

**WHITFORDS VOLUNTEER SEA RESCUE GROUP —
TELECOMMUNICATION TOWERS INCOME**

Grievance

MR A.P. O’GORMAN (Joondalup) [9.42 am]: My grievance is to the Minister for Lands and is about the Whitfords Volunteer Sea Rescue Group. The sea rescue group provides members of the boating public with a comprehensive 24/7 marine rescue and assistance service. The group has been in operation for more than 40 years and has always provided an appropriate response when called upon by the public. The group maintains two dedicated rescue boats and currently operates with 103 volunteers and no paid staff.

In the 12 months to 30 Sept 2011—which is the operational year—the sea rescue group performed 231 rescues and brought 518 people to land. Volunteers have put in hundreds of man hours during this time. Over the past 10 years, the sea rescue group has been receiving compensation for having telecommunication towers positioned on top of its building. This arrangement has been in place for more than 10 years and the City of Joondalup and the state have known about it since the beginning. The City of Joondalup has now told the volunteer sea rescue group that it is no longer able to collect money from the telcos for locating their towers on top of the sea rescue building; the city has now realised just how much money the sea rescue group is receiving and wants to take it off it. The money raised comprises more than half of the operating budget for the sea rescue group and should not be touched by the council.

The Whitfords Volunteer Sea Rescue Group had a lease on the premises that it now occupies that expired in 2004–05. As part of the radio room structure, a high pole on top of the building was required for the marine radio antennas. When mobile towers were needed in the area for phone coverage, the telecommunication companies contacted the sea rescue group and asked whether it could attach its technology along with the marine radio antennas.

Mr A.P. Jacob interjected.

Point of Order

Mr A.P. O’GORMAN: This is an issue that I have been asked to take up; the member for Ocean Reef took it up and could not solve it. I am raising this with the Minister for Lands and I should be heard in silence, as per the standing orders. I request that that happen.

The SPEAKER: It will happen, member for Joondalup.

Debate Resumed

Mr A.P. O’GORMAN: Thank you. Under the federal Telecommunications Act, the telco company has to offer to pay a compensation amount, also known as an administration fee, for the use of the infrastructure. The sea rescue group sought legal advice and had a document prepared—a deed of compensation. It was agreed that compensation of \$15 000 a year for next 15 to 20 years would be paid. The next telco company came along and said that although it was unable to sublease room on the pole due to the current lease agreements the sea rescue group has with the landowners—the City of Joondalup—it was deemed appropriate to compensate the landowner or the land user. The telco chose to compensate the land user—the sea rescue group—as it was a charitable organisation.

Telco companies continued to approach the group and the arrangement of compensation continued. There are now three companies in operation, each paying \$15 000 a year to the Whitfords Volunteer Sea Rescue Group. A fourth company, Vivid Wireless, has had its technology installed and has been in operation for the past year, but the City of Joondalup has not granted permission for Vivid Wireless to pay compensation. Vivid Wireless is operating free of charge, and the sea rescue group is losing \$15 000 a year. The funds received from the telcos equates to more than half the entire Whitfords Volunteer Sea Rescue Group’s budget. In 2005, the compensation moneys helped fund the main rescue boat, and it is the main source of funding.

Mr A.P. Jacob interjected.

The SPEAKER: Member for Ocean Reef, I gave the member for Joondalup a guarantee that he would be heard in silence; I formally call you to order for the first time today and suggest to you that if you wish to respond to this grievance, you organise with the government to be able to do so.

Mr A.P. O’GORMAN: The telcos have had their technology on the roof since 2001. At this time, the state government rezoned the land from “recreational and other purposes” to cater for the arrangement of compensation paid by the telcos to the sea rescue group. The state government and the City of Joondalup were aware of these arrangements 10 years ago. The mayor, the CEO and councillors have been to the sea rescue site on many occasions and have discussed the issue openly with volunteers; it has never been a secret. The fact is that the City of Joondalup has now realised just how much money the sea rescue group is receiving from the

telcos and would like to pocket it for itself. Two years ago, in 2009, the City of Joondalup had lawyers meet with the sea rescue group. The group was advised that it was no longer able to keep the compensation from the telcos, but contractual agreements were in place and the sea rescue group did not believe that the city was able to take the compensation from it. Discussions to and fro continued for more than a year. The City of Joondalup CEO sent letters to the group highlighting that it was in breach of its lease, which had expired in 2004–05. The group now believes it is being threatened by the council to stop complaining and just pay up the money. The group is now seeking legal advice and it will cost about \$10 000 in barristers’ fees to determine whether the actions of the city are legal. The sea rescue group will stand to lose \$1.6 million dollars, which is the balance of contracts still to go, plus face legal fees should it not win the case.

Since 2004–05, the Whitfords Sea Rescue Group has not had a proper lease agreement. It would like to receive security of tenure by way of lease; a lease of even one year would be a start. It would like security and the community requires a sense of security in the service that is provided as well. If the City of Joondalup continues with its push to receive funds from the telcos, the money to fund the Whitfords Volunteer Sea Rescue Group will still need to be found. The Minister for Emergency Services says that he does not have a blank cheque to write to give to the sea rescue group and the Minister for Lands said that the city should get the money for the benefit of all the ratepayers. In my opinion, the City of Joondalup should leave the main source of funding for the Whitfords Volunteer Sea Rescue Group alone. Ultimately it will be the ratepayer who is left paying the bill—another fee and charge that will be forced upon the recreational boating community, and another fee and charge on top of the already crippling rises in the costs of living forced upon the community by the Barnett–Grylls government. Enough is enough.

The Minister for Lands knows about this; he wrote in response to the sea rescue group in May 2011, and I ask that he reverse that decision and recognise the arrangements that have been in place since 2001, which the city is well aware of. I have gone back and checked with the previous mayor, and he was well aware of it, so the current mayor is also well aware of it, as is the current council. Once again, it is just ripping off a not-for-profit organisation to pocket the money for the council’s coffers. It has done it with the Motor Industry Training Association of WA and it is now doing it with the Whitfords Volunteer Sea Rescue Group.

As I said, this group has been in operation for more than 40 years and has carried out hundreds of rescues over that time. It is an important group in our community and if we remove this major source of funding from it, it may not be able to continue into the future. This is \$60 000 a year; a major source of funding. The group has to keep it; the city has no right to it. The member for Ocean Reef has been asked to deal with this; he tried, he failed. I am now having a go.

MR B.J. GRYLLES (Central Wheatbelt — Minister for Lands) [9.49 am]: I thank the member for Joondalup for the opportunity to detail the government’s involvement with the Whitfords Volunteer Sea Rescue Group, and how the Liberal–National government works hard to support volunteer groups such as this that do so much good work. It needs to be put on the record that the first thing the Liberal–National government did when it came to office was double the funding available to the Whitfords Volunteer Sea Rescue Group from \$200 000 to \$400 000 at the insistence of the member for Ocean Reef. I think he got that funding indexed as well. It was a nice start for a new member of Parliament to double the funding for the Whitfords Volunteer Sea Rescue Group. That is a good start. However, the member for Joondalup is right: there has been some concern over the leasing of the group’s communications towers to other telecommunications companies to put their equipment on it.

I will go through some of the details. Reserve 47831 is set aside for the purposes of recreation and telecommunications and purposes incidental thereto and is managed by the City of Joondalup with the power to lease for terms not exceeding 21 years. The Whitfords Volunteer Sea Rescue Group has a lease with the city on the reserve, which is for sea rescue, at a peppercorn rental. The lease commenced in 1983 for a term of 21 years and is currently a held-over lease, which is tenancy at will. Some years ago the Whitfords Volunteer Sea Rescue Group entered into arrangements with a number of telecommunications carriers for co-location on the group’s existing marine telecommunications towers. These arrangements included an annual payment to the group. The lease between the city and the group is not a commercial lease and the group does not provide for commercial subleasing arrangements. Essentially, it was done on the basis of goodwill rather than on any basis in law. Any telecommunications lease should be between the telecommunications carrier and the City of Joondalup, as the management body or the body with tenure over the land. It is up to the city to deal with the issue of the rental with the telecommunications carriers and to make decisions on how this rental is applied.

I thank the member for Joondalup and the member for Ocean Reef for their ongoing advocacy on behalf of the Whitfords Volunteer Sea Rescue Group, an organisation that clearly enjoys a lot of support in the northern suburbs. As a result of correspondence and discussion with the member for Ocean Reef more than a year ago, I wrote to the City of Joondalup confirming that the volunteer sea rescue group was not allowed to enter into a

subleasing commercial arrangement and advising that the city and the group needed to work together to come to a negotiated arrangement.

Let me go back. The Liberal–National government doubled the funding to the volunteer sea rescue group and indexed the doubling of that funding to give it \$400 000 rather than \$200 000 a year. Now this issue with the telecommunications towers has arisen. I am aware that in July, the CEO of the City of Joondalup confirmed that, firstly, it had received advice from the commander of the Whitfords Volunteer Sea Rescue Group, Geoff Sparrow, that the organisation would no longer seek to continue arrangements with the telcos; and, secondly, the City of Joondalup had budgeted to contribute, via a sponsorship arrangement, the sum of \$40 000 for the 2011–12 financial year. Essentially, the city is receiving the money from the telecommunications carriers, as is required under the law, and the city is granting \$40 000 back to the volunteer sea rescue group. In the member for Joondalup's presentation, he said that if the group did not get the money, it would take away its major source of funding. Its major source of funding is \$400 000 from the Fire and Emergency Services Authority of Western Australia. On top of that, the group is now receiving \$40 000 a year from the City of Joondalup on the back of the fact that the city is receiving revenue for the towers. The city went on to say that it was undertaking a major review of all leases but had agreed to give the volunteer sea rescue group a letter of comfort that it had no intention to withdraw from the continued use of the existing site. So the city is giving comfort to the volunteer sea rescue group that it can stay where it is, even though the lease has technically expired. It is important that the group have some security over the site. Given the strong advocacy from the member for Ocean Reef and now the member for Joondalup, that would seem assured.

The Ocean Reef marina site is the subject of a redevelopment project, and the state government and the City of Joondalup are currently compiling a structure plan. The volunteer sea rescue group has been an integral part of the community reference group on this project and is well acquainted with the current marina concept plan. The subject plan provides for a site to be set aside for the long-term use of the Whitfords Volunteer Sea Rescue Group. Well done, member for Ocean Reef, and I thank the member for Joondalup for his advocacy. As a member of this government, it is good to stand and detail how we are sorting out the issues of a volunteer marine rescue group such as this one in Whitfords. I know that originally the volunteer sea rescue group was disappointed when it became aware that it might not be able to receive directly the money from the telecommunications companies for the towers. Given we are planning to give the group a stable home in the marina development in the future, I think we have managed to negotiate an outcome with the City of Joondalup so that the revenue that comes to the city from the phone towers will go to the volunteer sea rescue group. The group's funding has been doubled and indexed as a result of the very good lobbying of the member for Ocean Reef and the work of the Minister for Emergency Services.

This is a good story. Clearly, in an environment in Western Australia in which people love the waterfront, the beach and the ocean, and in which there are many, many boat owners in the northern corridor, the Whitfords Volunteer Sea Rescue Group provides those people with comfort every time they head out onto the ocean that someone will be there should they get into trouble. I thank the volunteers for that. I am glad that our government is doing all it can by giving this group more money than it has ever had before to perform its task. The group needs to relax now that two members of Parliament are very passionate about what needs to happen and will support it in the future. Again, I thank the member for Joondalup for allowing me to explain to the Parliament what has happened with this group. I take this opportunity to thank the member for Ocean Reef for his very strong advocacy over probably 12 to 18 months that has led to a pretty good outcome for the Whitfords Volunteer Sea Rescue Group.