

SHEILA MILLS



MLC South Metropolitan Region 22 May 2005–21 May 2009 (ALP). Parliamentary Education and Information Officer 1984–2000. Member Parliamentary Services Committee and several standing committees. Chair Standing Committee on Environment and Public office 2007–2009.

When Sheila Mills rose to deliver her Inaugural Speech on 25 May 2005 as an Australian Labor Party member for the South Metropolitan Region in the Legislative Council, she was uniquely able to indicate that she had ‘a wealth of experience and insight into the operations of this place’ as one who had served as parliamentary education officer in Parliament House for 15 years.¹ To her knowledge the only other parliamentary officer who had subsequently entered Parliament in Australia had been Jenny Macklin, a Minister in the Rudd and Gillard Federal Governments. Macklin had worked as researcher in the commonwealth Parliamentary Library. For the contemporary Western Australian Parliament, Sheila also had the rare background of having been born in Connahs Quay Wales, on 27 July 1949, where most of her family still resided, and then tertiary-educated at the University of Wales with a geography major. Later in Western Australia she studied political and social theory at Murdoch University before completing additional urban studies at the University of Western Australia.

It was during her grammar school days that Sheila had started to form her political opinions. She has the vivid recall of her school headmistress making a remark ‘that people like [her] don’t go to university’, as her background was not privileged enough.² Her background was that of a ‘proud, working class people’.³ One grandfather worked in the coalmines and the other in a brick factory. Her father did not have a privileged upbringing but through sheer determination he became a computer scientist after being a pilot in the Fleet Air Arm in World War II. Significantly, her father believed that education was the key to social and economic emancipation and devoted much time to ensuring that his daughter had opportunity not only in

¹ *WAPD(LC)*, 25 May 2005, p. 2265.

² *Ibid.*, p. 2264.

³ *Ibid.*

an academic sense, but also in sport and music. In the latter sphere Sheila can play the tenor saxophone as well as being a capable timpani player.⁴

Life in Australia for Sheila Mills began in Sydney in 1970 with employment in the investment division of the Bank of New South Wales (later Westpac). After moving to Western Australia in 1972, she formed long lasting links with the union movement. As a keen advocate of workers' rights and conditions of employment she had 16 years before entering Parliament as a member of the CPU/CSA and she noted how her 'political life [had] come a full circle from being a worker fighting for the rights of workers to becoming a member legislating for the rights of workers'.⁵ In her defence of workers' rights she was critical of the trends in Australian federalism, particularly during John Howard's prime ministership. At the time she contended:

Howard's political problem is that, because all state and territory governments are Labor, he has a limited capacity to implement coalition policies at a micro level. The Howard response to this political dilemma is to utilise the coercive powers that are available to him; for example the corporations power. The issue is not about choices and freedom; it is about coercion and social and political manipulation, which undermines the great Australian principles of egalitarianism, co-operation and a fair go. This is a repudiation of social justice for the states; no matter that individuals have repeatedly exercised their individual choice to vote in Labor governments in every state and territory in this country.⁶

Sheila added a note that the Productivity Commission's final 2005 report on national competition policy 'made it quite clear that success will depend on cooperative federalism, that national co-ordination among governments will be critical to good outcomes'.⁷ Indeed, when she was giving her valedictory address on 20 May 2009 she again made reference to the same report. She judged there had been some progress resulting from Kevin Rudd's convening of the Council of Australian Governments to seek federal cooperation. Such attention to federalism, and its impact, she regularly monitored during a four-year membership of the Legislative Council Standing Committee on Uniform Legislation and Statutes Review. As she said:

I have noticed an increasing propensity for some uniform legislation to erode rights that are rightly enjoyed by the people of the state. History has shown that once those rights are taken away, governments of whatever persuasion never seem to want to give them back'.⁸

Also very concerning was the placing of significant matters in regulation that quite properly should have been in the body of the legislation itself⁹ and the broader lack of scrutiny. An instance where uniform legislation across Australian jurisdictions required greater scrutiny she believed was the Vocational Education and Training Act which allowed bureaucrats to enter the premises of registered training providers and to search and seize material without a warrant. This and other questionable clauses were said 'to pass through the Legislative Assembly without batting an eyelid or querying it whatsoever'.¹⁰ Due to the work of the

⁴ Ibid.

⁵ Ibid., p. 2265.

⁶ Ibid.

⁷ Ibid.

⁸ *WAPD(LC)*, 20 May 2009, p. 4252.

⁹ Ibid.

¹⁰ Ibid., p. 4253.

Standing Committee on Uniform Legislation and Statutes Review this matter was drawn to the attention of the House and the relevant Minister, Hon Peter Collier, commendably made changes to the legislation that the committee requested. According to Sheila ‘the doozy of this type of legislation was the Terrorism (Preventative Detention) Bill 2005’. She added:

The hysteria surrounding the introduction of the uniform legislative scheme was unbelievable and the draconian provisions were extraordinary. While acknowledging that the world has become a more dangerous place, I think that these measures were an overreaction and provided little or no accountability. I regret that at the time it was introduced and went before the committee to be considered, I did not have the courage to put in a dissenting report on that legislation.¹¹

A term of reference for the Standing Committee on Uniform Legislation and Statutes Review includes consideration of not only statutes, but also legislation that either is defunct or obsolete or needs very minor amendment. In a review it was found that some departments slipped amendments into the legislation that rightfully should have been part of an amending Bill and subject to the scrutiny of the House. Perhaps surprisingly, Sheila indicated that ‘one of the organisations that tried that tactic was the Corruption and Crime Commission (CCC).’ In the context of accountability Sheila said:

The CCC is the organisation that has been set up to pursue matters of corruption. It has too much power, in my view, without adequate accountability or scrutiny. I hold no brief on behalf of a person or a group in my criticism of the CCC. It is just the type of organisation to which I am philosophically opposed. I know that there is the oversight committee and the Parliamentary Inspector of [the CCC], but there seems to be a reluctance on behalf of the CCC to accept any criticism of its operations ... My view is that the CCC has always had the presumption of guilt, even of people who were subsequently cleared of any wrongdoing. The reversal of the onus of proof is anathema to our system of government, in my view.¹²

Upon reflection Sheila wondered whether funding and surveillance powers would be better directed towards WA police funding and surveillance to enhance the squad investigating the outlaw motorcycle gangs and organised crime which she thought ‘provide a far more dangerous threat to Western Australian society’.¹³ Moreover, she suggested that in dealing with corruption in the public sector, consideration should be given to strengthening the Public Sector Management Act to allow prosecutions to commence against public officers rather than allow them to resign and thus become immune to corruption proceedings.¹⁴

Sheila was a very dedicated and well informed MLC, as can be attested to from the extent of her parliamentary committee duties. Apart from the aforementioned Standing Committee on Uniform Legislation and Statutes Review (and its predecessor the Standing Committee on Uniform Legislation) which covered the thirty-seventh Parliament, she was also a member of the Standing Committee on Estimates and Financial Operations from 1 May 2007 to 21 May 2009 and a member of the Standing Committee on Procedure and Privileges from 5 December 2007 to 21 May 2009. In addition she was an active Chair on the Standing Committee on Environment and Public Affairs from 5 December 2007 until 21 May 2009 and a member of the Parliamentary Services Committee for the thirty-seventh Parliament. Between 2005 and

¹¹ Ibid., p. 4252.

¹² Ibid., p 4253.

¹³ Ibid.

¹⁴ Ibid.

2008 she was on the executive committee of the Commonwealth Parliamentary Association. Given her understanding of the workings of Parliament, membership of the Legislative Council and large-scale committee service, Sheila concluded:

I wish to make one more comment about the failure of the Legislative Assembly to acknowledge the work and role of the Legislative Council. There seems to be a view that the Legislative Council is merely here as a rubber stamp and the work done here is of little value. I think the contrary. The work of the Legislative Council is of greater value than the work of the Legislative Assembly in its scrutiny of legislation, its standing committee reports and its considered debate. I suppose the Legislative Council has a lack of raucousness.

The bicameral system serves this state very well. The only comment I will make about that is the electoral system for this house should be looked at. The legislative system that was put in to get the one vote, one value legislation through should be looked at and analysed, maybe by a standing committee. I do not think it is a democratic system.¹⁵

The election of members of the Legislative Assembly for the thirty-eighth Parliament on 6 September 2008 was conducted on the basis of one vote, one value but, as alluded to by Sheila, this was not the case for the Legislative Council for which the six regions were established, three metropolitan and three county, each with six members, with the retention of the historic 'vote weighting' principles. In 2005 Sheila and her Labor Party had performed exceedingly well to gain three of the five South Metropolitan seats, with Sheila winning a third seat for the ALP at the expense of the Greens, who had won a seat in the three previous elections. However, in the 2008 election (with the members taking their seats in May 2009) Labor secured only two of the six seats for the same region; in any case, Sheila was not on the ALP ticket after intervention by Premier Alan Carpenter in the preselection of Labor candidates. As a 'straight talker' who had the respect of many colleagues across the party divide,¹⁶ her perspectives of the 2008 campaign was summarised in a newspaper article which appeared in the immediate aftermath of polling day:

Labor MP Sheila Mills believed the presidential-style campaign focusing on Mr Carpenter was a mistake, saying ALP strategists failed to read the electorate. The Upper House MP said Mr Carpenter's decision to parachute hand-picked candidates into plum seats 'failed spectacularly' and fed into the community's perception of an arrogant Government.

'The campaign itself was an absolute disgrace...the lack of organisation, the lack of consultation, the fact that it came as a surprise', she said 'And dumb announcements like closing the bar at Parliament ... who cares?'¹⁷

Sheila did not immediately depart from the political scene. Her experience and understanding of the parliamentary system were to be utilised with her appointment to the electorate office staff of Hon Matthew Benson-Lidholm, the Chairman of Committees, who had been re-elected to the Legislative Council for the Agricultural Region after previously being a South West Region MLC. Between 2000 and 2005 Sheila had been an electorate officer for Hon Ljiljana Ravlich (q.v.), after having rejoined the Labor Party in 2000. At the same time she was very active in the ALP, being variously a delegate to the state executive, state conference and national conference in 2004. Although no longer an MLC Sheila has taken every opportunity

¹⁵ Ibid.

¹⁶ Ibid., p. 4252.

¹⁷ Jessica Strutt and Yasmine Phillips, 'Angry ALP members turn on Carpenter', *West Australian*, 8 September 2008, p. 5.

to pursue her strong interests in parliamentary democracy, representation, political practice and theory, political economy and political education and in the future there may still be the opportunity to add to her political education publications.

Reflections by the Member on Her Parliamentary Career

The job description of a member of the Legislative Council is much broader than that of a member of the Legislative Assembly. While there are constituency issues—and these can be more or less depending on the location of the electorate office and whether there is an Assembly member in the vicinity—there are other demanding responsibilities involved in the position.

However, there is a perception, not only among the voting population but also within the media and indeed some members of the Legislative Assembly that the position is a sinecure or, in some cases, a retirement home. Unfortunately, as is the case in many workplaces, there are always examples available to support this argument. There are, and have been, those who see the job as a sinecure or a benefit that they feel they deserve for whatever reason. Also there is an attitude that the Legislative Assembly is the ‘important’ chamber. It is in the respect that the Government of the day is formed in the Assembly. However, at the end of the day, the Council can reject supply! I also found that there are members in the Legislative Assembly who do not understand, or care, about the role of the Council. In fact some years ago Carmen Lawrence (q.v.), when she was Premier, indicated that she would reduce the number of members of the Council, not realising that she could not without legislation which must be passed with an absolute majority in both Houses and a referendum.

I do believe that there is an issue of relevance for the Legislative Council, but partly this is a consequence of a failure by the community and the media to understand its role and also, in some respects, the failure of the House itself to actively promote the important work that is undertaken.

As someone who was involved in a fair amount of committee work I believe that the Council committee system is an extremely valuable tool to ensure accountability and fairness in the political process. Indeed, I commend the late Clerk of the Legislative Council, Laurie Marquet, for his initiative in setting up the system, which was loosely based on the Senate model. Interestingly, for the House of Government which saw itself at the cutting edge of accountability, it certainly took the Legislative Assembly a long time to decide that it should have a similar system.

There are some matters that, I believe, prevent committees working at their optimal level. There are some members who see the committee work as a chore and would rather be anywhere else. Some reasons are probably that they cannot be bothered and do not see the point, and others that actually do not understand, not only the function of the committee system but in some cases the material with which they are dealing.

I am not saying that a member needs a degree or a PhD or a legal qualification (heaven forbid on that one) but the job does need application, work and commonsense. There are complicated and technical issues that have to be addressed but there is an extremely competent and professional committee office staff to assist, so there is really no excuse.

Another significant issue with committees, in my experience, is the attitude of the bureaucracy. I have been involved on inquiries where public servants have been less than cooperative—the Sir Humphrey cliché springs to mind!! On one particular inquiry, which was controversial and confronting, when documents were requested, few eventuated. When pursued—inundation. When questioned—obfuscation and aggression. We were just politicians, we did not understand.

When the report was finally tabled, the response supplied was an appalling whitewash of what was an extensive and detailed report. Such was the disappointment of the committee with the response that it was decided to hold another inquiry into the response. Interestingly, the head of the department arrived in person along with a phalanx of senior bureaucrats, including a lawyer.

Similarly, there was an inquiry as per normal into a piece of uniform legislation. In the report the committee drew attention to a clause that allowed enter and seizure by bureaucrats without warrant. The committee was told that this was agreed to and was in the original legislation passed by the Queensland Parliament which was, in fact, incorrect. Notwithstanding this response the committee objected to the clause. The legislation was introduced into the Legislative Council with the clause intact. When I raised the matter personally with the Minister, he agreed to seek clarification from his advisers. He then provided me with written advice that concurred with the bureaucrats' original position.

When I subsequently raised the issue with him again, with the evidence that he had been incorrectly advised, he immediately withdrew the relevant section of the clause. Lesson: beware of bureaucrats bearing information. Interestingly this same scrutiny was not applied by the Legislative Assembly, unless they thought that entry and seizure without warrant was all right.

Notwithstanding my criticisms, the Legislative Council is a valuable component of parliamentary democracy in this state and can be a proactive forum for considered debate and investigation into the actions of government of any persuasion. However, I am a supporter of a statewide electorate for the Council rather than the malapportioned compromise that we have now.

I am a long-time advocate of checks and balances in our system of government and I believe that the Legislative Council can provide this utopian dream or the alternative—Queensland!