

PARLIAMENTARY DEBATES

(HANSARD)

Third Session of the Thirtieth Parliament

Parliament was prorogued on 16 February 1982, to 18 March 1982 when it met for the despatch of business.

Parliament was opened by His Excellency the Governor (Rear-Admiral Sir Richard John Trowbridge, K.C.V.O., K.St.J.)

OPENING OF PARLIAMENT

Legislative Council

Thursday, 18 March 1982

MEETING OF THE COUNCIL

The Legislative Council met at 7.00 p.m.

The PRESIDENT (the Hon. Clive Griffiths) took the Chair and read prayers.

VISITORS

Welcome

THE PRESIDENT (the Hon. Clive Griffiths): I wish to welcome everyone to the opening of the third session of the Thirtieth Parliament and, in particular, the Rt. Hon. Humphrey Atkins, M.P., Lord Privy Seal, and Mrs Atkins, and Mr T. Arnold, M.P., Parliamentary Private Secretary, from the House of Commons.

PROCLAMATION

The Acting Clerk of the Council (Mr L. A. Hofst) read the Proclamation of His Excellency the Governor (Rear-Admiral Sir Richard John Trowbridge, K.C.V.O., K.St.J.) summoning the third session of the Thirtieth Parliament.

SWEARING-IN OF MEMBER

The Acting Clerk of the Council (Mr L. A. Hofst) produced the writ for the South Metropolitan Province, upon which it was certified that Garry Kenneth Kelly was duly elected.

The President announced that he was prepared to swear in the newly-elected member.

The honourable member made and subscribed the affirmation and signed the roll.

GOVERNOR'S SPEECH

Delivery

His Excellency the Governor (Rear-Admiral Sir Richard John Trowbridge, K.C.V.O., K.St.J.) entered the Council Chamber at 7.12 p.m.; 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 tonight for the Third Session of the Thirtieth Parliament of Western Australia.

Since the Opening of Parliament last year we have again welcomed Her Majesty the Queen and His Royal Highness the Duke of Edinburgh, their visit coinciding with the 150th anniversary of the foundation of the Royal Agricultural Society of Western Australia.

Another highlight of the visit was the opening by Her Majesty of a \$57 million new wing at Fremantle Hospital named in honour of the Princess of Wales.

It was my pleasure earlier this year to present to Parliament a message of congratulations from Her Majesty the Queen on the occasion of the 150th Anniversary of the first meeting of the Legislative Council.

I regret to record the sudden death last year of the then Member for Kalgoorlie, Mr Edward

Thomas Evans, and also note with sorrow the death of Mr Ewart Runciman, formerly Member for Murray.

I share also with Members their sorrow at the death yesterday of Mr Herbert Graham, a Member of the Legislative Assembly for 30 years from 1943 to 1973, a Minister in the Hawke Government from 1953 to 1959 and Deputy Premier in the Tonkin Government from 1971 until his retirement from politics in 1973.

Retirements from Parliament were those of the Honourable Sir Charles Court, the Honourable Howard William Olney and Mr John Edward Skidmore.

Sir Charles Court's retirement brought to a close a distinguished career in this Parliament and in Government. He was Member for Nedlands 1953/82, Minister of the Crown 1959/71, Leader of the Opposition 1972/74, and Premier from 1974 to 1982. Sir Charles made an outstanding contribution to Western Australia's development and to the great improvement in opportunities and living standards for the people of this State. His service to Western Australia, ranking with that of the greatest of his predecessors, will be remembered throughout our history.

We welcome the recently elected Member for South Metropolitan Province in the Legislative Council; and the new Legislative Assembly Members for Nedlands and Swan.

State Finances

The Consolidated Revenue Fund Estimates presented to Parliament provided for revenue and expenditure to be in balance.

Although a lower level of activity is having an effect on mining royalties, the Government is hopeful the forecast result will be achieved. However, the overall result will be dependent largely upon the outcome of salary and wage determinations by wage-fixing tribunals and, in particular, the national wage case before the Australian Conciliation and Arbitration Commission.

The Economy

The Government's legislative programme this Session will seek to advance further the economic and social wellbeing of the people of Western Australia, with particular emphasis on improving the viability of small businesses.

As in the past, this progress will depend heavily on the successful development of mining, agricultural, fishing, tourism and other resources.

The Western Australian Government views with deep concern the number of unemployed in

the community, and is determined to do everything possible to alleviate this problem.

As a result of its own development policies, the Government has to some extent been able to cushion the effects of the downturn in the world economy. Nevertheless, it will continue to press for a relaxation of the present strict Commonwealth monetary policies.

In this respect the Government's approach will be for a bolder, more expansionist economic strategy by the Commonwealth which would not only ease unemployment, especially among the young, but would also generate national earning power to relieve excessively high interest rates confronting home buyers, and to maintain funding for the necessary social, educational and community support programmes which the Western Australian Government seeks to expand.

Housing

A Mortgage Assessment and Relief Committee established by the Government is continuing to assist home buyers experiencing genuine hardship as a result of rising interest rates.

The Government also has introduced a number of other initiatives to help first-home purchasers and will not relax its efforts to obtain a substantial increase in funding for welfare housing.

Water Rating

The Government is giving high priority to problems of water rating, especially those affecting small business. Interim measures will be introduced from July 1 to correct anomalies which have emerged with certain valuation-based rates and charges in metropolitan and country areas. Legislation will also provide for changes in the Metropolitan Water Board's structure and responsibilities.

Industrial Relations

The Government remains concerned about industrial stoppages which disrupt the community generally. During 1980/81, 165 754 man days were lost due to industrial stoppages throughout the State.

The Government will continue to insist that all wage and salary claims must be fully justified and where necessary decided by appropriate tribunals.

Apprentices

Western Australia continues to achieve a high level of success with its various apprenticeship training schemes. Last year there was a record intake of 5 065 apprentices, an increase of 18.6 per cent on the previous year.

Floods and State Emergency Service

Increased support provided by the Government to the State Emergency Service in recent years did much to enable the organisation to provide a more effective counter-disaster response and to relieve hardship and distress caused by floods which devastated much of the Great Southern and South-West Regions in January.

Education and Health

The \$480.7 million allocated for education this financial year—an increase of 12.4 per cent—indicates the Government's determination to maintain its commitment to the development and training of young Western Australians. It believes an educated community is one of the most valuable assets the State can possess in this age of technological changes.

A 42 per cent increase in funds for hospital capital works in 1981/82—to \$44 million, will ensure that work will continue on a number of major hospital projects and a start made on others of high priority.

Members will be given more details of the Government's works programmes when the 1982/83 Budget and Loan Estimates are presented.

Primary Industry

The gross value of Western Australia's agricultural production in 1980/81 rose to an estimated \$1 630 million.

Good winter rains brought an end to drought conditions in many agricultural areas and lifted grain production to about 6 million tonnes, worth about \$1 000 million. However, drought conditions continue to plague farmers in some localities and our sympathy goes out to those whose properties are still affected.

The Parliamentary Select Committee inquiring into future needs of the Dairy Industry is continuing its work as an honorary Royal Commission.

The Government proposes to amend the Soil Conservation Act to help resolve the problem of soil degradation. Amendments to the Potato Growing Industry (Trust Fund) Act will also be introduced.

Lands and Forests

The Government intends to amend and update the Land Act to strengthen management control over Crown reserves.

As part of a general review of pastoral leases administration, legislation will amend the Land Act (Pastoral Leases) to review compensation provisions when properties are affected by resumptions, and to license tourist operations on pastoral leases.

(3)

Another measure will exempt from Land Tax those taxpayers genuinely committed to silviculture and reforestation and will put forestry on the same footing as agriculture.

Conservation and Environment

The Waterways Conservation Act will be amended to embrace artificial waters created by the development of canals.

The present area of National Parks is almost 4.5 million hectares with additional areas under investigation. Up to June last year 26 new wildlife reserves were created, lifting the total area to almost 10 million hectares.

Resources Development, Mines and Fuel and Energy

The value of mineral production in Western Australia during 1980/81 reached \$2 716 million.

Global economic downturn which has reduced demand for metals, minerals and other natural resources, thus weakening prices of most, is a cause of concern but the Government is confident an upturn is emerging.

The Government has always endeavoured to anticipate world demand in negotiating new projects and in so doing it is necessary to allow for the long lead time required for environmental assessment and construction.

This basic approach resulted in special negotiations overseas in January to try to obtain commitments for expansion of the existing power station at Bunbury to service a number of vital industries including an aluminium smelter. The response has been encouraging and studies are at an advanced stage with good market backing.

Meanwhile work is progressing on the North West Shelf natural gas project—the largest single development ever undertaken in Australia. Up to the end of January this year, contracts worth \$784 million had been let by the joint venturers. Its enormous prospects in terms of energy production, export income, investment, employment and trade training are undiminished.

In addition, the State Energy Commission has awarded contracts totalling \$200 million for equipment and materials for the 1 500 kilometre Dampier-to-Perth gas pipeline. The Commission has other major works in hand to meet increasing demands of domestic, industrial, and commercial needs.

Security regulations relating to the Diamond (Ashton Joint Venture) Agreement Act will be gazetted and tabled this Session. Legislation will also include amendments to the Iron Ore (Hamersley Range) Agreement Act to normalise the towns of Paraburdoo, Tom Price and Dampier

and to authorise alterations to the boundaries of certain of the Company's leases.

It is also proposed to vary the Alumina Refinery (Worsley) Agreement Act to permit mining of other materials as well as bauxite and to incorporate amendments required by the Mines Department in connection with plans required for the issue of mineral leases.

Industrial Development and Commerce

Major project developments last year brought a steady flow of work to Western Australian industry, with local firms winning 59 per cent of available contracts worth \$1 037 million.

Encouragement to local manufacturing industry through a revitalised "Birthmark" campaign to promote local products will begin next month.

Transport

Considerable progress is being made with improvements to the State's extensive road network. This is being achieved by a continually increasing proportion of State Government funds. In the past six years, road allocations from State funds has increased by 118 per cent compared with an increase in Commonwealth funds of only 43 per cent.

The Government proposes to introduce legislation to incorporate uniform Shipping Law Codes as approved by the Association of Australian Port and Marine Authorities into the Western Australian Marine Act.

It is also pursuing a policy which will allow Westrail to join with a private road transport organisation in a joint venture company to provide a more viable service to country residents while at the same time ensuring that Westrail progresses as a healthy, viable organisation. Major amendments will be made to the Railways Act to facilitate this venture.

The introduction of more equitable domestic air fares and a general upgrading of Perth's International Airport continue to be given high priority.

Tourism

The Government recognises the increasing importance of tourism, and plans to increase support for this vital industry. Ten international flag carriers are now operating in and out of Perth Airport and the Government's success in helping to establish direct services to and from Auckland and Bangkok should result in more international visitors from those regions.

Police

Amalgamation of the Road Traffic Authority and the Police Department has taken place. As a

result, there is no longer any distinction between general police and road traffic patrol officers. Consequently their combined presence on roads will provide a more effective deterrent. An inter-departmental committee which investigated road safety has made various recommendations and some of these will be included in legislation to amend the Road Traffic Act.

A review of firearms legislation is likely to result in amendments to the Firearms Act.

Western Australian Fire Brigades Act

The Government will introduce legislation to amend the Fire Brigades Act to alter the structure and operations of the Board and to increase the powers of the Chief Fire Officer to deal with dangerous situations in public buildings.

Prisons

The State's prisons building programme is being reviewed by an inter-departmental committee. Prison industries are being examined to determine whether they can contribute services and products for departmental and Government use, and regulations are to be rewritten to comply with the new Prisons Act which was reviewed and approved by Parliament last year.

Attorney General

The Government proposes to amend the Supreme Court Act to allow for appointment of an eighth judge. Together with the appointment of two extra judges of the District Court, this will help to alleviate court pressures accentuated by the Government's commitment to legal aid. A revision of the Criminal Code will be completed for public consideration with particular reference to a review of sentences, and amendments to the Justices Act will lay down a standard procedure for infringement notices.

It is also Government policy to encourage the use of Community Service Orders as an alternative to imprisonment wherever possible.

Two other pieces of legislation, deferred from the last Session, will deal with bail and compensation for criminal injuries.

Other legislation will enable the offshore constitutional settlement and the National Companies and Securities Commission Scheme to come into full operation.

Chief Secretary

An anomalous situation for members utilising licensed club premises—other than for the sale and consumption of alcohol—outside authorised trading hours will be corrected by legislation deleting references to licensed clubs and restaurants from the Liquor Act's definition of a bar.

Local Government, Urban Development and Town Planning

Amendments to the Local Government Act will relate to trading in streets, tendering procedures and audit fees. They will also provide for removal from the Act of the requirement for municipal councils to obtain approvals to certain transactions with State Government Departments or agencies. These changes are consistent with the Government's undertaking to conduct an ongoing review of approvals required by the Act.

The system of municipal rating laid down in the Local Government Act will continue to be examined to ensure that any inequities in the present system are removed.

A comprehensive review of the Metropolitan Region Town Planning Scheme Act will cover re-drafting of sections concerning land acquisition and compensation and improved administrative procedures. The Government also proposes to amend the Town Planning and Development Act to enable the Town Planning Appeals Tribunal to overcome workload problems.

Other legislation will provide for appointment of a Deputy Chairman and deputy members of the Town Planning Appeals Tribunal. Legislation relating to the awarding of costs by the Tribunal will also be introduced.

Aborigines

The Aboriginal Lands Trust which acquires and manages land on behalf of the State's Aborigines currently holds 21 million hectares under various forms of tenure.

Aboriginal housing programmes are continuing in country and metropolitan locations; the Aboriginal Health Worker Training Programme is being further expanded, while the importance placed on education for Aborigines is reflected in special programmes, at all levels up to tertiary courses, with particular emphasis on the acquisition of literacy skills by adults.

Child Welfare Act

An amendment to the Child Welfare Act will provide for the introduction of a system of Community Service Orders for juveniles.

Proposals in respect of children who need the security of a permanent home will be finalised. "Children in Limbo" has been the subject of intensive investigation and assessment and significant changes to procedures in respect of these children can be expected.

Legislation

I now refer broadly to some other Bills which will be included in the legislative programme this Session.

These will provide for—

Amendments to the Superannuation and Family Benefits Act to clarify the superannuation entitlement of persons appointed to statutory offices:

Correction of anomalies revealed by the operations of the Pensioners' Rates (Rebates and Deferments) Act relating to eligibility for rates concession:

Amendments to the Trade Descriptions False Advertisements Act; Machinery Safety Act; Motor Vehicle Dealers' Act; Painters' Registration Act, and the Builders' Registration Act.

Mr President and Honourable Members of the Legislative Council.

Mr Speaker and Members of the Legislative Assembly.

I now declare this Session of 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.]

LEGISLATIVE COUNCIL: 150th ANNIVERSARY

Address-in-Reply: Governor's Acknowledgment

THE PRESIDENT (the Hon. Clive Griffiths): I have received from His Excellency the Governor a message dated 12 March 1982, which reads as follows—

Mr President and Honourable Members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-Reply to the Speech with which I conveyed the Message sent by Her Majesty the Queen to mark the 150th anniversary of the first meeting of the Legislative Council.

RICHARD TROWBRIDGE,
Governor.

POLICE: FIREARMS

Legislation: Petition

On motions by the Hon. Lyla Elliott, a petition bearing the signatures of 623 persons requesting that firearm controls be strengthened, was received, read, and ordered to lie upon the Table of the House.

(See paper No. 3.)

CONSERVATION AND THE ENVIRONMENT

Millstream: Petition

On motions by the Hon. Peter Dowding, a petition bearing the signatures of 58 persons requesting that environmental decline at Millstream due to pumping for water supplies be avoided, was received, read, and ordered to lie upon the Table of the House.

(See paper No. 2.)

QUESTIONS

Questions without notice were taken at this stage.

CORONERS AMENDMENT BILL

Leave to Introduce

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.50 p.m.]: 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 Coroners Act 1920-1979".

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Leader of the House), and read a first time.

GOVERNOR'S SPEECH

Distribution of Copies

THE PRESIDENT (the 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 members.

ADDRESS-IN-REPLY: FIRST DAY

Motion

THE HON. NEIL OLIVER (West) [7.52 p.m.]: I move—

That the following Address be presented to His Excellency—

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.

Mr President, it is with great pride and humility that I address myself to this motion, in this the

150th year since the first step was taken towards local rule for the people of Western Australia.

There was initially a reluctance by our founders to take this first step, as the introduction of taxes was necessary for the administration of the colony. Little would that first Legislative Council meeting—chaired by Governor Stirling—realise how vastly different our parliamentary institution would be today.

But that meeting of 1832 was the beginning of self-government for Western Australia, and that beginning should be—and must be—cherished by every Western Australian; for, by the process of evolutionary reform, today we have an adult franchised, bicameral system of Parliament.

The present system has served well six generations of Western Australians. No doubt throughout the years ahead further changes will evolve.

Our Houses of Parliament represent to us all a symbol that, even in the troublesome times in which we live, respect for the rule of law is upheld.

There is, however, a minority group of irresponsible union and management leaders who consider themselves above the law, irrespective of the interest of the community at large.

In this regard, I turn to the Speech delivered tonight by His Excellency. It reports the deep concern of the Western Australian Government for the number of unemployed people within the community, and its determination to do everything possible to alleviate this problem.

It reports also the deep concern of the Western Australian Government about industrial stoppages which disrupt the community generally.

Regrettably, in a period of high unemployment, we see the export growth of this country and the opportunities for greater employment, better conditions and an improved standard of living; being frustrated by lawless disputations.

There is no doubt that industrial confidence is at an all time low and, naturally, as a corollary to this, so is the confidence of our investors.

We all share the same concern about these industrial stoppages, which disrupt the community generally, and which are killing job opportunities for many Western Australians.

For the first time in the history of Western Australia, we are in real danger of losing the momentum of our great progress. The greatest need today is not for job killing, but for job making.

No decent Western Australian has time for irresponsible monopolies—they are equally

disliked on both sides of our political spectrums. Where a monopoly does exist, it must act responsibly, over-reacting if necessary, in serving the interests of the community.

It is, therefore, time that everybody concerned had his or her opportunity to be responsible for wages and for strikes.

Obviously it is essential that the Parliament reacts to the needs of the community and creates an environment for improved industrial relations.

Our present arbitration system is regarded as legislative, not only in settling industrial disputes, but also in making laws and regulating wages and conditions.

These awards have more the appearance and character of a judicial process and in most instances are made in settlement of an industrial matter or dispute.

In addition, there is a right of appeal, and in this respect, the similarity of the settlement of industrial disputes to the settlement of legal disputes by a court is readily apparent.

If the legislation is so deficient that it cannot provide relief without the insertion of further and more onerous penal provisions, a new and acceptable system to ensure observation of awards and to protect the integrity and rights of all parties involved, must be found.

The remedy for this situation may be found by establishing two branches of the Industrial Commission and creating a system of relationship between employers and employees which imposes responsibility on those parties to bring about constructive labour-management relations. This relationship must bring employers and employees to a closer understanding of, and respect for, each other. To achieve an alternative to almost continuous disputes between monopoly unions and management, we should foster independent unions affiliated within a plant, enterprise, or industry in order to achieve this closer relationship.

Mr President, in this situation a Government may well need to promote the expertise and professionalism of negotiators, even to the extent of providing financial assistance. I am not proposing that the legislative and court environment be abolished but that its use be limited to a judicial role when the more informal negotiations that can be undertaken at the basic workshop floor level, through the guidelines of the proposed other branch of the commission, with an independent arbitrator, have failed.

I am proposing a departure from a completely legally-structured system and the retirement of tribunals to the role of bona fide settlement instruments. I am proposing a bilateral system that develops a code of behaviour which includes the acceptance of a peace obligation which would be self-supervised and executed.

Instead of continually opposing or ignoring each other, the parties should endeavour to establish wages and conditions of employment by agreement. To achieve a system which will enable parties to set priorities among their demands—trading off one for another—and create an incentive for them to find common ground, would require a major review of our industrial legislation.

The non-judicial branch of the commission would need to lay down model codes for pay and conditions for each type of work, in order that independent arbitrators could act when parties are unable to find common ground. The judicial branch of the commission would be available when all negotiations failed. On these occasions, the umpire's decision must be final and binding. All awards and agreements would be civil contracts, with either party having the right to legal action where damages have been sustained.

The purpose of this form of industrial relations goes further than just collective bargaining for the establishment of wages and conditions; it is extended to govern the relationship between the negotiating parties and arbitrators. It is fundamental that in order to achieve a satisfactory industrial relations system, the major parties to it should be able to influence its structure. By accepting these ingredients, participants in the industrial relations system would be accepting the most basic of their obligations; that is, social responsibility for the results of their actions on the whole of the community.

This may not be a novel method, but at this time in our industrial and economic arena it could be worth a try.

In conclusion, it gives me great pleasure to move this motion.

THE HON. P. G. PENDAL (South-East Metropolitan) [8.06 p.m.]: I formally second the motion.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

House adjourned at 8.07 p.m.

QUESTIONS WITHOUT NOTICE
EMPLOYMENT AND UNEMPLOYMENT

Increase in Western Australia

1. The Hon. D. K. DANS, to the Minister for Labour and Industry:
- (1) Has the Minister's attention been drawn to the most recent unemployment figures?
 - (2) If so, is he fully aware that Western Australia's February unemployment figure represents an increase of 8 500, or 22.6 per cent, in registered unemployed over the previous 12 months?
 - (3) Is he fully aware too that this 12-month increase is the greatest proportional increase among the mainland States?
 - (4) In view of the above and the fact that employment growth in the year to the December quarter was a mere 0.4 per cent, what new proposals does his Government intend to put forward to provide employment?

The Hon. G. E. MASTERS replied:

- (1) to (4) I ask the Leader of the Opposition to place the question on the notice paper. I have seen the figures and quite obviously there has been an increase, but the Government is confident that this figure will improve as a result of the measures and initiatives it has taken.

COMMUNITY WELFARE

Domestic Violence: Advisory Committee

2. The Hon. LYLIA ELLIOTT, to the Attorney General:
- With respect to his announcement concerning the establishment of an advisory committee to consider

legislation to protect victims of domestic violence—

- (1) In view of the importance and relevance of the committee's work to women in particular, will its membership include one or more women?
- (2) If so, how many?
- (3) If not, why not?

The Hon. I. G. MEDCALF replied:

- (1) to (3) The Government is well aware of the importance of the study on domestic violence to the women in our community and particularly to women who are living in some form of subjection to this form of violence. For that reason the Government will most certainly include at least one woman on the committee. The exact composition of the committee has not been decided as yet.

HEALTH: NURSING HOME

Penn Rose: Survey

3. The Hon. F. E. McKENZIE, to the Attorney General:

- (1) Will the Attorney table a copy of the report he has prepared of the circumstances surrounding the death of Mr Reginald Berryman and other matters relating to Penn Rose?
- (2) If not, would he give reasons?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I prepared the report at the express request of the Executive Council and as such it is a confidential document for the Cabinet; therefore, I am not in a position to authorise its release. A summary of the report was contained in the Premier's Press release issued shortly after the last Cabinet meeting.

