
PARLIAMENTARY DEBATES

(HANSARD)

First Session of the Thirty-third Parliament

The Legislative Council was prorogued as from 23 December 1988.

The Legislative Assembly was prorogued as from 23 December 1988 and dissolved on 5 January 1989.

The Thirty-third Parliament was convened for the despatch of business on 29 March 1989, and the first session was opened by His Excellency the Governor (Prof Gordon Stanley Reid AC).

OPENING OF PARLIAMENT

Legislative Council

Wednesday, 29 March 1989

MEETING OF THE COUNCIL

The Legislative Council met at 10.00 am.

THE PRESIDENT (Hon Clive Griffiths) took the Chair.

PROCLAMATION

The Clerk of the Parliaments (Mr L.B. Marquet), read the Proclamation of His Excellency the Governor (Prof Gordon Stanley Reid AC) summoning the first session of the Thirty-third Parliament.

GOVERNOR'S COMMISSION

His Excellency's Commissioner (His Honour Mr Justice Malcolm) having entered the Chamber at 10.04 am, a message was sent to the Legislative Assembly requesting the presence of members in the Council Chamber.

Members of the Legislative Assembly having arrived accordingly, the Commissioner requested the Clerk to read His Excellency's Commission to do all things necessary to be done in the name and on the part of Her Majesty the Queen, or in the name and on the part of His Excellency the Governor, in order to the opening and holding of the first session of the Thirty-third Parliament of Western Australia.

The Commission was read.

COMMISSIONER'S STATEMENT

The Commissioner (His Honour Mr Justice Malcolm) read the following statement -

Mr President, Honourable members of the Legislative Council and members of the Legislative Assembly:

I have it in command from His Excellency the Governor to inform you that at 12 noon today His Excellency will declare to you the causes of the calling together of this Session of Parliament; and it being necessary that a Speaker of the Legislative Assembly be first chosen, it is His Excellency's pleasure that you, honourable members of the Legislative Assembly, repair to the place where you are to sit, and having been duly sworn by me in the terms of the Commission granted to me by His Excellency, you do elect your Speaker, and likewise notify the same to His Excellency.

The Commissioner (His Honour Mr Justice Malcolm) and members of the Legislative Assembly retired from the Chamber.

Sitting suspended from 10.12 am to 12 noon

THE PRESIDENT (Hon Clive Griffiths) resumed the Chair and read prayers.

LEGISLATIVE COUNCIL CHAMBER

Seating Arrangements

THE PRESIDENT : For the benefit of the Hansard department and others, I wish to announce that two honourable members have changed their seating. Hon Doug Wenn is now sitting in the seat previously occupied by Hon Tom Stephens, and vice versa. The records will be changed accordingly.

GOVERNOR'S SPEECH

Delivery

His Excellency the Governor (Prof Gordon Stanley Reid AC) entered the Council Chamber at 12.04 pm; and, the members of the Legislative Assembly having also attended in the Chamber obediently to summons, His Excellency was pleased to deliver the following Speech -

Mr President and honourable members of the Legislative Council.

Mr Speaker and members of the Legislative Assembly.

You are assembled here today for the first session of the Thirty-third Parliament of Western Australia.

With profound regret, I refer to the deaths of five former parliamentarians. They were Hon Ken McIver, a former Minister for Works, Lands and Surveys; Hon James Frederick Craig, a former Minister for Transport and Police and Chief Secretary; Hon John Leslie Hunt, a former member for North Province; Iven Wemyss Manning, a former Chairman of Committees and Opposition Whip; and Clayton Clealand Bickley Mitchell, a former member for Stirling.

We commend their services to the State and extend sincere sympathy to their respective families.

This special sitting follows the commissioning of a Government, with Hon Peter Dowding as Premier, consequent upon a State election on 4 February this year.

Parliament has been convened specifically to receive, and to deal with, a number of Bills to give legislative effect to matters of high priority to the Government. As is customary, the main legislative program for the Government's four-year term will emerge in the Budget session.

However, in this special sitting urgent Bills will be presented to provide amendments to stamp duty concessions, to obtain Supply and to implement recommendations of the Burt Commission on accountability.

The Stamp Amendment Bill will honour the Premier's undertaking on 11 January when he released the Government's housing policy for the next four years.

The policy responded to a strong community desire for affordable housing for all Western Australians. The key components of the Bill will provide for a \$500 rebate on stamp duty for

first home purchases up to \$80 000, with that limit extended to \$120 000 above the 26th parallel.

The Stamp Amendment Bill will provide for the rebate to be made available from 1 March 1989.

In addition, first home buyers of vacant land purchased after 1 March 1989 and costing up to \$33 000 will be eligible for a maximum stamp duty rebate of \$500. Those buyers will have up to four years to claim the rebate upon presentation of evidence of having entered a building contract for their principal residence.

Honourable members will be well aware of the Government's desire for full public accountability. In 1986 the Labor Government introduced legislation which became the Financial Administration and Audit Act, and on 22 January this year the Premier released the report of the Commission on Accountability, the result of an inquiry he initiated in November 1988.

The commission, chaired by the former Chief Justice, Hon Sir Francis Burt, vigorously examined existing standards of accountability and made recommendations to ensure that Government agencies are held fully accountable to Ministers and to Parliament.

In releasing the commission's report, the Premier gave an undertaking to all Western Australians that the recommendations would be implemented.

The Government has moved swiftly to implement the recommendations and legislation will be presented for consideration in this session.

The Acts Amendment (Accountability) Bill will address the major recommendations of the Burt Commission and the Western Australian Chemical Industries Authority Bill will reconstitute Western Australian Government Holdings as a statutory authority to conform with the accountability guidelines set out in the Burt Commission report.

In this session the Government will also be introducing, in line with tradition, the Supply Bill to enable the operations of Government to continue pending the passage of the Budget later this year.

The Budget for 1988-89 was framed in balance and there is a strong possibility that for the fifth consecutive year a small surplus will be achieved because of buoyant economic conditions.

Mr President and honourable members of the Legislative Council.

Mr Speaker and members of the Legislative Assembly.

I now declare this first session of the Thirty-third Parliament open and trust that Providence may bless your deliberations.

[His Excellency and the members of the Legislative Assembly then withdrew from the Chamber, and the President resumed the Chair.]

[Questions without notice taken.]

CRIMINAL CODE AMENDMENT BILL

Leave to Introduce

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [12.31 pm]: In order to assert and maintain the undoubted rights and privileges of this House to initiate legislation, I move, without notice -

For leave to introduce a Bill for an Act to amend the Criminal Code.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Leader of the House), and read a first time.

GOVERNOR'S SPEECH

Distribution of Copies

THE PRESIDENT (Hon Clive Griffiths): I wish to announce that for the sake of accuracy I

have obtained copies of His Excellency's Speech, which will now be distributed to honourable members.

ADDRESS-IN-REPLY - FIRST DAY

Motion

HON TOM HELM (North) [12.33 pm]: I move -

That the following Address be presented to His Excellency, Professor Gordon Reid AC, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia -

May it please Your Excellency -

We, the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

It is with great pleasure and pride that I accept this opportunity to deliver the Address-in-Reply in this first session of the Thirty-third Parliament. I express to His Excellency and Mrs Reid the kindest regards from the people of the Pilbara and the Kimberley who always welcome the Governor and his wife to their area and appreciate the time they put in there. The people also appreciate the knowledge that Professor and Mrs Reid have of the Pilbara and the Kimberley and their attempts to understand their concerns.

It is time that we dwelt upon the important role the Governor plays in our State, not just in the ceremonial occasions such as this, but also in the time he spends meeting with foreign dignitaries and representing the State. I make it clear that what I am about to say in no way reflects upon the Governor's role or the job that he does. Only on a few occasions does someone like me who has chosen to make Australia his home have a chance to comment on the making of the oath of allegiance to the Queen of England or, as is stated in the oath, the Queen of Australia. There are many people in similar circumstances to mine whose loyalty to the Crown and to the people of the country from whence they came cannot be questioned. I had the opportunity to work in a shipyard in the United Kingdom on some of the most sensitive and top secret equipment of the British Royal Navy and was asked to sign the Official Secrets Act. I had access to all of that equipment and my loyalty was never questioned. However, when I chose to leave my country and come to Australia I was asked to make an oath of allegiance which was something that I had never been asked to do in my adult life.

I realise this is a Federal Government issue. However, we in this Chamber should not be silent about it. The Federal Government is asking new people to this country to make a commitment to Australia. However, in so doing, it is also asking people to make commitments that they did not think they would have to make. I was determined to become a naturalised Australian at the earliest opportunity because I had made a voluntary commitment to this country and I wanted to give as much to this country as it would give to me. However, I was asked to make an oath or affirmation of allegiance to someone who, for a long time, I had not believed in. In fact, I believe, along with many other people, that the role of the monarchy in our democracy is very limited. It is difficult for one to come to terms with making an oath of allegiance to a Queen who lives a long way from us and with whom one has strong ties, instead of to the Government and people of the land in which one intends to live. One has to think twice, therefore, about making a commitment by doing something in which one does not believe.

I ask this Chamber to consider my comments and to find out whether other people in this State feel the same way. This matter is important to people who feel as I do and who want to make a commitment to this land that we now call our home.

It is interesting to note in the Governor's Speech the Dowding Labor Government's commitment to ordinary Western Australians once again and particularly its commitment to the people who live north of the 26th parallel. Of course, I refer to the reduction in stamp duty that people who live in those areas will now have to pay. That commitment recognises, in a fundamental way, the importance of land prices and the cost of living in an attempt to encourage people to populate that area and to exploit its wealth. We are all aware of the

problems associated with land and house prices in the south of the State and particularly in the metropolitan area because too many people live there. We are aware also of the commitment of Labor Governments through the former Premier, Brian Burke, and through Premier Peter Dowding to encourage people not only to stay in the north but to go there from southern parts of the State.

People who live in the north believe that we have the resources, not just of iron ore, but also to grow produce, to support a greater population. Obviously, the strains placed on the taxation system and on local government to provide a quarter of an acre for people to live in the south of the State cannot be allowed to continue. People need to be encouraged to go north to exploit resources other than mineral resources. The Government's action, therefore, to reduce the cost of living in that area should be welcomed.

It is also in order for me to congratulate the Labor Government on its victory in the recent State election, and to thank from the bottom of my heart those people who worked for the ALP in the Pilbara and the Kimberley - not forgetting those who worked for the Liberal Party and other political parties in that area. They manned the polling booths during the election handing out how-to-vote cards for up to eight hours a day in temperatures of 40 to 50 degrees. If I had the power in this area, I certainly would not call an election during the summer months of January and February, and those in power have often been asked to hold elections during the winter. It is appropriate to make a special mention of those people, no matter to which party they belong. They believe in our system of government and they fight to retain it; they worked many hours in hot weather without any recompense except for the thanks of those they assisted. It is appropriate that their work be recognised in this Chamber.

On a lighter note, some members of the Labor Party feel they owe a vote of thanks to the member for Cottesloe for the part he played during the latter part of the campaign in its victory. However, I suspect that Stephen Smith, the State Secretary of the ALP, would prefer me to thank Alan Bond for his donation which helped to reduce the debt of the ALP after the election campaign. It is interesting to note that the statement made by the member for Cottesloe, and other statements made during the run-up to the election, indicate the kind of thing with which the Government has had to deal in this Chamber during the last three years since I have been a member of this Chamber. It is an example of the negative approach of the Opposition and the matters it raises. I have said on each occasion that I have spoken in this House that it would be useful and more constructive for the Opposition to put forward alternatives to Government policies rather than to make, as has been the practice, negative statements. The Opposition has also accused the Government of stealing its policies. If that is the case, and both sides agree, then there is a good chance of those policies being successful; that should be recognised. The statement made by the member for Cottesloe is a prime example of the kinds of statements with which the Government has had to deal in the last three years: I thank the member once again. I suggest to the Opposition that in the next four years it would do better to raise constructive issues and formulate policies which can be debated in this House, and that its members should work towards developing a more positive attitude.

It is with a great deal of pride and pleasure that I commend this motion to the House.

HON FRED MCKENZIE (North East Metropolitan) [12.42 pm]: I formally second the motion.

Debate adjourned, on motion by Hon P.G. Pandal.

ADJOURNMENT OF THE HOUSE - SPECIAL

On motion by Hon J.M. Berinson (Leader of the House), resolved -

That the House at its rising adjourn until Tuesday, 4 April at 3.30 pm.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [12.44 pm]: I move -

That the House do now adjourn.

Western Australian Museum - Percy Markham Collection

HON P.G. PENDAL (South Central Metropolitan) [12.45 pm]: I wish to deal in a formal sense for the record with a matter I was unable to deal with by way of presentation of important petitions when that point of the program on the Notice Paper was reached. The House should be aware of a matter of some urgency which relates to the decision by the Government last year to go ahead with the sale of a unique collection of vintage and veteran cars currently under the ownership of the Western Australian Museum. Members will be aware that a Bill to prevent that sale was introduced in this House by the Opposition and, such was the Government's attitude at that time, that the Bill lapsed at the end of the last session. Not only do I regret the decision made by the Government, but also many thousands of people throughout Western Australia, especially the officials and members of the combined car clubs of Western Australia, whose task it was to ensure that this unique collection was never broken up, regret that decision. In the interim the Parliament has been dissolved, and a decision was made only last Saturday by the Minister for The Arts in this State to advertise those vehicles for sale or disposal of in some other way. It is worth bringing to the attention of the House the fact that the Government gave an absolute commitment that under no circumstances would it dispose of those vehicles to other than one owner who must keep the collection in Western Australia. In those circumstances, therefore, it is passing strange that the Government chose to advertise those vehicles in the national Press last weekend. If the Government were sincere in its promise to keep those vehicles in Western Australia, it would have no reason to advertise such a sale nationally.

My final point is that petitions which continue to be signed, one as recently as last Sunday at a large gathering of vintage and veteran car enthusiasts in Albany, are using the old format. That format was relevant last year when the petition called on the Government to support a Bill to amend the Museum Act, which had been introduced in this House by the Opposition. Of course, when the parliamentary session finished last year that Bill lapsed. Therefore, the petitions that have been presented and which were submitted this morning are invalid since the Bill is no longer before the House.

I use this occasion to seek leave of the House to table the many petitions containing thousands of signatures of people making this one last plea to the Government at this late stage to ensure that the sale does not take place.

Leave granted.

[See paper No 19.]

Question put and passed.

House adjourned at 12.48 pm

QUESTIONS WITHOUT NOTICE
FAMILY FOUNDATION - LEGAL BASIS

1. Hon P.G. PENDAL to the Minister for The Family:

- (1) What is the legal basis of the Family Foundation?
- (2) Does it have a board of management or any similar structure?
- (3) Does it employ any staff?
- (4) To whom is the foundation accountable?
- (5) How is it accountable to Parliament?
- (6) Does it come within the terms of the Burt Commission on Accountability and, if so, what steps have been taken to accommodate those recommendations?

Hon KAY HALLAHAN replied:

- (1)-(6) The question covers a number of matters, and I cannot recall them all. If the member places the question on notice he will receive a full response.

FAMILY FOUNDATION - PAYMENTS
Lists

2. Hon P.G. PENDAL to the Minister for The Family:

- (1) Will the Minister arrange to list by next Wednesday all payments from the Family Foundation since its inception, specifically detailing the whereabouts of the \$12 million paid to it for disbursement to community groups?
- (2) Will she list the names of all such individuals and groups who have received funds or for whom funds have been approved?
- (3) Will she outline the reasons for all such approvals and whether all such groups or individuals actually applied for those funds?

Hon KAY HALLAHAN replied:

- (1)-(3) I am happy to make the information available to the member but whether logistically it can be given by next Wednesday is something which I will need to examine. No problem exists with supplying the information; the problem is the time limit being placed on supplying the extensive amount of information requested.

BURKE, HON BRIAN - NATIONAL BANK OF AUSTRALIA
Government Guarantee - Tabling of Letter

3. Hon G.E. MASTERS to the Minister for Budget Management:

- (1) Will the Minister table a copy of the letter signed by the then Premier, Mr Brian Burke, on Sunday, 25 October 1987 in which the then Premier purported to commit the Government of Western Australia to guarantee the National Bank of Australia to the amount of \$150 million?
- (2) If not, why not?

Hon J.M. BERINSON replied:

- (1)-(2) That question bears no relation to my ministerial responsibilities. The question should be directed elsewhere.

BOOKMAKERS - TAX PAYMENTS

4. Hon P.H. LOCKYER to the Minister for Racing and Gaming:

Is the Minister satisfied that bookmakers are paying the appropriate tax in Western Australia?

Hon GRAHAM EDWARDS replied:

That is not a question which should be directed to me. However, due to my ministerial responsibility for racing and gaming, obviously I have an interest. I am seeking to further that interest at the moment.

SPORT AND RECREATION - FOOTBALL COMMISSION
Establishment - Delay

5. Hon E.J. CHARLTON to the Minister for Sport and Recreation:

Would the Minister inform the House of the current position with the setting up of the football commission and the reason for the delay?

Hon GRAHAM EDWARDS replied:

The delay has occurred because unfortunately we are working in an environment of almost jealousy, distrust and suspicion. Therefore, difficulties arise in drawing people together in a trusting way. The commissioners and club presidents met today, together with the interim commission chairman and representatives from the IPL. I do not know the outcome of the meeting, although I have been informed that the meeting was a positive one. The brief report which I have received lends some encouragement to the notion that they are moving closer to getting together than I had expected.

SPORT AND RECREATION - FOOTBALL COMMISSION
Establishment - Delay, Government Action

6. Hon E.J. CHARLTON to the Minister for Racing and Gaming:

If a further breakdown occurs, what action will the Government take to ensure the setting up of the commission?

Hon GRAHAM EDWARDS replied:

I cannot answer that question.

BOOKMAKERS - TURNOVER
Reduction Decision

7. Hon P.H. LOCKYER to the Minister for Racing and Gaming:

Who made the decision to reduce the bookmakers' turnover tax - the Minister or the Treasurer?

Hon GRAHAM EDWARDS replied:

That was a Cabinet decision.

BOOKMAKERS - TURNOVER
Reduction Decision - WA Turf Club, notification

8. Hon P.H. LOCKYER to the Minister for Racing and Gaming:

Can the Minister explain why the WA Turf Club was not informed of the Cabinet decision?

Hon GRAHAM EDWARDS replied:

I am not aware that the WA Turf Club was not informed of the decision. I am aware of claims that it was not informed, and I am examining the matter.

UGLE, LINTON - RAPE CONVICTION
Guilty Verdict - Report

9. Hon BARRY HOUSE to the Attorney General:

I refer the Attorney to a guilty verdict handed down in a case involving Linton Ugle who was convicted of rape. Will the Attorney General be seeking a report in this case?

Hon J.M. Berinson: Could the member give me some indication of the time of that decision?

Hon BARRY HOUSE: The case was decided in February, I believe, and the sentencing will be made today or within the next few days. The

circumstances surrounding the case are that the guilty verdict was handed down on the evidence of the victim, although she would not appear as a witness.

Hon J.M. BERINSON replied:

If I understand the member correctly, he is asking me a question on a case which has not been disposed of. I think it would be preferable in these circumstances that we wait to clarify that aspect.

BEATTY PARK - FUTURE

10. Hon MAX EVANS to the Minister for Sport and Recreation:

What is the future of Beatty Park, considering negotiations being undertaken by the Perth City Council?

Hon GRAHAM EDWARDS replied:

The question should be directed to the Perth City Council as the council, not the State Government, is responsible for Beatty Park.

SPORT AND RECREATION - SUPERDROME

Pool Accommodation

11. Hon MAX EVANS to the Minister for Sport and Recreation:

Will the Minister advise the House of the latest position with the pool accommodation at the Superdrome and the work to be done at Beatty Park?

Hon GRAHAM EDWARDS replied:

As far as I am aware, the Government has no plans to do anything at Beatty Park. The 1991 World Swimming Championships will, in the main, be held at the Superdrome. I hope the details that are still being worked out with FINA will be finalised in the next few days.
