

**HOPE VALLEY-WATTLEUP REDEVELOPMENT BILL 2000**

*Second Reading*

Resumed from 15 November.

**HON B.M. SCOTT** (South Metropolitan) [11.32 am]: I support the second reading of this Bill. The Fremantle Rockingham Industrial Area Regional Strategy report has become known by its acronym, FRIARS, and I will refer to it as the FRIARS report. Other speakers in this debate have echoed the sentiments I will express today. They were expressed in a planning document by Paul Frewer, a senior planner in this State. He stated -

FRIARS has been a difficult project, but ultimately will produce benefits with a cleaner Cockburn Sound and thousands of jobs in an area of high unemployment.

When I was first elected to represent the South Metropolitan Region, some 35 per cent of people in that area aged between 18 and 25 years were unemployed. Not much has changed since then, but there has been some improvement. The unemployment factor has always been of concern to me.

Other members have outlined what will happen under this Bill and I will recap those points for the record. The Government has introduced this Bill to allow enough industrial land to last more than 20 years and jobs to be provided for 10 000 people. It is a big challenge for the local member to have to consider what is in the best interests of all his constituents. In retrospect it may be said that Kwinana ought not to have been settled as an industrial zone. When planning, it is important that populations have industrial areas in which jobs can be provided to ensure security and reasonable lifestyles. The area of land members have been talking about is 800 hectares of industrial land. The people in that area have lived under a cloud for a number of years and many of them have been insecure about their futures. This Bill is deemed to bring them some security. In the planning document I referred to earlier, Paul Frewer stated -

Ironically, developing industry in the area will help clean up the waters of Cockburn Sound.

There is a strong emphasis on the environment in Western Australia. As the local member, I am committed to the future cleanliness of Cockburn Sound for recreation and other pursuits. The future of Cockburn Sound is important to me. I have been disappointed at the detrimental effect that industry and some nutrients have had on the sound. Only by making sure that industry complies with certain regimes placed upon it will industry ensure that it does not further pollute the areas we live in, particularly this area that is so close to the major population centre of Western Australia. The Environmental Protection Authority has confirmed that well-planned and managed development will reduce the nutrients finding their way into Cockburn Sound. Much of this land is being used for vegetable gardens; therefore, the nutrients leaking into Cockburn Sound have caused a problem.

To say that this issue has been difficult would be an understatement. I will put on the record some of my involvement as the local member and acknowledge the many community members who have sincerely and diligently worked towards getting the best deal for the community in which they live. For many of these people it has been a huge financial and emotional cost. It has not been easy for them. It is a difficult decision for a member of Parliament to balance the desires of the people who want some security of tenure for their futures and of those who do not want to give up the pleasant life in a rural area that is close to the beach, Fremantle and Rockingham, as my colleague Hon Simon O'Brien said last night. I have boxes full of letters from people whom I have endeavoured to assist. I have set up meetings with the Minister for Planning. I have sat in people's kitchens and had coffee with them and gone through with them the anguish they have felt. However, I assure my colleagues that, from the beginning, I made my views on this matter clear. The hard decisions that the Government must make to ensure prosperity and jobs in the future impinge upon the lifestyles of many people. I attended public rallies and meetings on this issue. Hon Simon O'Brien referred to one meeting that I could not attend. However, I was deeply surprised that Labor Party members who represent that region, who supposedly oppose this Bill and this development, were not at the public rally, did not seem sympathetic to the people and did not take the matter further. That has entrenched my belief that there is often a lot of cynicism about politics. The electorate will be the ultimate judge. However, I feel it is cynical to do one thing and say another.

I made my views on this matter clear in letters, in meetings with the minister, through media releases, at public meetings, at discussions in my own party and in lay party meetings. I said that I would not oppose the Bill, but that I would work towards fair and equitable compensation and land prices for the people who must move. In the letter I wrote to the Minister for Planning in April this year, I formally raised the issue of adequate compensation. This was some months after the minister had indicated that his preferred option was option 4, presented in the FRIARS report. A large number of people had already made a decision to move. In a letter dated 18 April to the Minister for Planning, I said -

It is rare in this State's history that a whole community has been resumed. It is therefore vital that adequate compensation be paid by the Government to assist people to relocate to a similar style/size home in a comparable district.

I would suggest the following as a minimum standard:

- i) fair compensation for land and business, including goodwill
- ii) replacement home of similar style and size in a comparable district, affording them a continuity of lifestyle
- iii) relocation expenses.

It is perhaps difficult to achieve continuity of lifestyle for these people because many of them built their homes in Wattleup and Hope Valley, raised families there and have lived there for up to 27 years. It is difficult to put forward a figure for compensation when a whole village must move. In my meetings with the minister, his response has been that the Government is not formally resuming the land. As I mentioned earlier, Western Australia as a whole will gain immensely from this project. Therefore, it is only reasonable that some of that prosperity be shared with the communities of Wattleup and Hope Valley. I would like members in this Chamber to put themselves in a situation in which their village, suburb and the house they have looked after is to be resumed. How would members react if the State Government said it needed their land for industry, but they would get not only a fair and reasonable sale price for their home, but also a solatium? I have lobbied the minister on that issue and have continuously given that message to my constituents.

Hon J.A. Cowdell: But without success.

Hon B.M. SCOTT: On June 19 the minister wrote in response to my letter -

As I have stated . . . homes are being purchased in the town sites on a voluntary basis and no homes are being 'resumed' or taken from residents in these areas. This being the case, I have no authority to intervene the basis of these acquisitions nor am I prepared to set a precedent by extending statutory compensation provisions for Wattleup and Hope Valley which would inevitably flow to all other Government purchases of land.

This is the statement by which the Western Australian Planning Commission stands condemned. As a public agency, it has operated under legislation that prevents a fair and just outcome. Far from seeking reform of that legislation, the Planning Commission continues to defend it, even in this case, in which the picture is black and white. I question the justice that this Parliament supports. It is against this background that the following statement by the minister must be viewed.

. . . nor am I prepared to set a precedent by extending statutory compensation provisions for Wattleup and Hope Valley which would inevitably flow to all other Government purchases of land.

It is time that a precedent is set. The provisions set out in my letter of 18 April cannot be considered excessive. They are the basic minimum that I would expect if the State Government were to inform me that the East Fremantle area where I live would be deemed industrial land, and would be resumed not overnight but as much as 20 years later.

There is one important addition to my provisions - timing. The victim - and I choose that word carefully - must choose when to leave. This Government is taking people's homes from them - their memories, friends and neighbours. It is taking away their community and disrupting their children's education. How can we compensate for the disappearance of a whole village?

The story does not end at Wattleup and Hope Valley. All over this State, property rights are being denied. In Munster, which is close to Wattleup, there is some beautiful land that adjoins Lake Coogee. The owners used this land for horticulture for most of their working lives and would like to subdivide the property so that they can retire with dignity. However, there is a problem - the Water Corporation's Woodman Point sewage treatment plant. When it was built in approximately 1960, landowners were promised that it would not affect them. However, the corporation then asked the Planning Commission to declare a buffer zone, and there is no compensation for the people affected by that. The sewage treatment plant services more than a quarter of a million people. It would require less than one dollar a year on the sewerage rates of those people, over the life of the plant, to compensate the landowners for this loss. The sad sequel to that story is that much of the land can no longer be used for horticulture because of Water Corporation restrictions. That brings me to the crux of this issue, which is the infringement on property rights in rural areas.

I hope some of my rural colleagues in the Chamber may take the opportunity in this debate to talk about some of the issues facing rural property owners. Some of the issues include bans on clearing, and the requirement to fence off scrubland if a rare plant or animal is found or face significant fines. Parliament needs to look at

breaking the precedent and setting rules for compensation. I hope that the recent agreement between the Premier and the Prime Minister on salinity will result in a just decision for landowners who do not have the right to farm or use their property.

A common and basic principle is emerging. It is a view that I have taken all along and from which I do not vary. If a community needs a resource, the community ought to pay for the resource. It is not what is happening at the moment, and a substantial group of people feel dispossessed and aggrieved that they are not getting fair prices for their land and are not getting compensation. With respect to Hope Valley-Wattleup, it is clearly difficult to support a Bill that does not have provisions for compensation. It is often difficult for a member of Parliament to balance the common good with consolation for individuals who have been placed in a very difficult situation. As I said at the outset, a number of people feel they have lived in a blighted area with insecurity hanging over their heads for a long time. From that perspective, they welcome the Bill. Creating jobs for people in the area is absolutely critical. I agree with Hon Mark Nevill's comment last night that the best thing a Government can do is to ensure that the work force has jobs. This is the point at which it becomes difficult to balance the issues in this debate. I feel that the Labor Party has sold out the people of Cockburn over this issue.

Hon J.A. Cowdell: We are not voting for this Bill, you are!

Hon B.M. SCOTT: It has been made very clear through Hon John Cowdell's cynicism last night that no consideration will be given to a compensation clause or to referring the Bill to the Standing Committee on Legislation. In his snide way, Hon John Cowdell made a remark to the effect that there was not enough time. The Legislation Committee has completed its work for the year and there is no reason it could not consider a compensation package. I do not believe that the Labor Party is telling the truth to the electorate of Cockburn. It agrees with the Bill but it knows that Hon Mark Nevill is prepared to vote with the Government. It is conning the constituents of Cockburn - people for whom it pretends to care - in Parliament today to try and make them believe that the Labor Party supports them. The constituents have been through a lot of stress, anger and worry and have been under a blanket of insecurity for a number of years. The Labor Party has no intention of working through a compassionate compensation package. It has no will to do it. It does not know what it would do if it were to become the Government; it has not been made clear. As a local member of Parliament, I have become very involved in this issue and I am very concerned about the people who live in Hope Valley-Wattleup. I do not believe that the Labor Party is concerned. The Labor Party has treated this issue with cynicism. I have dealt with hundreds of people who have come to me as they know I will listen to them. I have defended their position and presented their case to the minister. I approached the minister with a proposal from Hon Derrick Tomlinson. He suggested that, as the Hope Valley-Wattleup residents were being requested to move because their land was to be used as an industrial area, they could be relocated to land at nearby Coogee. They could stay in their homes until they were ready to move on in their own time. The minister considered the proposal to be inappropriate and messy. I did try. I thought it was a very good suggestion. Although many residents do want to move, we must consider that we are destroying two villages. To put a price on that is not at all easy. I am critical of the Labor Party's part in this process. One speaker set out its case. I do not know how the people of Cockburn could put any faith or trust in the Labor Party. I am very disappointed with its attitude. The Labor Party is supposed to defend the weak, the unemployed and the security of jobs for the future. That has not been made very clear in the speeches made by its members.

I want to refer to a letter that I believe sums up a lot of feelings that I have tried to put into balance in this debate. The letter is from Mr and Mrs Bob Miller of Hope Valley. It puts into perspective the dilemma being faced by many residents of Hope Valley and Wattleup. The letter states -

Dear Barbara,

As home owners in the Townsite of Hope Valley for the past 21 years we are writing to advise you about our concerns regarding our position re. the Governments preferred Option 4 of the FRIARS Report pertaining to the The Hope Valley-Wattleup Redevelopment Bill to be presented to both houses of Parliament for debate in the following weeks.

Our position is that Option 4 provides the fairest outcome for the residents of the Townsite of Hope Valley for the reasons outlined below.

If the Bill is passed, the Government through Landcorp will be responsible for resumption of our properties and as a consequence to ensure fair and reasonable property valuations combined with a solatium to be decided.

I am not so sure about that. There are no provisions in the Bill that will provide compensation in that way. The Land Administration Act, which is managed by LandCorp, only allows a solatium when there is forced resumption. The letter continues -

Of very great concern to us is the prospect that the bill will be defeated because this will effectively leave us in limbo for an indefinite period until another government decides to introduce another plan. This scenario would be for obvious reasons a particularly unsatisfactory outcome for most home owners living in the Townsite of Hope Valley which is no longer the peaceful little town it was since we are already significantly affected by encroaching industry. For example there has been a significant increase in noise and odour pollution in the area and our little street is being used as a thoroughfare by big heavy haulage trucks. This is dangerous because the road was never designed or intended for this type of traffic. There's also the issue of hazardous material and other products about which we are not informed being carted through the town without the proper authority.

Hope Valley has always had a very high rate of homeownership, this has now changed with more than a third of homes purchased by the W.A. Planning Commission since September 1999. This has effectively changed the dynamics of the community with formerly well maintained homes becoming rundown and neglected as rental occupiers move in. To add insult to injury we are to be lumbered with the Kwinana Speedway and Drag Motorplex less than 600 metres from some homes.

There is a lot of talk about the potential risk to Motorplex patrons should there be an accident on the industrial strip during race night. These people will only be there for a few hours every fortnight during the summer months. **WE LIVE HERE.**

Equally we are gravely concerned about the so-called *mosaic* concept being tendered as an alternative to the Bill by the Labor Party. We draw your attention to the recent tragedy in the Dutch town of Enschede where people were living alongside a warehouse containing highly volatile explosives.

The fact is that many of the chemicals and compounds used in the manufacture of products and the products themselves in many factories and industries in the Kwinana strip and directly adjacent to us in Hope Valley are extremely hazardous and volatile. The Labor Party's mosaic concept is not an acceptable demographic planning option. Incorporating pockets of residential and industrial development in and around Hope Valley combined with the potential for human error is not a risk factor we're willing to put to the test. Of critical importance, Labor's mosaic concept does not provide an option for homeowners to be resumed. This negates the choice we will have if the Government's Option 4 bill passes successfully through both houses of Parliament.

The reality is that all the necessary infrastructure for continued industrial expansion is already in the area and as a consequence industry is here to stay in Kwinana . . .

It continues -

This issue is by its nature controversial and emotive, with many factors to be considered. People need to feel valued and yet in this issue there is a big picture to be considered also. The long term social and economic advantages in this industrial plan for Kwinana and W.A. cannot be underestimated, it will have a significant impact on Western Australia's ability to attract and create investment and employment opportunities for its continued prosperity.

That letter is one of probably several hundred I have received. The majority of those letters are from people who do not want to move, but that one epitomises the balanced view and the hard decision that must be made.

Finally, I acknowledge a few people who I feel need some acknowledgment for the leadership they have shown in their community. Mr Brian Vidovich, Mr Jeff McGinnis and other people have shown leadership for the people concerned. As I said earlier, it has cost them economically, socially and emotionally.

I urge the Parliament to consider those factors when making a decision on this Bill, not just to pass the Bill, but to ensure that we include in the Bill provisions that accommodate some of the compensation factors I have suggested.

I also acknowledge that the office set up in Wattleup, manned by Mr Derwent Southern and Rachel Colgan and others, was a good move. It was good for the residents to have there all the time somebody who knew the situation and who could offer them help.

I urge my colleagues in this Parliament to view the Hope Valley-Wattleup Redevelopment Bill in the broader context. A precedent for compensation needs to be set across the agencies. Many Western Australians would welcome the support of this Chamber, particularly those in rural areas who are looking for some compensation for the right to farm and to use their land. Although I have been assured continually that house values have increased - that is a form of compensation - I still believe there is a human side of this story that we in this Parliament must acknowledge. I say to you, Mr President, and to everyone in this Chamber that the Labor Party does not show that human element. It has agreed to vote against the Bill - I believe that it secretly supports the

Bill - but it is not prepared to stand up and be counted and put in a proper compensation package. I support the second reading of the Bill.

**HON DERRICK TOMLINSON** (East Metropolitan) [12.05 pm]: I do not have any intimate knowledge of Hope Valley-Wattleup. It is outside the East Metropolitan Region. I do not want to filibuster; I will just respond to something, as my name was mentioned and the Attorney General gave me a rather interesting glare.

When discussing this matter with Hon Barbara Scott some time ago, we were teasing out what one does when a whole community is dispossessed. When a community elsewhere has been dispossessed, the precedent has been to shift the whole community. For example, when the Lorne coalfield in Victoria was extended, the town was simply shifted. If that were to apply to the Wattleup and Hope Valley town sites, the towns would be shifted. Hon Barbara Scott gave the example of Coogee. At that time there was a proposal for urban development on some public land in Coogee.

Hon Barbara Scott interjected.

Hon DERRICK TOMLINSON: Hon Barbara Scott tells me by way of interjection that it was 2 000 lots. That is a case whereby the Hope Valley township could be relocated. It would be on a pro rata basis for the value of the land, with some compensation built in so people could get a home with facilities equal to those in the home left behind. Clearly the problem is that this is not a proposal simply to relocate or dispossess the village immediately; it might take up to 15 years. I ask the Attorney General whether that is the case.

Hon Peter Foss: Yes.

Hon DERRICK TOMLINSON: Nobody is compelled to move. Clearly, "compelled" must be used advisedly, because when the urban community increasingly becomes an industrial community, the compulsion to move is of a different kind.

Hon J.A. Scott: What about the compulsory clauses in the Bill?

Hon DERRICK TOMLINSON: Hon Jim Scott asks about the compulsory clauses in the Bill. Clause 33 of the Bill deals with compulsory acquisition, and subclause (2) indicates that the provisions of the metropolitan region town planning scheme apply. I assume, and I invite the Attorney General to respond -

Hon Ken Travers: Don't ask him to respond, please!

Hon DERRICK TOMLINSON: I will. Do members not want this to be thoroughly debated? Do they want this to be closed, so the division in their ranks can be concealed? I am sorry! I hope that the Attorney General will explain the application, and I anticipate it is fair market value plus solatium.

The Bill also refers to sections 11(1), 11(4) and 12 of the Town Planning and Development Act, which also apply. Sections 11(1) and 11(4) of the Town Planning and Development Act spell out quite clearly the compensation process. Section 11(4) in part states -

... authority is entitled to recover from a person whose land is increased in value shall be determined by arbitration under and in accordance with the *Commercial Arbitration Act 1985*, unless the parties agree on some other method of determination.

There can be a negotiated settlement. The problem is that we are not simply relocating a village holus-bolus. Rather, this Bill provides for the voluntary - I admit that it is advised - relocation of landowners over time. It also provides for proper processes to be followed for the negotiated valuation of land if it is compulsorily acquired. It is a vexing issue; and compensation is the most vexing issue of the process. Whether the Government can or may do these things is a question of authority and power, and for this House to decide. Whether the Government should do this is a value judgment that we are about to make. However, compensation is the most vexing issue. People dispossessed by virtue of government action should be entitled to fair and reasonable compensation that enables them to relocate at no financial cost, even if the emotional cost cannot be compensated for - although a solatium might be provided under clause 33.

**HON PETER FOSS** (East Metropolitan - Attorney General) [12.11 pm]: I attended St George's College. One of the wardens, Josh Reynolds, used to tell us that he had an excellent system that he never used. The Bill before the House is an excellent example of planning being a brilliant system that, unfortunately, has not been used. The real problem for the people of Hope Valley and Wattleup is the lack of planning. The system in place is such that someone is entitled to compensation if a government plan actively interferes with his rights. However, such a system is not in place for when people fail to plan. The difficulty is that the two towns became blighted through the changes that took place when the Kwinana industrial area was established. Over time, the land became affected by the nearby industrial land, the buffer and the need for further industrial land. However, no planning was in place, nor any reservation of that land for purposes that would allow the residents to be bought out. Two things should be done in planning: First, it should be in advance. Events during the previous

Government's term showed what happens when planning is not done in advance and the colours on the map are shifted after it is reality. No planning took place during that period, and catching up on planning was one of the major things this Government had to do. Second, all plans should be reflected on the official metropolitan region scheme plan. When I was in legal practice, a subdivider client had a planned, but not planned on the map, freeway going through his land. He was told he could not subdivide his land because a freeway interchange would be located there. He asked that the land be bought from him, but he was told that could not be done because it was not part of the metropolitan region scheme and, therefore, he had no power to force the Government to resume it. It was a catch-22 situation; the land had been affected by a planning decision that had been made by planners, but which had not been put on paper. The planning system does not start to work until the plan is put on paper.

System 6 is a classic example of a planning blight on people's land that was not reflected in the planning system. Therefore, people did not have the statutory rights provided by the town planning legislation, nor did they have the right to do anything with their land. This was the predicament faced by the people of Wattleup and Hope Valley once the Kwinana strip was put in place and its impact on surrounding land became obvious. Decades of government inactivity has failed to deal with it. The trouble is that the people of those towns have been seriously and injuriously affected by it. After this legislation goes through, those people could argue through compensation law - I am aware of related cases - that the change in values was not caused by this change, but that the values were affected by this plan years ago. Lack of planning and lack of action by successive Governments is the cause of problems faced by the people of those towns. Hon Barbara Scott validly pointed out that it cannot be allowed to go on any longer. Those people should not be left in that planning blight any longer.

I assure members that if this Bill is not passed, and the Government does not stand in the marketplace offering to buy that land, those properties will not only diminish in value but also become totally unsalable. That was the case before the Government stood in the marketplace offering to purchase the properties. We cannot change the market's attitude to this land. Its value did not decrease because the Government has legislated for it to do so; it has decreased because people know the situation of those two towns, which are without legislation or planning. That is the reality these people face. They are entitled to tell the Government to do something, and to ask it to put in place this excellent system, which has not been used for at least 20 years. That excellent system so far has not worked for them because the next step has not been taken. That is the problem.

The Labor Party has a cynical attitude, because all it wants is votes. It is not the slightest bit interested in those people. How can it suggest that without the legislation those people will be in a better position than they have been in since the Kwinana strip was laid down? How will they be better off when nothing happens? These people are in trouble because nothing has happened. It is time that something did happen, and that is what the Government is saying. It is time this House took responsibility. Some things have happened on a non-legislative basis, such as the Government recently standing in the market and offering to buy. The mere fact of a willing buyer coming into the market has impacted on prices. Those people who have sold recently will tell members that prices are steadily rising. Values increase once a willing buyer comes into the equation.

Hon Norm Kelly: The Government is cashed up from the metropolitan region improvement fund, and it is an inappropriate use of those funds.

Hon PETER FOSS: I cannot think of any more suitable source of money. This is exactly the sort of thing it should be used for. In fact, it should have been used 20 to 30 years ago. It was not used because of the immoral behaviour of successive Governments. Everyone in the metropolitan region contributes to this fund, which pays for the cost of planning and of putting planning legislation in place. The problem is that these people have not been able to benefit from it until now because the planning has not been put in place. Neither we, the previous Government, nor earlier Governments put it in place. I cannot think of a source of funds that is more appropriately earmarked for this purpose than the MRIF.

Hon Norm Kelly: Will the profits from subsequent sales go back into the MRIF? I don't think so.

Hon PETER FOSS: I do not know about the legal source. However, it is an appropriate use of the money and should have been instigated years ago, before these people started to suffer from the implicit plan. It was an implicit plan; it was not a real plan. The situation is similar to that of the person who could not deal with his land because it had an invisible interchange on it. That interchange could not be found on any planning proposals because it was in the planners' minds.

Hon Mark Nevill: Some of those profits will find their way into Mr Kelly's superannuation fund.

Hon PETER FOSS: That may well be. No group of people is better able to call on that fund than that group of people, because that fund is for the purpose of dealing with the blight that affects these people. Firstly, we have to put a plan in place so at last these people have a legal right; secondly, we have to make that legal right count

for something, and we make it count for something by turning it into a market. Those two things have to happen - the first is a legal matter and the second is to create that market, because if there is no market they will not have any substantial compensation.

I would like to refer to what has been happening. In the past 18 months the Western Australian Planning Commission has been acquiring land in Hope Valley and Wattleup town sites under the mechanism of an improvement plan. These acquisitions have been targeted at people who are hardship cases. Hardship includes both medical and financial circumstances. When the WAPC started to acquire land, the town site areas were suffering from the equivalent of market failure. Properties had been on the market for some time - in some cases years - with no buyers. The median land value of properties in Wattleup in early 1999 was the same as the median value in 1988; for 11 years there had been no change in the value - \$86 000.

In acquiring land and property in the town sites, the WAPC uses commercial valuations at unaffected value and obtains valuations from two private licensed valuers and the Valuer General. An offer is made to the property owners based on these valuations. Due to valuation creep, as properties have been acquired, the median value in Wattleup is now \$103 500, which represents a 22 per cent increase in value in the past 18 months. Property owners do not pay stamp duty or transfer fees on the transaction, which means that for each transaction the owner would save between \$5 000 and \$8 000. These costs are absorbed by the WAPC. Some attempt has been made to provide more compensation for land-holders in the town sites, and a number of formulas have been proposed. However, the Government is concerned that a precedent would be set for government land acquisitions generally, and with the operation of the market mechanism in the area, existing land-holders have received substantially more than they would have if the properties had been sold on the pre-existing markets before the FRIARS plan.

The mere existence of the FRIARS plan and the standing of the Government in the market has forced up those prices. So far the WAPC has acquired 110 properties in both town sites, and this has led to a number of people choosing to relocate or lease back their existing property. In a few cases, owners have not accepted offers for their property, and no transactions have had to be arbitrated.

Most people have been relocated within the south west corridor. A number have relocated to country areas and to the eastern States. In the south west corridor the most popular areas for relocation have been Rockingham, Fremantle, Melville, Spearwood and Jandakot. These relocations have occurred without any adverse comments from people who have moved. It is noticeable as part of this trend that, on relocating, people have chosen suburbs with far greater prospects of capital appreciation and quality of life.

I have a graph and a relocation map of the localities with the underlying figures. I also have the Valuer General's Office "Value Watch" by locality for Hope Valley and Wattleup, which would be useful for members to have. I thought I had a comparison with Spearwood, but it does not seem to be here. I seek leave to table those documents, Mr President, because I think they would be of interest to members and the public.

Leave granted. [See paper No 527.]

Hon PETER FOSS: The worst thing that could happen to those people now would be for this Bill to fail, because this is the only thing that has given them a reasonable value for their land. These people do have a choice. They can decide to stay, and at least if they stay they know there will be reasonable capital appreciation of their land. While this matter has been continuing there has been capital appreciation of their land.

I will now deal with some of the criticisms that were raised by various members. Hon Norm Kelly criticised the process of preparing the master plan. He particularly discussed the lack of transparency in the advertisement and public notification processes; more specifically, he referred to the commission being able to choose whether to advertise the master plan.

I also seek leave to table the "Value Watch" for Spearwood, Hope Valley and Wattleup.

Leave granted. [See paper No 528.]

Hon PETER FOSS: Unfortunately, Hon Norm Kelly has this wrong. Clause 12(4) of the Bill allows the commission to either consent or refuse to consent to the public notification of the master plan, or to consent to the public notification subject to modifications being made to the plan as directed by the commission. If the commission refuses to allow public notification, this does not mean the master plan progresses through to its finalisation without any public advertisement. The public notification step is mandatory.

In addition, it should be noted that the process of a master plan preparation is much the same as that used for the preparation of local government town planning schemes under the Town Planning and Development Act 1928 and redevelopment schemes made under the redevelopment Acts. If Hon Norm Kelly refuses public notification, it means they cannot take the next step. They cannot take the next step until such time as he does allow the

notification. They must go back and do whatever is necessary so that they will be allowed public notification - not that there will not be any.

The next criticism by Hon Norm Kelly was that under this Bill LandCorp would be able to close roads and that the clause usurps the power of the local government under the Local Government Act 1995. The power to close roads is in clauses 8 and 9 of the Bill. The power has been given to the commission, and not LandCorp, to close roads. It is possible in the case of a temporary closure of roads for the commission to delegate its power to LandCorp, but a temporary closure of roads is usually only used when a road needs to be closed for roadworks or construction works on land adjacent to a road where the safety of road users would be put at risk. As stated in clause 8(2), a road may be only closed for three days without the requirement to notify the relevant local government.

Hon Jim Scott criticised the Bill because, he said, it took rates away from local governments in the area, as land within the redevelopment area would not be subject to rates. The Bill does not do that. Both the Western Australian Planning Commission, under the Metropolitan Region Town Planning Scheme Act 1959, and LandCorp under the Western Australian Land Authority Act, are exempt from paying rates independently of the existence of a redevelopment Act. Nothing in the Bill exempts the commissioner or LandCorp from paying rates.

If either LandCorp or the commission purchases sites within Hope Valley or the Wattleup area - which has happened - without the Bill ever being passed as law, it would still be exempt from paying rates in the circumstances listed in its enabling legislation. I have provided details of how much land has already been purchased by the commission. That land is already, without this Bill, exempt from rates. This Bill does not do anything to change that situation.

Hon J.A. Scott: They are taking up a lot more land than they would do otherwise.

Hon PETER FOSS: I do not know how many people have read *Catch 22*. In *Catch 22* there was a bomb line, a ribbon across the map of Italy, which said that the Germans are on this side and the Americans are on the other side, and we bomb on the far side of this little ribbon. As they did not want to bomb Bologna, they thought all they had to do was move the ribbon on the map to the other side of Bologna and suddenly the Americans would take Bologna and they would not have to bomb it. I think Hon Jim Scott has things around the wrong way. He seems to think that this Bill will cause that to happen in this area. The useful thing that has been happening is that because the commission has been purchasing that land, as I mentioned earlier, the people have some value in their land. If Hon Jim Scott wants to stop that, he should tell his electors; he should tell them that he does not want the commission to buy any land down there, that he does not want their land values to appreciate. He should tell them what he would like to do to the value of their land just to save the local government council some rates. I do not think they would thank him for it.

Hon J.A. Scott interjected.

Hon PETER FOSS: Hon Jim Scott should ask them the right questions this time. He should say, "Are you happy that there is no market for your land? Are you happy that for 11 years the value of the land in your area did not change in the slightest?" The value has gone up 22 per cent in the past couple of years. Which does Hon Jim Scott think is the better situation? He can do as he likes, but he cannot - as he always tries to do - have it both ways. He makes criticisms that are not even consistent. He comes into this place and makes statements and then goes outside and makes untruthful statements about Hon Simon O'Brien. He swaps gossip with people and he agrees with everybody he speaks to, but he is never consistent in what he does and he never thinks the principles through.

The next issue I would like to deal with is the query on the need for further industrial land in the area. My answer to Hon Jim Scott's assertion that there is much unused industrial land around Cockburn is that this redevelopment Bill implements a planned approach to industrial expansion. The master plan will coordinate growth in the area by coordinating power, transport and employment to attract industry to the area. The demand for a major industrial estate is becoming increasingly urgent as Canning Vale industrial area is built out. The Fremantle Rockingham Industrial Area Regional Strategy proposal allows for a 30-year solution to industrial land demand through a major industrial estate which will complement the Kwinana industrial area and lead to substantial employment growth in the area.

One aspect of planning is that it should be done well in advance. Governments should, if possible, have plans for 20 years to 30 years ahead. As I said, we lost 10 years during the time of the Labor Government when not a single major regional amendment came through the Parliament.

Hon J.A. Scott interjected.

The PRESIDENT: Order, members! The Attorney General should speak to me.



Hon PETER FOSS: An important aspect of planning is to plan ahead and 20 years is an important period to aim for; it means that people can order their lives in a reasonable way. Nobody wants to find themselves sitting in a rural area when it is rezoned urban. However, if they are given 20 years' notice that it will be rezoned urban, they can at least bring up their kids and probably move on. People move on in any event after 20 years as, statistically, that is the time that people stay in premises.

The last Labor Government came along and coloured the patches after it was decided to rezone land from rural to urban and gave people no warning whatsoever. In fact, the planning process has been turned on its head. Governments must try to think ahead. This Government has attempted to have a 20 year to 30 year horizon for every major metropolitan region plan it has brought into the Parliament. The real benefit of that is in continually maintaining the horizon. The difficulty is that some cases are arising faster than otherwise expected because the planning process has been neglected for so long. However, the intent of the Bill is to try to have a 20 year to 30 year horizon. As Hon Mark Nevill said, it will lead to employment and we regard employment as a very important thing to have.

I shall now deal with the criticism of the possibility of an industrial area and its impact on Cockburn Sound. That criticism is extraordinary when one considers its current use, which includes turf farms and market gardens. Theoretically we could say to turf farmers and market gardeners that they must have the same rule that applies to industry - that is, zero emission. We did that with industries when I was Minister for the Environment by disallowing the discharge of pollutants into the environment. We can impose conditions on industries being established that the water they take in for cooling and other uses must go out the way it came in; that is, pollutants such as fertilisers cannot be discharged with it. That is exactly what happens with turf farms and market gardens. We can impose those conditions on light and general industry because they do not discharge pollutants that are, unfortunately, produced by turf farms and market gardens. However, if they do produce pollutants, we have the capacity to impose conditions under the Environmental Protection Act to avoid any discharge of pollutants into Cockburn Sound.

As usual, Hon Jim Scott makes statements which bear little relation to the truth. The truth is that he uses emotional terms about industry and creates a concept of smoking chimneystacks and dark satanic mills.

Hon Mark Nevill: He has a Dickensian sense of humour.

Hon PETER FOSS: Exactly. He has a Dickensian imagination because everything Hon Jim Scott says sounds like the first chapter of *Bleak House*. He takes out little bogies and waves them at us from time to time. He does not use logic, nor does he justify them. All he does is mention "industry" and it is rather like saying that the bogymen will come. He mentions industry as being a lot worse than what already exists.

Hon J.A. Scott: You say there is no industry pollution in Cockburn Sound. What absolute rubbish! That is a disgrace!

Hon PETER FOSS: No. I am used to Hon Jim Scott twisting what I say. We have had his marvellous little performance about national parks, about which he will never be allowed to forget as it was one of the most extraordinary performances of twisting words I have ever come across. What I said to Hon Jim Scott is that I recall, from my time as the Minister for the Environment, imposing a condition of zero emission on industry. I am not for one moment saying that has always been the case in Western Australia, nor am I claiming credit that this Government was the one that did it. All I am saying is that when I was the Minister for the Environment I got to a stage of imposing on industry a zero emission requirement. To my knowledge, we have not resiled from that situation. I am saying to Hon Jim Scott that general and light industry will not be the bogymen that he can wave at the people he normally waves it at. Industry will be governed by the requirements of the Environmental Protection Act. There may very well be a reduction in the amount of pollutants discharged into Cockburn Sound that are causing a problem. As Hon Jim Scott knows, market gardens and turf farms necessarily use substantial quantities of fertiliser. I am not criticising them. I do not know how such industries could be carried out without fertilisers.

Hon J.A. Scott: You can do it.

Hon PETER FOSS: I had better wave that particular bogymen at all the turf farmers and market gardeners in Western Australia and tell them that Hon Jim Scott has a plan for them so that when they put fertiliser on their turfs and market gardens, those pollutants will not end up somewhere; no doubt that will be his next instalment.

I shall return to the remarks of Hon Jim Scott. The net effect of his comments is to frighten people by using his typical greenie bogymen. If he wants to make that criticism stick, he really must come up with a more supportive argument.

Section 33, referred to by Hon Derrick Tomlinson, relates to a slightly different aspect. When an acquisition takes place, it does so under the Public Works Act, which provides compensation. However, the clause he pointed out -

Hon Derrick Tomlinson: Clause 33(1) and (2).

Hon PETER FOSS: Yes, that relates to injurious affection.

Hon Derrick Tomlinson: Yes, in which case the Town Planning and Development Act applies.

Hon PETER FOSS: Yes. However, if the land is resumed, the Public Works Act applies and appropriate compensation would be payable under that Act.

Mr President, I thank members for their useful contributions, particularly Hon Simon O'Brien and Hon Barbara Scott, who obviously put a lot of thought into this Bill and have genuinely tried to do right by the people of those two blighted towns. I can only describe those towns in that way as it is a fair description of the way in which they have been blighted by planning. I know of the emotional effect this has had on Hon Barbara Scott, as she believes very strongly that something must be done. She is absolutely right - something must be done. It is no longer acceptable for governments to turn a blind eye to those people and to let the value of their land wander away. It is very easy to do that. However, the Government and Parliament are not about just taking the easy way out and imposing conditions and doing nothing. They are about saying that this has gone on for long enough and it is time something was done. We owe it to those people to do something. Two things must be done: What is happening on the land must be reflected in the legal requirements on the map; and, secondly, we owe it to those people to create a market to ensure, if they choose to move out, they receive a fair value for their land. Accordingly, I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (14)

Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Derrick Tomlinson
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Muriel Patterson ( <i>Teller</i> )
Hon Max Evans	Hon N.F. Moore	Hon B.M. Scott	
Hon Peter Foss	Hon Mark Nevill	Hon Greg Smith	

Noes (13)

Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	Hon E.R.J. Dermer ( <i>Teller</i> )
Hon G.T. Giffard	Hon Norm Kelly	Hon Tom Stephens	
Hon N.D. Griffiths	Hon Ljiljanna Ravlich	Hon Ken Travers	
Hon Tom Helm	Hon J.A. Scott	Hon Giz Watson	

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Pairs

Hon M.J. Criddle	Hon Cheryl Davenport
Hon Ray Halligan	Hon Bob Thomas
Hon W.N. Stretch	Hon Kim Chance

Question thus passed.

Bill read a second time.

*Referral to Standing Committee on Public Administration*

**HON J.A. SCOTT** (South Metropolitan) [12.42 pm]: I move -

That the Hope Valley-Wattleup Redevelopment Bill 2000 be referred to the Standing Committee on Public Administration for consideration and report.

During the debate a statement was made that when people are dispossessed by a decision of government, they should be compensated. In this case, the Government should first establish that there is a need for those people to be moved. That has not happened in this case. I will ask the Standing Committee on Public Administration to consider a number of points, on which I will expand. First, the committee should look at what I believe is a misuse of the metropolitan region scheme improvement tax. As members will be aware, that is a tax upon homes. In this case, the proceeds of the tax are being used to expand an industrial estate in the south west corridor. What is wrong with this is that -

The PRESIDENT: Order! Hon Jim Scott is now going into the substance of matters that no doubt can be raised by the committee if the Bill is referred to it. The motion moved is that the Bill be referred to the Public Administration Committee. The only discussion permitted on this motion, because it is very much a procedural matter, is why the Bill should or should not be referred. I do not wish to tell Hon Jim Scott what to say because he is an experienced member, but he may wish to raise a number of issues that the committee might consider. Hon Jim Scott will no doubt take his current views on various matters to the committee.

Hon J.A. SCOTT: I want the committee to look at the use of this tax which is put on households in this State and which should be used for the beautification of the metropolitan area, as is stated in its title. I also want the committee to look at the fact that no social impact study was carried out prior to the forced relocation of the community in those areas. As members know, people are already being moved out of those areas. The needs of the wider community have also not been taken into account in the Bill. In particular, during the second reading debate I mentioned that the need for access to coastal recreation has not been considered. That is a vital need of the region. The Bill deals simply with industrial needs rather than the wider needs of the community.

I refer to the compensation provisions in the Bill. There is a misapprehension in the community that the Government is paying an amount greater than that which it would normally pay to move people out of that area. That issue should be dealt with. Amendments on the Supplementary Notice Paper deal with this question. Because of that misunderstanding in the community, it would be valuable for this House to have a considered response by the committee to that issue. As was said by Hon Barbara Scott, Hon Derrick Tomlinson and me, it is not a small group of individuals standing in the way of much-needed change who are being moved; two towns are being moved. That has never happened before in the history of Western Australia. There have been voluntary movements of people in the goldfields. That happened when gold veins petered out and whole towns were moved. However, that was not a compulsory acquisition, as is the situation in this case.

I also hope that the committee will be able to consider why proper studies have not been undertaken to ensure that this amount of land will be used for industry. As I said during the second reading debate - this matter was not addressed by the government benches - the area in question has the largest amount of available industrial land in the metropolitan area. The local governments have carried out studies, as have the consultants who carried out the "Towards Optimising Kwinana" study. Its findings did not indicate that such a huge amount of industrial land would be required now or in the next 25 years.

The PRESIDENT: Order! The member is now getting into a debate about the issue.

Hon J.A. SCOTT: I hope that the committee will consider a number of options that were put forward by the Cockburn City Council. Options five and six enabled a considerable area of industrial land to be set aside in the south west corridor without the same level of disturbance to existing communities. Those reports are freely available. I am happy to provide my copies of the reports and the maps to the committee; however, I am sure it can obtain them from the council.

It would be important for the region if the committee examined exactly where, south of the river, are the best locations for that industry. The Cockburn council's report also points to the lack of industrial land after the completion of Canning Vale and that the eastern sector south of the river will lack that type of land, not the area where there is already a 46 per cent vacancy rate in industrial land. Some misunderstanding exists concerning the huge amount of expansion of industrial lands that is occurring in other places not necessarily south of the river; for example, proposals around Jandakot and Bullsbrook to the north.

Although the legislation provides for environmental impact statements to be prepared, it has not been the practice to allow the social impacts to be linked with the EIS. An amendment will deal with that issue. It would be valuable for the members to consider that amendment when it comes before the House. There are also other amendments. Hon Barbara Scott expressed concern about the impact of whole communities being moved. Amendments before the House deal with the excision of the town sites. We have been told that the proposed industry will not be the highly polluting variety. The problem about which this House must make up its mind is that no plan has been laid before Parliament indicating what type of industry will go there, whether it is general or heavy industry. It is important to understand how that industry would impact on a town site if it were left in place. If the Government, through this and other legislation, were unable to control the pollution levels as it hoped by planning processes, it would be difficult to agree to the amendment; however, if the converse were true, agreeing to the amendment could be considered.

Another matter relates to the metropolitan regional scheme improvement tax and whether it is appropriate. The buffer zone, although it was necessary, impacted on the values of houses in the Hope Valley-Wattleup area. Because the buffer zone is an industrially-caused planning imposition on a community, the committee must consider whether such projects should be paid for by the people who are causing the pollution. Payment of the metropolitan regional scheme improvement tax may not be a good way to provide the money for this legislation. Hon Peter Foss pointed out that planning of the area had not occurred and that that had caused problems to the people of Wattleup and Hope Valley. He suggested that it was incumbent on Parliament to assist those people to get out of that area.

Hon Peter Foss: If they wanted to.

Hon J.A. SCOTT: It is compulsory. That is another issue that must be considered because both the minister with carriage in this place and the Minister for Planning have, on many occasions, said that there is no

compulsion for people to leave those town sites. Hon Peter Foss said that nothing in the Act provided that the town sites must be closed. I understand that that is not the case.

[Continued on page 3247.]

*Sitting suspended from 1.00 to 2.00 pm*