

Legislative Assembly

Thursday, the 29th March, 1979

MEETING OF THE ASSEMBLY

The Legislative Assembly met at 8.00 p.m.

The SPEAKER (Mr Thompson) took the Chair.

PROCLAMATION

The Clerk of the Assembly (Mr B. L. Okely) read the Proclamation of His Excellency the Governor (Air Chief Marshal Sir Wallace Kyle, G.C.B., K.C.V.O., C.B.E., D.S.O., D.F.C., K.St.J.) summoning the third session of the Twenty-ninth Parliament.

PRESIDING OFFICERS

Guests on Opening Day

THE SPEAKER (Mr Thompson): Whilst awaiting the arrival of the Usher of the Black Rod I want to take this opportunity, on behalf of members of this Assembly, to welcome our guests.

In particular, I want to welcome the Hon. G. R. A. Langley, MP, Speaker of the Legislative Assembly in the South Australian Parliament, and the Hon. J. L. S. MacFarlane, M.L.A., Speaker of the Legislative Assembly in the Northern Territory.

To mark the occasion of the 150th Year it had been my wish to have present the Speakers of each of the Parliaments in the Commonwealth of Australia. Unfortunately, because of commitments in several of the Parliaments, some Speakers have not been able to attend. But, on behalf of members of this Assembly, I want to welcome particularly Speaker G. R. A. Langley and Speaker J. L. S. MacFarlane. I certainly hope you enjoy your stay with us in Western Australia.

SUMMONS FROM THE GOVERNOR

The Speaker and members, in response to summons, proceeded to the Legislative Council Chamber; and, having heard His Excellency the Governor (Air Chief Marshal Sir Wallace Kyle, G.C.B., K.C.V.O., C.B.E., D.S.O., D.F.C., K.St.J.) deliver the opening Speech (*vide* Council report *ante*), returned to the Legislative Assembly Chamber.

STATE FINANCE: INCOME TAX

State: Petition

MR BRYCE (Ascot—Deputy Leader of the Opposition) [8.47 p.m.]: I have a petition which reads as follows—

The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens in the State of Western Australia—

- (1) Recognise that a system of "double income tax" provided for in the State income tax enabling legislation will cause Western Australians to be the highest taxed citizens in Australia;
- (2) are aware that all other States of Australia have rejected a system of "double income tax";
- (3) call upon the State Government to abandon its plan to introduce a new and additional tax on people's incomes.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 615 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 1.

STATE FINANCE: INCOME TAX

State: Petition

MR BATEMAN (Canning) [8.48 p.m.]: I have a petition which reads as follows—

The Honourable the Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens in the State of Western Australia—

- (1) Recognize that a system of "double income tax" provided for in State income tax enabling legislation will cause Western Australians to be the highest taxed citizens in Australia;
- (2) are aware that all other States of Australia have rejected the system of "double income tax";
- (3) call upon the State Government to abandon its plan to introduce a new and additional tax on people's incomes.

Your petitioners therefore humbly pray that your honourable House will give this

matter earnest consideration and your petitioners as in duty bound will ever pray.

The petition bears 244 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 2.

STATE FINANCE: INCOME TAX

State: Petition

MR TAYLOR (Cockburn) [8.50 p.m.]: I have a petition addressed to the Hon. Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled. It reads as follows—

We, the undersigned citizens in the State of Western Australia—

1. Recognize that a system of "double income tax" provided for in (State Income Tax Enabling Legislation) will cause West Australians to be the highest taxed citizens in Australia;
2. are aware that all other States of Australia have rejected the system of "double income tax";
3. call upon the State Government to abandon its plan to introduce a new and additional tax on people's incomes.

Your petitioners therefore humbly pray that your honourable House will give this matter earnest consideration and your petitioners as in duty bound will ever pray.

Mr Speaker, this petition bears 58 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 3.

STATE FINANCE: INCOME TAX

State: Petition

MR CARR (Geraldton) [8.51 p.m.]: I have a petition to present.

The SPEAKER: Is that petition similar to the others?

Mr CARR: Yes.

The SPEAKER: I ask that you delete the reading of the full text.

Mr CARR: I have a petition along lines similar to those presented by other members, opposing the introduction of a second income tax on

Western Australian citizens. It bears 565 signatures and I have certified that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 4.

STATE FINANCE: INCOME TAX

State: Petition

MR PEARCE (Gosnells) [8.52 p.m.]: I have not checked my petition word for word but there seems to be certain similarities to those preceding mine. My petition bears 530 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 5.

STATE FINANCE: INCOME TAX

State: Petition

MR GRILL (Yilgarn-Dundas) [8.53 p.m.]: I have a petition addressed to the Hon. Speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled. It reads as follows—

We, the undersigned citizens in the State of Western Australia—

- (1) Recognize that a system of "double income tax" provided for in (State Income Tax Enabling Legislation)—

The SPEAKER: Order! I call on the member for Yilgarn-Dundas to adhere to the instruction I gave a member a little while ago if indeed his petition is couched in terms similar to those petitions which have already been presented. It would save the time of the House if you were to do so.

Point of Order

Mr TONKIN: I do not believe that a member who brings a petition to this House can in fact be directed not to read that petition to the House. It is a slur upon the citizens who signed the petition and I believe that this House should show the courtesy of hearing the views of the petitioners. It is not often that citizens of this State bring these matters forward and it is not going to hurt us one bit to hear what the hundreds and, in fact, thousands of these petitioners have to say on the matter. I would be very interested to learn of the Standing Order which gives you, Mr Speaker, the right to curtail the reading of the petition.

Speaker's Ruling

The SPEAKER: The member for Morley knows his Standing Orders fairly well and would know there is no specific Standing Order which empowers me to rule as I have. However, there are a number of precedents where a Speaker has ruled in this way and with that authority I so rule as I have.

Petitions (Resumed)

Mr GRILL: I did not hear the previous two petitions presented. I therefore seek leave to read my petition.

The SPEAKER: Order! I ask the member for Yilgarn-Dundas to hand his petition to an attendant so that I may have a look at it.

Mr Davies: He could have read it five times by now.

Mr O'Connor: It has been read five times.

Mr Davies: They are entitled to read them; it is free speech.

Mr Tonkin: This is a very sensitive area for the Government.

The SPEAKER: Order! I can assure the member for Yilgarn-Dundas that the petition he desires to present is identical with those which already have been presented. I ask him to give the certification indicating the petition conforms with the Standing Orders of the House.

Mr GRILL: I have a petition addressed to the Hon. Speaker and members of the Legislative Assembly and I am informed it is similar to petitions that have already been presented to this House this evening. In accordance with your direction, Mr Speaker, I indicate the petition deals with a system of double taxation about to be imposed by the present Government and opposes the legislation. It bears 517 signatures and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

See petition No. 6.

SUNDAY ENTERTAINMENTS BILL*Leave to Introduce*

SIR CHARLES COURT (Nedlands—Premier) [9.15 p.m.]: In order to assert and maintain the undoubted rights and privileges of the House to initiate legislation, I move, without notice—

For leave to introduce a Bill for an Act to restrict the keeping, opening or use of places for public entertainment or amusement on

Sundays and on Christmas Day and Good Friday, to repeal section 76H of the Police Act, 1892-1978, and to provide for purposes connected therewith.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Sir Charles Court (Premier), and read a first time.

QUESTIONS

Questions without notice were taken at this stage.

GOVERNOR'S SPEECH*Distribution of Copies*

THE SPEAKER (Mr Thompson): Accompanied by members of this Chamber, I attended His Excellency the Governor in the Legislative Council Chamber to hear the Speech which His Excellency was pleased to deliver to members of both Houses of Parliament. For the sake of greater accuracy I have caused printed copies of the Speech to be distributed amongst members of this Chamber.

ADDRESS-IN-REPLY: FIRST DAY*Motion*

MR SHALDERS (Murray) [9.18 p.m.]: I move—

That the following Address-in-Reply to His Excellency's Speech be agreed to—

May it please Your Excellency: We, the Legislative Assembly of the Parliament of the State of Western Australia in Parliament assembled, beg to express loyalty to our Most Gracious Sovereign, and to thank Your Excellency for the Speech you have been pleased to address to Parliament.

I should like to express my gratitude for the opportunity afforded me to move this motion in reply to His Excellency's Speech this evening. I regard it as being an honour bestowed on the people of the Murray district rather than on myself personally, in this year which is of particular significance to the State of Western Australia.

In his Speech, His Excellency paid tribute to all the citizens of Western Australia, both past and present, who have made and are continuing to make a contribution to the progress and development of this State.

I believe personally that Western Australia offers a great future for our children and for our grandchildren.

Mr B. T. Burke: Hear, hear!

Mr SHALDERS: No doubt the former Premiers who are present this evening looked back with pride on the contributions made by their Governments during their terms of office. My only regret is that a former Premier and also a former member for Murray, the late Sir Ross McLarty, is not alive today and able to be present this evening to witness this milestone in the history of our State.

In his Speech His Excellency made reference to development projects and training programmes planned by the Government. It is hoped that these projects and programmes will alleviate the unemployment situation in this State.

Mr T. H. Jones: I am glad you said "hoped".

Mr SHALDERS: Notwithstanding the fact that Western Australia is one of only two States in Australia to show a rise in the number of people employed in the work force in recent times, members on both sides of the House will agree that the number of unemployed people in this State remains at a level which is higher than we would like.

Mr Davies: I think the figures are wrong too.

Mr SHALDERS: One wonders why the problem of unemployment still exists in this State when the work force in Western Australia has risen by over 7 per cent since 1974, during which time there has been a decline in the number of people employed in the work force in every other mainland State of Australia. One reason only cannot be given for this situation. However, I do not doubt that one of the major and significant reasons for it is the fact that Western Australia acts as a magnet in attracting job seekers from both the Eastern States and New Zealand. These people are aware of the continuing growth in our State and, therefore, seek to obtain work here.

For some time a campaign has been conducted through the media encouraging us to buy Western Australian made goods. We have been asked to look for the Western Australian birthmark and give loyalty to Western Australian industry when buying goods. In my opinion this is a good campaign and it is worthy of the support of all residents of Western Australia and I hope it will continue.

However, I should like to point out that the time has now been reached when we must ask people engaged in commerce and industry—whether they be operating large or

small businesses—to return that loyalty displayed by Western Australians in the form of employing them whenever possible.

Mr B. T. Burke: When do they become Western Australians?

Mr SHALDERS: I am not suggesting that we should go to ridiculous lengths such as raising the height of the rabbit-proof fence or conducting a vendetta against people from the Eastern States, because I believe there will always be a place in this State for people with special skills and abilities, whether they come from the Eastern States or from overseas.

Several members interjected.

Mr SHALDERS: You, Mr Speaker, would be aware that I could reply to the interjection from the other side of the House and the reply would be almost as simple as the person who made the interjection.

Mr Tonkin: Why do you not answer the comments?

Mr SHALDERS: What I am saying, Mr Speaker, is that all things being equal employers in this State should give preference of Western Australian jobs to Western Australian people.

If loyalty, wherever possible, becomes a double-edged sword with employers and consumers each playing the part of which they are capable, I believe the benefit will certainly accrue to every Western Australian in the long term.

Reference was made also in the remarks by His Excellency to the importance of tourism in this State. To me, this was a most relevant subject. Western Australia has a great many prime tourist areas and districts which are attractive to tourists, both interstate and overseas and, indeed, it would also help holidaymakers in our own State who wish to travel during their annual holidays and during public holidays.

Mr B. T. Burke: Not many are coming here this year.

Mr SHALDERS: I believe that tourism has the potential to become a major money-earning and employment-creating industry in this State. However, I do not believe that potential will be realised until adequate facilities are provided to meet the many demands and requirements of tourists.

The job of providing these facilities is causing tremendous problems to local government authorities throughout Western Australia. I beg to say I believe the job is financially beyond their capabilities. Those authorities cannot be expected to charge ratepayers for the cost of additional facilities and staff over and above the normal

requirements which need to be provided for their own ratepayers.

If Western Australia is to benefit fully from the Australian and worldwide surge in tourism, then, in my opinion, an in-depth review is needed in the major tourist districts of this State to discover, firstly, what the needs are. Certainly, many of them are evident and obvious but I believe many of them are not so obvious at first glance. Secondly, a review is needed to discern which of these needs cannot be provided by private enterprise. And, thirdly, we should discover what level of financial support, by both the Federal and State Governments, is required to enable local authorities to meet those ever-increasing needs. I believe that all money spent will be quite rapidly repaid by indirect means once the full tourist potential has been satisfied by catering for all the tourists who, I believe, would wish to visit our State.

This is a problem which must be solved for two reasons: Firstly, to realise and exploit the full tourist potential of our State and, secondly, to relieve local government authorities, and ratepayers in their areas, of an intolerable burden.

I feel I would be neglecting the people and the needs of my electorate if I did not mention two major requirements of the Murray district. I refer to a ring road, and a second bridge across the Peel Inlet at Mandurah to cater for the ever-increasing volume of traffic which passes through the town, particularly during holiday periods.

Also, there is a need for a reticulated water supply to the South Mandurah area where the population is increasing rapidly. I know the quality of the underground water there is very poor, and it is a real problem for those people who live in that area. I do ask the Government to give serious consideration to the commencement of those projects in the coming financial year.

I would like to conclude my remarks by wishing every Western Australian a prosperous and successful 150th Anniversary Year.

Several members: Hear, hear!

MR WILLIAMS (Clontarf) [9.25 p.m.]: I formally second the motion.

Debate adjourned, on motion by Mr Davies (Leader of the Opposition).

ADJOURNMENT OF THE HOUSE: SPECIAL
SIR CHARLES COURT (Nedlands—Premier)
[9.26 p.m.]: I move—

That the House at its rising adjourn until 4.30 p.m. on Tuesday, the 3rd April.

Question put and passed.

House adjourned at 9.27 p.m.

QUESTIONS WITHOUT NOTICE

ENERGY: NUCLEAR

Power Station

1. Mr DAVIES, to the Minister for Fuel and Energy:

(1) In view of the major nuclear accident at the power plant in the USA, does the Government still hold to its previously stated position that nuclear power stations are safe?

(2) Is the Government taking steps to get all the facts concerning the accident in order that its plans to establish a nuclear power plant in Western Australia can be reviewed?

(3) If not, why not?

Mr MENSAROS replied:

(1) Yes.

(2) Yes.

(3) Not applicable.

ENERGY: GAS

North-West Shelf: Ownership and Control

2. Mr BRYCE, to the Minister for Industrial Development:

(1) Is it the Government's policy to strive to achieve an equity for Western Australians in the ownership and control of the North-West Shelf gas project?

(2) If not, will he explain to the House why the Government is opposed to such a desirable concept?

(3) If this is the Government's intention, will he as the responsible Minister indicate what steps he has taken to achieve this equity?

Mr MENSAROS replied:

- (1) to (3) The Deputy Leader of the Opposition and the House should know that the Government's policy, ever since it has been the Government, has been to try to achieve the maximum Australian ownership, and, for that matter, Western Australian ownership in resource development projects, and I am very glad that perhaps for the first time the Deputy Leader of the Opposition has spoken about Western Australia. Consequently, I do not think he is justified in saying we have done nothing about it. From the point of view of doing something, at the present moment there is nearly 50 per cent Australian equity in the North-West Shelf consortium, taking into consideration the Australian shares in the companies and the open shares in Woodside. If the Deputy Leader of the Opposition or anyone else is interested, he can easily acquire these shares.

CONSUMER AFFAIRS

Defective Goods: Refund of Money

3. Mr TONKIN, to the Minister for Labour and Industry:

- (1) As the Minister has often stated that there is no legal requirement for a shop to refund money if goods are found to be defective and that notices denying this right were neither misleading nor illegal, why has the Trade Practices Commission acted upon my complaint and asked for notices to be withdrawn?
- (2) If they are not illegal, why has the company complied with the request and withdrawn the notices?

Mr O'CONNOR replied:

- (1) and (2) According to the information I have from the department and legal advice given to me, there is no legal requirement. If, for instance, goods taken away are damaged, it must be proved where the damage occurred. A court decision often has to be given in connection with these matters, and the information I have been given is that there is no such legal requirement.

RAILWAYS: FREMANTLE-PERTH

Closure: Reconsideration

4. Mr McIVER, to the Minister for Transport:
- (1) In view of impending price hikes for fuel and the prospect of continued rises in

the price of fuel in the future, what evidence does he have that by the end of the next decade and thereafter the high cost of fuel will not make widespread use of bus transport prohibitive?

- (2) In view of the prospect of continued long-term price rises for fuel and because over 85 000 Western Australians have signed a petition opposing plans to close the Perth-Fremantle railway, will he reconsider the Government's decision?

Mr RUSHTON replied:

- (1) Even the most pessimistic forecasts of the future price of petroleum-based fuels do not exceed four times the present price in real terms. Synthetic oil from coal or gas and alternative power sources such as LPG or alcohol engines become economic before that point is reached.

An extreme, fourfold, increase in the price of fuel for buses would increase bus operating costs by some 17 per cent. At today's money values a 9c fare increase would cover it. That is hardly prohibitive.

- (2) No. Our diesel trains use more litres of fuel than our buses per kilometre, per passenger, per seat-kilometre, and per passenger-kilometre. An all-bus system in the Perth-Fremantle corridor will therefore consume less fuel than a mixed system of bus and rail. This is one of the reasons that the Government is terminating the rail services in that corridor.

HOUSING: PURCHASE

Applicants: Rejection of Offer

5. Mr B. T. BURKE, to the Minister for Housing:

Bearing in mind that the State Housing Commission is charged with the responsibility of housing people unable through normal channels to finance their own homes, what does the Minister intend to do about the present situation in which 90 per cent of those applicants offered finance by the State Housing Commission are rejecting the offer because they are unable to meet the commitment involved in accepting the offer?

Mr RIDGE replied:

I think the member for Balcatta would like to think the State Housing Commission is not doing anything about the situation to which he has referred.

It is a fact that a large number of people who are offered the opportunity of housing finance are now not able to provide the required deposit, and the State Housing Commission is most actively investigating the situation with a view to reducing the amount of deposit required. Some other initiatives are being taken also; however, at this stage I am not prepared to indicate precisely what those initiatives are. As soon as they have been determined, I assure the member for Balcatta he will be notified accordingly.

WORKERS' COMPENSATION: BOARD

Hearings: Public and Private

6. Mr TONKIN, to the Minister for Labour and Industry:

- (1) Is the Minister aware that section 28(2)(a) of the Workers' Compensation Act states that all proceedings before the board shall be conducted in public?
- (2) If so, how can he state that it is "nonsense" when the Opposition draws his attention to the fact that the board is acting illegally by holding some of its proceedings secretly and in private?
- (3) When will he make sure of his facts before rushing into print; and will he now publicly apologise for misleading the people, because the board has quite openly admitted it does not conduct some of its proceedings in public, which is clearly in contravention of section 28 of the Act?

Mr O'CONNOR replied:

- (1) to (3) In reply to the member for Morley, I point out on the occasion to which he refers, he was speaking nonsense, just as he is now. Had he read the whole of the Act he would have found that further on another section gives the opportunity for a judge in Chambers to hear information.

Mr Tonkin: What section is that?

HOUSING: PURCHASE

Applicants: Rejection of Offer

7. Mr B. T. BURKE, to the Minister for Housing:

The Opposition is pleased to learn that the State Housing Commission is doing something about those things the Opposition said would happen when the agreement was signed. However, I would ask the Minister to assure those applicants who have been unable to take advantage of the finance offered to them—bearing in mind that the commission's purchase lists are now closed—that they will again be offered the chance to build their own homes.

Mr RIDGE replied:

In reply to the member for Balcatta, I will not give any such assurance at the moment, apart from saying the Government is anxious to assist people in Western Australia to own their own homes.

Mr B. T. Burke: You have said in this place that some people cannot expect to own their own homes.

Mr RIDGE: I have said that some people cannot find the deposit presently required.

Several members interjected.

The SPEAKER: The Minister will resume his seat. During last year's session, I made it quite clear that I would not tolerate a situation in which a Minister, having been asked a question, was then subjected to harassment whilst he was trying to answer the question. I will overlook this particular situation and allow another question or two. However, I warn members that I will terminate questions without notice if there is not an opportunity given for the Ministers to reply in silence.

ELECTORAL

State Election: Date

8. Mr JAMIESON, to the Premier:

I would like to ask the Premier a question without notice. Is it the intention of the Government to hold a general election before the end of this year?

Sir CHARLES COURT replied:

In answer to the member for Welshpool, he will be advised in the normal way at the appropriate time.

WORKERS' COMPENSATION: BOARD

Hearings: Public and Private

9. Mr TONKIN, to the Minister for Labour and Industry:

I do not think it is good enough for Ministers in this place to stand and invent sections of an Act which do not exist. If the Minister for Labour and Industry maintains there is such a section, he should be able to name it. I ask what section in fact overrides section 28? The Minister has referred to the fact that there is provision in the Act for regulations to be made. Regulations were made in 1956 which allowed the board to hold some of its proceedings in public. Is the Minister aware that these regulations have been made *ultra vires* the Act and are therefore illegal because regulations cannot override an Act of Parliament?

The SPEAKER: I must rule that the question is out of order because the member seeks a legal opinion of the Minister, and the Minister is not obliged to answer such questions.

HEALTH

Mental: Greenplace Hostel

10. Mr DAVIES, to the Minister for Health:

I ask the Minister for Health a question, some notice of which has been given. The question is as follows—

- (1) When was Greenplace Hostel originally made available to the Government?
- (2) Who made it available and what was the nature of the transaction?
- (3) How many patients are currently resident at Greenplace?
- (4) Is it proposed to house them in private or Government hostels when Greenplace closes?
- (5) Can he name the hostels where they will be sent?

- (6) Has any decision been made on how Greenplace will be disposed?

Mr YOUNG replied:

- (1) and (2) The original Greenplace House was bought from Lawrence Eliot in 1914 for £2 000 and the annexe was purchased in 1956 for £10 000 from the Olsen family.
- (3) to (5) There are no residents left in the Greenplace Hostel because the hostel was closed early this month. All the residents have moved to private hostels. I will give the Leader of the Opposition a list of the private hostels to which the residents have moved.
- (6) No.

EDUCATION

School Year: Committee of Inquiry

11. Mr PEARCE, to the Minister for Education

Is it a fact that he threatened to cancel the committee of inquiry established to report on the arrangement of the school year, as reported recently in *The West Australian*, because he was dissatisfied with the attitude of the Teachers' Union representative following the union's move to hold its own inquiry? If that is the case, does it mean he will tolerate only opinions of committee members which accord with his own preconception of the matter, and does it preclude any body from holding an inquiry on the matter?

Mr JONES replied:

The answer is, "Yes". I did indicate that the committee would be cancelled, for the reasons mentioned by the member. The committee was established including a representative from the Education Department, the Teachers' Union, and the parent body. If one of those bodies is to conduct its own inquiry—that is, by sending a questionnaire—over and above the efforts being made by the representative of that body on the committee, that places the representative in a very poor light. Because of that fact, together with other matters on which I will not elaborate at the moment, the committee will certainly be cancelled by me if it is not supported by the Teachers' Union.