorials in their communities are. Hundreds of submissions came back, telling us about little honour boards in community halls and memorials that are overgrown. They were recognition of those events in towns that once were big and now are small, and they are largely forgotten these days because all the people involved have passed away. On the new web site that we have created, we now have a record of all the memorials and honour boards throughout Western

Australia. Britain is now undertaking such a project - I do not know whether it picked it up from us - so that the people will have a historical record of where all these memorials and plaques are. When a community hall is closed, knocked down or forgotten about, or if a bank is closed, people can grab the honour board and make sure that they have a record of what is on it.

We have also put in place a new program under which schools and cadet groups can adopt a local memorial and do a research project or maintenance work on it. So far 15 schools from around the State have taken that up. They will do research and maintenance projects on these memorials. We expect that many more than 15 schools will do projects and research on these memorials, so that for many years to come children and school students will be interested in that. We are building a statue of John Curtin. There will also be an annual trip with a dozen Western Australian school students to an important Anzac site.

This year a huge number and range of important events have been going on throughout Western Australia. Again, we had a community grants fund, and we allocated a large number of cheques to opposition members to present. There is the coins program for all primary school students. Opposition members are presenting coins and certificates to schools in their electorates throughout the State. We are pleased that there has been a bipartisan approach in distributing those community grants, and distributing the coins and certificates to the school students throughout the State. We are making sure that all those towns throughout country Western Australia - in many of them the vote for Labor is very low - are getting funds to fix their memorials, as are suburbs throughout the length and breadth of Perth.

Our record is there to see. We are very proud of what we are doing in these matters. We are able to support this Bill and show some bipartisanship and support for the Opposition's proposal. We are not bloody-minded in these matters, and do not say that because we did not put it forward, it should not be supported. We are pleased to have done all these things.

I conclude my remarks by saying that this Bill will need examination by parliamentary counsel. It may well be amended in the upper House to fix any drafting anomalies. I am pleased that the Leader of the Opposition did not include in the Bill any of his earlier proposals regarding damage to the flag. That would have been a divisive issue, and it was perhaps unnecessary to include it in this Bill. As I understand it, this Bill reflects the commonwealth Flags Act 1953, which is virtually identical to this, and gives legal status to the Australian national flag. As we know, it is commonwealth policy, and John Howard's personal policy, that it would be counterproductive to include any provisions about damaging the flag, simply because by doing so, more people would be encouraged to go out and damage it because it is an offence. I also discovered in my research on the earlier legislation proposed by the Leader of the Opposition that protecting one flag might mean that people could also find another flag similar but not identical to the flag being protected, and burning that would not be an offence. Trying to regulate this kind of thing would have been very difficult for the Government. Then there is the fact, as the Prime Minister said, that anyone who believes in liberty must also believe in the right of people to protest in ways that he or she might not like, as a way of showing their displeasure with the actions of either the Australian Government or some foreign Government. I have clearly set out the position of the Government on this Bill.

**MR B.K. MASTERS** (Vasse) [4.21 pm]: I am pleased to offer my support for the State Flag Bill 2004. My intention is to speak about it very briefly. It makes enormous sense to recognise the state flag in the way set out in the Bill introduced by the Leader of the Opposition. In the past I have been prepared to consider changing the flag and doing a range of things that might be considered by some people to be unconventional, contrary to tradition and so on. However, it makes sense to recognise the state flag of Western Australia. As the member for Rockingham has pointed out, a number of things have been done by the current Government to help create a sense of place and understanding of where we sit in the Western Australian environment. That the state flag has the two elements - the Union Jack showing our English heritage, and a black swan showing our unique environment and something that was very special and meaningful to the early settlers and explorers - highlights the importance of the flag. However, it is amazingly coincidental that the member for Rockingham, as the Government respondent to this piece of legislation, should indicate that the Government has no intention of modifying the flag. I accept that; I believe that there is no intention on the part of the Government to change the flag, and I certainly believe that the Opposition has no such intention.

Having said that, however, I would actually like to see the state flag modified. The reason I say this is that if members are interested in examining the flag closely - I appreciate I am standing some metres away from other members - they will see that the head of the black swan on the flag does not look like any black swans that I know. I do not mean this to be taken frivolously or trivially, but it strikes me that whoever drew this black swan was looking at an animal that had been either run over by a heavy truck or had been subjected to some form of deformation.

Mr J.H.D. Day: Can you go and get us a real black swan so that we can compare it?

Mr B.K. MASTERS: If the member had given me some notice, I certainly could have done so. I am trying to be serious because, as a person with a strong affinity with the natural environment, who has spent a significant amount of time in the past catching young black swans that were about to die in various wetlands in the Busselton area and transferring them to safe havens, I must say that this does look -

Ms K. Hodson-Thomas: Look at the swans on the windows.

Mr B.K. MASTERS: The member for Carine makes a very valid point. She is pointing out the black swans on the stained-glass windows that surround us here in the Legislative Assembly Chamber. The depictions of the black swans on those windows are very accurate. Anyone looking at them would know instantly that they are black swans.

Mr P.B. Watson: They were made in Albany.

Mr B.K. MASTERS: I am pleased to recognise the fact that Albany was the first European settlement in Western Australia, in spite of what the member for Rockingham has stated.

Mr R.F. Johnson: The one you have in your hand, member, is the flat-billed black swan.

The ACTING SPEAKER (Mr D.A. Templeman): Members, we are now beginning to speak about black swans across the Chamber. I ask the member for Vasse to direct his comments through the Chair.

Mr B.K. MASTERS: I intend to ignore that last comment, Mr Acting Speaker! I am trying to be reasonably serious in this.

Mr M. McGowan: Is this your swan song?

Mr B.K. MASTERS: It could be. That is very clever!

I appreciate that this legislation will require the approval of both Houses of Parliament before any changes can be made to the state flag. Nonetheless, it is important that I raise for the consideration of members the fact that an examination of a good depiction of the state flag will show that the bill of the black swan does not look anything like the bill of a live, healthy bird that might be found on the Swan River or at the Perth Zoo.

Ms A.J. MacTiernan: Has the member noticed that the lions on the British crest do not look like the lions we see in the zoo?

Mr B.K. MASTERS: How can Hansard report that? I guess they cannot. I have no interest in what is happening on the British crest. I am trying to be relevant to the piece of legislation before the House. I again ask all members to have a look at a full-scale reproduction of the state flag just to see whether they share my views that the depiction of the black swan on the state flag is not lifelike and realistic. I hope at some future time that we will very slightly but importantly modify the state flag.

**MRS C.L. EDWARDES** (Kingsley) [4.27 pm]: I convey the apologies of the Leader of the Opposition, who unfortunately had to leave to attend a function at Government House, for not being here at the end of the debate to express his thanks to all members of this House, particularly government members. This is a significant contribution to the State's 175<sup>th</sup> anniversary celebrations.

Question put and passed.

Bill read a second time.

Leave granted to proceed forthwith to third reading.

*Third Reading*

Bill read a third time, on motion by Mrs C.L. Edwardes, and transmitted to the Council.