

PARLIAMENTARY DEBATES

(HANSARD)

Second Session of the Twenty-seventh Parliament

Parliament was prorogued on the 11th October, 1971, to the 16th November, 1971, 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 16th November, 1971

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 second session of the Twenty-seventh Parliament.

GOVERNOR'S COMMISSION

His Excellency's Commissioner (His Honour Mr. Justice Lavan, Puisne Judge of the Supreme Court of Western Australia) having entered the Chamber at 3.04 p.m., a message was sent to the Legislative Assembly requesting the presence of members in the Council Chamber.

Members of the Legislative Assembly having arrived accordingly, the Commissioner requested the Clerk to read His Excellency's Commission to do all things necessary in the name and on the part of Her Majesty the Queen, or in the name and on the part of His Excellency for the opening and holding of the second session of the Twenty-seventh Parliament.

The Commission was read.

COMMISSIONER'S STATEMENT

The Commissioner (His Honour Mr. Justice Lavan) read the following statement:—

Mr President, Honourable Members of the Legislative Council and Members of the Legislative Assembly—

I have it in command from His Excellency the Governor to inform you that, at four-thirty o'clock this

afternoon, His Excellency will declare to you the causes of the calling together of this Session of Parliament; and it being necessary that a Speaker of the Legislative Assembly be first chosen, it is His Excellency's pleasure that you, the Members of the Legislative Assembly, repair to the place where you are to sit, and upon the Member for Ascot being duly sworn by me in accordance with the terms of the Commission granted to me by His Excellency, you do elect your Speaker, and notify the same to His Excellency.

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

THE PRESIDENT (The Hon. L. C. Diver): The sitting will be suspended until 4.28 p.m.

Sitting suspended from 3.14 to 4.28 p.m.

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 4.30 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 for the Second Session of the Twenty-seventh Parliament of Western Australia.

With profound regret I refer to the deaths of two former Parliamentarians. We commend their services to this State and extend sincere sympathy to their respective families. They were Mr. John Mervin Toms, the former Speaker, and Mr. Everard McDonnell O'Brien, a former Member for Murchison.

The Second Session of the Twenty-seventh Parliament has been summoned for the transaction of public business in order that consideration may be given to matters not finalised during the First Session of this Parliament and to other measures that may be brought forward for your consideration.

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.

QUESTION WITHOUT NOTICE

PRIVATE MEMBERS' BUSINESS

Restoration to Notice Paper

The Hon. A. F. GRIFFITH, to the Leader of the House:

Prior to the prorogation of Parliament there was certain business of private members before this Council; and I refer particularly to two Select Committees. I understand that under the Standing Orders the Minister has no power to reinstate these committees. However, when he moves his motion tomorrow to restore items to the notice paper I would like him to give an assurance to the House that members who have moved motions for the appointment of Select Committees will be given an opportunity to give further notice of their intention to proceed with those Select Committees, and that the Government will co-operate in every way possible to have that business, which was previously before the House, reinstated on the notice paper and dealt with.

The Hon. W. F. WILLESEE replied:

I am advised I have no authority in this regard; as has been evidenced in the question just put to me. I would like to have time to go further into this matter. The Government did not support either of the motions mentioned and I think we divided when the vote was taken on each occasion. I therefore believe that to a great extent the responsibility lies with the movers themselves.

However, I have regard for the fact that we will do all we can to re-establish and restore the notice paper to the point at which we left it. At this stage I would not like to commit the Government to either a negative or a positive answer. It would be reasonable to assume that individual members who in their own rights have

moved motions which resulted in the appointment of Select Committees—and the restoration of such motions is not within my scope of control—should themselves be responsible for reinstating the items on the notice paper. I thank the Leader of the Opposition for bringing this matter to my notice. I will look into the matter in the next 24 hours and endeavour to give him a clearer explanation or a more definite answer.

CONDOLENCE

The Late Hon. J. M. Toms, M.L.A.: Motion.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [5.06 p.m.]: I move without notice—

That this House expresses its deep regret at the death of The Honourable John Mervin Toms, a former Member for the Ascot district, and Speaker of the Legislative Assembly of Western Australia, places on record its appreciation of his long and meritorious public service, and tenders its profound sympathy to his widow and the members of his family in their bereavement.

In support of the motion I feel one must think of the late Merv Toms in terms of his personal attitude to public life. He was a member of the council of the Shire of Bayswater, and was respected for his sincerity and devotion to public life in that field.

The late Merv Toms was to have been made a freeman of that shire shortly before his death. I understand this is a signal distinction which is offered very rarely; but on this the first occasion in the Shire of Bayswater it was to be offered to the late Mr. Merv Toms. The honour will not be forgotten, because it will be passed on to his widow, and she will have a lovely reminder for the rest of her life of his signal services in the field of local government.

The late Mr. Toms entered Parliament some 15½ years ago, and accepted the Speakership of the Legislative Assembly at a time when I think it can be said fairly a great responsibility was placed upon his shoulders. He was both sincere, and efficient in discharging that responsibility.

At his funeral I heard a great tribute paid to the late Merv Toms in a simple way; it was a reference to a man who had lived a life of sincerity. It was said that the altar of the church in which he worshipped weekly had been built by the hands of, and with the materials supplied by, the late Merv Toms. He was a carpenter, and I am sure a good one. I feel sure it will be agreed by all that any person who employed the late Merv Toms

got value for the work he did. The work would have been both lasting and professional in its completeness; it would have epitomised the man. He embodied the sort of life that most of us have grown to appreciate—a sensible approach, an honest endeavour, and the ability to give unstintingly in all that he did.

I first met the late Merv Toms on a project in Carnarvon; it must have been 20 years ago or possibly longer. He came up with several other people who were members of his church. They were shifting a building from the town out to a reserve where, for the first time, the Church of Christ Mission was taking over native children in an endeavour to inculcate into them the Australian way of life.

These men worked without pay; their only reward being the knowledge that they had achieved something. Within 24 hours the house was dismantled and it was rebuilt within the period covering the long weekend. The men in question then left the town and I did not see Merv Toms again until I met him within the precincts of this building. That example, to me, epitomises Mr. Merv Toms himself. He always laughed about the occasion when it was mentioned and he never thought he had done anything of any great significance. He considered he was doing something for people who needed help. I have never forgotten what he did, and I never will. I treasure his memory intensely.

THE HON. A. F. GRIFFITH (North Metropolitan—Leader of the Opposition) [5.11 p.m.]: I would like to avail myself of the opportunity to support the motion and the remarks of the Leader of the House. I do so, particularly, on behalf of the Liberal Party members of this Council.

The former Speaker was a friendly, courteous, and conscientious man. He was a man who appeared to take seriously everything he attempted in life. Indeed, he was very conscious of his responsibility as Speaker of the Legislative Assembly. As the Premier put it, he established a well-deserved reputation for fairness and firmness, and at the same time maintained a cordial and friendly attitude towards all members of Parliament.

In his electorate he established himself as a person who was always willing to lend a helping hand to those who needed his assistance. I represented part of the late Speaker's electorate in years gone by and I have some personal knowledge of the manner in which he carried out his work.

Merv Toms gave a very substantial part of his life to public service in so many different ways. He had a long record of service in local government. As the Leader of the House has said, although he was to be made a freeman of the Shire of Bayswater

unfortunately he did not live to have the honour bestowed upon him publicly. He made many friends, both in public and in private life; both inside and outside Parliament. I am sure he will be sadly missed.

On behalf of the Liberal Party members of this Council I extend the deepest sympathy to his widow and family.

THE HON. L. A. LOGAN (Upper West) [5.14 p.m.]: I regret that this House was not given the opportunity to support such a motion on the 12th October. However, as one who can claim a very close and personal friendship with the late Mervin Toms—something which many other members of my party can also claim—I must support the motion moved by the Leader of the House on this occasion.

My association with the late Merv Toms was mainly connected with local government, and it goes back many years. However I was also associated with him during many trips around Australia to bowling carnivals. He generally travelled with his wife, and they were always friendly with everyone they met. We will certainly miss Merv and his genial manner on future trips.

When I was the Minister handling local government and town planning problems I had many dealings with Merv Toms and at no time did he ever press a point which was not fair. That could be said of his attitude towards life. He was always fair and reasonable and I do not think anyone could ask more than that from any man.

On behalf of the members of my party I support the motion moved by Mr. Willesee.

THE PRESIDENT (The Hon. L. C. Diver) [5.16 p.m.]: Before putting the question I would like to inform those members who were denied an opportunity earlier to express their sympathy to the widow of the late Speaker, Mr. Merv Toms, that on the day after his death I went to his residence and conveyed to his family the sympathy of the members of the Legislative Council.

During the short period that I, as your President, had to discuss official matters with the late Mervin Toms I could not have desired a more approachable individual. Every occasion on which he thought it was necessary that I should be made aware of a particular problem he immediately approached me and confided in me. I think that was characteristic of his nature; firstly, and above all he wished to give service.

I ask members to carry this motion of condolence by standing in their places as a mark of respect.

Question passed, members standing.

CHILD WELFARE ACT AMENDMENT BILL

Leave to Introduce

THE HON. W. F. WILLESEE (North-East Metropolitan—Minister for Community Welfare) [5.18 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 section twenty of the Child Welfare Act, 1947-1970.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by The Hon. W. F. Willesee (Minister for Community Welfare), and read a first time.

GOVERNOR'S SPEECH

Distribution of Copies

THE PRESIDENT (The Hon. L. C. Diver) [5.19 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. R. T. LEESON (South-East) [5.21 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 HON. S. J. DELLAR (Lower North) [5.24 p.m.]: I formally second the motion.

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

House adjourned at 5.25 p.m.

Legislative Assembly

Tuesday, the 16th November, 1971

MEETING OF THE ASSEMBLY

The Legislative Assembly met at 3.00 p.m.

PROCLAMATION

The Clerk of the Assembly (Mr. J. C. Bartlett) 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 second session of the Twenty-seventh Parliament.

OPENING PROCEEDINGS

Message from the Governor's Commissioner

A Message from His Excellency's Commissioner (His Honour Mr. Justice Lavan) requested the attendance of members of the Legislative Assembly in the Legislative Council Chamber. Members accordingly proceeded to that Chamber; and, having heard the Commission to do all things necessary for the opening of Parliament, returned to the Legislative Assembly Chamber.

SWEARING-IN OF MEMBER

His Honour, Mr. Justice Lavan, Puisne Judge of the Supreme Court of Western Australia, having been commissioned by His Excellency The Governor, entered the Chamber and was conducted to the Chair. The Commission to swear-in members having been read, the Clerk produced the writ for the by-election for the electoral district of Ascot, held on the 13th November, 1971, showing that from the returns thereto it appeared that Mr. Malcolm John Bryce had been duly elected.

The honourable member took and subscribed the Oath of Allegiance and signed the Roll.

The Commissioner then retired from the Chamber.

ELECTION OF SPEAKER

The Clerk (Mr. J. C. Bartlett) announced that it was his duty to inform the House that owing to the death on the 8th October, 1971, of The Hon. John Mervin Toms, member for the electoral district of Ascot, the office of Speaker had become vacant.

MR. J. T. TONKIN (Melville—Premier) [3.21 p.m.]: The House being duly constituted, I move—

That Mr. Daniel Norton do take the Chair of this House as Speaker.

MR. T. D. EVANS (Kalgoorlie—Minister for Education) [3.22 p.m.]: I second the motion.

MR. NORTON (Gascoyne) [3.23 p.m.]: I submit myself to the will of the House.

There being no other nomination, Mr. Norton was conducted to the Chair by the mover and seconder of the motion.

THE SPEAKER (Mr. Norton) [3.24 p.m.]: I thank members for the signal honour they have conferred on me and I now assume the Chair of Speaker of this Assembly.

MR. J. T. TONKIN (Melville—Premier) [3.25 p.m.]: Mr. Speaker, I take this opportunity to congratulate you on your elevation to this most important and honourable office in the Legislative Assembly. Many illustrious Speakers before you have set an excellent example. Your immediate pre-