

# Legislative Council

Tuesday, 26 July 1983

## MEETING OF THE COUNCIL

The Legislative Council met at 4.30 p.m.

### SWEARING-IN OF MEMBERS

His Honour Mr Justice Wallace, Senior Puisne Judge of the Supreme Court of Western Australia, having been commissioned by His Excellency the Governor, entered the Chamber to administer to members the Oath of Allegiance to Her Majesty, or the affirmation required by law, and was conducted to the Chair. The commission to swear-in members was read.

The Clerk produced the return of writs for the election of members at the general election held on 19 February 1983, showing that the following had been duly elected—

Metropolitan Province—

Richard John Lloyd Williams.

North Metropolitan Province—

Graham John Edwards.

North Central Metropolitan Province—

Samuel Mathew Piantadosi.

North-East Metropolitan Province—

Fred Evan McKenzie.

South Metropolitan Province—

Desmond Keith Dans.

South Central Metropolitan Province—

Clive Edward Griffiths.

South-East Metropolitan Province—

Elsie Kay Hallahan.

Central Province—

William Gordon Atkinson.

Lower Central Province—

William Noel Stretch.

Lower West Province—

Colin John Bell.

South Province—

David John Wordsworth.

South-East Province—

Mark Warriedar Nevill.

South-West Province—

Victor Jasper Ferry.

Upper West Province—

Thomas McNeil.

West Province—

Oscar Neil Blackburne Oliver.

Lower North Province—

Norman Frederick Moore.

North Province—

Thomas Gregory Stephens.

These members took and subscribed the Oath of Allegiance, or made and subscribed the affirmation required by law, and signed the Roll.

The Commissioner retired from the Chamber.

### ELECTION OF PRESIDENT

The Clerk reported that the office of President was vacant.

**THE HON. P. G. PENDAL** (South-East Metropolitan) [4.53 p.m.]: *I move—*

That the Hon. Clive Griffiths do take the Chair in the Council as President.

**THE HON. G. C. MacKINNON** (South-West) [4.54 p.m.]: *I second the motion.*

**THE HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.56 p.m.]: *I move—*

That the Hon. Robert Hetherington do take the Chair in the Council as President.

**THE HON. FRED McKENZIE** (North-East Metropolitan) [4.57 p.m.]: *I second the motion.*

[The Hon. Clive Griffiths and the Hon. Robert Hetherington having submitted themselves to the will of the House, a ballot was taken with the Hon. Tom McNeil acting as scrutineer and the Hon. Clive Griffiths was declared by the Clerk to have been elected by a majority of votes, and he was conducted to the Chair.]

**THE PRESIDENT** (the Hon. Clive Griffiths): Honourable members, it is with deep humility that I accept the honour which you have bestowed upon me by re-electing me as your President this afternoon. I assure you that I will continue to carry out the obligations of this office to the best of my ability.

Opposition members: Hear, hear!

**THE HON. D. K. DANS** (South Metropolitan—Leader of the House) [5.05 p.m.]: Mr President, as Leader of the House, and on behalf

of my colleagues in this House, I extend to you hearty congratulations on your re-election to the high office of President of the Legislative Council for a further term.

It is pleasing to note that your election as the thirteenth President some six years ago did not prove disastrous to superstitious people, and the record can only show, in fact, that you presided over this Chamber in an efficient manner and with an even hand. I have no doubt that you will continue to discharge your duties with fairness and dignity, and with due respect to your position.

Mr President, with your leave, I wish to take this opportunity to welcome into our ranks the seven new members who have today, for the first time taken up their seats in this Chamber following the general election in February. They may well appreciate now that they have, at last, "arrived".

It is interesting to note that over the past three years 14 new members have been elected to the Legislative Council, underlining not only the fact that we have lost many experienced members, but also, in some instances, that political life is uncertain. In this regard, two of our members were defeated at the polls; and I extend best wishes for the future to the Hon. Win Piesse and the Hon. Bob Pike.

To our new members, I congratulate you one and all on being elected. I trust that your entry into the Parliament will be the beginning of a fruitful career, and of profit and pleasure to all concerned.

#### *Presentation of President*

I now advise that the Governor will be pleased to receive you, Mr President, at Government House, at 6.30 p.m. this evening, together with such members as may wish to accompany you.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the Opposition) [5.07 p.m.]: Mr President, I add my words of congratulation to you upon your election again as President of the Legislative Council. You were first elected six years ago, and it is pleasing that you have been re-elected.

When you were elected six years ago, you brought great dignity to the office of President; and you have continued in that capacity during that period. I am sure that, in spite of temporary vicissitudes, every member of the House who served in the last Parliament would accept that you acted with fairness and integrity on all occasions. You often had a very difficult task to perform in making the members conform with the Standing Orders; but I am sure no-one would dis-

pute that you carried out that task with the utmost skill. I congratulate you, and I trust that you will achieve satisfaction in continuing to serve this Parliament in its highest office.

Opposition members: Hear, hear!

**THE HON. ROBERT HETHERINGTON** (South-East Metropolitan) [5.08 p.m.]: Mr President, as the defeated candidate—I must admit that it has not come as a great surprise to me—I offer my personal congratulations to you on your election. Although I have not always agreed with all of your decisions, I know that those decisions have been reached honestly; and we can ask no more of a President than that.

Of course, I have at times sought to debate your decisions; but I know that you have always conducted yourself in a proper way.

Although I congratulate you personally, and I will enjoy the greatest personal good relations with you in the Chair, I can only say that I am a little sorry about the way that you have "got your numbers". I am referring to our electoral system, which I hope we may be able to do something about later in this session.

**THE PRESIDENT** (the Hon. Clive Griffiths): I thank the leader of the House (the Hon. Des Dans) for the very kind words he spoke in referring to my re-election. I thank also the Hon. Ian Medcalf and the Hon. Robert Hetherington.

I take the opportunity of joining with the Hon. Des Dans in welcoming the members who have been elected to this Chamber for the first time. I trust that you will find your time spent in this Chamber will be both enjoyable to you and satisfactory to your own consciences and, indeed, that it will be of benefit to this State.

I congratulate the Hon. Des Dans on his election to the office of Leader of this House. I was a member in the Chamber when the Hon. Des Dans was first elected. He has always carried out his duties in this Chamber in a manner befitting a member of the Legislative Council. Prior to my taking up the position of President, on occasions the Hon. Des Dans and I had differing points of view, but I have always had an affiliation with Des Dans that perhaps was a little different from that with other people. Members should bear in mind that I am an old Fremantle boy; I spent some years working on the waterfront, looking after the ships with which Des Dans worked.

To the honourable members who have been elevated to the positions of Ministers of the Crown, I trust that their elevation will give them great satisfaction.

To my very good friend, the Hon. Ian Medcalf, I am appreciative of the assistance, guidance, and help that he has given me over the years; and I thank him for the words he has uttered this afternoon.

I have always had a great deal of enjoyment listening to the Hon. Bob Hetherington's contributions in this House, and I am particularly grateful for the kind words that he said about me this afternoon.

I give my assurance to all of you that I will continue to protect the privileges of the House, and the members of the House, to the best of my ability; and I will ensure that the Standing Orders and conventions are interpreted in a manner in which you would want me to interpret them.

*Sitting suspended from 5.12 to 7.30 p.m.*

### PRESENTATION OF PRESIDENT

**THE PRESIDENT** (the Hon. Clive Griffiths): Honourable members, I wish to announce that I have presented myself to His Excellency the Governor, who has been pleased to express satisfaction with the choice of the Council in the following terms—

Mr President,

It is with much pleasure I learn that you have been elected by the Members of the Legislative Council to the high and honourable office of President of that House.

I have every confidence that you will fill the office in a worthy and dignified manner.

Richard Trowbridge,  
Governor.

### PRESIDENT'S COMMISSION

**THE PRESIDENT** (the Hon. Clive Griffiths): Honourable members, I have received a Commission authorising me to administer the oath of allegiance and this will be presented and read by the Clerk.

The Commission was read.

### LEGISLATIVE PROGRAMME

#### *Ministerial Statement*

**THE HON. D. K. DANS** (South Metropolitan—Leader of the House) [7.33 p.m.]: I seek leave of the House to make a ministerial statement outlining the Government's legislative programme.

Leave granted.

**The Hon. D. K. DANS:** My statement consists of an address which is to be delivered in another place by the Premier, which I will now read.

I believe it is appropriate, at the resumption of the sitting of this House, that I should, for the information and benefit of all members, give an outline of the Government's legislative programme. That programme will, of course, deal with many of the reforms which the Government has undertaken to carry out, and for which it has a mandate from the electors of Western Australia.

Amendments to, and the comprehensive revision of, various other Acts—the need for which has become apparent since the election to office of the Government—will also be brought forward for the consideration of members.

At this year's election, the Australian Labor Party offered Western Australians a series of fundamental commitments. These were to work for—

the restoration of economic growth to raise living standards and protect jobs;

sound and responsible administration of the State's affairs;

a cautious, yet progressive programme of moderate social reform reflecting our perception of the community's attitudes in the last part of the 20th century; and,

the introduction in this State of a parliamentary and electoral system that properly reflects democratic principles.

It is a matter of history that at the general election held on 19 February, Western Australians gave the Australian Labor Party an overwhelming mandate to implement its programme—according to the party almost 54 per cent of the vote. The electorate did not simply offer a tentative gesture in the direction of change, but demonstrated firmly and unmistakably that they wanted a Labor Government that would implement its announced programmes.

I believe that every member of the Parliament has a solemn responsibility to bear this clearly in mind during the deliberations in this place in the months and years ahead. Failure to do so will be nothing less than a gesture of contempt towards Western Australian electors—and my Government has no objection in principle to offering the electors the opportunity to express their view on such gestures.

The actions of my Government in its first five months in office and the programme we will place before the Legislature in the months ahead reflect in large measure the fundamental commitments

we offered Western Australians in the months leading up to the election.

Considerable emphasis will be placed on the obligation the electorate has imposed on us to pursue democratic reform of the State's parliamentary and electoral systems. We make no apology for the priority accorded to this matter because to the extent that the Parliament fails to reflect the will of the people, the credibility and relevance of the Parliament and its decisions are diminished.

In any community that likes to regard itself and to be regarded as democratic, the quality and fairness of parliamentary representation is fundamental to everything else.

We will act for democratic reforms. During the life of this Parliament, we will legislate for an electoral system that more truly and accurately reflects the will of the people. Reform legislation for the Legislative Council will provide for a reduction in the number of members from 34 to 22. The Government has promised to seek approval of these reforms at a referendum. We believe that these reforms are fair by any democratic criteria.

At the present time, if the Legislative Council and the Legislative Assembly disagree on any aspect of legislation under consideration, there is no mechanism for the deadlock to be resolved. Therefore the Government proposes legislation which will provide for deadlocks between the Houses to be resolved.

In accordance with Government policy, legislation in this session will be directed at achieving the dual goals of a scrupulously fair electoral system and assisting the citizens of the State to become enrolled and to vote. It is proposed to remove a number of unfair and unnecessary restrictions which have been built into the Electoral Act.

Provision will be made for a close working relationship between the Australian Electoral Office and the State Electoral Department.

The Government sees all of these proposed reforms as a transition to a more mature and democratic phase in Western Australia's political development.

My Government has already launched a number of initiatives aimed at restoring economic growth and stimulating employment by protecting existing jobs and creating new ones.

Our strategy has been two-fold. Firstly, we have taken essentially short-term measures to provide an immediate boost to the economy and especially to employment, and secondly, we have begun work on longer-term initiatives designed to

position the State to take advantage of the international economic upturn when it comes and to generate home-grown economic growth.

Much of our thinking has been guided by the successful outcome of the State's first employment summit. The holding of that summit earlier in the year was one of the first election undertakings honoured by the Government. It attracted a positive response from more than 30 groups which took part, representing most fields of economic activity.

The Government wishes to place on record here its gratitude to the parties who participated in the summit for their constructive and co-operative approach. The results of the summit will become even more evident in future months as the Department of Employment and the employment task force reach their full capacity.

The short-term measures we have adopted include employment creation schemes through the Department of Employment and a boost to the housing sector through an enhanced building programme.

During this Parliament, amendments to the Housing Act will be brought forward to enable the State Housing Commission to enter into joint venture arrangements with the private sector. An exciting range of longer-term plans are under way to foster economic growth and legislation resulting from many of these will be brought forward in due course.

Planning and negotiations are well in hand for the formation of a Western Australian development bank and a South-East Asian marketing corporation. The development bank will marshal funds for the development of Western Australian industries and resources and ensure a greater share of the benefits of development remain in the State. The marketing corporation will promote increased sales of the State's agricultural and other products, and will give Western Australia a more aggressive approach to the rapidly expanding Asian markets, the potential of which has as yet hardly been scratched by Western Australia.

Legislation on both these agencies, which are being developed in conjunction with the private sector, is expected during this Parliament.

We will legislate for the establishment of a small business development corporation, reflecting our belief that the small business sector can play an enormous role in promoting growth and creating employment.

High technology industry is being encouraged by the Government and legislation to facilitate the development of the proposed technology park will be brought forward.

The "Bunbury 2000" development strategy announced by the Government is a major and unique initiative to boost economic growth through regional development. The south-west development corporation is a key element in the implementation of the development strategy and legislation setting out its charter will be placed before the Parliament.

The Government is committed to giving greater emphasis to tourism, believing the industry's potential economic contribution has been overlooked for far too long. A tourism forum involving all elements of the industry was held in June. Recommendations from that forum are currently being pursued and legislation which might be required in that area will be given high priority.

Sound industrial relations play a major part in promoting economic health. The Government has embarked on a number of initiatives in the field of industrial relations which include the establishment of a tripartite council to report to the Government and, if necessary, the Parliament, on legislative priorities, reforms, and administrative steps necessary to improve industrial relations in this State.

The tripartite council is currently reviewing the Industrial Arbitration Act with the aim of encouraging conciliation as the prime method of dispute settlement and wage and employment conditions determination, while at the same time maintaining a just and equitable arbitration system.

Consistent with the statement of accord and the National Economic Summit Conference communique, the Government supports the return to a centralised system of wage fixation. This will support the joint objectives of providing wage justice to employees whilst seeking to ensure that wage increases do not give added impetus to inflation and unemployment.

Proposed changes to industrial law and planning will, among other things, ensure that co-operation takes place between Government, employers, and unions as a means of overcoming confrontation; that harsh and unworkable penalties are removed; that unions are free to conduct their affairs democratically; that industrial matters are confined to industrial law; that the industrial field is insulated from the intrusion of other legislation which does not have industrial purposes, such as the Trade Practices Act; and that the Western Australian Industrial Commission is given power to re-introduce preference to unionists provisions.

Some other amendments will relate to the Fuel, Energy and Power Resources Act and to the Workers' Compensation and Assistance Act for

which it is proposed to implement a sole workers' compensation insurer in this State.

The mining industry remains of enormous importance to Western Australia's economy, but my Government believes the industry's potential has been damaged by the new Mining Act brought into operation recently.

Members will be aware of the Government's decision to establish a committee of inquiry into the Mining Act 1978-82. It is expected that the report will be completed later this year, following which the Government will consider the committee's recommendations and whatever legislative action might be warranted.

My Government is firmly committed to maintaining the crucial economic role of agriculture. A range of proposed legislation includes measures to—

widen the scope of the Rural Adjustment Authority;

amend the Dairy Industry Act to implement some of the recommendations of the Royal Commission;

amend the Marketing of Lamb Act and the Western Australian Meat Industry Authority Act;

Give the Department of Agriculture a corporate identity to undertake overseas projects, to provide the department with a commercial basis for dealing with farm aspects of research station operations, and to provide for improved management of special research grants by the department; and

completely overhaul all existing Acts as they relate to the State's meat industries.

Other economic measures include—

updating of a number of agreements applying to existing industries;

legislation for the proposed wage cuts for members of Parliament, Ministers, and other servants of the State; and

establishment of the State Engineering Works as a statutory authority.

I believe the economic programme we are offering is the most comprehensive ever brought to this place, reflecting the Government's determination to work to overcome the current economic malaise and to fan the spark of recovery now becoming evident.

The Government is anxious to attend to the backlog of Law Reform Commission reports on which no decision or action has been taken, and the processing of these matters will be given high priority. In the area of law reform, the Govern-

ment proposes legislation to abolish the death penalty.

Legislation based wholly, or in part, on four recommendations of the Law Reform Commission will provide for amendments to the Limitation Act as it affects latent diseases, particularly in relation to asbestos-related diseases; the Absconding Debtors Act; the Fatal Accidents Act; and the straying stock liability Act.

A prisoners' interstate transfer Bill will allow prisoners to be transferred to another State, when either it is in a prisoner's best interests, or to enable an outstanding charge to be dealt with.

The Government proposes to legislate in this session to regulate public assemblies and processions in lieu of section 54B of the Police Act. It is proposed also to amend the Local Government Act in several different areas, including changes in respect of allowances to council members and regulation of street trading.

The Cemeteries Act of 1897 is to be repealed and a new Act, more appropriate to current times, and which is based on the recommendations of a committee appointed to review the existing legislation, will be brought forward for consideration by members.

Laws dealing with false advertising, the labelling of clothing, and matters relating to trade standards will be consolidated into a new all-encompassing trade standards Act. One of the objectives will be to strengthen legislation particularly so far as false advertising in relation to employment is concerned.

In conformity with Government policy, it is proposed to amend the Motor Vehicle Dealers Act to provide for the introduction of a fidelity fund in relation to motor vehicle dealers and to repeal both the Money Lenders and Hire-Purchase Acts and to replace them with a modern scheme of consumer credit which will achieve uniformity with other States as well as provide greater information to all consumers.

The Government has appointed a committee of inquiry to examine the problems of the liquor industry, and a moratorium on the granting of certain licences and permits for 12 months has been introduced. Legislation to support the moratorium is scheduled for this session.

It is proposed to amend the Liquor Act to allow licensed stores to extend their trading hours to 9.00 p.m. when other stores may do so, as in the case of late night shopping.

Amendments to the Lotteries (Control) Act will be designed to—

permit the playing of bingo on licensed premises;

permit use of beer ticket machines on licensed premises; and,

provide for payment of the expenses of instant lottery advisory committees.

A Cabinet subcommittee has been formed to examine reports from a Government gaming study group and a Government casino advisory committee. Both will review submissions from a wide cross-section of the public and business community. A Bill may be required to consolidate all of the State's gaming laws into one piece of legislation.

Recommendations by the review committee appointed to consider suggested amendments to the Prevention of Cruelty to Animals Act will be incorporated in legislation which the Government will bring forward.

It is the Government's intention to introduce legislation to give the Urban Lands Council statutory status; to substantially amend the Town Planning and Development Act; and to table in Parliament several major amendments to the metropolitan region scheme.

In the area of education, the Government is pursuing three main themes, namely—

the updating of the education system so that it meets the needs of our modern society and prepares students for major changes in technology and industry;

the restoration of harmony and a sense of purpose to our education system; and

providing sufficient levels of funding and resources to education to enable the system to meet the needs of today's society, and to prevent our system falling behind that of other States and other countries.

In pursuit of these objectives, the Government has already established one of the most wide-ranging inquiries ever conducted into education with the establishment of the committee of inquiry into education, chaired by Mr Kim Beazley (Senior)—a former Federal Minister for Education.

The committee has been asked to report to the Government by the end of March next year and has been given a firm undertaking that any legislation which might be necessary as a result of its recommendations will be given high priority.

The Government is in the process of establishing a women's advisory council to advise the Government on matters of concern to women. The Government will give attention to recommen-

dations from the council for legislative measures to promote and defend the interests of women.

I now refer broadly to some other Bills which will be included in the legislation to be placed before Parliament during this session. These include Bills to—

provide for the disclosure by members of Parliament of their financial interests;

amend the Public and Bank Holidays Act to provide for the Queen's Birthday to be celebrated in Western Australia on the Monday of Perth Royal Show week;

establish a commission for multi-cultural and ethnic affairs;

establish an occupational health, safety, and welfare commission;

amend various Acts as required to introduce the Commonwealth Government's "Medicare" health insurance scheme;

generally update and strengthen the Health Act, especially in relation to uniform food legislation, penalties, therapeutic goods, pesticides, private hospitals, and nursing homes. It is proposed that only licensed nursing homes will be permitted to use the term "nursing home";

strengthen the law prohibiting the sale of tobacco products to juveniles;

establish a dental technicians' registration board and permit members of the public requiring removable dentures to deal direct with registered dental technicians;

amend the Parks and Reserves Act to protect the safety and interests of visitors to Kings Park by permitting the use of speed measuring devices in the reserve;

allow for the introduction of daylight saving in Western Australia on a trial basis, to be accompanied by a referendum;

introduce a licensing system covering travel agents which will give greater protection to the public; and

amend the Child Welfare Act relating to supervision and licensing of day care centres for children.

From all I have said, it will be apparent to members that the legislative programme ahead of us is extensive, even though the measures I have outlined are not a complete list. Nevertheless, this is not unusual after a change of Government—especially after nine years. Further, we believe the measures outlined are necessary and worthwhile.

Let me conclude by saying that my Government is committed to the persistence of Parliament as a viable and vital institution, rather than as a moribund rubber stamp. The spirit in which we approach this Parliament is that we have no monopoly on wisdom. If our legislation is flawed or can be improved, I hope members from both sides will not hesitate to point out weaknesses and possible improvements. Sensible proposals put forward in a genuine spirit will never be rejected by this Government simply because they came from the other side of the House.

At the outset of this session, I offer members opposite goodwill and co-operation, trusting it will be returned. All of us should remember that this Parliament exists not for personal advancement or political advantage, but to further the best interests of the people of the best State in the best country in the world.

I look forward to working constructively in the months ahead with all members with that aim firmly in mind.

*House adjourned at 7.53 p.m.*

