



PARLIAMENT OF WESTERN AUSTRALIA
INAUGURAL SPEECH



Hon Nick Goiran MLC
(Member for South Metropolitan)

Budget Debate

Legislative Council

Wednesday, 3 June 2009

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ESTIMATES OF REVENUE AND EXPENDITURE

Consideration of Tabled Papers

INTRODUCTION AND ACKNOWLEDGEMENTS

HON NICK GOIRAN (South Metropolitan) [7.31 pm]: Mr President, I rise in support of the motion to take note of the tabled 2009-10 budget papers. I do so with a spirit of thankfulness, celebration and privilege. Firstly, I am thankful to the constituents of the South Metropolitan Region for electing me as one of their six representatives of the region. Equally, I am thankful to the Liberal Party for preselecting me in February 2008. It is indeed an honour to serve alongside my colleagues Hon Simon O'Brien and Hon Phil Edman. Secondly, I celebrate with the members of my family at this time. A number of them are here today in the public gallery. In particular, I would like to take the opportunity to acknowledge Jody, who continues to do me the honour of being my wife. Together, we have a wonderful family and, due to its size and variety, we generally refer to our children as our tribe. I publicly want to acknowledge the generous support of my entire family in arriving at this date and I commit to ensuring that, notwithstanding the pressures of being a member of Parliament, I will continue in a very intentional and deliberate way to make sure that our family retains its rightful place in the priorities of my life. In addition, I would like to acknowledge my friends and professional colleagues both in Western Australia and interstate and thank them for their support, particularly over the past two years. I look forward to an opportunity to celebrate with each of them. I particularly wish to acknowledge those friends and colleagues who have been able to attend this evening in the public gallery. I thank them for their support—it is very much appreciated.

Thirdly, it is a great privilege to be able to serve the people of the South Metropolitan Region in this capacity. On reflection, it amazes me that I should be here today. In my formative years as a young adult I had not the least interest in entering politics. However, for reasons I will elaborate on later, I have been inspired to retire at a young age from the legal profession and commence a new season in my life as a member of Parliament.

NOTING THE PAPERS

In preparing to debate the motion before the house on the noting of the tabled papers, it seemed best to me that I consider the motion from three broad perspectives. Firstly, I thought it important to consider the motion in light of the role of the Legislative Council. Secondly, I would like to take note of the budget's impact on the South Metropolitan Region. Lastly, I would like to reflect on the wider interests of Western Australia.

ROLE OF THE LEGISLATIVE COUNCIL

Firstly, I would like to discuss the role of the Legislative Council. In doing so, I would like to briefly pause to acknowledge the work of the Clerk of the House and his deputies in providing several comprehensive induction sessions. Their professionalism, together with their welcoming approach, was very much appreciated.

Given that the tabled papers that we are considering in this motion are in fact more commonly known as the budget papers, it was a matter of great interest to me to learn that since the establishment of responsible government in 1890, this house has never blocked supply; and, further, that it is generally understood that the members of the other place control the public finances. Accordingly, during my preparation I wondered what purpose this motion really serves. As my preparation continued, it became clear that although this house ought not block supply, it nevertheless plays a vital role in scrutinising the government of the day, with particular emphasis on its policies and actions. I acknowledge that the debate on this motion is only one of the ways in which this scrutiny is undertaken—it is also undertaken within the Legislative Council committees and in the legislative functions of this house. However, it is the scrutiny role of this house that is of particular interest to me.

In the 10 years prior to my entering this place, I worked in the legal industry. Over that time, I found myself becoming more and more frustrated by the problems within many of the statutes that have been passed by our Parliament. My frustration reached its peak during the tenure of the immediate past Attorney General. From the outside looking in, it appeared to me that the sheer quantity of law reform being attempted resulted in this house not being able to completely fulfil its scrutiny role. Having had some opportunity to interact with the members of this place, I have no doubt that every best endeavour was made. However, when faced with what can only be described as an avalanche of law reform, it is no wonder that some of our statutes are in the state that they are in.

I turn now to one practical example of how I found this principle demonstrated during my law career. There are many examples, but I will endeavour to restrain myself at this time and highlight some of the injustices that exist in Western Australia for victims of crime. I have had the opportunity of helping hundreds of victims of crime, primarily by way of advice and advocacy. It has been a privilege to help each of these victims. But I cannot in all good conscience describe it as an enjoyable experience. Many of these people have been victims of sexual abuse—heinous crimes that I would argue are of the highest magnitude. The suffering that many of these victims experience during the crime is indescribable. However, sadly I must report to the house that, in some cases, the legislation passed by this place has only added to their torment. On 2 December 2003, this house passed the Criminal Injuries Compensation Bill 2003. That was a bill that had been generated in the other place and had been championed by the immediate past Attorney General. In considering such legislation, in my view members ought to take note that it is very difficult for a victim of sexual abuse to report the matter to the authorities. In some instances, that difficulty has been magnified when those in authority have failed to involve the police. In the event the matter does get to the police, the victim must relive the ordeal by painstakingly detailing every memory of the incident or—unfortunately, in many cases I must use the plural—incidents. The victim must then agonise during the wait that results from police investigation. In the event that charges are laid, the victim is put through our justice system. It is inevitable that this journey through our courts will be a protracted one. Finally, the victim must again relive the ordeal by again painstakingly giving evidence of every detail of the incidents. The victim is then cross-examined by the accused's advocate. This tortuous process finishes with a verdict. My time today will not enable me to explore why it is that a guilty verdict is not the end of the journey for a victim of such abuse. Rather, I wish to draw to the attention of members of this place what happens when a not guilty

verdict is issued. At this point, members ought to take note that a not guilty verdict simply means that the charge was not satisfied beyond all reasonable doubt. This does not change the reality that the abuse occurred. In saying this, I of course want to acknowledge that there are a rare group of accused who are authentically innocent.

Under the former regime, a number of criminal injuries compensation acts were in force, depending on the date of the offence. In any case, under the former regime, provision existed for a victim to apply for a certificate from the Attorney General. I quote for the benefit of members section 15(1)(a) of the now repealed Criminal Injuries Compensation Act 1985 —

Where a person has suffered injury or loss in consequence of the commission of an alleged offence and it appears to the Attorney General that —

- (a) that person is not eligible to apply for an award of compensation for that injury or loss and the circumstances of the case are such that it would be unjust if that person were not so eligible ...

...

the Attorney General may certify that a claim may be made under this subsection, and if the Attorney General does so the person who has suffered injury or loss may apply to the Chief Assessor for an award of compensation for that injury or loss.

In essence, this meant that if the Attorney General considered it was unjust for a victim not to be eligible for compensation, the Attorney General could grant a certificate that would enable the victim to proceed with a claim for compensation, notwithstanding the not guilty verdict. An application would be made, an assessment made and an award granted, including an allowance for future counselling. This was how we used to be able to assist such victims prior to this house's decision on 2 December 2003. However, this house passed the 2003 bill, championed by the immediate past Attorney General, which among other things removed the provision for such a certificate. Perhaps members may be interested to know how a victim in this situation can now claim. The victim can still claim but needs to convince the assessor, on the balance of probabilities, that it was someone other than the accused who had committed the offence. Quite frankly, this is a disgrace. It is not as though a victim of sexual abuse would be able to identify some other perpetrator. With respect, it was either the accused or it never happened. Just because the prosecution was unable to convince a jury beyond reasonable doubt does not mean the sexual abuse did not occur. I point out this example to re-emphasise to the house how critical our job of scrutinising legislation is. I challenge the members of this place to make this Parliament the best in producing quality legislation that is just and practical. Our efforts to do this must be redoubled, as our failure to do so will result in more Western Australians continuing to suffer.

I could of course continue to cite myriad further flaws in the Criminal Injuries Compensation Act 2003, which I note had to be amended on several occasions by the immediate past Attorney General due to the poor state in which it first came before Parliament. I confess to having great sympathy for the position expressed by Hon Peter Foss when he said, in speaking to one of the amendments on 28 September 2004 —

I therefore believe this is a good Bill, although it is a pity we had to have it. It is a shame that it has taken three years to come into the House, during which time victims have been deprived of the capacity for larger recompense. It was quite unnecessary to take three years, given the power to increase compensation by regulation. It was also quite unnecessary in view of the fact that the Attorney General could have amended the old Act by introducing the Bill he drafted in 1997 to Parliament the first time it sat. The Attorney General did not even need to wait for Parliament to sit; he could have introduced a regulation on day one of Parliament. He had full authority to do so and had promised the people of Western Australia

he would. It would have been the simplest matter to do that, but he chose not to. We are now seeing one of the consequences of his foolish pride; that is, he has ended up having to make these amendments somewhat belatedly. As they always say, better late than never. I hope that not too many people have been penalised as a result of it.

I report to the house that the words of Hon Peter Foss were prophetic and that many people have been penalised by the present system and continue to be, and we must now work to untangle the mess that exists.

BUDGET'S IMPACT ON THE SOUTH METROPOLITAN REGION

I would now like, in light of the role of the Legislative Council and in noting the tabled papers, to consider the impact the budget will have on the South Metropolitan Region. As previously mentioned, it is our role in this place to hold the government of the day to account. I am pleased to say that in light of the global economic crisis it is clear that the present government is performing admirably well. I am delighted to note that the papers forecast a surplus for the next two years. In particular, I am pleased to note that this government has not blindly followed the lead of other governments, both in Australia and abroad, whereby, in effect, a licence to print money has been given. Economists and others more learned than I am may choose to use seemingly impressive terms, such as quantitative easing, but the truth is that what governments are doing is just an experiment and they do not have the faintest idea what the outcome of their strategy will be. At the end of the day, the proof is in the pudding and governments will and ought to be judged in part on their economic management and performance. It is easy to label oneself an economic conservative; it is another thing altogether to act as an economic conservative.

I am delighted to note that the people of the South Metropolitan Region are major beneficiaries of the government's budget. Again, time does not permit me to take note of all the benefits for my region; however, I am pleased to note the following benefits —

- There has been \$10.6 million set aside over two years for workers' compensation premium rebates to employers of first-year apprentices and trainees. The small business owners with whom I have discussed this have said that it will help them to increase and retain a number of these new employees.
- There has been \$8.9 million set aside for planning, investigation and design activities for the extension of Roe Highway from Kwinana Freeway to Stock Road. A number of my constituents have expressed their great relief that this is once again moving forward.
- Meanwhile, a young adults' prison will be built on the site of Rangeview Remand Centre. This 80-bed prison for male offenders aged between 18 and 22 years is estimated to cost \$36.3 million and will be completed by the end of 2011. It is intended to create a facility for young males to be imprisoned in a safe and secure environment away from mainstream adult offenders. I believe congratulations are in order for the government on this and also the custodial infrastructure program, which I am informed is the most significant custodial accommodation change in the state's history.
- Lastly, I note that a total of \$46.6 million has been provided over the forward estimates to implement the better transport system strategy, which will deliver 1 280 additional Park 'n' Ride car bays at six stations on the Mandurah and Joondalup lines, including Warnbro and Rockingham stations, during 2009-10 at a cost of \$17 million. Having been a keen frequenter of our bus and train services over the past 10 years, I am all too aware of the sardines-in-a-can style of public transport at peak hours, so I note with interest that \$95 million has been allocated towards additional bus and train acquisitions. If the minister could ensure that six carriages instead of three leave the Esplanade train station at 5.00 pm on weekdays, many of my fellow long-suffering commuters would be most appreciative.

THE WIDER INTERESTS OF WESTERN AUSTRALIA

In light of the role of the Legislative Council, I would also like to take note of the tabled budget papers by considering the budget's impact on not only the South Metropolitan Region, but also the wider interests of Western Australia. As was previously mentioned, it is our role in this place to hold the government of the day to account. I congratulate the government for producing a well-considered budget that maintains the state's AAA credit rating. The government can truly be considered an economic conservative. However, when considering the wider interests of Western Australia, I encourage the government to place a high value in its policy considerations on the interdependency of all members of Western Australian society. In fact, this house ought to have this at the top of its mind when fulfilling its function on behalf of the people of this state. Sadly, many times I have heard people propose the notion that what people do in the privacy of their own homes is their own business. This idealistic notion fails to adequately consider the interdependency of our relationships as a society. When children are sexually abused in the privacy of their own homes, it becomes a matter of state interest. When children are malnourished and mistreated in the privacy of their own homes, it becomes a matter of state interest. The very fact that a Department for Child Protection exists confirms that the idealistic notion proposed by some in this state is merely that—fanciful and baseless, and, frankly, a notion for either the lazy or the unsympathetic. To illustrate this point I will provide a recent example in which I find that the truth of interdependency was not considered adequately, if at all, during deliberations. Arguably the straw that broke the camel's back for me and convinced me to commit wholeheartedly to a change in career was the immediate past Attorney General's attempt to legalise brothels in Western Australia. As I observed the process unfold, I was staggered to see what I can only describe as a bulldozer approach applied to an issue that, put simply, is the abuse of women. My reference to a bulldozer approach is my reflection on the decision of the previous government to refuse its members a free vote on the Prostitution Amendment Bill 2007. My dismay was not at all limited to the approach taken, which must have made some members opposite sick to the core, but was magnified when I realised the outcomes of the working group into the issue. On examination, I noted that the terms of reference given by the immediate past Attorney General to the Prostitution Law Reform Working Group were as follows—

1. Draw up the broad principles upon which prostitution reform should be based.
2. Consider laws in other jurisdictions including New Zealand.
3. Address the practical issues for Western Australia.

I have no particular issue, as such, with the brief, but I have a big problem when a working group undertakes its brief only by visiting New Zealand and examining its model. This was in the context of an environment in which the model used in Sweden was being advocated by many groups in this state. What appalled me most was when I read on page 12 the working group's comment on the extent to which it had investigated the Swedish model. It stated —

Some submissions received by the Working Group referred to the 'Swedish' model which has criminalised prostitution with respect to clients. The Swedish Government, in an effort to remove women from the sex industry, has targeted clients rather than sex workers. As the New Zealand Committee observed, although the effect of the law introduced in 1999 was a decrease in the number of women working visibly as sex workers, Swedish researchers point out that clients and workers have found less visible ways of making contact.

With all due respect to the New Zealand committee, on an issue as important to the interests of women as this one, I would have expected our working group to investigate the model used in Sweden more substantively than to merely accept the observations of the New Zealand committee. One of the key recommendations of the working group, under the banner of "Health, Safety and Working Conditions" on page 8 of its report, was —

A minimalist decriminalised model be adopted focussing on the provision of information and education to increase awareness of health and safety issues within the industry, provision of support to sex workers, reducing stigmatisation of sex workers, recognising the right of sex workers to work in a safe environment and empowering them to assert their rights.

In essence, the working group was telling us that it should be okay for a person to be a prostitute if that is what a person wants to do. I am here to say that it is not okay—it is an abuse of women. There is a great deal of delusion going on if any member believes that the majority of women in the prostitution industry really want to be there. In the vast majority of cases, they have not exercised genuine free choice. Melbourne University Professor of Social and Political Science, Sheila Jeffreys, wrote that —

Legalisation and decriminalisation are actually institutionalising, promoting and teaching the abuse of women and creating an ever expanding industry which normalises that abuse.

For the benefit of Hansard, that was sourced from “10 Reasons Why The Prostitution Reform Bill Won’t Work” at www.maxim.org.nz. Meanwhile, those members in this place who are big fans of the Australian Human Rights and Equal Opportunity Commission may care to review its 1989 report entitled “Our Homeless Children”, which showed that, of 25 000 homeless children in 1989, 9 000 were between 12 and 15 years of age, and the majority were fleeing abuse. Most of these children tried prostitution within two weeks in order to survive. I acknowledge that no sane person will advocate that these are facts to be celebrated, but the point is that if prostitution is legalised and decriminalised, we are sending a message loudly and clearly that this is okay. The truth is that it has never been okay. In my view, it is better to say that in Western Australia we will not condone the abuse of women. It seems to me that we need to bring back the TV advertising of the former Howard and Costello federal government, which repeatedly sent the message, “To violence against women, Australia says no”. What is all the more remarkable is that the immediate past Attorney General could get away with this type of law reform in an era in which we now have a ministerial portfolio for women’s interests. The existence of prostitution in Western Australia is not in the best interests of women. The existence of prostitution in Western Australia is not in the best interests of children. The existence of prostitution in Western Australia is not in the best interests of men. These three unique interest groups all work together to make up this great state. Each group is interdependent upon each other. If men do not make a valuable contribution to society, the state suffers. If men do not treat women and children with love and respect, the state suffers. If men fail to do either of the above, they will in fact suffer themselves. All of this creates an ongoing domino effect of dysfunction within families, which in turn creates greater burdens for our state.

Mr President, I will conclude discussing this issue of interdependency by reading from an article by Marybeth Hicks. If members think the name sounds American, that is because it is. Nonetheless, I encourage members to consider the obvious parallels to Western Australia. Time does not permit me to read the entire article, but for those who are interested it can be found at www.marybethhicks.com. The article is entitled “Men are women’s ‘issue’”. It states —

Last week, President Obama signed an executive order creating the White House Council on Women and Girls ...

...

The folks who did attend seemed thrilled that a special White House council had been created to advance feminist ideas. I doubt it’s going to do much good for women and girls.

If Mr. Obama wanted to actually do something significant for American’s women and girls, he would have created instead a White House Council on Men and Boys.

Just imagine the estrogen-induced response to something so sexist as a council chartered to address the concerns of one gender over another. Oh, wait. That's what this is.

But anyway, his is a council to address the issues of women and girls, so of course it is entirely fair.

Actually, I'm the mother of three girls, and I happen to think Mr. Obama's new council won't win the battle of the sexes. That's because the best thing anyone can do for American women and girls is to encourage men and boys to "man up."

A council on men and boys would promote stable marriage as the best avenue to improve the lives and living conditions of America's women and families. A council on men and boys would address the crisis in American manhood that results in the scourge of infidelity, divorce, lack of commitment and fatherhood with multiple partners.

A council on men and boys would seek to eliminate the objectification of women in the media. It would battle our hypersexual culture by fighting against the "hook-up" mentality that defines the way in which young men view young women. And most importantly, it would stamp out the violence against women that emanates from men's widespread exposure and growing addiction to pornography.

Such a council would work to train a new generation of boys to become real men, who honor and uphold women as equals in the workplace, the community and the home — not because the government regulates such an attitude, but because it's right.

A council on men and boys also would address the underlying problems that create "women's issues" such as child care, inadequate pay and domestic violence. These aren't "women's issues," but issues related to the systemic collapse of the American family.

Believe me, I'm not man-bashing. Rather, I think the feminist agenda is a false promise. A council on women and girls that seeks to infuse feminism across the government propels us further from real solutions.

CONCLUSION

In conclusion, I confirm my support for the motion to take note of the tabled 2009-10 budget papers. In doing so, I note that the role of this house is to hold the government of the day to account. Accordingly, I congratulate the government on delivering an economically conservative budget.

In addition, Mr President, it would be remiss of me to not take this opportunity to congratulate you on your election as President. I noted that on accepting your position as President of the house you undertook to fulfil your role without fear or favour. In my view, each member of this house ought to follow your lead in that regard, irrespective of the side of the chamber on which one sits. In particular, I undertake to the people of Western Australia that I will seek to comprehensively scrutinise legislation presented in this place and that I will do so always asking the question: how does this legislation address the truth of the interdependency of the people of Western Australia? In my view, all governments could make major inroads into the true causes of social dysfunction by creating a ministry for men's interests. In our state this minister would work collaboratively with the Minister for Child Protection and the Minister for Women's Interests.

I look forward with keenness to contributing to the work of this house, which I hope will result in legislation of the highest quality together with outcomes that promote outstanding results for families. Thank you.

[Applause.]
