

# PARLIAMENTARY DEBATES

## (HANSARD)

### Second Session of the Thirty-first Parliament

*Parliament was prorogued on 18 July 1984, to 25 July 1984, when it met for the despatch of business.*

*Parliament was opened by His Excellency the Governor (Professor Gordon Stanley Reid).*

#### OPENING OF PARLIAMENT

### Legislative Council

Wednesday, 25 July 1984

#### MEETING OF THE COUNCIL

The Legislative Council met at 3.00 p.m.

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

#### VISITORS

##### *Welcome*

**THE PRESIDENT** (Hon. Clive Griffiths): I take the opportunity on behalf of members of the Legislative Council of welcoming all the guests for the opening of the Parliament.

#### PROCLAMATION

The Clerk of the Parliaments (Mr L. B. Marquet) read the Proclamation of His Excellency the Governor (Professor Gordon Stanley Reid) summoning the second session of the Thirty-first Parliament.

#### GOVERNOR'S SPEECH

##### *Delivery*

His Excellency the Governor (Professor Gordon Stanley Reid) entered the Council Chamber at 3.05 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.*

We meet here this afternoon to commence the Second Session of the Thirty-first Parliament of Western Australia.

This is the first occasion on which I have had the honour to perform this ceremony as the Representative of Her Majesty The Queen.

I should like to record my sincere thanks to the people of Western Australia for the warm and friendly sentiments addressed to my wife and me since the announcement of my appointment.

It is our objective to serve the people of this State with dedication and enthusiasm. We look forward to meeting as many people as possible on our visits throughout the State during my term of office.

Members will be aware of the high priority the government attaches to parliamentary and electoral reform, and of the prominent part these issues played in the Australian Labor Party's campaign for the 1983 State Election. The government proposes to bring forward more legislation on these subjects this session.

This State's agreement with the Commonwealth for co-operative electoral rolls has been an outstanding success, the number of electors on State rolls has risen by more than 13 per cent, or about 100 000 people since February this year.

Recent Commonwealth Electoral reforms require corresponding amendments to State law and these will be brought forward together with legislation to give effect to the government's pre-election commitments for an independent electoral commission and the printing of party designations on ballot papers.

During the last session, the Legislative Council rejected legislation aimed at its reform. Since then the government has considered criticism made of

that legislation and invited further comment from the public and Members of this Parliament.

New legislation, taking account of that criticism and comment will be brought to Parliament this session. The Acts Amendment (Fair Representation) Bill will contain provisions proposing alterations to Legislative Council and Legislative Assembly electorates in a manner which the government regards as fairer to electors.

The government has also given further consideration to the Parliament's failure last session to agree on mechanisms for the breaking of deadlocks between the two Houses and a Royal Commission will be appointed to consider and report upon appropriate methods for resolving deadlocks.

Should Parliament agree to the Acts Amendment (Fair Representation) Bill and to legislation arising from the Royal Commission, the consent of the people through a referendum will be required.

The government believes it is both proper and desirable that the people be given an opportunity to express their wishes on these matters because they go to the very heart of a truly democratic method of representation.

This session opens at a time of enhanced economic prospects. Recovery in the economies of major trading partners is expected to benefit rural and resource industries although demand for some commodities will remain subdued. To maintain the momentum of domestic recovery, government policy will continue to be directed to the creation of a favourable economic environment by encouraging investment and the development of competitive industries.

The resilience of our Western Australian economy was again reflected in employment growth in 1983/84 which was substantially above the national level. Nevertheless, the government is concerned at the level of unemployment, particularly among the young, and the forthcoming Budget will place further strong emphasis on job creation, especially through capital works and incentives to private enterprise.

Despite a difficult, although improving, economic climate, the government was able not only to hold, but even to improve on its forecast of a balanced Budget for 1983/84 by achieving a \$996 869 surplus. It will continue to pursue its economic and social goals within a responsible budgetary framework of constrained taxation and charges, and disciplined departmental expenditure, and plan again to achieve a balanced budget.

Although the Commonwealth General Revenue Grants, representing some 40 per cent of State income, will increase by only four per cent in 1984/85, the co-operative approach taken by the

Commonwealth and States at the June Loan Council produced a new global concept of borrowings by State authorities. This will enable Western Australia to undertake a wide-ranging works programme whilst gaining greater flexibility in raising funds for specific requirements.

The government proposes to establish a Central Investment and Borrowing Unit to pool and invest public funds; and will review the Financial Institutions Duty Act.

An independent study will determine the feasibility of amalgamating the Motor Vehicle Insurance Trust and the State Government Insurance Office.

The Commonwealth government's intention to allow access to the Australian market by a limited number of overseas banks provides Western Australia with a unique opportunity to forge important new trade and financial links with the rapidly growing economies of Asian nations.

The State government has had discussions with five Singapore and Hong Kong-based banks interested in establishing their Australian headquarters in Perth.

The advantages of having the Australian headquarters of a major Asian-based bank in Perth are obvious. They include greater access to the burgeoning Asian markets, increased banking services for local business, and opportunities for top-level decision-making on-the-spot.

The Western Australian Development Corporation is now undertaking detailed discussions with several of the banks and it is expected that a submission seeking a banking licence for a consortium will be put to the Commonwealth within a few weeks.

At the same time, the government is well advanced in its plans to establish the South East Asian Marketing Corporation.

Establishment of the Western Australian Diamond Trust has resulted from the government's acquisition of a five per cent equity in the Argyle Diamond project in Kimberley and an earlier undertaking that the general public would be able to invest in that shareholding.

The State government believes the Trust is an imaginative concept and congratulates the Western Australian Development Corporation on this exciting venture.

The Corporation is to play a major part in the State's total economic strategy. It will increase flexibility in the management of government assets, and will be a source of additional revenue to help keep taxes and charges down and further relieve the burden on taxpayers.

The government's commitment to improved industrial relations through conciliation and consensus will be reflected in the Acts Amendment and Repeal (Industrial Relations) Bill No. 2. The Bill, which has the support of the Western Australian Tripartite Labour Consultative Council, contains 85 per cent of the clauses in that Bill which was rejected by the Legislative Council in the Autumn Session. In putting forward what it now believes is a 'consensus Bill', the government is hoping that its passage through Parliament will not be frustrated on this occasion.

Other industrial legislation will propose the establishment of a Commission of Occupational Health, Safety and Welfare, portability of long service leave in the building and construction industry, and a strengthening of regulations to control the use and handling of asbestos.

Resource development has been a traditional source of strength in the State's economy and prospects for a start next year on the \$8 billion export phase of the natural gas project on the North West Shelf have been heightened by the decision of two Japanese companies to take a \$1.5 billion share in the project.

There are encouraging prospects for a start on the proposed aluminium smelter and power station project in the South West; and also for the sale of more iron ore to the People's Republic of China, as well as locally-produced pig iron. This could result in the re-opening of the Koolyanobbing mine and the A.I.S. blast furnace at Kwinana.

The Department of Industrial Development is being restructured and upgraded to play a more dynamic and productive role in Western Australia's development. Through the Department, the government is establishing new programmes for industrial and commercial development. An important dimension of these programmes will be new financial aids and incentives to business.

In recognition of the key role that technological development is playing in underpinning Western Australia's economic future the government is providing the essential infrastructure to encourage industry to meet the challenges of the next two decades. This task is well under way with the establishment of the Technology Directorate, the Technology Development Authority and the Technology Park at Bentley. Also, the government has established Australia's first Department of Information Technology, leading the way in the introduction and application of computing and information technologies.

The government has established a Small Business Development Corporation which is providing

much needed management and financial advice and new legislation is proposed to enable small businesses to obtain government loan guarantees and to receive maximum legal protection in tenancy arrangements.

Accepting a recommendation of the State Employment Task Force, the government will introduce legislation to establish a Western Australian Industrial and Commercial Training Commission to co-ordinate retraining and the acquisition of skills needed for the future; it will further encourage employers to maximise their apprentice training capacity.

The government's Functional Review Committee, which is examining the operation of all departments and agencies in an effort to better utilise total resources, has made a number of recommendations which the government is considering.

The government will legislate to amalgamate the National Parks Authority, the Wildlife Section of the Department of Fisheries and Wildlife, and the Forests Department within a new Department of Conservation and Land Management. Amendments to the Environmental Protection Act will facilitate the tackling of environmental problems.

Western Australia's agricultural sector continues to contribute strongly to the State's economy and the Department of Agriculture forecasts that in 1984/85 production could be as high as \$2 270 million.

Proposed legislation relating to agriculture includes a Bill to amend the Plant Diseases Act, a new Herd Improvement Service Bill which will result from a proposed amalgamation of the Artificial Breeding Board and the Dairy Herd Recording Scheme, and amendments are planned to the Ord River Dam Catchment (Straying Cattle) Act.

Legislation is also being prepared to establish the Rural Adjustment and Finance Corporation of Western Australia. While continuing to be responsible for Rural Reconstruction and Adjustment Lending, the Corporation will be responsible also for National Disasters Relief lending.

The establishment of the Western Australian Tourism Commission launching of tourist development projects worth more than \$1 billion, and the heightened private sector confidence, all affirm the government's commitment to tourism as a major economic contributor.

Conscious of the economic and social benefits to be gained for the people of this State through the defence of the America's Cup, the government has given preliminary approval for the development of

two new marinas while welcoming Federal government support in the staging of this event and in international marketing initiatives.

In this session, the government will legislate to license travel agents, and to protect people dealing with them.

Changes recommended in the Beazley and McGaw Committee reports, aimed at adapting formal education to the needs of today's society, will be phased in over a period starting at the beginning of the next school year. The Western Australian College of Advanced Education will offer tuition in the Joondalup area in the second semester of 1984 and a college in that area is being planned.

A single Health Department of Western Australia—integrating previously related but separately administered services—became operative on July the first with the objective of further improving the delivery of co-ordinated health care throughout the State. During this Session, Bills will be presented to amend the Health Act and to legislate for the licensing of dental technicians. Working parties appointed by the government have completed the most extensive review of mental health legislation ever undertaken in this State, and recommendations now being considered may form the basis of Bills to come before this Parliament.

Legislation is being drafted in respect of a number of outstanding Law Reform Commission reports covering exemption from jury service, absconding debtors, disqualification from Parliament (Offices of Profit under the Crown), associations incorporation and strata titles. Legislation following Part III of the Commission's Report on the Administration Act will be introduced during the Budget Session.

Legislation introduced in the Autumn Session to abolish capital punishment will be listed for debate in this Session.

Detailed proposals will also be brought forward to fulfil the government's commitment to reform the laws relating to rape and sexual assault.

Because proclamations of the Bail Act 1982 in its present form would present administrative problems, the government proposes to bring forward amendments to that Act early in the Budget Session.

Preliminary planning of extensions to the Supreme Court Building in Perth is under way.

Establishment of a casino has been further advanced following examination by a Cabinet Subcommittee of submissions from prospective developers; and consequent upon recommen-

dations which might emerge from the Gaming Study Group's report, a Bill may be required to consolidate all gaming laws.

It may also be necessary to amend the Liquor Licensing (Moratorium) Act to accommodate recommendations of the Royal Commission into Liquor Laws. Amendments to the Liquor Act may be required at a later date.

The final report of the Aboriginal Land Inquiry by Mr Paul Seaman, Q.C., should be available for consideration by the government in September.

The Aboriginal Affairs Planning Authority Act Amendment Act 1973, is to be repealed as the Authority has now been re-established as an independent State body, and the government will legislate to establish the Aboriginal Housing Board as a statutory authority.

To enable building societies and credit unions to compete freely in a changing financial market, amendments to Acts governing their operations will be introduced along with amendments relating to the Government Employees' Housing Authority and Rural Housing Authority. The government also proposes to help resolve tenancy control deficiencies in the existing law affecting State Housing Commission tenancies by amending the Housing Act to provide for the formation of a Tenancy Tribunal. It will also legislate for a new Act to regulate leasing of retail shops and resolve disputes over leases.

Other consumer legislation will include a Trade Standards Bill to change the law relating to trade descriptions and false advertising and a Bill to establish a Commercial Tribunal to replace a number of existing occupational licensing boards. Simplified consumer credit legislation will benefit both the finance industry and consumers.

During this session, the Welfare and Community Services Review, to which many community service organisations and individuals have contributed, will present its final report to the government. This major initiative will lead to a restructuring of governmental welfare services and will seek to enhance the partnership between government and non-government welfare agencies. A significant legislative programme is expected to flow from that report.

To make it easier for the media to report proceedings in the Children's Court, it is proposed to amend the Child Welfare Act and to extend the system of juvenile Community Service Orders.

Amendments to the Registration of Births, Deaths and Marriages Act will provide for the naming of children in accordance with religious custom as well as allowing mothers a choice of surname for future births in Western Australia.

The Government proposes to extend the jurisdiction of the Parliamentary Commissioner for Administrative Investigations (Ombudsman) to oversee, and in some cases, conduct investigations into allegations against members of the Police Force. This will assure the public that complaints are impartially investigated while also protecting police officers from unfounded complaints.

A Women's Interests Division is now functioning within the Department of the Premier and Cabinet. Two legal reforms—Equal Opportunity legislation and amendments to the Criminal Code—which are to be presented to Parliament this session—are seen as major initiatives in helping women to achieve equality and protection under the law.

A review of the State Superannuation Scheme will remove anomalies and provisions which discriminate between the sexes. It is likely that legislation effecting major changes to superannuation arrangements for government employees will follow.

The government has established a Communications Advisory Committee to report on the State's requirements, especially in remote areas. Discussions with the Commonwealth have drawn attention to the need for improved communications, particularly television, for isolated areas.

Establishment of the Western Australian Institute of Sport will help to ensure that extra competition, specialised coaching and contemporary sports science is provided for talented young West Australian athletes. To encourage greater participation the government will continue to work towards completion of international standard facilities for cricket, equestrian events, cycling and shooting.

The government's programme also includes legislation for:

Amalgamation of Harbours and Rivers Branch of the Engineering Division of the Public Works Department with the Department of Marine and Harbours, and creation of a new Port Authority at Dampier.

Amendments to the Government Railways Act to allow Westrail to compete with alternative land transport modes and to own and operate transport pipelines, conveyor systems and other modes as well as road transport.

Amendments to the Local Government Act to permit the progressive extension of greater autonomy to councils.

Amendments to the Mining Act arising from recommendations of an inquiry into the existing Act.

Amendments to the Explosives and Dangerous Goods Act to facilitate the administration of the Dangerous Goods (Road Transport) Regulations to provide for the training and licensing of drivers and generally to improve safety in the transport of such goods.

Implementation of recommendations of a Review Committee Report in relation to the Prevention of Cruelty to Animals.

Increased penalties for offences prescribed in the Construction Safety and Machinery Safety Acts and increased authority for inspectors under the Shops and Factories Act. This will enable inspectors to enforce more effectively health, safety and welfare provisions, together with the increased penalties.

Amendments to various Acts relating to water and sewerage so that functions authorised by them can be managed by the Water Authority of Western Australia which will begin operations on July the first next year.

Amendments to the Bread Act in relation to baking hours; regulation of the sale of beer tickets in hotels and taverns, and the extension of this fund raising method to charitable and sporting organisations; and,

Further strengthening of controls on the availability and classification of video tapes for sale or hire in Western Australia; and amendments to the Censorship of Films Act.

Some other legislative proposals held over from the Autumn Session will also be brought forward for debate.

*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 members of the Legislative Assembly then withdrew from the Chamber, and the President resumed the Chair.]

## FISHERIES: TUNA

### *Quotas: Petition*

On motions by the Hon. Tom Knight, the following petition bearing the signatures of 48 persons was received, read, and ordered to lie upon the Table of the House—

The honourable the President and Honourable members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled.

We, the undersigned citizens of the south coast of Western Australia, urge the Western Australian Minister for Fisheries, Hon. H. D. Evans, MLA to do all in his power to have the Federal Minister for Primary Industry, halt any action on the Industries Assistance Commission recommendations that WA's bluefin tuna quota be cut from 4 000 to 1 000 tonnes per annum, until a south coast tuna fisheries study group, or a Parliamentary Select Committee is established to investigate and report to the Federal Government on the effects these cuts will have on the Western Australian fishing industry.

We make this plea as concerned citizens who recognise the disastrous effects the quota reductions will have on the fishing industry and our region with so many tuna fishermen being forced out of business.

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

(See paper No. 5).

## ACTS AMENDMENT (FAIR REPRESENTATION) BILL

### *Leave to Introduce*

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.47 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 for Fair Representation in the Legislative Council.

**Question put and passed; leave granted.**

### *Introduction and First Reading*

Bill introduced, on motion by the Hon. D. K. Dans (Leader of the House), and read a first time.

## GOVERNOR'S SPEECH

### *Distribution of Copies*

THE PRESIDENT (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 honourable members.

## ADDRESS-IN-REPLY: FIRST DAY

### *Motion*

HON. MARK NEVILL (South-East) [3.49 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, the opportunity to move this Address-in-Reply motion to indicate our loyalty to Her Majesty the Queen, and to respond to His Excellency's Speech is an honour I fully appreciate.

May I congratulate Professor Gordon Reid on his appointment as Governor of Western Australia, and wish him well.

In leading the Address-in-Reply debate, I direct my remarks to what I regard as the most pressing issue; that is, the reform of this House, the Legislative Council of Western Australia, both in regard to its representation, so that it faithfully represents the will of the people of this State, and also in regard to its role and function as a genuine House of Review.

Despite a substantial victory by the Burke Government at the polls some 15 months ago, winning 51.3 per cent of the vote for the Legislative Council in fact, this win yielded only seven of the 17 seats decided, so grossly undemocratic is the present system.

There are members of the Opposition who have publicly acknowledged the need for reform. Last year, in this Chamber, during the debate on electoral reform, the Hon. Graham MacKinnon said, "The time has come when reform is necessary". The existing Gilbertian situation must be remedied for the Legislative Council or even Parliament to function as a truly democratic and respected body.

The need for electoral reform was outlined clearly by the Liberal Party in its submission on the proposed new Federal boundaries. The Western Australian branch of the Liberal Party warned that "The stability of Federal Parliament will be affected adversely . . . if . . . the party winning most votes in an election, gets a disproportionate number of seats". So it defies reason and logic not to apply that cogent and constructive argument to the situation in this Western Australian Legislat-

ive Council; namely, that the party that wins a majority of votes should enjoy a majority of seats decided at each election of this House. We trust that these principles expressed in the Liberal Party's submission to the Federal Electoral Boundaries Commission, will be applied by it when the Government later introduces a Bill to ensure fair representation in the Legislative Council.

Last year a bipartisan committee was formed in this House to examine the future role and function of the Legislative Council. This Committee is under the joint chairmanship of the Hon. Vic Ferry and the Hon. Jim Brown, the other two members being the Hon. Ian Pratt and me. This committee has explored areas where this House can usefully contribute to better government in this State, and ways to improve the effectiveness, usefulness, and real status of this House, particularly in regard to its function as a House of Review.

The committee has already made an interim report to this House. Initiatives outlined in the interim report include the establishment of a number of legislative committees—

- (1) to scrutinise delegated or subordinate legislation;
- (2) to scrutinise the appropriation of money by Parliament;
- (3) to attend to the revision or excision of "obsolescent" legislation;
- (4) to appoint subcommittees to examine new Bills introduced into Parliament; and
- (5) it also envisages the continuation of investigative committees because they have thoroughly researched and reported and successfully dealt with problems of varying magnitude that arise from time to time.

The Government must have enough members to service the committees, considering that up to three members may be engaged in ministerial duties at any one time. Thus, in the present instance, this would leave 10 Government members to service the committees, compared with 21 available Opposition members. Under a fair electoral

system, the number of members on both sides of the House would be much better balanced.

For a committee system to function effectively there must be mutual trust between members of this House. If the committee's final report follows the main thrust of the interim report and it is adopted, then we will see a shift in emphasis whereby this House will concentrate more on matters of Government administration rather than on major policy considerations. If we are to accept the challenge of making this Chamber a genuine House of Review, without the taint it presently carries in many minds, we can look forward to a fertile and productive future. Providing the proposed reforms become fact we will have the right to determine our own parliamentary appropriation, thus giving the House more flexibility to fulfil our aspiration as a State House of Review without peer.

We must have the courage and honesty to grasp the nettle of reform and establish a new and worthwhile direction for this House; it will bring great credit to all members of this House to do so.

Mr President, it is the Opposition, the currently-elected members of the coalition parties, which can reform this House so that it can and will function effectively. To neglect this opportunity will cost them the respect of electors and will sadly diminish their ability to influence public opinion.

It is with pleasure and with great optimism that I move this motion.

**HON. KAY HALLAHAN** (South-East Metropolitan) [3.56 p.m.]: I formally second the motion.

Debate adjourned, on motion by the Hon. G. E. Masters (Leader of the Opposition).

#### **ADJOURNMENT OF THE HOUSE: SPECIAL**

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [3.57 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 31 July at 4.30 p.m.

**Question put and passed.**

*House adjourned at 3.58 p.m.*