



PARLIAMENT OF WESTERN AUSTRALIA

INAUGURAL SPEECH



Hon Kate Doust, MLC
(South Metropolitan Region)

Address-in-Reply Debate

Legislative Council, Wednesday 30 May 2001

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Motion

HON KATE DOUST (South Metropolitan) [5.32 pm]: Mr President, I congratulate you on your election to the position of President of this Legislative Council. I know that as an avid historian you must be extremely proud of the fact that you have now earned a very important place in the future annals of Labor Party history as the first Labor member to hold the position of President in this place.

It is a great privilege to have been elected as a member of the Legislative Council for the South Metropolitan Region. Being elected to Parliament, and being able to participate directly in legislative change, is an amazing opportunity that at times over the past couple of years I thought might not eventuate. It now has, and I hope to make the most of this opportunity for the constituents of the South Metropolitan Region.

I consider myself extremely fortunate to have been elected to this place, not only because it is the realisation of a long-term goal but also because I am part of a Labor Government. I look forward to participating in the Gallop Government's program of repair and reform to restore to the people of this State a decent standard of living in the areas of health, education and policing. These systems were eroded by the previous Liberal Government. I eagerly anticipate the removal of the antiworker legislation of the previous Government when the Gallop Labor Government delivers on its promise to the workers of this State and repeals the antiworker industrial relations legislation that has been in operation since the early 1990s.

Before I talk about some of the issues that are important to me, I should explain some of my background and the journey that has led me to this place. I was born in that great hub of the universe, Kalgoorlie, in 1962 and spent my first 12 years growing up in both Coolgardie and Kalgoorlie. The time spent in Coolgardie, living in what is now the museum and the post office building, has fostered my love of history - particularly for architecture. An outstanding memory of my childhood in Coolgardie is the strong sense of community that existed among the local townspeople. The people in this community were always prepared to look out for their neighbours and provide assistance generously to those in need. I recall Saturday night at the movies when everybody in town would attend, fancy dress parties, tennis with my dad on Saturday, and even attending CWA meetings with my mother. For my colleagues on this side of the Chamber, that is the Country Women's Association of WA, not the communist workers association.

I was reluctant to leave the goldfields to live in the city and always enjoyed returning to Kalgoorlie on a regular basis as a retail organiser. It is only in the past five years, since living in Victoria Park, that I have again been able to appreciate a sense of community, belonging to a place and enjoying the friendship and support of my neighbours if I am ever in need of assistance. Victoria Park has the feel of a small town, where people still chat to neighbours over the fence and in the street, and help each other out in times of need.

My father's employment in the post office saw my family transferred several times to different parts of the State. It ensured that I was able to master the "new girl at school" technique quite well. The last move for my family was to Rockingham in 1975. I was able to forge some strong friendships in and links to the area. These links were useful later in my working life as an organiser with the Shop Distributive and Allied Employees Association of WA. The South Metropolitan Region was my geographical work area for several years. This enabled me to reinforce those local links.

I attended high school at Our Lady of the Missions in Fremantle, and then pursued an arts degree at the University of Western Australia, majoring in politics and industrial relations. In my second week at university, living at St Thomas More College, I was fortunate to make the acquaintance of Hon Ed Dermer, who, over the past 20 years, has proved to be a loyal and valued friend. I look forward to working with him in this place.

My work experience is varied. I have been employed as a shop assistant, cleaner, library clerk, insurance clerk and trade union official. I have gained valuable experience as a community activist and as a parent of three young children. The latter has honed all my negotiation, advocacy and diplomacy skills as my children provide me with plenty of opportunity for practice.

I joined the Australian Labor Party in 1985, several months after I began my employment with the shop assistants union. I saw joining the party as a natural extension of my work as a union organiser. Getting involved in the ALP probably did not come as a total surprise as I had pretty much grown up on a diet of discussion about the Labor Party courtesy of my grandfather, Jack Grogan, who was a long-term member of the party and his trade union, the Transport Workers Union. My grandfather, who lived with my family on and off over the years, was never big on traditional bedtime stories for us and would tell stories of union disputes that he had been involved in as a member of the TWU, and what a great job the union had done looking after him and his workmates in the workplace. He would also talk about the various political personalities of the day and the Charles Court Government of the time in quite cynical terms as he felt they had let down the working people of this State and had focused only on the business end of town. Over the years I suppose these stories had some sort of subliminal effect on my psyche and planted the seeds for the direction that I would take in my working life.

In 1984 I was employed as an organiser by the Shop Distributive and Allied Employees Association of WA. I have worked as an organiser - recruiting, problem solving, holding workplace meetings to educate members about their rights in the workplace, and advocating and negotiating on behalf of members in their workplace. The areas that I have worked in include retail, warehousing, fast food, food manufacturing and processing, and hairdressing. I also provided support to a range of other trade unions that were housed in the same offices as the SDA, such as the National Union of Workers (Western Australian) Branch, the Clothing and Allied Trades Union of Australia, the Food Preservers Union, the Mannequins and Models Guild of Australia and the commercial travellers guild.

I have also held the role of women's officer, in which I have handled issues of sexual harassment and equal employment opportunity for union members in the workplace. Unfortunately, the issue of sexual harassment is still a major problem in the retail industry, and the union became involved on a regular basis, resolving these issues on behalf of members. The

other area of work in which I have been involved is the training of both union delegates and occupational health and safety representatives, and providing health and safety advice and assistance for union members, delegates, safety representatives and frequently, and surprisingly, for a range of employers. Another aspect of my work was in the vocational education area, and I represented the union on the board of the wholesale, retail and personal services industry training council and the retail training college.

All of these aspects of union work afforded me the opportunity to represent the union's members, not just with employers, but in a range of other forums, such as UnionsWA, of which I have been a delegate to council and have also held positions as a member of the executive. For the past three years I have been a Vice-President of UnionsWA. I have represented UnionsWA on WorkSafe WA panels and last year as a member of the State Training Board.

At the young age of 23, I was elected to the national council of the SDA, and I still maintain an elected position on the union's executive as treasurer. Working for the SDA has always provided me with a great variety of tasks and challenges, that hopefully were met to the satisfaction of SDA members. Working for this organisation allowed me to come into contact and work with a range of people who shared common views with me on a number of social justice issues. The support I receive from these people provides me with the fortitude that I will need in this place, where I may need to stand firm in my own set of beliefs on some issues, even if they do not conform to those shared by others in my own party.

I was very fortunate and feel proud to have worked for this trade union during what was probably its period of greatest change, not just in working conditions in the industry, but also in the attitude of the workers to the union. Under the outstanding stewardship of the union's general secretary of the time, Mark Bishop, now a senator, the union was able to flourish both in terms of membership numbers and in positive fiscal outcomes for the membership. After personally having experienced unfair dismissal as a young worker, without any union representation, I have always felt driven to provide the best service and outcomes that I could, so that for SDA members, their contact with the union would always be a positive experience, and not only would we get their return business in the future, but also they would become our best advocates in the workplace.

I have had to deal with some amazing types of industrial problems over the past 17 years, and overall I have had a fairly good success rate for solution and recruitment. I have always prided myself on building professional working relationships with the employers I have dealt with as I saw this as a good way of gaining more for the union's members. Unfortunately, the retail industry tends to attract a particular type of personality to its management ranks, and this provided me with many interesting challenges to deal with. Life was never dull working for the members of the SDA and I will always be grateful to all of the members that I have had dealings with, for their patience, friendship and the manner in which they trained me to be an effective organiser. When I began with the union, membership was about 11 000, and full-time senior pay rates were about \$230 a week. One tea break a day was allowed, and a 40-hour week was worked. Overtime was rarely paid, workers quite often were dismissed because of age, and there was no universal superannuation. Members had no confidence that the union could deliver for them. They were quite embarrassed to tell people that they worked in shops. There was little hope for advancement up the ranks of the company, particularly for females.

The 1980s and the early 1990s saw major industrial change occur in the industry, due largely to the strategy and vision of people such as Jim Maher, the retired national president of the SDA, Joe de Bruyn, the current national secretary of the SDA, and state secretaries like Mark Bishop. Membership has steadily increased over the years to over 20 000 in this State, and there is a great deal of activity and commitment from the members to make the union become more successful in all its efforts. All retail workers now have superannuation and career paths; more

women are now participating at all levels of employer structures. Wages in some work places have now gone through the \$500 a week barrier. Workers have more input into rosters and enterprise bargaining agreements, and are active in the area of occupational safety and health.

For me, working for the members of the various unions I have served over the past 17 years has provided incredible job satisfaction and, quite frankly, there can be no greater buzz than getting a worker reinstated after he or she has been unfairly dismissed, or getting a manager sacked for abusing the power relationship with his employees by sexually harassing them, or being a part of the process by which workers gain the skills, knowledge and confidence that empower them to gain positive solutions to their workplace issues without needing a union official to become directly involved all of the time. Mark Bishop was always a very good motivator, was focused on the big picture outcomes for the union's members, and allowed officials to explore areas of work-related interest that would be of benefit to the union's members.

My time working at the SDA has reinforced the relevance and importance of the role that trade unions have for the working people of this State. This is especially true when I compare the working conditions of SDA members in the industry to those substandard conditions suffered by retail workers labouring under state workplace agreements. I should acknowledge a positive outcome from the draconian industrial relations legislation that has existed at a state level. For the SDA, the appalling conditions and loss of workers' rights enshrined in the legislation was a great recruitment tool, and I thank the previous Liberal Government for the many members who have sought to gain the protection of the union, and also because it opened up new challenges and opportunities for the union when dealing with a range of employers who also did not want to deal with these negative anti-worker options. The union has been able to establish positive working relations with a range of employers who in an earlier life would not have let us in the door. All these are pluses for retail workers.

I will always be appreciative of the encouragement and support that Mark Bishop has demonstrated to me during my working life with the SDA. I look forward to maintaining strong links with the trade union movement, in particular the SDA, as this will continue to reinforce for me the reason that I aspired to be in this place - to be involved in the change process and to continue to represent the needs of working people in this State. I also look forward to working with my other trade union colleagues who have joined me in this place, so that together we can work within a Labor Government to ensure that the workers of this State can have a more equitable industrial relations system.

There are a number of people I need to thank for the support, advice and encouragement they have provided to me over the years. While I have waxed lyrical about working for the SDA, I have not mentioned the wonderful team of union officials and administrative staff I have been fortunate enough to work with over time. I must thank all of them, but especially the current general secretary, Joe Bullock. Joe sacrificed his own preselected safe position on the Australian Labor Party's south metropolitan ticket so that he could assist me in achieving my goal. Joe did this voluntarily and generously and has demonstrated his total commitment to the members of the SDA by choosing to stay and, as he would put it, continue to fight the good fight. I know of no other male in the Australian Labor Party who has willingly stood down from a safe preselected position to assist a woman to gain a seat. Joe should be treated as a role model in Labor Party circles because of his actions in advancing the cause of women in the political arena. Others who need to be acknowledged are Bill Macintosh; Stuart McLean; the secretary of the New South Wales branch of the SDA; Greg Donnelly, who has continued to be one of my closest friends since high school; and a range of other officials from both the national office and other branches, such as Ian Blandthorn and Therese Bryant.

Of my friends and family, I must thank my parents, Barry Doust and Esther Grogan, my sister Stephanie and my brothers, Patrick and David, and my niece Belinda. I also thank my extensive

Doust-Grogan family for their ongoing solid support of my activities and causes, even if some have doubts about my level of sanity at times. The family that I married into, the Johnstons, have been equally supportive of all my endeavours. I thank my friends Pauline Pollard, Helen Macri, Kym Chegwiddden, Wendy Brookes, Glynis Middleton, Jacinta Collins, Margaret Quirk, Hon Nick Griffiths, Stephen Conroy, Michelle and Greg Roberts, Kevin Shine, Jo and Ron Polglase, Brendan and Marie Carlin, and those members of the Australian Labor Party Burswood branch, for all their support and assistance over the years. I must also thank my own immediate family, my three children - Rebekah, Zoe and Liam. My children have grown up thinking that going to Labor Party functions and letterboxing are normal activities for a family to participate in. I hope I have bred a group of future activists who will one day want to continue our work and endeavour to improve the lot of workers and their families in this State. I also thank my husband - and I know that if I did not mention him I should not go home tonight - for his love and support over the years. He is my best friend. I also congratulate him on his recent election to the position of State Secretary of the Australian Labor Party, Western Australian branch, and I know he will do an outstanding job for the party.

Government members: Hear, hear!

Hon KATE DOUST: I read with interest parts of the first speech made by Dr Judyth Watson in which she focused on the issue of occupational health and safety. She said that participation by workers is a prerequisite for careful decision-making procedures about workplace health and safety. Most hazards do not require high levels of expenditure for their reduction, but rather an evaluation of workplace organisation. This entails encouraging workers to identify hazards, and consulting them, especially about change. It entails setting mechanisms for their involvement in decision making. An informed and participatory work force may be the best safeguard against injury and disease. The promotion of health and safety at work and the prevention of injury and disease are appropriate and concrete issues in which workers should participate, for they bear the risks of unsafe working environments.

Dr Watson spoke plain commonsense in this statement about the desired levels of worker input and activity into decision making in the area of occupational safety and health, leading to positive outcomes for workplaces with a reduction in hazards and incident rates. Unfortunately, the passage of time since these comments were uttered has seen a downgrading of the occupational health and safety system and the level of worker participation in a range of industries, a watering down of the Act and the regulations, and extensive monetary cutbacks in the funding of the occupational safety and health watchdog, WorkSafe WA.

I hope that at some time during the term of the Gallop Labor Government the issue of occupational safety and health in the workplace will be addressed appropriately to remedy the damage inflicted upon the system by the previous Government. I believe a number of issues need to be addressed in this area in order to bring the system back to that envisaged by the likes of Dr Watson. One of the key principles of an effective occupational safety and health system, as espoused in the Robens report, is to have one piece of legislation covering all workers. This has not happened in Western Australia. In Western Australia, some groups of workers, such as the police, do not have any legislative protection in the area of occupational safety and health. Other groups, such as miners, operate under an inferior system in which there is an unacceptably high level of death in the workplace, because the industry is so concerned about turning a profit that in some cases it still appears to place the safety of its employees at the lower end of its priorities. I hope the Gallop Labor Government will move to accurately comply with the Robens recommendation and bring the Police Force and the mining industry under the protection of the Occupational Safety and Health Act 1984 and the auspices of WorkSafe WA, which may be able to provide a more effective service for the workers in these industries if it is appropriately resourced.

The total tripartite system involved in the area of occupational safety and health must be reviewed. Prior to 1996, the trade union movement played a very active day-to-day role in the consultation processes for occupational safety and health in the workplace. In 1996, the then Liberal Government very swiftly removed any mention in the Act of trade union involvement in both the election and consultation processes. This defeats one of the objects of the Act in the area of consultation and prevents the trade unions from representing their members. I see this as a purely political stunt by the previous Government to try to reduce the influence and impact of trade unions in the workplace.

This area of health and safety has always fascinated me, as I could never understand why employers as a group had to be forced by an Act of Parliament to ensure that they provided their employees with a safe place in which to work. It always seemed to me that this should happen as a matter of course. When I first became involved in this area, while resolving union members' problems, I was at first grateful that at least legislation existed that could be used to persuade retail employers that they had to fix occupational safety and health issues in their workplaces.

Too many people in the retail industry seem to think that shops are not the type of workplaces where one would expect to find too many hazards lurking around. Some of the problems I have been involved in range from incidents in which members have suffered cuts and falls, to loss of limbs and joints, burns, loss of sight, noise-induced hearing loss, chemical-induced health problems, severe back injury, occupational overuse syndrome and death. The previous Government watered down the legislation in 1996 without any genuine community or industry consultation. It removed all involvement in the election and consultation process for unions in the workplace; it shifted some of the onus of responsibility for safety and health in the workplace away from the employer and back onto the worker; and it downsized the role and importance of the safety representative in the organisation workplace. It let the initial vagueness or grey areas of the Act remain without any further clarification, particularly with regard to the number of representatives to be elected in a workplace or the amount of time allowed by the employer to perform duties.

One positive change was an increase in the type of penalties imposed for a breach of the Act or regulations. On paper this change looks good, but the reality is that the maximum penalty for a death that occurs in the workplace has yet to be imposed upon any employer who has been found responsible for a worker's death.

Since 1996 a number of unfortunate, and in some cases preventable, deaths have occurred in a range of workplaces and no maximum penalty has been imposed. One must question the validity of the process used to investigate these workplace deaths and the delay in reaching a final outcome for the worker's family, and why not one employer has had to pay total recompense for its negligence. In some cases multiple deaths have occurred in some workplaces in a short period, still with apparent lack of action. I understand that on average since 1988, 24.5 workplace deaths have occurred per annum in Western Australia; that is, 24.5 people a year who no longer participate in the community, in sporting clubs or volunteer groups etc, and who leave a never-to-be-filled hole in the fabric that binds their family and friends together. No amount of recompense could replace these dead workers, but I believe that urgent and radical change has to occur in this area to force employers to wake up and comply with their responsibilities to their employees.

I take the view that a new type of penalty needs to be introduced as an inducement to employers to comply with the legislation. I believe that if, after a departmental investigation and a coroner's inquiry have been conducted into the death of a worker, the employer is found to be negligent and not to have complied with the Act or the regulations, and that that non-compliance has caused the worker's death, then provision should be made for manslaughter charges to be

laid against that employer. This may seem incredibly harsh or perhaps even difficult to implement, and it certainly will not make up for the loss of a loved one for the worker's family, but it may encourage employers to take this issue seriously. I feel that this hardline approach has to be taken because in the past when a workplace death has occurred, when any penalty has been imposed upon a negligent employer, in the majority of cases it has been so pathetically small or at the lower end of the dollar scale that in some cases it would hardly make an impression on the employer's hip pocket or acknowledge the value of the worker's life or his or her contribution to family and community. I intend to continue to push this idea during my time in this place as I regard imposing this type of penalty to be no different to the penalty for manslaughter charges that can be laid when a driver has killed another driver, a passenger or a pedestrian in a car accident when either deliberate action or negligence was involved.

A raft of changes must be introduced to both the Occupational Safety and Health Act and the regulations. WorkSafe WA's structure should be reviewed and it should be allocated more resources to more effectively perform its functions. It is an absolute farce when WorkSafe inspectors cannot attend promptly to an issue in a workplace simply because they cannot access a vehicle because they are not rostered to use one, or they cannot investigate a serious complaint made by a safety representative simply because they do not have the staff to attend to the complaint and may be rostered as duty inspectors to take telephone calls.

I have a great deal of respect for a number of inspectors and WorkSafe staff in the retail and warehouse section with whom I have dealt in the past decade for their commitment to this issue and to workers. I understand their frustration at being unable to perform their functions as effectively as they could because of the cost cutting that has occurred in that area in the past eight years. The impact on the department of that cost cutting has been an exodus of very experienced inspectorate staff from the department and a decline in the level of service available to the industry and players in the system. For example, spot inspections of workplaces and specific targeting of sections of the industry no longer take place. That means the department can take action to remedy a health and safety problem in a workplace only after a complaint has been made, a worker injured or a death occurred. That is not a proactive way to operate or conduct business. The department must change its methods and get back into workplaces to ensure that employers are complying with their duty of care to their employees.

I hope the Gallop Labor Government is able to rectify the resourcing needs of the department so that the inspectorate can conduct its business appropriately to police the system. The tripartite system must be sustained and the role of trade unions should be reinstated into the election and consultation processes to return equilibrium and fairness to the area. In reality, unless this occurs an abuse of the election system will continue, whereby in my experience often employers either appoint a safety rep or persuade workers by one means or another not to seek representation as management will take care of everything.

Employers must address the training issues involved in the area of occupational safety and health, and the legislation should require employers to provide extensive, compulsory and accredited induction training for every employee regardless of their mode of employment. The training should not be restricted to showing new employees the lunchroom, the toilet and the fire exits, as occurs in a large number of workplaces; that was the extent of my safety training when I was first employed as a shop assistant in the late 1970s.

WorkSafe WA should conduct an annual audit to assess whether employers are complying with the requirements of the Act and to establish a direct link between occupational safety and health and workers compensation. This information could be used by workers compensation insurers to assist in determining insurance premiums for employers. If employers are able to demonstrate that they are putting into place systems, policies and procedures to ensure compliance with the Occupational Safety and Health Act and regulations, as far as is

practicable, they should be awarded with a reduction in premiums. On the other side of the coin, if employers cannot demonstrate compliance with any of these requirements, they should pay the penalty of a higher premium for workers compensation insurance. That suggestion came from pure frustration when dealing with some employers who deal with the issue only if they are about to be either hit with a notice from the department or fined. I suggest that they could be offered an incentive; perhaps then some of the reluctant players would be more inclined to participate in improving the workplaces at which their workers toil daily.

The time has come to allow WA safety representatives the same right that the Victorian and commonwealth safety reps have had; that is, the right to issue improvement notices to employers. These notices are used as a tool to encourage employers to resolve issues when reps believe that employers are breaching the Act or the regulations. On-the-spot fines could also be issued by departmental inspectors when employers do not comply with the requirements of improvement notices. They could be treated as a wake-up call for employers so that they can rectify the workplace problem or face the possibility of further action from WorkSafe WA.

The committee sections of the Act must be simplified and made much more user friendly, because most reps do not know how to conduct themselves when they are dealing with employers. It can be a very intimidating experience for them and can often put them off continuing in their role. They must deal with the negative attitudes they experience when dealing with management and the frustration they encounter when employers drag out matters for up to 12 months in some cases before addressing issues or finding solutions to problems. Sometimes employers take action only when either the relevant trade union or WorkSafe WA becomes involved. Safety representatives do not know how, or if, they can challenge employers in those situations without having implied or actual threats made about their continual employment.

Another area of interest is the issue of balancing work and family. Like other Western Australian workers, I have had to deal with this issue on a personal level as a parent of three young children and juggling the pressures of a full-time job, community activity, political involvement with the Labor Party and sustaining a relationship with my husband. Fortunately, I have had understanding employers who have released me from my work obligations to deal with family-related crises or illnesses that have arisen from time to time. I have also been fortunate in my choice of caregivers for my children and I have a terrific husband who shares equally the load of organising our daily family life. Still, with all these positive factors acting in my favour, sometimes things can go skew-whiff and I am constantly running out of time to do things. The workers I have represented in the retail industry have not all had the same positive experiences I have had. Often I have had to deal with issues when union members have been threatened with loss of hours, loss of job or counselling, or on some occasions simply abused by management when they have asked for time off to deal with family issues. The task of balancing all the aspects of work and family life places enormous pressure on individuals, and sometimes workers can be pushed into extremely stressed times if they are prevented from dealing with their first commitment.

Families should always come first. The family is the most important unit in our society, and employers should recognise that, occasionally, things happen and employees need to be freed up from their work responsibilities to deal with an issue. Employers should also take into account family responsibilities when organising staff rosters. A number of unions have been able to have written into enterprise bargaining agreements family-friendly roster clauses or family leave provisions to enable workers to deal with family emergencies without penalty in their employment. I hope that at some stage we will see in Western Australian industrial relations legislation a form of in-principle support for workers who have family responsibilities, to assist in maintaining the balance with particular focus on the areas of work rostering and the provision of family leave. This must be done, as it is a simple reality that more and more parents are

working, are working shifts or working as a sole parent to sustain the family. Unemployed or broken families place a far greater burden on our society through no fault of their own, and it would be far better to be a proactive Government and to assist in the provision of support to workers to enable them to sustain a balance between work and family.

I am a sixth generation Western Australian and have always been proud to reside in this State and celebrate that we live in a true democracy without fear of reprisals if we proffer an opinion that may differ from the opinion of others in the community, employers, religious leaders or members of the Government. I believe we are fortunate indeed when I continue to read about what happens to people in other countries who dare to stand up for their principles and their rights or to defend their families. This State is a great place in which to live because we have always welcomed, and been enriched by, the cultural diversity that exists in the community of WA. As each layer of various nationalities has arrived on our doorstep, we have benefited in some form as we have absorbed parts of their cultures into our lifestyle.

It saddens me that a community such as ours in WA has effectively turned a blind eye to the people incarcerated in the detention centres in the north of the State. I appreciate the fact that some of those people may be trying to beat the system to gain entry to a better life in Australia. Who could blame them for wanting what we have? Equally, I understand that local people probably feel uncomfortable in the light of recent events at the Port Hedland centre. It is disappointing that we as a community and as a State have not put more pressure on the federal Government to speed up the processing of their applications to get the families and children out of those concentration-style camps as quickly as possible. Every member of the community supports a balanced and effective migration system. I understand the need to properly assess new arrivals who try to enter Australia illegally. However, it is unacceptable that young children are kept locked up in these artificial situations for such long periods of time. I look forward to providing effective representation to the people of the South Metropolitan Region and serving all citizens of Western Australia through the proper conduct of this House.

[Applause.]
