Legislative Council

Thursday, the 13th September, 1979

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

POLICE ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Leader of the House), and passed.

WEST AUSTRALIAN TRUSTEE EXECUTOR AND AGENCY COMPANY, LIMITED, ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [2.36 p.m.]: I move—

That the Bill be now read a second time.

The Bill contains three unrelated matters which have been submitted to the Government by the West Australian Trustee Executor and Agency Company, Limited.

The first relates to a change of name, the second deals with administration of small estates, and the third deals with the question of shareholding in the company.

The company has resolved to amend its name from its former and more lengthy name, the West Australian Trustee Executor and Agency Company, Limited, to West Australian Trustees Limited, and the interpretation of "the company" has been changed accordingly. The reference to both the old and new names in this clause will provide the necessary link for the purpose of existing documents and proceedings.

The second amendment proposes a new section 4A, the purpose of which is to extend to the trustee company powers similar to those available to the Public Trustee in this State in respect of the administration of small estates.

In Western Australia, the Public Trustee and the trustee company carry on business within the confines of their respective Acts. In respect of the Public Trustee, his is entitled, in the case of small estates, to elect the option contained in section 14 of the Public Trustee Act.

That section permits the Public Trustee to administer estates valued at under $10 000 by filing an election in the court without any order or grant of probate or administration; in effect, electing to administer the estate where no person has taken out a grant of probate or administration in Western Australia.

This matter has been considered by both the Government and the Public Trustee and there is no objection in either quarter to the company being given the right on the same basis as that which exists for the Public Trustee. This will be more convenient for the public as well as the company and mean a saving in costs and avoidance of delay.

In the event that the gross value of an estate is subsequently found to exceed the sum of $10 000, or there is found to be property outside the State, the company's election to administer shall cease to have effect.

The third proposal put forward by the company relates to amendments to the existing section 21 and the second schedule of the Act, which impose a limitation on the number of shares which may be held by a member. In the case of this company, the ratio or limitation is one share for every 20 issued.

In 1976 the West Australian Trustee Executor and Agency Company, Limited, Act was amended to enlarge the scope of the Act to include the "control" of shares as distinct from the holding of shares.

Prior to the 1976 amendments, a member of the company could hold the maximum number of shares permitted by the Act and, in addition, beneficially own or have an interest in any number of shares held in trust for such a member or held by a nominee of the member.

This meant that such a person could control a major portion and, theoretically, the whole of the issued capital of the company. It followed, therefore, that there was a possibility of a takeover situation developing.

The 1976 amendments were designed to enable the company to control the limits on the holding of shares. At the time, one particular shareholder in the Eastern States held or controlled approximately 12 per cent of the issued capital of the company. Despite the 1976 amendments, the shareholder has increased its holding or control of shares by a further 3.8 per cent making a total of 15.8 per cent.

Shortly after the 1976 amendments came into operation, the Eastern States company involved was given notice in accordance with the amendments, and the company subsequently disposed of the shares concerned to third parties. It has since come to the knowledge of the West Australian trustee company that the persons to whom the shares were transferred are employees or directors of the Eastern States company.

In effect, this means that the Eastern States company, whilst outwardly complying with the

1976 amendment, has retained the excess shareholding contrary to the intention of the amendment.

Hence, the possibility still remains that the trustee company, with the management of its attendant trust assets, could pass under the control of the Eastern States shareholder or group.

At this point, it would seem to be appropriate to repeat the principles of the control of trustee companies which, although formulated many years ago, are perhaps more relevant today than they were then.

The four main principles relating to control of trustee companies are as follows—

(1) The paramount consideration is the sanctity of trust assets and the nature of the fiduciary duties owed by the trustee companies to beneficiaries.
(2) Trustee companies require and must have a tradition of independence from other companies with possible conflicting interests.
(3) Foreign ownership and control of a trustee company is undesirable.
(4) As a general principle, therefore, no person or group should control a trustee company and there must, therefore, be a limitation of shareholdings.

The various roles of a trustee company are outlined in the preamble of the parent Act, but they are worth repeating here.

They afford people the opportunity of obtaining the services of a permanent corporation to perform the functions and duties of a trustee and to act as guardian of any mentally incapacitated person or child; to act as a receiver of a bankrupt estate or the estate of an insolvent person.

In addition, a trustee company may be appointed as executor or administrator of a deceased person's estate. Its services are in constant demand in situations involving trusts.

The amendments will allow the company to inquire more deeply into the real implications of a proposed transaction and request information from the party or parties concerned to assist in an assessment as to whether the transaction is proper, within the requirements of the Act.

Provision also has been made for the disposal of shares where a transaction is or has taken place which is contrary to the Act.

The Bill is designed to close the loopholes which have been found to exist in earlier legislation, and so as to ensure a continuance of the traditional role of the trustee company in the supervision and management of locally situated trusts.

The amendments proposed to section 21 and the second schedule of the Act will, it is hoped, overcome the current problem and permit the company more effectively to control its shareholdings and, hence, its own affairs.

A fourth and minor matter deals with the repeal of section 30. This contains the short title of the Act which will now appear after the preamble. The existing section will, therefore, no longer be required.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

THE PERPETUAL EXECUTORS, TRUSTEES, AND AGENCY COMPANY (W.A.), LIMITED, ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan —Attorney General) [2.46 p.m.]: I move—

That the Bill now be read a second time.

The reasons and background to the need for amending this Act were given during the second reading speech on the West Australian Trustee Executor and Agency Company, Limited, Act Amendment Bill.

The Bill now before the House involves the same three matters and the intention in each respect is the same.

The Perpetual Executors, Trustees, and Agency Company (W.A.), Limited proposes to change its name to "Perpetual Trustees W.A. Limited" and provision has been made in the Bill to this effect.

The reasons for changing the Act in respect of the administration of small estates have already been covered in my earlier speech dealing with the amendment to the West Australian Trustee Executor and Agency Company, Limited, Act. The proposed section 21 is identical to that applying to the West Australian Trustee Executor and Agency Company, Limited, Act with the exception that no member cannot hold more than one share for every 30 issued. This is the ratio in the existing section 21 and is not being changed. The different shareholding ratio as between the two companies is purely historical.

The perpetual trustees are in very much the same position as the West Australian trustees in that in 1976 they had a shareholder who held or controlled a number of shares in excess of that permitted under the Act.

After the 1976 amendments that party disposed of the shares but now another group in the Eastern States, acting in concert, has acquired an excess of the number permitted. It is understood that the group controls almost 13½ per cent of the issued capital of the company. The problem therefore is the same as that applying to West Australian trustees.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. F. Claughton.

RESERVE (WOODMAN POINT-JERVOISE BAY) BILL

Second Reading

Debate resumed from the 11th September.

THE HON. D. J. WORDSWORTH (South —Minister for Lands) [2.49 p.m.]: Two issues have been debated publicly on this matter. One, of course, concerned the pollution of Cockburn Sound. While that is of great importance, overall, it does not come within the confines of the Bill. Concern will arise if the changed purpose for the use of the land does have any further effect upon the sound, and create a further deterioration of the situation.

The main issue, of course, is that encompassed in the Bill; that is, the land usage on the shores of the sound. Before getting off the subject of pollution I must remind members that the Govermment has commissioned a report from the Cockburn Study Group, under the direction of Dr Chittleborough. He is expected to recommend the steps which will be required to improve the water quality of the sound.

The MRPA report stated that as a result of the type of industry proposed for the sound, unless there is bad management, it is not expected that the water pollution will increase.

The expected industry on this 1 000-odd metres of foreshore is that of small boat building, the construction of the components for the North-West Shelf gas development, and manufacture of oil rig components. Like other sections of this industry, these do not lead to pollution. At the worst one can expect some sandblasting which is not expected to be a problem.

Of course the Environmental Protection Authority has examined this matter in depth and it envisages no environmental objections to it. The only criticism it could find was not in regard to environmental matters, but about the fact that past planning had been inadequate and that many decisions had been taken in isolation.

We must appreciate that there is very limited access to the coastline south of Coogee because of the explosives depot and the fact that the Commonwealth owns a great deal of land. It has been difficult to plan fully the use of this land, but now that we can make adequate plans we can see there will be a progressive opening up of the area both for industry and for recreational use.

Mr Claughton asked what will happen if the land is not used, and whether it will be reclassified as an "A"-class reserve if Woodside Burmah does not proceed. Firstly, the Government feels there is every indication that we will have a positive decision in regard to the North-West Shelf gas project. Secondly, we believe that Western Australian industry should have the opportunity to participate in the development of offshore oil, the necessary construction that will flow from that, and of course, the provision of boat-building facilities for the fishing industry.

Whatever happens, this small stretch of coastline will be required. It is very hard to contemplate the full long-term requirements for Western Australia, but certainly that 1 000-odd metres of coastline should be retained for industry even if it is not utilised immediately.

Mr Thompson raised a number of queries, and he asked, firstly, about alternative sites. Although these have been covered in the debate, I would like to refer members to appendix B of the metropolitan region scheme report where the other sites considered are listed, including Bunbury and areas adjacent to Cockburn Sound; that is, Robb Jetty, the Transfield rig site, the ILDA land north of the BHP steelworks jetties, Mangles Bay, the Moore River area, and of course, Jervoise Bay. Some details of that study are included, so members can be assured that the decision was not reached without due consideration.

Mr Thompson asked also about the cost of moving the magazine. In our opinion this cost cannot be attributed directly to the project we are now considering. The magazine was built at the turn of the century to service the quarrying and mining industry. In fact, it has held up the use of this land by the public. We are not in a position to detail the cost involved, but as I said in my second reading speech, the move will take place progressively.

When considering costs, I believe we should look at the harmful effects of the magazine in its present situation. From time to time portion of the cost of the removal of the magazine will appear in the budget of the Mines Department.

The Government has made a very firm and positive statement in regard to the cost involved in moving the various clubs from the area. We have said that we will provide for these clubs, and it is well known that negotiations are taking place at the present time. Again I cannot give the exact cost, but it is not expected to be very high, especially when taken into consideration with the overall cost of the redevelopment of the total area, not only for industrial purposes, but also for recreation.

The Government paid $2.5 million to the Commonwealth for this land for recreation, and there will be the additional cost of development. I am led to believe that the reports will cost in the vicinity of $50 000.

The Hon. R. Thompson: Those are the Soros, Longworth, and McKenzie, and the T. S. Martin and Associates reports?

The Hon. D. J. WORDSWORTH: I understand they are the reports referred to.

Several members asked about firm commitments in regard to this land. The Government has not been able to enter into any firm commitments for industry to take over the land, and perhaps it would be wrong for it to do so while the Bill is still before the Parliament.

The Hon. R. Thompson: Have any applications been received?

The Hon. D. J. WORDSWORTH: A very keen interest has been displayed in the area. Indeed, it is vital that companies interested in the development and the manufacturers of structures for offshore gas are permitted to make an early examination of the site in order to facilitate their planning. After all, these manufacturing groups will have to compete with manufacturers who are already established in places such as Singapore. This competition will be difficult enough without incurring delays in choosing sites. I hope it will not be long before we can permit these companies to make more definite plans.

Like others, Mr Thompson is very concerned about water quality. This matter has been in the minds of most people.

In its report, the Environmental Protection Authority went into this matter at great length. I have already mentioned the report that has been commissioned on Cockburn Sound. Undoubtedly the Government will need to take certain action when that report comes to hand. However, I repeat that the proposed industry which will be sited on this 1 000 metres of foreshore is not expected to add to the pollution of the sound.

Mr Thompson also asked about the management and cost of developing Woodman Point, and about the very strong odour which emanates from the sewerage works in that locality. While I cannot speak for my colleague beside me, who administers that department, I can say that treatment of the sewage is taking place in an effort to achieve an improvement in the situation. Undoubtedly, future planning will incorporate the treatment of the sewage or recommend alternative siting of the works so that it is not a curse upon that recreation area.

The Hon. R. Thompson: What you are saying is contrary to what the Cockburn Town Council has been told by the Metropolitan Water Supply, Sewerage and Drainage Board; namely, that it will be 15 years before anything is done about the problem.

The Hon. D. J. WORDSWORTH: I cannot vouch for the exact number of years; however, I can assure the honourable member that work is going on all the time.

The Hon. R. F. Claughton: They will need to be a little more successful than at Beenyup. It is a new plant, but it is causing heavy odour problems in that locality.

The Hon. G. C. MacKinnon: It is not quite as bad as the plant at Canberra, which cost $100 million, and which is not working at all.

The Hon. D. J. WORDSWORTH: I think the interjections highlight the difficulty experienced in treating sewage. I certainly hope the problem on this site can be overcome so that it does not interfere with the recreation possibilities of the very nice piece of coastline at Woodman Point.

I think I have covered most of the points raised by members. From the debate which has taken place there is no doubt that the passing of this Bill will bring great benefit to the people of Western Australia. The Bill itself accounts for only this one, small area of 25 hectares; however, due regard has been had for the other recreational planning which has taken place in the area.

I thank members for their support.

Question put and a division taken with the following result—

Ayes 16

Hon. G. W. Berry	Hon. O. N. B. Oliver
Hon. T. Knight	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. J. C. Tozer
Hon. Margaret McAleer	Hon. R. J. L. Williams
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. G. E. Masters

(Teller)

Noes 8

Hon. D. W. Cooley	Hon. F. E. McKenzie
Hon. Lyla Elliott	Hon. R. Thompson
Hon. R. Hetherington	Hon. Grace Vaughan
Hon. R. T. Leeson	Hon. R. F. Claughton *(Teller)*

Pairs

Ayes	Noes
Hon. R. G. Pike	Hon. R. H. C. Stubbs
Hon. N. E. Baxter	Hon. D. K. Dans

Question thus passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. R. THOMPSON: Mr Deputy Chairman, I have been misreported in the media on this matter. Members may recall I said the reserve was created in 1957, and that in 1961 the then Minister for Industrial Development—now the Premier—tried to excise portion of this area for the purpose of allowing the Southern Cross shipbuilding company to establish a ship-building industry. However, Parliament refused to give permission. It has been reported that Parliament, in fact, gave permission; this is incorrect.

I pointed out that the matter went before a committee of managers; and the section of the Reserves Bill relating to the proposed excision was deleted. I referred to recommendation 12 of the Metropolitan Region Planning Authority report, which stated as follows—

> The Metropolitan Region Planning Authority in conjunction with the Town of Cockburn are considered to be the appropriate bodies to manage and fund the development of the Woodman Point Recreational Area.

The reply stated as follows—

> The Authority noted that a request would be made by the Minister shortly for the Authority to act as Manager until the Project Co-ordinating Steering Committee has reported and made recommendations for consideration by Government.

It has been reported that I said the Government and the Cockburn Town Council should share the cost of the development of Woodman Point. However, I pointed out that the council was not in a financial position to do this. It was not interested in the Woodman Point area and if the Government wanted to force the council to have this "A"-class reserve the Government should bear the total cost of its development.

Clause put and passed.

Clause 3: Reserve 24309 Town of Cockburn—

The Hon. R. THOMPSON: I will ask the Minister a series of questions which he should be able to answer because the Government has just acquired an area of Woodman Point Firstly, when the Woodman Point area becomes part of the "A"-class reserve, will Cockburn Cement Ltd.'s sand washing plant remain? Secondly, was an easement given prior to the purchase of this land by the State? Will an easement exist over the Woodman Point area for the purposes of pumping sand from the site to the factory? Thirdly, is the company paying rental for the land?

At the present time a sign on the roadway leading to Woodman Point states, "Private Road. Cockburn Cement Ltd." Will this road remain a private road or will it become a public road?

The Hon. D. J. WORDSWORTH: I am unable to give the exact details to the questions asked. The negotiations with respect to the sand cleaning plant obviously would have been with the Commonwealth Government. I know of no leases that have continued to exist. However, this will be up to the authority which manages the area. It will be up to that authority to determine what activities take place other than those that may be currently in force under a previous agreement.

The Hon. R. F. CLAUGHTON: Government members are not helping to conduct our affairs in a very sensible way by suggesting that when I was speaking to the second reading of this Bill I was having two bob each way. I adopted what I thought was a reasonable approach to the debate. I did not embark on histrionics. If they had listened to me they would not have got the impression I was supporting the legislation. I admit that I omitted to state that I was opposed to the Bill in those concise terms. To make our position clear, we divided on the second reading of the Bill.

Several remarks made by Government members showed that they obviously glossed over the problems set out in the MRPA's report and which were dealt with more extensively in other reports made on studies of the Sound. Mr Pratt dared to say there was no risk of pollution from the proposed works. I shall quote from item 129 from the MRPA report in reply to the submission from the Cockburn Town Council. I quote as follows—

> Obviously there is a potential for water pollution from the industrial development and uses envisaged in the Report (viz; drains, tanks and bilges from vessels likely to be constructed in, or using the area). There is also potential for pollution from chemical paints and other such substances being spilled.

Even those few sentences clearly indicate the potential for pollution. The other studies go into these questions more fully.

Another point raised was in regard to the status of the Woodman Point area. The Government has tried to say this reserve is a reasonable exchange for the loss of 25 hectares. I shall quote from item D, subparagraph (v) of the Cockburn Sound Report, which reads—

> (v) the Woodman Point proposal is a prior commitment and should not be looked upon as a reward for taking 25 ha of seafront,

The department's comment was—

> The Study does not look upon the development of some 245 ha at Woodman Point for recreation as a reward for the 25 ha.

That quote should make the status of the reserve clear. The Government was not honest when it claimed that the Woodman Point reserve is exchanged for the loss of the 25-hectare area.

The Hon. D. J. Wordsworth: Have we?

The Hon. R. F. CLAUGHTON: Yes. It has been referred to in speeches made. I have been informed that Woodman Point was seen as an exchange for the loss of Garden Island. When we look at the overall scene we realise the council is quite reasonable in its objection to the further loss of a reserve on the foreshore.

In my reply to the second reading speech I gave credit to the Government for the fact that there has been a large addition to public recreation on land which has been formerly set aside for industrial uses. This loss of the foreshore will be added to the other two areas which have already been taken. We should be ensuring that more of the foreshore is made available.

With respect to Cockburn Sound we would have to agree that the area selected is the most suitable but we question whether an effort has been made to find other suitable land. We should not always take the point of view that we should locate industry where there is existing population. If we do this, the result will be that the population and industries will be on top of one another in one area only; for example, the metropolitan area. We hope that in the long term with the further development of the north of the State it will be more attractive than it is at present. Some of the outer regions where development is taking place are not attractive yet because there are not enough skilled workers and service industries located nearby.

Obviously the Government will use its numbers to force this measure through. However, we hope that in the future a further study will be done to show that areas in the north can be adapted for these purposes.

The Hon. I. G. PRATT: Again we have the example of selective quoting by the Opposition. Mr Claughton states that there is a potential for pollution, yet last night the Opposition was of the opinion that there will not be any pollution problems. They cannot have it both ways.

The Hon. R. Thompson: Which Opposition member said that? You said an Opposition member. Only two Opposition members spoke. Which one was it?

The Hon. I. G. PRATT: The honourable member is just as able to read the *Hansard* as I am.

Several members interjected.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order!

The Hon. D. W. Cooley: That came off the top of his head.

The Hon. I. G. PRATT: At least I have a top to my head, which is more than I can say for some members.

The Hon. R. F. Claughton: Which part of the report are you going to quote?

The I. G. PRATT: We heard it said last night. Government members and Opposition members heard it said.

The Hon. R. Thompson: You are a day out; it was Tuesday.

The Hon. I. G. PRATT: In that case I apologise and I thank Mr Thompson for his assistance. However, we heard it said.

The Hon. R. Thompson: You are wrong so often, I thought I had better correct you.

The Hon. I. G. PRATT: I admit to being wrong sometimes; I try hard not to be. I thank Mr Thompson for welcoming me among the imperfect. We have both admitted we are not perfect.

Once again we have Mr Claughton suggesting that an industry with potential to employ many from the immediate area should be taken away. This area has the highest unemployment rate in Western Australia. I do not know how any member could suggest such a thing, because it

would give scant encouragement to the local people who know that theirs is an area with the highest unemployment rate in the State; that is, the area of Rockingham-Kwinana.

The Hon. R. F. Claughton: What a lot of nonsense!

The Hon. R. THOMPSON: In my second reading speech I asked the Minister a series of questions with regard to the fact that the Bill would be giving a blank cheque to the Government as far as cost was concerned. At least the Minister was honest enough to say that is exactly what it was doing, because he could not produce any cost.

He could not estimate any substantial amount for the relocation and the preparation of this site for an industry. That is not good enough. Parliament is entitled to know why an "A"-class reserve is being taken away when the homework has not been done. This is a choice piece of beachfront land.

If we refer to appendix B of the MRPA report we find that this site was chosen for one reason, and one reason only. It has a solid limestone base suitable for the construction of heavy modules. That is not good enough. The MRPA did not study any alternative site; at least it is not included in the report. The Co-ordinator of the Department of Industrial Development lists in this appendix the sites which had been considered. Mr Berry stated the other night that the MRPA did not consider them. They reported on this area only. It is strange that the MRPA report was well under way prior to the time the Department of Industrial Development made its submission. Jervoise Bay had already been selected before the report was commenced. If members care to read the reports they will find that is a fact.

Some other questions arise. When one writes a report and its preface one can make it sound very grand and glossy. I will quote paragraph (2) of the Metropolitan Region Scheme amendment, which is addressed to the Minister for Urban Development and Town Planning. It says—

> The Authority resolved at its meeting on 24th May, 1978 to appoint a Committee comprising Dr Carr, Town Planning Commissioner (Convenor) and Messrs Gorham, Co-ordinator, Department of Industrial Development, and Porter, Director, Department of Conservation and Environment, to co-ordinate a study of the Jervoise Bay-Woodman Point area—including back-up port facilities. The composition of the Committee was expanded by co-opting the Town Planner, Town of Cockburn.

This is the gem—

> Subsequently the Steering Committee chaired by you—

That is, the Minister. To continue—

> —and including the Mayor and a Councillor, from the Town of Cockburn, and the Chairman of the Authority was established.

That sounds grand. It sounds as though the Cockburn Town Council had been brought into the discussions and made a part of the steering committee so that it could offer advice and put up opposition or propositions. That is what one would think a steering committee is supposed to do.

But what were the facts? The Hon. Cyril Rushton was the first Minister to chair the steering committee. He was relieved of his position and it was taken over by the Hon. June Craig. At none of the meetings—and there was not a great number of them—was anybody allowed to take minutes. So, what was the purpose of the steering committee? Its main purpose was to get the Mayor of Cockburn and a councillor along for a brain-washing exercise—nothing more or less—because they were not permitted to have anyone else with them to take minutes, and no minutes of the steering committee's proceedings were ever taken. It just shows how snide—

The Hon. G. C. MacKinnon: On what are you making this second reading speech? Bring me up to date.

The Hon. R. THOMPSON: On the metropolitan region planning report.

The Hon. G. C. MacKinnon: It sounds like a second reading speech.

The Hon. R. THOMPSON: I had enough material to enable me to keep going for another couple of hours the other night but I thought the Leader of the House was getting tired and I took pity on him.

The Minister should answer these points because we are asked to accept a report—and it is the main report—and this is what the Bill is all about, whether or not I am making a second reading speech.

The Hon. G. C. MacKinnon: It is a second reading speech, there is no doubt about that.

The Hon. R. THOMPSON: If I am not dealing with the Bill it is the prerogative of the Deputy Chairman, not the Leader of the House, to pull me up.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I will clear up any confusion if it is necessary.

The Hon. R. THOMPSON: Perhaps the Minister would like to reply to me now and tell me why the steering committee was not given a voice and why it was not permitted to take minutes; and if minutes were taken, where they are and what they contain.

The Hon. D. J. WORDSWORTH: I do not think the honourable member's observations need a reply. I have no indication whether or not minutes were taken at those meetings. The fact is we have an acceptable report, and whether or not minutes were taken is of little consequence.

The Hon. R. THOMPSON: I expected a reply such as that because the Minister never knows what is in the Bills he handles.

The Hon. G. C. MacKinnon: That is ridiculous.

The Hon. R. THOMPSON: It is a fair comment. I will continue dealing with the metropolitan region planning report. It must be remembered that the MRPA could not write into the report what had to be done; it could only make recommendations. But I give it credit for going on to consider the objections and every facet it could consider within the confines of the Cabinet decision; that is, to examine Woodman Point only. Paragraph (25) on page 15 of the report states—

> Arising from the recommendations are certain on-going tasks which are beyond the Authority's control, but should be undertaken by the Government.

I would like the Minister to tell me whether they will be undertaken by the Government. In particular, I want to know what is happening about the Underwater Explorers Club, the Tiger Go-Kart Club, the Cockburn Power Boat Association, the Jervoise Bay Yacht Club, and the Coastal Motor Cycle Club. The report says—

> It is suggested that the Project Co-ordinating Committee, being a Cabinet appointed Committee, be requested to give urgent consideration to the above tasks.

The Metropolitan Region Planning Authority said urgent consideration should be given to those tasks. The Premier has made statements, which have appeared in the Press, to the effect that this land must be ready for module construction site preparation by early 1980, and it was suggested in the Minister's second reading speech that those organisations would be relocated at Woodman Point.

As the Minister for Lands, the Minister should know what is happening because he has control of Woodman Point. When will the work start? When will these organisations be relocated? It will not be possible to build another track for the Tiger Go-Kart Club within three weeks. It will not be possible to build a public slipway, groynes and jetties for the Cockburn Power Boat Association, and a public launching ramp overnight. If this site must be available by early 1980 so that the construction work for Woodside Burmah can proceed, when will the other work begin and will the Government totally fund it?

The Hon. D. J. WORDSWORTH: I have said the Government is negotiating with the various organisations. Mr Thompson says the Tiger Go-Kart Club cannot have another track in three weeks' time.

The Hon. R. Thompson: I did not say that. I said a track cannot be built in three weeks.

The Hon. D. J. WORDSWORTH: The negotiations include compensation for the organisations. They could end up with better facilities, for all I know. We are not telling people that we will replace certain things; we are negotiating. I am sure the results of the negotiations will be satisfactory to the clubs involved.

The Hon. R. THOMPSON: I think Mr Pratt should obtain a copy of the report to which I have referred. He should read it, and if he cannot understand it I will be glad to interpret it for him. He said the other evening—and it was reported in the Press—that people were drawing red herrings across the trail by referring to pollution in Cockburn Sound. He seemed to agree with Michael Kailis.

I intend to spend some time on the report, because it contains many recommendations which should be read out for the benefit of Mr Pratt. I am sorry he has not obtained a copy of it. I quote as follows from page 16 of the report—

> 26.3 The public currently associated pollution with industrial development. The significance of this increasing i.e. from a less polluted situation to a more polluted situation was envisaged by
>
> (i) the likely increase in industry in Jervoise Bay,
>
> (ii) pollution from existing industry and sewerage,
>
> (iii) the threefold planned expansion of the sewerage works,
>
> (iv) the problems of Owen Anchorage associated with biodegradeable waste.

26.4 It was therefore incumbent upon all concerned to ensure that water quality in Owen Anchorage is improved or sustained. No problems of pollution of the water could be seen from the module construction. The nature of the industry, was such that it had no polluting effect on the water except through bad housekeeping.

26.5 The proposal to construct breakwaters would have the effect of slowing the water flow. It was therefore suggested that the industrial area be drained and stormwater be discharged beyond the breakwater.

26.6 The public have argued, from performance standards, that water quality control has not been done. The view of the environmentalist is that it can be done and must be done.

26.7 RECOMMENDATIONS OF THE ENVIRONMENTAL PROTECTION AUTHORITY

The recommendations of the Environmental Protection Authority have been formally considered by the Authority and the following comments are made:

Recommendation No. 1

> "Providing the management programme and further work suggested in the ERMP, together with the recommendations contained in this report are accepted and implemented, no environmental objection can be seen to the proposal proceeding. The ERMP as presented should be endorsed except for those sections which should be modified as indicated."

The Authority resolved to support the recommendation that management controls should be spelt out in much stronger terms.

That is what the Authority thought of the first recommendation of the EPA. The second recommendation was as follows—

> Recommendation No. 2
>
> "Information on the evaluation of alternative sites should be made public in order that the community can assess the rationale behind the selection and balance what is gained against what is lost."

This is what the authority thought of recommendation No. 2—

> The Authority noted that the EPA recommendation endorsed the earlier expressed concern that evidence had not been made available showing that other sites along the coast had been examined, nor had the choice of Jervoise Bay been adequately substantiated.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. R. THOMPSON: The last statement I read was a recommendation from the Metropolitan Region Planning Authority which substantiates completely the statements I made. I said no other areas had been investigated or reported on. The EPA and the planning authority said they were dissatisfied that no other area had been considered. It is rubbish for members to say that other areas had been investigated. The MRPA says they were not studied. That further substantiates what was said in the T. S. Martin & Associates report. The brief there was to inquire into the Jervoise Bay-Woodman Point area only. In the Soros environmental report, they made it quite clear that it was a Cabinet decision that a report be made about Jervoise Bay only. If the MRPA had been consulted at an earlier stage, there may have been a choice instead of the Cabinet decision to establish the ship building and heavy industry construction in Jervoise Bay.

On page 17 of the same report, recommendation 3 reads—

> Provision should be made for a comprehensive stormwater disposal system over the shipbuilding, the oil production construction area and the industrial estate, in order to prevent any discharge of run-off into the water area enclosed by the breakwaters. The design of the disposal system should include an intercept drain in front of the foreshore construction facilities.
>
> The Authority whilst agreeing with the recommendation made the qualification that the design of the disposal system be considered following consultation with the relevant instrumentalities.

These are suggestions or recommendations to the Government. They are not incorporated in the Bill or in the brief given to the various people who have reported on the matter. If they are to be done, let the Minister tell us of the cost. He has failed to discharge his duty in that respect.

Recommendation 4 is as follows—

The industrial estate and marine oriented facilities should be served by deep sewerage connected to the Woodman Point Waste Water Treatment Plan and slop tanks should be provided to service all commercial and private boats.

The authority agreed with that recommendation, but the Government has said nothing about it.

Recommendation 5 reads—

The Fremantle Port Authority acting on the advice of the EPA continues to be responsible for the ongoing management of the waters of Jervoise Bay and suitable contingency and management plans should be prepared to combat pollutants within the Bay.

Mr Pratt reckons there are no pollutants within the bay.

The Hon. I. G. Pratt: When exactly did I say that?

The Hon. R. THOMPSON: He said that pollution is a red herring. The report says the pollutants are within the bay. Mr Pratt reckons it is a red herring.

The Hon. I. G. Pratt: I did not say that.

The Hon. R. THOMPSON: Mr Pratt has a bad memory. He should read in *Hansard* what he said. He said that it was a red herring.

The Hon. I. G. Pratt: In regard to this project. Why would I have said there was a commitment to improve the water in the bay? Be factual.

The Hon. R. THOMPSON: There was a proviso that the management plan should be initiated as soon as possible. I hope the Minister is taking note and will tell us when these things will come into operation, instead of fending us off with a steering committee, or a co-ordinating committee, or something like that. He is the responsible Minister in charge of the land—no one else. If he does not know, he should report progress on the Bill and come back with some sincere answers. We are not receiving the answers we want.

Recommendation 6 is as follows—

Water quality monitoring be undertaken and carried out under the general guidance of the Department of Conservation and Environment. In addition the monitoring of heavy metals in mussels together with investigating levels of salmonella in both the water and mussels should be included in the monitoring programme.

The authority agrees with that recommendation.

Recommendation 7 reads—

If the results of the monitoring studies indicate levels of pollutants which are unacceptable to the EPA, then action must be taken swiftly to modify the management programmes in order to improve water quality to a desired level.

The authority agreed to endorse that recommendation. Of course, everyone other than Mr Pratt knows that cadmium has been found in mussels in Cockbufn Sound, and that the mussel processing factory had to be closed for a long period because of the discharge by CSBP into Cockburn Sound.

Recommendation 8 on page 18 is as follows—

Further studies should be undertaken into the preparation of acceptable chemical, bacteriological and amenity (such as grease, turbidity, odour, and floatables, etc.) standards for water quality associated with recreation activities.

I pointed this out when I gave the illustration of all the pollutants and waste water being poured into Owen Anchorage without any controls. The Government has said, "We will do something about it", but it has been saying that for years, and nothing has been done. Of course, the authority agreed with that.

Recommendations 9 and 10 are as follows—

Positive action to improve water quality within Owen Anchorage should be taken by the control of industrial waste discharges into it.

The action to improve water quality within Owen Anchorage should be carried out prior to the beach north of Woodman Point being made available for increased public usage.

That substantiates my earlier statement. The recommendations continue—

The Authority endorsed the above recommendations and added that the Government's attention be drawn to the need to initiate some positive action to improve water quality within Owen Anchorage. The Government had now acquired Woodman Point for recreational purposes and the future development of the area for such uses could only be implemented if positive Government action was undertaken to improve the water quality in the immediate area.

It is there. When is it going to be rectified?

Recommendation 11 reads—

The recreational facilities to be displaced by the proposed shipbuilding and oil platform

construction area should be relocated prior to them being restricted by any construction.

I hope the Minister heard that. That is recommendation 11. If he did not hear it I will read it again.

The Minister said the Government will look at sites. They will be discussed with the people concerned. He did not say when they were going to start the move and to start building prior to any construction taking place.

The Hon. D. J. Wordsworth: I said negotiations would take place to ensure that satisfactory arrangements were made.

The Hon. R. THOMPSON: The authority said—

> The Authority had earlier resolved to strongly recommend that certain on-going tasks regarding the relocation of the recreational facilities be undertaken urgently. The Environmental Protection Authority's recommendation served to enhance its own resolution and the former's recommendation was endorsed.

I quoted Recommendation 12 when dealing with clause 2. I pointed out that the Town of Cockburn would not be in a financial position to fund a scheme as envisaged by the Government. Millions of dollars will be involved. It would be unfair for any local authority to have to supply facilities to replace the ones existing on the "A"-class reserve.

Recommendation 13 reads—

> The Metropolitan Region Scheme amendment be modified by changing the "reserve for Public Purposes" over the land to the east and south of the industrial estate to Parks and Recreation. In addition the wetland immediately north of this land and south of Russell Road should be included in the reserve and a plan prepared by the Metropolitan Region Planning Authority for its management.
>
> The Authority had earlier resolved to modify the proposed Metropolitan Region Scheme Amendment by transferring the "reserve for public purposes" to a "reserve for parks and recreation purposes".
>
> With regard to the wetland immediately north of the land the subject of the amendment, and land south of Russell Road, it was agreed that the question of reserving same be reviewed by the Authority in due course.

Recommendation 14 reads as follows—

> Further study should be carried out to assess the potential problem of sand blasting and spray painting from the marine industries. If shown to be necessary suitable modification of the Management Programme should be made to ameliorate the situation. A decision to proceed with the proposal need not await this study, but it should be instituted without delay.

The authority agreed with the recommendation. Of course, sandblasting has been of great concern to the Cockburn Town Council for some time. It has also been a danger to motorists for many years. When the oil rig was being constructed at Cockburn Sound, sandblasting was being carried out continually. When a westerly or south-westerly breeze was blowing cars were swamped by the dust. It was like driving through a heavy dust storm at times and it was very dangerous.

If sandblasting operations are to be allowed on the new construction sites there will be an immense problem, irrespective of the location of the new roadway which will replace Cockburn Road. I am pleased the authority has recommended that stringent control be placed over the situation.

I shall read one more recommendation. Recommendation 15 reads as follows—

> Detailed investigation of the impact of the proposed motor sports area on the surrounding areas should be undertaken, with specific emphasis on noise and dust emissions. If necessary the site should be relocated to minimise noise impact on the residential area of Wattleup.

The authority agreed with that recommendation. Of course, the first reaction of the people of Wattleup when that recommendation came out was one of horror, because for many years they had to put up with the activities of a motorcycle club which was using land directly opposite the Wattleup townsite. They eventually got rid of that club which now uses industrial land situated in an area somewhat north of the proposed site where it will be relocated. At the present time the activities of this motorcycle club do not interfere with anybody, so there are no complaints.

However, if the motorcycle club is to be relocated to its original site, the concern of the people of Wattleup is understandable, because they had to fight for years to have the club moved away from the townsite.

Recommendations have been made, but they are not contained in legislation. No guarantees have been given by the Government that the recommendations will be carried out. The

Government said it will give consideration to three or four points only. I have dealt with 15 recommendations, all of which will require a great deal of money if they are to be put into operation.

I reiterate that we are passing a blank cheque to the Government at the cost of the State. The Minister has said he does not know how many organisations are interested in the land. No firm commitments have been received and no firm inquiries have been made, if I understand the Minister correctly. When we bear that in mind and look at the cost which will be borne by the State, it becomes clear that a great deal more research must be done on the matter.

A timetable has not been laid down for the development of the North-West Shelf gas project. If there is a timetable, the Minister should have told us.

I oppose the Bill. I believe the Minister should produce precise answers to the matters I have raised.

The Hon. I. G. PRATT: Mr Thompson was supposed to be going to educate me about the reports and I waited with bated breath to hear what he had managed to read into them which had escaped me. Of course, there was nothing in them which had escaped me.

Mr Thompson continued to misquote and misrepresent what I had said, to add to the smoke screen he is trying to build up to cover his position with his electors. I can understand that, because this is an area with a very high level of unemployment and the people want jobs.

Let us look at what was said. Mr Thompson read out some recommendations and I would like to examine the key parts of them. No problem could be seen from the module construction if good housekeeping was assured.

The Hon. R. Thompson: If!

The Hon. I. G. PRATT: It is important to bear in mind that Mr Thompson has said that, because I will remind him of the word "if" in a moment.

The Hon. R. Thompson: I am honest. I do not twist things to suit myself.

The Hon. I. G. PRATT: That is an amazing statement from a member who has been trying to twist the comments I made in my speech during the second reading debate. I have not done any twisting.

Let us look at the key points in the recommendations and compare them with what I said during the second reading debate. No problems could be seen if good housekeeping was assured. The report went on to suggest that other actions are required. If the works which have been mentioned are accepted and implemented, there will be no environmental objection. I am using the word "if" again. I am quite happy to use it.

When we get onto the old question of alternatives, I believe Mr Thompson and I know where we stand. Mr Thompson wants this enterprise to be situated in the north of this State. I want it to be situated as close as possible to my electorate where people are looking for jobs. Therefore, there is no point in our discussing that matter any further, because our positions are diametrically opposed. Mr Thompson wants the project to be situated away from the electorate and I want it close to the electorate.

The Hon. R. Thompson: Do not forget the EPA and the Metropolitan Region Planning Authority were concerned that no other sites had been studied.

The Hon. I. G. PRATT: They are concerned, as is Mr Thompson. However, I want this development to be situated in a position which I find acceptable and I have no qualms about saying this is an acceptable site as far as I am concerned. It is in a situation which will provide some employment and it will be a catalyst for the provision of further employment opportunities within our area.

An Opposition member interjected.

The Hon. I. G. PRATT: That question is so idiotic that I will not even bother to try to answer it.

Mr Thompson is concerned that development details are not written into the Bill. How can we write development details into a Bill which is designed to excise a piece of a reserve?

The Hon. R. Thompson: Could I interject on you? I wish to raise two matters.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! Interjections are disorderly.

The Hon. R. Thompson interjected.

The Hon. I. G. PRATT: If Mr Thompson is trying to promote himself as Father Christmas I should like to tell him I do not believe in him. There is one interjection to go.

The Hon. R. Thompson: You will get it.

The Hon. I. G. PRATT: Mr Thompson has read out all the steps which must be taken to make this an acceptable site for the project. The Government has not at any stage disputed any of the recommendations to which Mr Thompson has referred. They are desirable and necessary if we wish to make this an acceptable site. I have not suggested they are not acceptable and will not be carried out. I believe they are acceptable and that they will be carried out, in which case it will be a

safe site. Good housekeeping will be of paramount importance and proper drainage will be part of the development. I am taking a positive attitude to this. I am not going to knock it. I want to see this project carried out properly. Mr Thompson pointed out very stringently that I suggested there was no pollution in the sound.

The Hon. R. Thompson: You said that pollution was a red herring.

The Hon. I. G. PRATT: The member tried to justify that statement by quoting part of a sentence. Once again he used the old technique of making a selective quote out of context.

The Hon. R. Thompson: You should get a copy of the records of *The West Australian* newspaper to see what you said.

The DEPUTY CHAIRMAN: Order! *The West Australian* is not the official record of this House. *Hansard* is.

The Hon. I. G. PRATT: I know exactly what I said and it is recorded in *Hansard*. Pollution has been dragged into the debate as a red herring. Mr Thompson has said we should not proceed with this project because of the pollution problem in the sound and the steps which must be taken to correct it. He then read out the things which should be done to ensure pollution is not a problem. He wants to have his cake and eat it at the same time.

The Hon. R. Thompson: I said that there has been concern at the level of pollution.

The Hon. I. G. PRATT: As far as this project and the provisions contained in the Bill are concerned, pollution is a red herring. The Premier made a commitment a short time ago that, when the study is complete and has been considered, the Government will act to improve the water quality. The member is quite at liberty not to believe that, if he so chooses; but it is a commitment which has been made and it is entirely up to him what attitude he takes. I said that in my speech during the second reading debate and he is quite well aware of it. Mr Thompson is trying to make capital by saying I do not believe Cockburn Sound is polluted. That is complete and utter hypocrisy.

If I did not realise that Mr Thompson is an honourable man, I would take offence; but I realise he is not serious when he misrepresents me, because I do not believe he would do that to another member. However, I believe Mr Thompson is trying to make a solid stand on behalf of his electors. I do not blame him for that. I want to represent my electors and no doubt he wants to represent his; but he should not do that by misrepresenting what I said.

If Mr Thompson wants to stand up and read again the steps which will be taken to ensure the project is safe, I will be quite happy to listen to him again. However, I am not happy when he says I do not understand the situation.

The Hon. R. F. CLAUGHTON: I was hoping to hear some remarks from the Minister, but he seems to be reluctant to get to his feet.

The Hon. R. Thompson: He is tongue tied.

The Hon. R. F. CLAUGHTON: I have not spoken at any great length on this clause, because I took the opportunity during the second reading debate to mention the points I wished to make in relation to it. However, one or two matters need to be reiterated.

There is a big credibility gap between the Government and the public in relation to pollution of the sound. There is no question that the EPA, as recorded in its report, has expressed very grave concern about the matter. As I said during the second reading debate, the approval of this project by the EPA is provisional on the recommendations being carried out.

There is no question that there is a danger of further pollution from the works which are proposed on the land to be excised. Unless the recommendations are carried out, the concern of the public is fully justified. The circulation of water in the area will be affected by the construction of the breakwaters, and that will make the improvement of the quality of the water more difficult.

If Mr Pratt had read the report with an open mind I think he would have agreed there is a very real concern about the possibility of further pollution. Unless the Government is prepared to take some action the sound will end up in a worse condition than it is at present.

Concern was expressed about the condition of the water in the area where the recreation facilities are proposed to be located. There will be a serious danger to the public if the waters are left in their present condition.

If there were obvious signs that the Government was giving some attention to this point, those people who have been objecting—and who are continuing to object—would feel a little happier about the proposals. However, there is little to show that the Government will do any more in the future than it has done in the past.

Those are the reasons we are now opposing the current proposal. I would prefer to be in a position to support the Bill now before us. Despite what has been said by members opposite, there are real grounds for concern. If Mr Pratt were to

use his influence with the Government, to see that some speedier action was taken, we would be the first to give him credit for doing so.

On the subject of employment, we do not really need to be as parochial as Mr Pratt has been in respect of where the industries should go. The industries could be located at Geraldton where there is a high level of unemployment, or they could go to Port Hedland where there is also a high level of unemployment. The provision of jobs is just as important in each of those locations.

I think we have made our attitude quite clear. I would like a more solid asssurance from the Government with regard to its actions. To date, there have been only promises. We have received many promises in the past so there is no sound reason for our objections to be lessened on this point.

The Hon. NEIL McNEILL: I do no intend to reflect on the Chair, but we have put up with a remarkable performance this afternoon. A great deal of time has been devoted to a matter which, with the best will in the world, I have difficulty in relating to the question now before the Chair. There will be another opportunity for the type of discussion we have heard today; certainly it should not have taken place at this time.

The discussion so far has been directed absolutely and entirely towards the consideration of a tabled paper. As far as I am aware there has been no move to discuss that paper, but that, in fact, is what we have been doing.

We heard from Mr Thompson a recitation on one of those papers, which substantiated the concern of the Government. If we were discussing a Bill to provide for certain Government actions, Mr Thompson's remarks would have been quite justified. However, there will be another opportunity for discussion on that matter.

In view of the discussion that has taken place, perhaps I can make some sort of comment. Mr Thompson's remarks were a continuation of his second reading speech.

The Hon. R. F. Claughton: You are claiming a wrong process, but you will continue that process.

The Hon. NEIL McNEILL: In view of the fact that the matter has been discussed widely—

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): Order! I will rule from the Chair whether or not the discussion is permissible.

The Hon. NEIL McNEILL: In view of the fact that there has been extreme latitude allowed in respect of the discussion in the Committee stage of this Bill, which proposes to do certain things with a particular reserve, perhaps I can proceed. Mr Thompson quoted paragraph 16(6) of the metropolitan region town planning scheme. The report stated that during the course of the hearings it became obvious that evidence would be needed before a submission was finally prepared for the Minister. Being of that mind, the authority then set out to rectify the position.

The authority called on the Co-ordinator of the Department of Industrial Development (Mr Gorham) to provide some background so that it could investigate what appeared to be so much confusion in the submissions placed before it. As a consequence of that, we have appendix B in the report. I presume—and perhaps I am wrong—that the background provided in appendix B and which was placed before the authority was satisfactory.

It must be borne in mind the report was not an executive action; it was simply a report containing a large number of recommendations, many of which Mr Thompson has read to the Committee. I accept that Mr Thompson could have good cause and reason to want an assurance from the Government that all the recommendations would be implemented. It is my understanding that the Government has shown a willingness to carry out the recommendations. If I am wrong I am sure the Minister will tell me. Understandably, great play has been made about the concern for the area. I have no less concern than other people on the question of pollution.

It is rather interesting that in the vicinity of 140 submissions were placed before the authority. A number came from local authorities, and some came from industries. Some came from the recreation organisations, to which reference has been made. Of course, most of the submissions were made by individual people. What is of some little significance to me is that while a number of submissions have come from people within the area, a greater number came from people outside the area. I am not being critical because people outside the area can show concern, and I would not dispute their right to do so. However, it does seem a little significant that there were not a far greater proportion of local submissions.

Mr Thompson would have checked to see how many submissions were made from his area. From my check, I found only one submission came from my province which is immediately adjacent to the area under discussion.

The Hon. R. Thompson: The majority of the submissions came from far and wide. That shows the concern of the public.

The Hon. NEIL McNEILL: Yes, there is a real concern. However, I would have expected a

greater number of submissions from the immediate area. I do not say those people do not feel the same concern, but they did not make formal submissions to the authority.

Although much of the discussion has been directed towards the environment, there are other considerations, one of which is the provision of jobs. I will now refer to the Metropolitan Region Planning Authority publication.

To my knowledge the figures in submission No. 133 have not previously been quoted in the debate. Under the heading of "Employment" on page 2 of this particular submission from the Confederation of WA Industry, the following appears—

> The Jervoise Bay construction facility will provide a gradually increasing number of on site jobs, starting from April next year. By the end of 1980 an extra 600 skilled and semi-skilled workers would be employed on the site and these jobs could continue for up to two years. These new jobs should lead to further employment for an additional 2,000 other workers. From statistics supplied by the Kwinana office of the Commonwealth Employment Service, it is known that the Kwinana/Cockburn district has the second highest ratio of registrations for employment in the State. The April 1979 figures show that that office's average for the month was 196 applicants for jobs as against vacancies compared with a State average of 43.

I mentioned that because I believe it is important.

The Hon. R. F. Claughton: This Government has an appalling unemployment record.

The Hon. NEIL McNEILL: That information ought to be given some little attention when consideration is given to a number of other factors. I realise, Sir, that I have offended also in the same way that other speakers have done.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I wish to say to the honourable member who has just sat down that I thank him for drawing my attention to the latitude I have allowed in the debate to this clause. However, I intend to enforce the provision of Standing Order No. 90 hereafter.

The Hon. R. F. CLAUGHTON: The members of the Government have shown an appalling knowledge of the report. They have demonstrated that they do not have the ability to listen properly. I would like to refer Mr Neil McNeill to the Minister's second reading speech where he said—

> The Bill forms part of the legislative action to give effect to a comprehensive review of land and water use in the Woodman Point-Jervoise Bay area and it is complementary to amendments to the metropolitan region town planning scheme tabled by the Minister for Urban Development and Town Planning.

The Hon. Neil McNeill: On a second reading basis, yes.

The Hon. D. J. WORDSWORTH: After all the debate on this clause I feel as though I am embarking on a second reading summing up. The debate has centred around this Metropolitan Region Scheme Amendment No. 255/31. We have a right to debate this paper on another occasion, but perhaps it has now been covered.

Mr Thompson took us through the recommendations one by one. I have no objection to that, but I feel in one particular instance he may have drawn the wrong inference.

The Hon. R. Thompson: Which one is that?

The Hon. D. J. WORDSWORTH: He endeavoured to indicate that insufficient research had been carried out on alternative sites. Indeed, from what the Committee said, the information had not been given out, and so, as Mr Neil McNeill pointed out, on page 6 we read that the Co-ordinator of the Department of Industrial Development gave additional information and this has been published in appendix B.

The DEPUTY CHAIRMAN (the Hon. R. J. L. Williams): I now consider that this is becoming tedious repetition. The Minister for Lands.

The Hon. D. J. WORDSWORTH: The honourable member will find that is covered in the recommendations. It is rather interesting that although these recommendations have been read out to us, no-one has disagreed with them. Presumable everyone is satisfied. The only inference is that the Government intends to carry out the recommendations.

The Hon. R. Thompson: We have not had any guarantee from you.

The Hon. D. J. WORDSWORTH: When these documents were tabled the Government stated that it was accepting the recommendations. In fact, it did more than that. Additional recommendations were accepted at the same time, one of which was the provision of an extra 400 hectares of land for parks and recreation. This was part of the previous ILDA plan. It is intended also to relocate the regional road and to make provision for wetlands.

The Hon. R. Thompson: The Main Roads Department recommended that in its last report.

The Hon. D. J. WORDSWORTH: It was not one of the recommendations in this report. However, the Government has gone past these

recommendations, and it has added two. This should more than satisfy the Committee.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th August.

THE HON. F. E. McKENZIE (East Metropolitan) [4.54 p.m.]: It is a great pity that we have to oppose this Bill. This course may not have been necessary had there been consultation between the trade union movement and the various Government departments prior to the introduction of the Bill into Parliament.

It is true that consultation of a kind took place in the form of an exchange of letters, but real consultation is discussion between the parties affected. A good example of consultation is contained in the Industrial Arbitration Act.

In this second reading debate I am acting as an arbitrator, hoping to persuade members on the Government side that the Bill ought not to be agreed to. This is not the proper forum for such action which should have taken place away from this Chamber.

I would like to draw the attention of members to the remark made by the Minister in his second reading speech where he said—

> When senior industrial relations officers from nine Government departments and instrumentalities met over two years ago as an advisory committee, there was collective agreement on the difficulty in interpretation, clarity, and understanding of the Government Employees (Promotions Appeal Board) Act.

That was a collective agreement arrived at by the industrial relations officers. However, no discussion took place with people on the other side—the employees' representatives; that is, the union officials. This was merely a getting-together of the employers.

The officers decided that certain provisions in the Act needed changing. As members will be aware, it took them two years to sort this out. The Secretary of the Department of Labour and Industry (Mr Jones) wrote to the trade unions on the 13th September, 1978. He had this to say—

> At the direction of my Hon. Minister, the recommendation made by that Committee for changes to the Act are being circulated to unions whose members have made more frequent use of this promotional appeal tribunal. Written comment to me on the changes proposed is invited by September 30, 1978.

That letter was dated the 13th September, and yet it requested submissions by the 30th September. Members will be aware that allowing for delays in posting, this gave the trade union movement virtually no time in which to seek the advice of its various affiliates. Most of these organisations did their best in the time available, and it is surprising how many comments were received. At least some submissions were put on paper, and the Department of Labour and Industry was advised of these. However, the whole exercise was an example of bad industrial relations, especially bearing in mind that the committee had considered these amendments over a very lengthy period.

Although the trade union movement informed the committee of the provisions it did not like in the Bill, and although it suggested certain amendments, not one suggestion was accepted.

The Hon. R. Hetherington: That is what you call consultation!

The Hon. F. E. McKENZIE: It turned out to be confrontation rather than consultation. For true consultation the parties must be brought together.

This Act was framed originally in 1945 and it has withstood the test of time. In his second reading speech the Minister said that there have been few amendments to it. Now we find that a group of employers has got together to foist changes it wants upon the employees.

It is a type of safety valve. When there is dissatisfaction over appointments within Government departments, and allegations of favouritism and the like, the right of appeal resolves the position.

The board has an employer's representative to look after the interests of the employers and an employees' representative to look after the interests of the employees; a stipendiary magistrate acts as chairman. It is not often that majority decisions are required because of disagreement between the two groups on the board; invariably, decisions are agreed upon following discussions after the various people have put their cases.

I believe the amendments have been very badly drafted and will be a recipe for industrial disputation. We on this side prefer the situation where discussion takes place before the board with all parties concerned. However, I am afraid that is not to be the case. Many questions remain unanswered and what the future will hold will depend to a large extent on the answers I receive from the Minister in this Chamber.

Of course, these answers should have been provided in another place without our having to resort to such an exercise in this Chamber. We are forced into this situation because the Government has provided insufficient time for the Bill to be considered; the various parties have not got together to have these questions answered. The responsibility is put upon me and other members who will support me to try to establish just what changes are proposed to the various sections of the Act.

If the employer's representative and the employee's representative get together, rather than each putting their one-sided case it might not have been necessary for us to engage in a long debate in this Chamber. Indeed, many of the provisions in the Bill may not have been included.

In his second reading speech, the Minister stated as follows—

> The committee was conscious of the fact that the present system had stood the test of time and catered for a wider range of employees, more so than appeal systems in other States of the Commonwealth.

I completely agree with that statement; the Government Employees Promotions Appeal Board has operated very well. It is true that it covers a whole range of matters relating to unions and industry, despite which it has worked very satisfactorily. Of course, the advocates for the employers and employees have not always been completely satisfied with the decisions of the board. Nevertheless, after decisions have been made, no complaints have been received about the persons involved not being given a fair chance to ensure that the right person was selected for the job without any favour or other considerations entering into the matter.

One of the aspects causing the Opposition a good deal of concern is the Government's intention to remove from the Act the criterion of equal efficiency where, all things being equal, the senior man is the successful applicant. I do not know how Government members can argue against this proposition. The same situation might not apply in the Public Service, with its salaried positions as it does, say, in the railways, with its wages staff. In the Public Service, very often the board would be dealing with jobs commanding a high salary for which high qualifications are required.

However, in most of the cases taken before the board, it would be dealing with people who are in very low-paid positions and who do not require a great deal of skill, but who still have the right of appeal. Let me quote the example of two tradesmen's assistants applying for the one position. Although these assistants may argue that, indeed, they do have a degree of skill, it is the opinion of the Industrial Commission, which has the responsibility for determining the wage rates of these people, that they are not very highly skilled, because the commission has provided for a rate of pay not very much above the rate applying to unskilled workers.

When two such people go before the board with an appeal, it would be very difficult to say they needed to have superior efficiency. In that case, surely equal efficiency should apply. I cannot understand the reason for this change.

The Hon. G. C. MacKinnon: There is no need for it, that is all.

The Hon. F. E. McKENZIE: I think there is.

The Hon. G. C. MacKinnon: The experts say there is not.

The Hon. F. E. McKENZIE: That depends on who the experts may be. The trade unions disagree with this proposed change.

The Hon. G. C. MacKinnon: I will tell you who are the experts when one is in politics: They are the people who advise the Minister.

The Hon. R. Hetherington: They are not always right. Some assistant secretaries of trade unions are very capable.

The Hon. G. C. MacKinnon: They do not happen to advise Ministers.

The Hon. F. E. McKENZIE: I can recall when the Labor Government was in power a member who is now a Government Minister saying Ministers of the Tonkin Government were dancing to the tune of people down in Trades Hall.

The Hon. G. C. MacKinnon: You have never heard me say that.

The Hon. F. E. McKENZIE: No, it was the Minister's leader (Sir Charles Court).

The Hon. G. C. MacKinnon: I am leading the Legislative Council, not the Legislative Assembly.

The Hon. F. E. McKENZIE: That statement was made on a number of occasions.

The Hon. A. A. Lewis: I do not think it will be made again about a Labor Government. That would not be possible, because Labor will never get back into government.

The Hon. F. E. McKENZIE: I spent three years as a trade union secretary and there were times when I wanted to get things done and could not do so. Probably it can be said that the Liberal Government dances to the tune of the employers; however, it cannot be said that the ALP dances to the tune of the trade unions.

The Hon. G. C. MacKinnon: You ask Tom Evans what Joe Chamberlain said to him when he voted on the railway Bill back in 1963.

The Hon. F. E. McKENZIE: Perhaps some of these points should be raised in Committee. However, I need some of these questions answered before we reach the Committee stage because there are areas of the Bill about which the unions are not sure and which need clarification.

I have appeared on a number of occasions as an advocate before the Government Employees Promotions Appeal Board and I must say I was often left a little bewildered because I was not in a position to clearly answer the case, even though I had a good look at the details. The Minister may be able to clarify this matter for me.

I refer the Minister to the change proposed to the definition of "union" in clause 4(d) of the Bill. Under the present Act, if a salaried position was advertised in the weekly notice of the railways and a wages employee applied for that position and was unsuccessful, he would have the right of appeal on the grounds of superior efficiency. At times, such appeals have been successful.

My question is: Will the wages man still have the right of appeal against the appointment of a salaried officer if the position being filled is a classification covered by the Railway Officers Union? Members should bear in mind we are dealing with two different unions, the Australian Railways Union—other unions of which are party to that award—and the Railway Officers Union, which is a party to a separate award.

From my reading of the Bill I cannot fathom out whether the wages man will still have the right of appeal. I am hopeful the Minister may be able to clarify the matter, because it is an important point to the wages man wishing to break into a salaried position. Very often within Westrail, although a wages man is more efficient than the salaried man, he is not appointed to the advertised position. If he is not appointed and has no right of appeal he has no chance to gain further promotion in areas away from wages jobs. The salaried positions are under one award and the wages positions are under another.

Clause 6 (a) (v) (b) reads as follows—

> (b) where in respect of the vacancy or new office there is a relevant union, an employee applicant has the right of appeal under this section—
>
> (i) if he was, at the time he made his application for promotion to the vacancy or new office, a member of the relevant union;
>
> (ii) if he was not, at that time, a member of the relevant union but is employed in the department in which the vacancy or new office occurs and all the other applicants for promotion to the vacancy or new office were not, at that time, members of the relevant union; or

The next portion is what I would like the Minister to clarify. It reads—

> (iii) if, at that time, he was not a member of the relevant union but held a certificate of exemption issued under the provisions of section 61B of the Industrial Arbitration Act, 1912 of section 144A or the Conciliation and Arbitration Act 1904 of the Parliament of the Commonwealth or any Act in substitution for that Act, as amended from time to time
>
> and not otherwise, unless the Minister declares upon special grounds that this paragraph does not apply in respect of the vacancy or new office.;

If a man was a member of the Australian Railways Union and all the applicants for the position came from the Railway Officers Union, that man would not have the right of appeal; but it seems that anyone who has a certificate of exemption and is not a member of a union does have a right of appeal. The Government is giving a right of appeal to all such people but is excluding this provision to members of unions who are not members of the Railway Officers Union.

The Hon. G. C. MacKinnon: By virtue of an exemption certificate he stands in the eyes of the law as if he were a member of a union. According to Trades Hall he stands in the eyes of the trade union movement in exactly the same way. Peter Cook said the other day that there is no such thing as compulsory unionism.

The Hon. F. E. McKENZIE: I would like this position clarified. It would be unfair if the man from the Australian Railways Union did not have a right of appeal.

The Hon. G. C. MacKinnon: I think you have misread the second paragraph.

The Hon. F. E. McKENZIE: Perhaps I have, but the situation needs to be clarified. It would be most unfair if a man with an exemption retained the right of appeal while a union member did not. At the very least, these men should have an equal opportunity. It is my belief that union members who pay money to gain better working conditions should be in a better position. I would not like to see it the other way, with the bloke with the exemption having preference.

I relate my next remarks to clause 6 subclause (2). Westrail has different branches. They are the mechanical branch, the civil engineering branch, and the traffic branch. Previously, if a man was a fitter's assistant in the civil engineering branch and a vacancy for a tradesman's assistant occurred in the mechanical branch, that man would have a right of appeal because he was in another branch.

The mechanical branch seems to appoint men from its own branch when it has vacancies; it looks after its own kind. It does this before it will consider a man from another branch, even though that man may have many years' experience. However, men from other branches did have the right to appeal. This situation needs to be clarified. The union wants to know if its members will still have the same right of appeal. Will a fitter's assistant or anyone on the same rate of pay in that classification in another branch still have the right of appeal against an appointee from the mechanical branch?

Clause 7 refers to a person nominated by the relevant union. The previous situation was that if the majority of appellants came from a particular union that union had the right to appoint the employees' representative on the board. If this clause is agreed to it will mean the wages man from the Australian Railways Union will no longer be able to lodge an appeal against a salaried staff member and have his union appoint a representative on the board.

This clause will mean that the Railway Officers Union will be given the right to appoint a member to the board; which means that the prospect of such an appeal succeeding is virtually nil. People in wages positions will have little chance of appointment to salaried positions. If a salaried man was appointed to a position it is not likely that the Railway Officers Union representative on the board—the employees' representative—would vote against one of his own members. There is always some degree of bias, as much as it is hoped that it is kept under control.

Sometimes six or more wages men will apply for a position. This usually happens only on the lower rung of positions, where the men try to break away from the wages staff and join the salaried staff. The department, however, is reluctant to facilitate this. This has not always been the case; it has happened only over the last few years. A wages man would have no chance of success, because a Railway Officers Union representative will be on the Board and he will look after the member of that union; and there will be an employer's representative who will support the appointee. After all, the appointee has been picked out by the employer.

We might find that the only dissenter is likely to be the magistrate.

The Hon. G. C. MacKinnon: I will chase it up for you.

The Hon. F. E. McKENZIE: I note that in the correspondence to the Department of Labour and Industry the Railway Officers Union objected to the provisions relating to the relevant union. That union has very good reason for this, because the next echelon up from the Railway Officers Union is those positions filled by professional officers. So the people on the top rung of the Railway Officers Union who seek appointment in the professional field will be in a similar position.

The Hon. G. C. MacKinnon: I appreciate that they are squabbling a lot among themselves. Mr Gayfer has been caught up in this.

The Hon. F. E McKENZIE: The unions object to these provisions. Unfortunately, they were not even given a chance to consider them, and this is part of the whole problem.

The Hon. G. C. MacKinnon: You never show Bills to outside people until they have been presented to Parliament.

The Hon. D. W. Cooley: I have a copy in my hand from the Department of Labour and Industry.

The Hon. F. E. McKENZIE: The provisions to be included in the Bill were sent out to the unions on the 13th September. They were asked to reply by the 30th September. The department said it did not want to talk about it, it merely wanted a written reply. A lot of things could have been sorted out if the different parties could have sat around a table and discussed the matter.

The Hon. G. C. MacKinnon: They probably didn't reply because they were too busy squabbling.

The Hon. F. E. McKENZIE: The unions were given only until the 30th September.

The Hon. G. C. MacKinnon: We are expected to reply in quicker time than that.

The Hon. F. E. McKENZIE: A union official cannot merely say what he feels should be done; he has to refer the matter to his members and see how they feel about how they would be affected.

The Hon. G. C. MacKinnon: The unions have changed a lot.

The Hon. F. E. McKENZIE: They have become better. I am obliged to bring these matters up now because no discussions were held. It is really a complete waste of time as these matters should have been sorted out much earlier. It is all very well for employer groups to say, "We are getting knocked off in the appeal court too often. The magistrates are too lenient. We are only winning 9 out of 10 cases; we want to win all of them. Do not worry about industrial disputation; that means nothing."

The Hon. D. J. Wordsworth: In the railways field, who is the employer—the public?

The Hon. F. E. McKENZIE: The employer is the Government department.

The Hon. D. J. Wordsworth: Are they the bad guys? You said they must win all the appeals.

The Hon. F. E. McKENZIE: That is how it seems to me. The Act has been improved for the benefit of the employer, not the employee.

The Hon. G. C. MacKinnon: What rubbish. Everything is done for the benefit of the employee these days.

The Hon. F. E. McKENZIE: The Leader of the House must be kidding. He should ask people in Trades Hall.

The Hon. G. C. MacKinnon: Unions are totally unnecessary nowadays.

The Hon. F. E. McKENZIE: If there is a dispute with an employer in other fields the matter can be taken before the Industrial Commission where it can be argued out. However, in this situation the Government is now allowing appeals; the Government is not looking after the interests of the employees.

The Hon. G. C. MacKinnon: This Bill is to make things better for the employees.

The Hon. F. E. McKENZIE: That may have been the original intention, but like so many other things, the intention is fast disappearing. It was a safety valve which worked very well, because employees who were dissatisfied were given the right to go to an industrial tribunal for a decision. It helped union officials.

One did not have to make a decision whether the man was right or wrong; one left it to the tribunal. But that will not apply any more and we are likely to run into all sorts of problems.

The Hon. G. C. MacKinnon: Well, give us the rest of your questions.

The Hon. D. J. Wordsworth: Those nasty guys in the railways were all workers once.

The Hon. F. E. McKENZIE: I did not say they were nasty guys.

The Hon. D. J. Wordsworth: The "baddies" who are trying to win all the appeals.

The Hon. F. E. McKENZIE: I would like to have my share of success, too, but I would not want to be appearing as an advocate when this Bill goes through.

The Hon. D. J. Wordsworth: One wonders how Jim Pascoe got from the bottom to the top.

The Hon. F. E. McKENZIE: He was a good man. With this legislation we will never have a Jim Pascoe rising to the top again.

The next matter I am concerned about is clause 12 which gives the Minister the right to determine the remuneration of members of the board. We have no argument with that—it is a fair provision—but according to the communication to the unions this provision will be implemented by way of regulations. It has been indicated to the unions that it is intended to bring in a regulation which will provide as follows—and I am quoting from a letter written by the Under Secretary of the Department of Labour and Industry (Mr Jones)—

> However, it is desired to alter Regulation 43 so that a union official paid by the union should not receive a fee under these Regulations whilst attending the Board in his capacity as a Board member, as that should be regarded as service to the members of the union.

The objection raised by the secretary of the Metropolitan Transport Trust union is as follows—

> The alteration to Regulation 43 is opposed for two reasons:
>
> (i) In some cases Union officials work on a part time basis, and if attending a hearing ... at a time which is not within his daily working hours.
>
> i.e. My position is part-time Secretary Monday, Wednesday and Friday from

10.00 a.m. to 2.30 p.m., also part-time Credit Society Secretary. Both positions do not provide clerical or typing assistance.

(b) If attendance is required my duties must be carried out as unpaid overtime.

(c) Part-time Secretaries would be penalised by the proposed amendment, as a Hearing may take the greater part of the day, or may be adjourned to another day for which no fee would be allowed.

(d) Witness fees are paid by courts irrespective of the witness's occupation.

(e) The employer's representative on the Board, if on annual or long service leave, would be entitled to Board fees but the Union Secretary penalised.

(f) The Board Chairman could possibly have discretionary powers if it could be proved the Union Secretary was being penalised by the non-payment of Board fees.

I bring that to the Minister's attention so that he will understand the problems associated with the provision.

The Hon. G. C. MacKinnon: I can see some problems associated with it. I will have a look at it.

The Hon. F. E. McKENZIE: The next matter relates to clause 15. The existing Act states that every appeal must be despatched and delivered, but the Bill provides only that the appeal must be delivered to the Secretary of the Promotions Appeal Board.

One good feature of the changes to section 14 is that it will no longer be necessary for the employee lodging the appeal to serve the notice of appeal on the recommending authority and the relevant union. However, I would prefer that it be stated that the appeal must be despatched or delivered, because from time to time a dispute arises in relation to whether or not an appeal can be heard when the Secretary of the Promotions Appeal Board has not received the appeal.

There are several reasons why notices of appeal are not received, and in the past when there has been a dispute about it the board has been convened to make a decision whether a right of appeal existed. When the board was of the opinion that the notice of appeal was despatched, the employee was given the right of appeal, and the board made that decision. Under this Bill, however, if the notice of appeal is not actually received by the secretary of the board the employee has no right of appeal. From time to time mail goes astray.

The Hon. G. C. MacKinnon: The mail sorting and delivery unions have become so unreliable that I think you ought to stick with "delivered".

The Hon. F. E. McKENZIE: How can people working in departments at Port Hedland deliver appeals to the secretary of the board?

The Hon. G. C. MacKinnon: The way the mail employees do their job now is a real worry.

The Hon. F. E. McKENZIE: If the Leader of the House wants to cast aspersions on the way the people in the Postal and Telecommunication Departments do their job, that is up to him, but I am saying for various reasons mail does go astray and if a notice of appeal is not delivered the appellant has no right of appeal. However, in the past, if an employee could prove to the board that he had despatched the notice of appeal, he was given the right of appeal, although not on every occasion because at times the board has said the notice of appeal was not despatched.

The legislation should cater for the situation where mail goes astray, and the appellant should be given the opportunity to prove he despatched a notice of appeal and, through no fault of his own, it was not received.

The Hon. G. C. MacKinnon: We will have a look at it.

The Hon. F. E. McKENZIE: I have already commented on the matter of superior efficiency, which is one of the most vexatious of the provisions in the Bill. In my opinion, all things being equal, the senior man should be given the position. It might be a vastly different situation in respect of classifications which require a lot of skill, but this legislation deals with people who have very little skill. When one has a job requiring very little skill, it is difficult to prove superior efficiency because there is very little between the applicants. If a foreman or the recommending authority shows favouritism in appointing a person to a position, it is very difficult for another employee to prove he is better, but it is not difficult for him to prove he is at least equal. I am talking about the man on the bottom rung of the ladder who has little skill and is trying to lift himself up, as Mr Pascoe did.

The Hon. G. C. MacKinnon: Point made.

The Hon. D. J. Wordsworth: He started off on a railway platform in the Murchison.

The Hon. F. E. McKENZIE: Yes, but people had the opportunity to try to knock him out.

Proposed subsection (4) of section 14 relates to service in an acting capacity. Again, it would be a simple matter for the employer to put somebody into a position in an acting capacity prior to

advertising the vacancy. When an employee has acting experience it is very difficult for anyone else to prove he is superior to him. It may not be so difficult for him to establish equal efficiency but under the provision proposed in the Bill he will have to establish superior efficiency.

Under the railway employees' award the employer does not have to advertise the position for three months, and he can put someone in the job to act for three months. When that person has had three months' experience acting in that capacity, how can anyone else convince the board he should have the position?

Other problems are associated with this provision. For instance, if the vacancy is at Northam and the next most senior person is at Albany, the department will not send him to Northam; it will put someone at Northam into the position and he will get the three months' experience. Disputation is likely to occur with the unions on that matter because they will insist that the senior man be sent to Northam to do the work to ensure he gets the job when the vacancy is advertised. This is another vexatious provision.

Section 16 of the principal Act, requiring that seven days' notice be given of the hearing of the appeal, is to be repealed. This matter may be covered in the regulations—we do not know—but the Act as it stands requires the secretary of the board to give seven days' notice. I would like the Minister to tell me whether or not that provision will be covered in the regulations.

The union presented recommendations to the committee for inclusion in the legislation, but every one was rejected. Some of them were quite sensible.

The Hon. A. A. Lewis: Does that mean the rest were not sensible?

The Hon. F. E. McKENZIE: Not at all; I should have said all the recommendations were sensible. It is a matter of judgment for different persons; to me some appeared better than others.

The union recommended that the Act and/or regulations be amended to provide that no person is prohibited from making application for promotion because of age restrictions imposed by the authority. It would be nice to have such a provision written into the Act to say that age is not a factor. On a number of occasions I have argued this point before the board, and many magistrates have said they did not agree with propositions presented by employers that the job was of such a nature that a person over the age of, say, 45 years should not be appointed. I have been able to convince magistrates that is not so; they have sided with the employees' representative and have said age should not be a factor. That recommendation was worthy of consideration, but it was rejected out of hand by the committee considering changes to the Act.

The second recommendation made to the committee was that the Act and/or regulations be amended to provide that where an appointee, subject to an appeal, relinquishes or resigns from the position under review, such position shall be filled by the recommending authority from the original applicants. Sometimes appointments are made, and if the appointee relinquishes or resigns from the position the job must be readvertised rather than be filled from the original applicants.

The third recommendation presented by the union was that make-up pay entitlements which accrue as a consequence of work-caused injuries shall be regarded when determining seniority as it relates to salary. That is a most important matter. Sometimes as a result of injuries sustained whilst working in a higher capacity, employees are given work in a lesser position. The Workers' Compensation Act provides that they must receive make-up pay to take their wage to the level they enjoyed originally. It is unfair that a person injured in the course of his employment should be discriminated against because of his injury. That is a matter to which I believe the committee should have given very serious consideration.

The fourth recommendation concerned the paucity of magistrates available to hear appeals. The union recommended that the TLC request the Minister to appoint a panel of magistrates to enable appeals to be heard with a minimum of delay. Often appeals are delayed unnecessarily for a long period simply because sufficient magistrates are not available. That is another matter which should have been considered by the committee and incorporated in the Bill.

Another recommendation of the union was that a transcript of proceedings should be taken at all hearings. I see nothing wrong with that. I understand it may be done in certain instances, but certainly no transcript was taken in any of the appeals in which I was involved.

The sixth recommendation was that magistrates should give written reasons for their decisions. Often magistrates simply say, "Appeal dismissed because the appellant does not have equal efficiency." It would be of assistance to all concerned if magistrates gave a page or two of reasons for their decisions. This would be a guide for persons wishing to lodge an appeal in similar circumstances. It could save money because a person planning to lodge an appeal could

ascertain that a previous appellant in similar circumstances was unsuccessful.That is a point which should be considered.

The final point made was that industrial unions should at least have representation on any committee examining alterations to the Act. Had that occurred, I would not have spent so much time trying to ascertain what has happened, and the Minister would not be faced with the problem of obtaining answers to my questions. These matters could have been worked out during discussion. Perhaps amendments could have been thrashed out which would be suitable to all parties. However, it was a one-sided affair; the employer dictated the changes to the Act and gave no consideration whatsoever to the proposals presented in writing by the unions.

Those are the reasons that we oppose the Bill. It is unfortunate that we have been forced into the position of having to oppose it.

Debate adjourned, on motion by the Hon. D. W. Cooley.

BILLS (5): RECEIPT AND FIRST READING

1. Stock (Brands and Movement) Act Amendment Bill.
2. Honey Pool Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.
3. Salaries and Allowances Tribunal Act Amendment Bill.
4. Censorship of Films Act Amendment Bill.
5. Judges' Salaries and Pensions Act Amendment Bill

   Bills received from the Assembly; and, on motions by the Hon. G. C. MacKinnon (Leader of the House), read a first time.

QUESTIONS

Questions were taken at this stage.

House adjourned at 5.59 p.m.

QUESTIONS ON NOTICE

200. *This question was postponed.*

HEALTH: SULFINPYRAZONE

Myocardial Infarction Patients

201. The Hon. R. J. L. WILLIAMS, to the Minister for Lands representing the Minister for Health:

(1) Is the drug sulfinpyrazone used in Australia?
(2) Is its pharmacologic activity limited almost exclusively to the potentiation of the urinary excretion of uric acid?
(3) Has any attempt been made in Australia to evaluate its effects in the treatment of myocardial infarction?
(4) Has the United States Food and Drug Administration approved its use for myocardial infarction patients?
(5) Can the Minister for Health provide any reports on the research into this drug by Dr Sol Sherry of Philadelphia's Temple University?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.
(2) No.
(3) I understand that it is currently being evaluated.
(4) Information available to me is that it has not yet been approved for general use for myocardial infarction patients although reports on trials in the USA have been published.
(5) Yes.

TRANSPORT: BUSES

MTT Clipper Services

202. The Hon. F. E. McKENZIE, to the Minister for Lands representing the Minister for Transport:

(1) What is the annual operating cost of the Metropolitan Transport Trust's—
  (a) Red Clipper bus service; and
  (b) Yellow Clipper bus service?
(2) What revenue is obtained for—
  (a) the Red Clipper service; and
  (b) the Yellow Clipper service?
(3) From what sources is the revenue obtained for—
  (a) the Red Clipper service; and
  (b) the Yellow Clipper service?

The Hon. D. J. WORDSWORTH replied:

(1) (a) $220 000;
  (b) $99 000.
(2) (a) $220 000;
  (b) Nil.
(3) (a) City of Perth;
  (b) Not applicable.

CONSUMER AFFAIRS: SMALL CLAIMS TRIBUNAL

Bond Money: Interest

203. The Hon. F. E. McKENZIE, to the Leader of the House representing the Minister for Consumer Affairs:

Further to my question 130 on the 3rd May, 1978, concerning the recommendation of the Small Claims Tribunal Referee's suggestion that consideration be given to compelling landlords to credit tenants with interest on bond money—

(1) Will the Minister advise whether the Government intends to act on the matter?
(2) (a) If so, when; and
  (b) if not, why not?

The Hon. G. C. MacKINNON replied:

(1) The Minister has received submissions on the matter of tenancy bonds from the Referee of the Small Claims Tribunal and from the Commissioner for Consumer Affairs. He is also expecting to receive in the near future a submission on the same matter from the Chairman of the Consumer Affairs Council.
The Minister intends to consider the advice contained in these submissions carefully before taking any further action.
(2) (a) and (b) Answered by (1).

HOUSING

Brownlie Towers

204. The Hon. F. E. McKENZIE, to the Attorney General representing the Minister for Housing:

(1) What was the original completion date for the community unit at Brownlie Towers?

(2) When will the unit be completed?

(3) In view of the problems involved in having 19 children in both morning and afternoon kindergarten groups in a small flat, as currently occurs, will the Minister ensure that the project is expedited?

The Hon. G. C. MacKinnon (for the Hon. I. G MEDCALF) replied:

(1) The 1st September, 1979.

(2) The 5th October, 1979.

(3) Yes.