

PARLIAMENTARY DEBATES

(HANSARD)

Third Session of the Twenty-seventh Parliament

Parliament was prorogued on the 9th February, 1972, to the 14th March, 1972, when it met for the despatch of business.

Parliament was opened by His Excellency the Governor (Major-General Sir Douglas Anthony Kendrew, K.C.M.G., C.B., C.B.E., D.S.O.)

OPENING OF PARLIAMENT

Legislative Council

Tuesday, the 14th March, 1972

MEETING OF THE COUNCIL

The Legislative Council met at 3.00 p.m.

The PRESIDENT (The Hon. L. C. Diver) took the Chair.

PROCLAMATION

The Clerk of the Parliaments (Mr. J. B. Roberts) read the Proclamation of His Excellency the Governor (Major-General Sir Douglas Anthony Kendrew, K.C.M.G., C.B., C.B.E., D.S.O.) summoning the third session of the Twenty-seventh Parliament.

GOVERNOR'S SPEECH

Delivery

His Excellency the Governor (Major-General Sir Douglas Anthony Kendrew, K.C.M.G., C.B., C.B.E., D.S.O.) entered the Council Chamber at 3.04 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 meet here today for the Third Session of the Twenty-seventh Parliament of Western Australia.

This March opening will link sessions of Parliament with the calendar, rather than with the financial year.

Recently the State has been re-divided into 51 electoral districts and the boundaries of the electoral provinces adjusted in the manner provided by the Electoral Districts Act.

Applications are now being considered for the position of Parliamentary Commissioner, as presaged in the Government's policy.

FINANCE AND DEVELOPMENT

Mr. Speaker and Members of the Legislative Assembly:

Notwithstanding certain increases in the State's taxes and charges, it was necessary to plan for a deficit of \$3,525,000 in the 1971-72 Budget.

A review of transactions on the Consolidated Revenue Fund indicates that revenue collections from State activities will fall short of the estimate for the year.

Additional revenue grants from the Commonwealth, however, permit expectation of a 1971-72 deficit within the Budget estimate.

Special endeavours have been made to provide a solution to the problem of unemployment.

Having made special grants in December, 1971, to stimulate rural employment, and having increased them in February, 1972, the Commonwealth also agreed to a lift in the State's works and semi-governmental programme for 1971-72.

Mr. President and Honourable Members of the Legislative Council:

Mr. Speaker and Members of the Legislative Assembly:

During 1970-71 the State population grew by 38,500 or 15.9 per cent. of the national increase. In the five years to June 30, 1971, the State's annual population growth rate was 3.9 per cent., the Commonwealth's 1.9 per cent.

Trade promotion continues to thrive at home, elsewhere in Australia, and overseas.

Successful trade missions visited Indonesia and South East Asia, and a trade exhibition was mounted in Saudi Arabia.

Value of exports rose about 22.9 per cent. in 1971, the record \$1,013.5 million total being the State's first external trade surplus for nine years.

The value of minerals for 1971, at \$645 million, was 11 per cent. above the 1970 figure.

Large additional sources of natural gas and a promising uranium deposit have been discovered in the State.

The Government has completely rewritten the Mining Act and the Bill will be presented at this session of Parliament.

The Government notes with satisfaction that its representations to the Commonwealth to increase the maximum subsidy on gold have been successful.

It will continue to support representations, by the Chamber of Mines of Western Australia (Incorporated), for further assistance for the industry in order to sustain gold mining communities until they can rely on the production of nickel or other base metals.

For greater efficiency, the North-West Planning and Co-ordinating Authority and the Department of Development and Decentralisation have been integrated under a co-ordinator.

During 1971, financial assistance of \$1,892,000 was provided to assist twelve Western Australian industries. Of this, \$1,805,000 was used to assist non-metropolitan undertakings.

Progress is being made on the Cliffs Western Australian Mining Co. Pty. Ltd. iron ore project, to the point where the first shipment of iron ore from the Robe River area should be made in September, 1972. Major established iron ore companies are continuing to expand their activities.

It is expected that four separate iron ore agreements, Goldsworthy-Nimngarra, Mount Bruce, Wittenoom, and Rhodes Ridge, will be brought forward for consideration during the session.

Alcoa's modified Pinjarra alumina refinery project is being established on schedule, and construction will begin soon on the Amax Bauxite project at Admiralty Gulf.

Establishment of a major steelworks is being negotiated, and salt production increases in importance.

Plant currently on order should meet the State's power needs until 1976. The second 120,000 kw unit at Kwinana is undergoing pre-commissioning trials, and the third similar unit will be commissioned later this year.

Natural gas was supplied to the first domestic consumers in Perth in December, 1971, and the changeover of consumers' appliances is more than one-third complete.

The 490 acres of State Electricity Commission land on Warnbro Sound will revert to public use. Industry will be excluded from the area to preserve the Sound's foreshores for the people.

The rural communities have responded to trying times with their traditional courage and resilience, but it will be some time before the situation can be expected to stabilise.

Crop yields from the recent harvest were relatively satisfactory, although weather damage lowered the quality of much of the record 40-million-bushel barley crop.

Western Australian wheat quotas for next season have been raised by 19 million bushels.

Recent investigations by Government and industry indicate large markets for live sheep in Singapore, Malaysia, and Middle East countries.

The wool industry has recovered somewhat with gains of about 20 per cent. at sales in recent months, bringing prices to above the Commonwealth guaranteed average.

State legislative action on any future Commonwealth proposal for dairy industry control will be taken care of in proposed legislation to replace the Milk Board with a Dairy Industry Authority.

General re-organisation of apple and pear marketing is being examined at Commonwealth and State levels.

The challenges posed by development and the rural industries are no greater than those the Government faces in Education, Housing and Health.

Nevertheless, the Government is determined that there shall be no retreat from its policy that education is the most rewarding investment an administration can make, and its record keeps faith with its policy.

Enrolments in Government primary and secondary schools exceeded 180,000 in 1971, and should reach 188,000 this year.

Increased Commonwealth fund allocations are available to facilitate the anticipated major increase of technical students, and the record intake of the Teachers' Colleges.

In new construction and extensions to existing school buildings, Carnarvon and Port Hedland are now provided for to Matriculation level, and a new High School is to be built at Karratha.

Stage one of the scheme to provide free primary school text books has been implemented, and materials for the remaining two years of the scheme are being prepared.

Students' living-away-from-home allowances have been substantially increased, and supervision of correspondence courses is more generously subsidised.

It is proposed to amend the Education Act to establish the increased tuition fee subsidies for non-government schools pre-saged by the Budget, and to legislate for preference to Unionists in allocating promotion within the Education Department.

The Government proposes to introduce legislation amending the State Housing Act to give effect to the new Housing Assistance Grant arrangements between Commonwealth and State. State funds have been allocated to Building Societies to stimulate building industry employment. Legislation is necessary not only to establish the required new authorities, but also to validate actions already taken in the public interest.

Amendments will be introduced to increase to \$9,000 the advance on First Mortgage conditions, thus rationalising the advance with current costs.

Legislation is proposed to raise levels of eligibility for Housing Commission accommodation.

A Bill incorporating a new approach to Housing legislation is to be prepared and submitted for the consideration of Parliament.

Legislation will be introduced amending the Housing Loan Guarantee Act to provide for more adequate advances.

The Government also proposes amendments to the Building Societies' Act.

The proposed Construction Safety Bill will repeal the Inspection of Scaffolding Act and will provide an up-to-date code for the safety and welfare of persons engaged in construction and other work.

The Workers' Compensation Act is being reviewed, and amending legislation will be recommended.

Despite the heavy capital expenditure involved, the Perth Medical Centre will receive high priority under the revised programme commissioned by the Perth Medical Centre Trust's Joint Planning Committee.

Contracts have been let for a new accident and emergency centre, with additional bed-space, at Royal Perth Hospital.

A Teaching Hospitals' Advisory Council will be established by amendments to the Hospitals Act, and re-organisation of sections of the Public Health Department will promote Community Health Services.

In tackling the big backlog of works necessary to ensure the water supply to homes and industries, \$3,793,000 is being spent this year on hills storages, service reservoirs, pipe-mains and underground sources.

The first stage of the Canning Dam 54 in. water main to cope with peak city demand is completed; and South Dandalup Dam is well advanced in construction.

Stage 2 of the Comprehensive Agricultural Areas Water Supply Scheme is nearing completion west of Kokardine and east of Narrogin.

In the East Murchison, mining companies are financing Public Works for the investigation of underground supplies for potential mineral development.

The completed Ord River Dam, now storing water, will be officially opened later this year.

A steering committee headed by the Director-General of Transport is currently thoroughly examining the Perth Regional Transport Plan for presentation soon to a Cabinet Subcommittee.

In the Main Roads Department 1971-72 programme more than 1,000 miles of road will be primed, surfaced and re-sealed. Further sealing will be done under the Contributory Bitumen Scheme on a dollar-for-dollar basis with Local Government Authorities.

Legislation will be brought forward to regulate the use of air-cushion vehicles as a mode of transport in Western Australia.

Representations have been made to the Commonwealth for financial assistance in retaining the State Shipping Service regular schedule to Darwin.

The Honourable the Premier was accompanied on his Canberra visit for that purpose by the leaders of both other major political parties.

As a result, the Government is pleased to announce that the Commonwealth has agreed to provide a \$2.5 million capital grant for purchase of a fourth unit-load ship to be used on the Darwin service.

In the interests of economy and efficiency on the Fremantle-Wyndham run, the Government is negotiating the purchase of a third unit-load type vessel.

In a constant review and extension of port and other allied facilities, North Quay Berths 6 and 7 at the Port of Fremantle were recently re-constructed in reinforced concrete for use by unit load, roll-on/roll-off and conventional freighters. The berths are readily adaptable for use by container ships.

Tenders have been invited similarly to re-construct the adjacent No. 8 berth.

The standardisation-of-rail-gauge marshalling yard and goods terminal at Robbs Jetty was commissioned recently.

Dredging continues at Bunbury's inner harbour; Albany's land-backed berths are to be extended; dredging and earth works are proceeding for the proposed new No. 1 land-backed berth at Port Hedland; and the second land-backed berth at Esperance is nearing completion.

In pursuance of the Government's undertaking to provide \$3,750,000 over three financial years to upgrade to standard gauge level the 246-mile railway line between Kalgoorlie and Esperance tenders have been let for earthworks to begin in May, 1972.

The Government believes the improved traffic-accident situation stems from its legislation for compulsory wearing of seat-belts, the alteration to the Stop sign regulation, and the rationalisation of traffic patrol work.

A top-ranking traffic officer has been sent abroad to study the outstandingly successful Swedish approach to traffic control.

Since more effective enforcement has been achieved by Police Department patrols where Local Authorities have voluntarily relinquished control, legislation will be introduced for progressive take-over of traffic control from country Local Government Authorities.

Recognising difficulties accruing to Local Government Authorities from higher wages bills and rural recession, the Government co-operated with the Commonwealth in removing the burden of Payroll Tax, and is distributing \$500,000 this year from a Local Authorities' Assistance Fund.

Legislation will be introduced amending the Town Planning and Development Act providing for periodical review of Local Authority town planning schemes; and also to amend certain procedures concerned with subdivisions.

Welfare machinery is to be streamlined and simplified.

Amendments will be introduced this year aligning the Child Welfare and the Welfare Assistance Acts with the proposed Community Welfare Bill. It is proposed also to rewrite the Guardianship of Infants Act.

Legislation has already been introduced, and administrative preparations are already well advanced, for replacement of the Native Welfare Act, 1963, with an Aboriginal Affairs Planning Authority providing for closer consultation and co-ordination.

The Government will legislate to preserve Aboriginal sites and relics of importance to the Aborigines and the community as a whole.

Free travel for pensioners on regular Metropolitan Passenger Transport Trust and Western Australian Government Railways passenger services was introduced by the Government last July.

The free travel scheme, granted also to persons fully dependent on Child Welfare Department allowances, has since been extended to private bus services in a number of country towns.

It is proposed to reduce from \$3 to \$1 the driver's license fee payable by pensioners entitled to medical benefits.

A Canning Vale site has been selected for an up-to-date establishment to replace Fremantle Prison, and a Planning Committee is working on the project.

A new regional prison is proposed for the North-West.

Youth activities and cultural growth—both vital considerations in community welfare—continue to engage the Government's thought. In order to effect the recommended amalgamation of the Youth Council and the National Fitness Council of Western Australia, the Government will legislate for amendments to the Acts controlling those organisations.

The three-year-old Arts Advisory Board has been strengthened by appointment of a full-time Liaison Officer for Cultural and Educational Affairs.

The Department of Environmental Protection established by the Government's related legislation will now co-operate with the Environmental Protection Authority in a review of environmental needs throughout the State, including matters affecting National Parks and Reserves.

LEGISLATION

I now refer in broad outline to legislation, other than that to which reference has already been made, which will be placed before Parliament during this session.

To comply with election policy, it is proposed to introduce legislation to establish a Department under a Ministry for Fuel.

Amendment to the Local Government Act is proposed to permit Councils to impose on-the-spot fines for litter offences, and to increase fines and penalties for offences of vandalism.

It is proposed to present a Bill for a Holidays Act, consolidating public holidays under one legislative authority. This will require minor amendments to the Factories and Shops Act.

It is proposed to amend (1) the Factories and Shops Act, in respect of goods permitted for sale in exempt shops with uncontrolled hours, and (2) the sections of the Act concerning appointment of inspectors.

A Bill will be introduced also for a Prevention of Excessive Prices Act in respect of selected goods and services.

It is proposed to amend the Employment Brokers' Act for more efficient control of the licensing, operations and charges of such brokers.

To strengthen conciliation and arbitration processes in Western Australia, amendments will be suggested to the Industrial Arbitration Act.

Amendments will be introduced to the Door-to-Door (Sales) Act, prohibiting itinerant salesmen from making unsolicited visits to homes outside certain prescribed hours.

The use of natural gas for fuel and power has necessitated amendments to both the Gas Standards Act and the Gas Undertakings Act. Legislation to effect a change in the Constitution of the State Electricity Commission will be put forward.

Death duties and land tax legislation is being reviewed in the expectation that Bills incorporating resultant amendments will be presented during this current session of Parliament.

Other legislation will include various Bills:—

- To extend the scope of claims against estates of deceased persons for proper maintenance, education and advancement of claimants.
- To amend the Liquor Act to correct anomalies which have arisen since the commencement of the Act.
- To legalise greyhound racing in Western Australia.
- To lower, from 21 to 18 years, the age of majority of all Western Australian citizens.
- To amend the Criminal Code for extension of magisterial powers to deal summarily with a greater number of offences.
- To abolish the Third Party Claims Tribunal and return the jurisdiction exercised thereby to the Courts.
- To amend the Land Act to tighten control over transfer of shares in pastoral leases.

I now declare this session of Parliament open and trust that Providence may bless your labours.

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

GUARDIANSHIP OF CHILDREN BILL

Leave to Introduce

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [3.48 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 consolidate and amend the Law with regard to the Guardianship and Custody of Children.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by The Hon. W. F. Willesee (Leader of the House), and read a first time.

GOVERNOR'S SPEECH

Distribution of Copies

THE PRESIDENT (The Hon. L. C. Diver) [3.50 p.m.]: I have 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. D. K. DANS (South Metropolitan) [3.51 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.

The premier and members of the Cabinet have extended to me the privilege of speaking today at the opening of the third session of the 27th Parliament, and I thank them for this honour.

Today His Excellency referred to suggested legislation to amend the State Industrial Arbitration Act. I trust the amendments to that legislation will be acceptable to all parties concerned. I hope a system will emerge which will restore trust, confidence, and respect in the field of industrial relations.

Strikes, inflation, the state of the economy, and the rights of trade unions are the most widely discussed topics in Australia today. There is never a shortage of people from any walk of life who are ready to supply us with the supposed answers and cures for these vital problems which are the concern of all Australians.

In most cases these well-meaning people are not competent to discuss the subjects, let alone supply us with the answers, and they only add to the confusion and distrust with the resultant widening of divisions in our society. That is a situation which we, as proud Australians, should strive to avoid at all costs.

When we use the term "trade union" we simply mean human relations and this applies to all manner of people in all types of organisations whose members work in varying occupations and professions. It must always be kept in mind that no free-enterprise society pledged to a policy

of full employment has been able to avoid inflation. The major problem confronting our nation—and no doubt other nations—is how to contain the rate of inflation. No particular section of our society should be charged with the sole responsibility for the present inflation crisis. To make such a claim is mischievous and disruptive because our economy is subject to external pressures which increase the rate of inflation—a situation over which we have no control.

One of the world's foremost economists, Professor H. G. Johnson, Professor of Economics at the University of Chicago and the London School of Economics, believes that this increase in world inflation is largely attributable to the action of the United States of America in deciding, in 1965, to escalate its military activities in Vietnam. The result was rapid inflation in the United States of America and a resultant upsurge in inflation in the rest of the western world.

In my search for solutions for better industrial relations, I have come to the conclusion that trade unions should be free to pursue policies relating to their organisations and to their internal domestic structures which accord with the requirements of the officers and members of the organisation. I believe trade unions should be free from interference as far as is possible without in any way giving to officers or groups within the unions any license to deny the rank and file of the membership their general democratic rights to which they are entitled by reason of that membership.

Unions should, as far as possible, be free to pursue policies which have been democratically decided upon within the organisation. They should not be subject to intimidation or harassment by groups with particular interests that are inimical to the interests of the unions themselves. Employers should have no right to interfere or say what the unions are entitled to do in matters of a domestic nature. Unions should be free to register as trade unions or corporate bodies without let or hindrance by any authority, whether constituted by the Government or otherwise. They should not be free from the normal legal restraints which are imposed by society against organisations and which may be imposed for the purpose of good order and government or to ensure that actions against the public interest are prohibited.

Within this general philosophical framework it is believed that it is possible to devise legal safeguards for the rights of the trade unions and their members and for the general public. Shortly stated, the philosophy is freedom to organise and freedom from coercive legal restraints, with the acceptance of normal obligations imposed within the society upon legal organisations.

The objectives that are sought in relation to the area of industrial relations are the achievement of the primacy of negotiation and conciliation as a matter of law and policy, and the invocation of arbitral processes only as a last resort where conciliation is impossible and where negotiations have completely broken down.

There is still a place for arbitration. Mr. Justice Beattie, President of the Industrial Commission of New South Wales, in an address to the 1970 annual conference of the Industrial Relations Society, said—

The A.C.T.U. believes that there is a place for an arbitration system in our community, but it sees that system as capable of determining only minimum levels of remuneration and conditions of employment.

Where it believes that an industry is capable of affording to the workers in it something better than the prescribed minimum of remuneration and conditions, then it seeks to bargain with the employers in that industry. No objection to this could reasonably be taken by the most fervent believer in the system of conciliation and arbitration.

We should see that every citizen has the right to industrial equality and freedom from outmoded master and servant attitudes—the active pursuit of human values to ensure that the innate satisfactions and qualities of life never become secondary to productivity goals or ruthlessly sought efficiency.

Surely these conditions can be realised by making much more effective use of mediation and conciliation within the framework of the arbitration system. To ensure the most effective use of mediation and conciliation in the field of industrial negotiation, both management and labour must upgrade their respective organisations.

What I have said to date deals with the local scene. Let us now go further afield and look at Australia as a nation. The deficiencies of the present arbitration system are apparent and, to say the least, frightening, and they cry out for a changed approach.

We have uniform taxation laws and, as late as 1961, we managed to bring about a uniform divorce law. More recently, after many years of trying to get the project off the ground, we achieved a uniform or standard gauge rail link within the Commonwealth. One would think it would have been more essential to bring about uniform industrial laws.

I am aware that no less than six referenda for the amendment of the Commonwealth Constitution have been held with the object of extending the power of

the Commonwealth, but they have all failed to be accepted by the voters and subsection (35) of section 51 of the Constitution remains. In view of the present system of instant communication, our prime objective in this field will be to bring about uniform industrial laws.

When the Australian system of compulsory arbitration was introduced by the Commonwealth Conciliation and Arbitration Act, 1904, the objectives were stated as being—

- (1) Prevention and settlement of stoppages of work arising from industrial disputes, partly by compulsion, partly by the force of public opinion.
- (2) A more just distribution of the proceeds of industry.
- (3) More co-operative relations between employees and employers.
- (4) Recognition of collective bargaining and more complete organisation of employers and employees.
- (5) Regulation of collective bargaining so as to protect the interests of the community.

Those five points are as good today as they ever were. Here it is some 70 years later and we are still not much closer to a formula for better industrial relations.

There has become in Australia a rivalry between Federal and State parliamentarians and public servants with the former regarding themselves as somewhat superior to their counterparts in the States. This has resulted in the establishment of courts, superior courts, commissioners in court session, and other courts with appeals to higher courts, commissioners, special commissioners, conciliators, chairmen, and the like, and with appeals in many cases to nominated courts. All these have been created with the alleged objective of improving industrial relations. There is no hope of doing this while the present official attitude exists.

If the total cost of maintaining the present ponderous arbitration system, both Federal and State, could be made known it would be found to be staggering. It would be indeed a monument to Parkinson's Law. We must apply ourselves to examining possibilities of uniform industrial laws—subject, of course, to constitutional approval—operating through the local industrial authorities with the accent on negotiation first and arbitration only as a last resort. Maybe this would not be the complete answer but at least it would be a start.

There are many other factors that affect industrial relations; one is the well being and happiness of the people when they are away from work. Many people today derive no satisfaction from their labour

and pray only for the knock-off whistle to release them from the dead period of their daily existence. Modern industry and advanced technology have had a dehumanising effect on our society. Modern man cannot free himself from the innumerable ties binding him to the vast apparatus of civilisation, which today indubitably operates as a fateful power.

The growth of officialdom and the administrative machine in recent decades gives a good idea of the amount of information required for the management of any sphere of modern civilisation. Man is overwhelmed by this massive flow of information, but is starved of what he needs.

In our society man needs to be properly housed so that he may find happiness and contentment within the sanctity of his family; housing that will provide privacy and at a cost which he can afford. He must be recognised for the contribution he makes to the total society no matter what his position in that society. He must be provided with adequate educational facilities for his children, and adequate medical facilities should always be available irrespective of income. Cultural and sporting facilities should be available to all. Man must have beauty to survive. Modern man is not going to return to the arms of nature.

Beauty can be maintained and created; we need more statistics on the needs of man rather than statistics on apparatus. The apparatus of industry exists to serve man and his needs. History judges Governments by what they do for the people. We as a Parliament are charged with the responsibility of seeing that we are the leaders in human relations. If we have good human relations it follows that we will have no problems with industrial relations.

We are standing today on the soil of the historically-formed industrial civilisation, but we are about to cross its frontiers and go forward into the unknown civilisation of the future. We are living in a world of cybernetics, and I am convinced that man will solve his difficulties and remain the master of his conditions in the future providing, of course, that we have sensible human relations.

THE HON. R. F. CLAUGHTON (North Metropolitan) [4.04 p.m.]: I formally second the motion.

Debate adjourned, on motion by The Hon. A. F. Griffith (Leader of the Opposition).

House adjourned at 4.05 p.m.