



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Hon Michael Mischin MLC

(Member for North Metropolitan)

Loan Bill 2009

Legislative Council

Tuesday, 23 June 2009

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Second Reading

HON MICHAEL MISCHIN (North Metropolitan) [7.47 pm]: I rise in this place as a humble, grateful and proud Australian. I am humble because I know that in electing me, the people of the North Metropolitan Region have put their faith in me, and I am well aware of their expectations. I am grateful to everyone who has helped me to get here, including the Liberal Party, my family and my supporters. I am a proud Australian because I recognise and am reminded daily that I owe this country for everything I have and everything I am. Despite popular cynicism, I still believe that it is an honour to serve the community in the Parliament of a robust democracy such as ours. It is also a challenge, perhaps more so now than ever, but there are some values and institutions that must endure and are worth preserving.

I will briefly reflect on what I believe is important about being part of this institution and why it should never be taken for granted. We, the newly elected members of this place, take our seats in global economic circumstances the like of which have not been seen for nearly 80 years. The world is changing rapidly in many ways, and we owe it to the people who have placed their trust in us to adapt to, persevere with and overcome the challenges that those changes present. More than that, we owe them our commitment to ensure proper regard for, and protection of, their fundamental rights and liberties. We owe it to them to maintain a balance between the powers of this Parliament, those of the executive and those of the judiciary, and we also owe it to them to rebuild respect for the institution of Parliament.

Mr President, I am an ordinary middle-aged Australian; I make no claim to any political ancestry, or, indeed, to any lifelong ambition to have a political career. My interest in parliamentary service came rather late in life, and I have been fortunate to have been allowed the opportunity to realise that interest. I merely hope that when I leave this place, people will say of me that I served the state well. That is something that can truly be said of my two North Metropolitan Region predecessors, Hon George Cash and Hon Ray Halligan. They are men who, despite the differences they may have had with political opponents over the years, were nevertheless respected for their service to Parliament and to the community. I will acknowledge them in more detail in due course.

If I can bring to this Parliament some of the values that I have tried to live by in my private and professional life, I will consider my time here a success. Those values are loyalty, integrity, respect for others, and a commitment to do what is right. These are the touchstones that, with the forbearance of members, will guide me during my parliamentary journey.

Like so many Australians, I count the experiences of my immigrant forebears, reinforced by what I have learned through my study of history, among the most important building blocks in my life.

Mischin is obviously not an Anglo-Saxon name. My parents came to Australia as “Displaced Persons” following World War II. They came here as children, with what was left of their families, and with only what possessions they could carry in suitcases. They came here in the aftermath of a war that, in the 12 months before its end, was killing one million people a month. It was a war that ravaged Europe and had threatened to destroy civilised society and replace it with a refined barbarism masquerading as law and order.

It was not their first dislocation. My paternal grandparents were Russians who had fled a murderous revolution and eventually settled in Yugoslavia. My paternal grandfather was killed in a bombing raid on Belgrade during World War II; my father was only about 10 years old at the time. My father’s brother was an officer cadet in the Yugoslav army when the Germans invaded, and he was taken as a prisoner of war. However, my father and my grandmother managed to escape Yugoslavia and, reunited with my uncle, they ended up in Germany as “Displaced Persons”.

My mother’s family also hailed from Eastern Europe. Her family—from a small village on the Polish-Belorussian border—suffered loss and dislocation during the war and, by its end, most of what remained of her family were working on farms in Germany. It was from there that they, like so many others, came to Australia.

Mum and dad met and grew up at the Holden Immigration Camp in Northam. They married in that town and then moved to Perth. They struggled to find a place in a country that offered peace and prosperity but was nowhere near as cosmopolitan as it is today, and where sometimes immigrants found it difficult to gain acceptance. Members will understand why Hon Helen Bullock’s account of her own coming to Australia and her experience of being a stranger in a strange land struck a sympathetic chord with me.

My parents worked hard and lived frugally and they provided all that they could by way of comfort, educational opportunities and familial support to me and my three sisters. I was educated in state schools—Karrinyup at primary level, and then Scarborough Senior High School—after which I attended the University of Western Australia. There, after a shaky start, I graduated in law with honours. I did my articles in a private law firm and, for a couple of years, I worked for a one-man practice—that of one Athol C. Gibson, a man of generosity and of whom I have fond memories.

In 1985, I commenced work at the Crown Law department as a research officer for Ron Davies, QC, then state crown prosecutor. Ron was and still is something of a legend in the legal profession and is a man whom I regard as a consummate prosecutor and fearless advocate. Anyway, that was the start of a career in criminal law that has spanned almost 24 years, almost exclusively as a prosecutor for the state. I presented cases in courts across Western Australia.

In doing so, I met all manner of people, young and old, good and bad, and from all backgrounds. To do my job I have had to be able to understand what makes people tick. In the process, I have learnt to appreciate, if not necessarily agree with, other people’s points of view. Of course, in the course of my career I have seen incompetence, I have seen corruption and I have seen base behaviour. But I have also had my faith in human nature strengthened by finding resilience, honesty, community spirit and generosity where I least expected it.

I have travelled widely across the state and I have seen the circumstances in which others live—city and country—and I believe that I have acquired an appreciation of their problems. In my view there is nothing so destructive to a community, even a state as great as Western Australia, as the feeling that others do not understand or care about your particular problems. I have learnt the importance of listening to others and the importance to them of knowing that they have been heard. For example, I have stayed in distant regional centres when out on circuit. Although that, of course, is not the same

as living there full time, it does give one an inkling of the sorts of problems people face in those centres: the frustration of poor telephone connections, unreliable electricity, prohibitively expensive air fares, lack of accommodation in growing centres, reduced access to medical facilities, and even getting the morning paper a day later than everyone else in the state. All in all, it is the feeling that, because people are in a rural centre, they may as well be in another country altogether. I have also found that even differences between some parts of this city can be as profound as those between Perth and the remotest parts of the state.

It is appreciation of this unique diversity of ours that reinforces my commitment to preserve our state's autonomy; we are, I believe, best served by a genuinely cooperative federal system of government.

I have alluded to one of the things the wartime experiences of my parents and grandparents hammered into me. What happened in Europe in the lead-up to the Second World War has indelibly impressed on me the dangers of concentrating too much power in the one set of hands and how badly power can be abused.

Although of Eastern European heritage, I was born and raised in Australia. My career as a legal practitioner has made me an even greater admirer of the institutions we have inherited from Britain—ideals such as an independent judiciary, an independent civil service and the concept of a bicameral legislature. I accept that, as a general principle, the government of the day should not be obstructed in its legislative program. But that does not mean that the manner in which it implements its program should not be examined with the utmost care and, when necessary, opposed. For example, in some cases when public passions over an issue are inflamed, a hasty response may result in laws that are badly drafted or have unforeseen or undesirable consequences. We cannot afford the luxury of allowing expediency to triumph over principle.

Our system provides us with a cooling-off period and an opportunity for further examination and consideration. No publisher, for example, would consider sending something to print without it being reviewed by a proofreader, yet the way we are going I genuinely fear that the erosion of our rights and freedoms may occur by stealth. I acknowledge that the community's desire for security, whether it be from terrorists or thugs in pubs, creates a seemingly increasing demand for regulation. There is an assumption, its genesis probably in the concept of the welfare state, that governments can cure every ill. But laws alone cannot eliminate every risk a citizen faces, and no human institution has ever functioned with machine-like precision, let alone satisfied everyone's expectations of it. Laws can provide only a measure of our rights and obligations; they guarantee nothing.

History has shown us that such a quixotic search for state-guaranteed safety can result only in the creation of a police state. We must be wary in our search for security and to perfect our institutions that we do not lose the flexibility that allows them to adapt and to evolve. This, after all, has been the source of their resilience over the centuries and their value until now.

Let me say that I believe the greatest defence against that is not a Bill of Rights. We will not protect the people by abrogating responsibility to unelected judges or to broad and bold statements of principle that do not allow for subtlety and necessary exception. People can, however, protect themselves by better understanding the basics of our system of government and the institutions upon which our society is founded. We, as legislators, can protect the people by exercising our power in the most principled way. The latter is why the Legislative Council continues to have a vitally important role in our system of government and why I am particularly grateful to be able to serve in this place.

But, as every comic or movie superhero knows, power carries with it responsibility. I believe our responsibility is to deal with the business before the house diligently and expeditiously and to not

wilfully obstruct the progress of matters before it by insubstantial attempts at point-scoring. I believe that obstruction and disruption are an insult to the dignity of this house and a betrayal of the responsibilities that we bear towards our constituents.

It is customary on this occasion to acknowledge those who have contributed to my being in this place and I am honoured to do so now. There is a risk in this, of course. Firstly, there are so many to whom I owe so many things that to mention them all might take up not only the rest of tonight but also part of tomorrow. Secondly, it will inevitably mean that I will miss someone out or not do someone justice. Therefore, I will specifically name just a few people in the knowledge that those whom I do not mention by name will know that their contributions are close to my heart and I shall not forget them.

I have already thanked my constituents. The reality is that people who vote for candidates in this chamber are primarily voting for a party. I recognise that I am in this place as a representative of the Liberal Party of which I have been a proud member for some 17 years. Nevertheless, I especially thank the 161 North Metropolitan Region voters, out of 280 235 voters who cast a ballot, who eschewed the party ticket and gave me their first preference. I had no idea I was that popular, but I can assure you, Mr President, that even my extended family is nowhere near that large!

I now turn to those who had a direct influence on my being elected. Firstly, I thank my wife, Robyn. Her love and friendship have sustained me in the hard times and, despite her serious misgivings about the impact my change of career is going to have on her quality of life, she nevertheless continues to support me. I thank my family and my parents, George and Maria, for their love and nurture, for doing the best they could for me and for providing me with what they were able. I thank my parents-in-law, John and Noelene, who have supported and encouraged me and, as a bonus, are great friends. To my sisters, Lana, Tania and Nadia, I thank them for putting up with me all these years. To Hon Peter Collier, I also say a heartfelt thanks for his inspiration, counsel and support. I marvel at his energy and the commitment that he brings to the job, and I look forward to adding a long and fruitful working relationship to our enduring friendship. I thank the Liberal Party for its support. I thank my branch, Dalkeith, who are a wonderful bunch of people, such as the president, Ann Patrick, and the vice-president, Ian Warner. Our branch activities have been dedicated to not only the advancement of the Liberal cause, but also the principle that we should have fun while doing it, and I think we have tended to succeed in both. I also thank the other members in my division and the neighbouring divisions within my region for their support and confidence in me.

At this point, I further acknowledge the contribution of Hon Ray Halligan. As the Leader of the House said on the occasion of Ray's retirement, Ray has been a tireless worker for our parliamentary party. He has had a long and genuine interest in the ethnic communities of the North Metropolitan Region and throughout the state, and he has contributed significantly to this house and to its committee system. I also acknowledge and thank him for his personal support, his encouragement and his advice since my election. One of my objectives will be to maintain the high standards he has set.

I also wish to pay tribute to Hon George Cash. I need not recap his long and distinguished career in politics, our party and this Parliament. His achievements speak for themselves. For me personally, however, George has been someone who has also generously volunteered his time, his counsel and his wisdom over the months since my election—my period in limbo, as it were. I shall certainly value his advice in the future.

I wish to acknowledge the assistance of the parliamentary staff and the help that they have given me over the past several weeks, and the level of professionalism they bring to bear to their duties.

Lastly, I would like to acknowledge the support of my electorate officer, Sherryl Paternoster, and my research officer, Peter Ramshaw, and thank them for their enthusiasm to join me in what promises to be an exciting and rewarding adventure.

Like most newly elected members, I arrive here as a relative neophyte. My experience in law for some 27 years will no doubt help me, but I am, nevertheless, conscious that I am starting at the bottom of an evolutionary ladder. I know full well that I have very much to learn. At the same time, I do believe that I have something that I can contribute. I look forward to working with my parliamentary colleagues, whom I thank for the warmth of their welcome since my arrival here. I also look forward to working with, and, as necessary, opposing, the members on the other side of this chamber. I look forward to doing that with the conviction that whether we work in concert or in conflict, we are doing so for the betterment of this institution and striving for the benefit of the people of Western Australia. I look forward to serving my electorate and the people of the state as best I can; I look forward to honouring this Parliament and this chamber; and I look forward to honouring the Liberal Party.

On a parting note, I would like to say that my experience in nominating for, being selected for and winning a seat in this house has been a journey that I will never forget. As Western Australians, we should never forget what a privilege it is to be able to be involved in politics in our uniquely Australian way. We must never forget the unique freedoms we have and must cherish these above all else. One of the most satisfying things I have found about polling day—apart from winning, of course—is the fact that no matter what passions are aroused by the issues and the circumstances on the day, or in the weeks leading up to it, voters can cast their vote with the confidence of knowing that they can then go home safe and sound. That is a lot more than can be said about so many other places in the world. I would like to be able to do my bit to keep Australia that way.

I thank you, Mr President, and members, for your patience and your indulgence.

[Applause.]
