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UNDERWOOD AVENUE BUSHLAND

Motion

MR EDWARDS (Greenough) [4.00 pm]: I move -

That this House calls on the Government to mediate an agreement between the Water Corporation and the University of Western Australia in relation to the future of the Underwood Avenue bushland.

The area that is the subject of this motion covers approximately 38 hectares of high conservation value bushland. At the heart of the issue is the proposal by the current landowner, the University of Western Australia, to develop this area for housing, which is juxtaposed against the recognised need by the Water Corporation to maintain a buffer zone around the adjacent Subiaco waste water treatment plant. Both parties have expended significant amounts of money in defending their respective positions. In respect to the Water Corporation, it is Western Australian taxpayers' money. This bushland is of a type that was once typical of the area but is now under-represented in conservation reserves. It is a part of our environment that has been recognised for its regional significance in the Government's Bush Forever policy.

Before I look into the many values of this bushland from the point of view of our community and future generations, I will explain a little more of its history of ownership and use over the past 100 years. For the immediate purposes of bringing this issue to the attention of the House, we need to understand that approximately 100 years ago, the land in question was part of an 85-hectare parcel that was gifted to the University of Western Australia for the purpose of paying academic salaries. According to an article by Liz Tickner in *The West Australian* of 18 March, this land was gifted by the State Government of the day. The university, as befits such a significant body, has been the beneficiary of a number of gifts and bequests since its beginnings a century or so ago. These gifts, generally given by public-minded people from past generations, have allowed the university to expand its role in education and its services in areas that include, for example, research. These are vital components of a modern economy and a knowledgeable society. Therefore, we can understand that despite the fact that the land was apparently granted by the Government of the day, the university has the legal right of ownership of the Underwood Avenue bushland. I am certainly not here to argue that point.

The other main player involved in the debate about the future of the Underwood Avenue bushland is the Water Corporation, a state government instrumentality. It has a history of association with this area for almost as long as the University of Western Australia, having built, according to media reports, a waste water treatment plant in the area some 70 years ago. The waste water treatment plant now services 300 000 people. Its location within a bushland area provides some buffer for the local community, although I am told that this is insufficient to protect residents within a two to three-kilometre radius from odours on bad days. To give credit where it is due, the Water Corporation is trying to alleviate that problem and is spending \$22 million to reduce the rate of incidence of odour problems. In light of the Water Corporation's actions in addressing the needs of the community, the role of the surrounding bushland takes on an even greater significance than it did when it was servicing a smaller population decades ago. That is another component of the complexity of issues relating to the Underwood Avenue bushland - its vital role as a buffer zone to minimise the impact of a long-established part of our services infrastructure.

There is yet another layer of significance that should have an impact on decisions involving the future of the Underwood Avenue bushland - its importance as a regionally significant bushland as identified in the Cabinet-endorsed Bush Forever policy. For too long, Governments have not properly understood the importance of conserving bushland in the Perth metropolitan area. It was often seen as an eyesore, a bit of scrub, a place to dump rubbish or a place to sell and develop. With very few exceptions, a habit of ignoring the need to set aside larger areas of banksia woodlands became an established rule of thumb for many. On the other hand, banksia woodlands were the places in which many people - not I, but those who lived in Perth in their childhood days - explored, built cubbyhouses and noticed the variety of birds, lizards and flowers. Perhaps they have noticed also that in only a few decades, those childhood memories have become just that - places in their past.

The Underwood Avenue bushland is a window to our past. It is part of what makes up Perth's natural setting. It tells a story of an environment, and it has changed dramatically within only a single generation. We all know that banksia woodlands on the Swan coastal plain have been ravaged over decades. Less than 10 per cent of these are protected in conservation reserves, and the Bush Forever program was established to minimise any further loss of Perth's bushland.

Fortunately, members of the community realise the value of retaining our bushland. They have established themselves into community groups to lobby to save these remnants. They have worked tirelessly over the years

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as volunteer managers to ensure the future of our pockets of natural environment that have been saved from development. I recognise those community members as they are the visionaries in our society and understand the need to conserve Perth's ecosystems for future generations. These residents of our many electorates drove the development of Perth's Bush Forever program as a mechanism to solve the impasse between development and conservation.

Before I mention some of the specific conservation values of the Underwood Avenue site - this is an argument for the motion - I remind members of the House of some of the Bush Forever site policy objectives. In part, the policy states -

- . To meet the needs and aspirations of the community of Western Australia for the appropriate protection and management of bushland of regional significance in the Swan Coastal Plain portion of the Perth Metropolitan Region.
...
- . To achieve the protection of Bush Forever Sites through a collective and shared responsibility on the part of government, landowners and the community.
- . To secure partnerships between landowners, government and the community in conservation management through government and community advice, assistance and incentives.
...
- . To bring greater certainty to the processes of land use planning and environmental approvals by the early identification and protection of areas of regionally significant bushland.

I have not read all of the policy's objectives, but they are some of the issues.

It is important also to note another policy measure endorsed by Cabinet, which states that there will be a general presumption against clearing bushland containing threatened ecological communities or representation of vegetation complexes of which less than 10 per cent currently remain on the Swan coastal plain portion of the Perth metropolitan region.

Mr Hyde: Was that the Cabinet of the previous Government?

Mr EDWARDS: It was the Cabinet of the previous Government. This bushland site is a strategic link between Kings Park and Bold Park. These linkages provide essential corridors for the movement of birds, lizards and frogs and an exchange of plant species. The strategic green corridor not only acts as linkages between central habitats for our native flora, fauna and insects, but also provides a means of movement that sustains the genetic diversity that is essential for species' survival. It is well known that small pockets of bushland are not sustainable. We are becoming more aware that the future viability of those habitats depends on retaining places in their entirety without encroaching on them. Local government takes an interest in those matters when it deals with planning issues, but perhaps it should take more of an interest in them.

Last year, the University of Western Australia proposed to develop the site, which would have left 8.5 hectares of bushland. In its submission to the Environmental Protection Authority, the Friends of the Underwood Avenue Bushland argued that there is a high level of community concern that the proposed subdivision would destroy the existing bioiversity of the bushland. It argued also that the development would leave behind an eight-hectare remnant that would be too small for the survival of the habitat, which would be too isolated to contribute to the health and biodiversity of the region. According to Dr Paddy Berry, the Western Australian Museum does not support the view that an 8.5 hectare bushland parcel will retain its environmental values, particularly its biodiversity, in the long-term, or act as an adequate corridor. Not only have expert bodies, including the Department of Environmental Protection and the Western Australian Museum, recognised the high conservation value of the Underwood site, but so too has the National Trust. That organisation has taken a particular interest in parklands.

I will give a picture of the issues involved in this site. The State Government gifted 38 hectares of an 85-hectare parcel of land to the University of Western Australia for the purpose of raising capital. For the past 70 years, the State Government has used it as a buffer zone. High conservation values have been identified in that park, and it is considered regionally significant bushland. In addition to this, but by no means any less significant than the ownership, the needs of the Water Corporation and our responsibility to the bush forever site, are the views of the local community who live within a five kilometre radius of the site. I am sure that the local members will refer to the other areas when they speak.

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I was interested to read the results of a survey prepared last month by Market Equity Pty Ltd that canvassed 404 local residents. That is a good sample size to sound out the views of the community in that area. Eighty per cent of residents within a three kilometre radius said they were aware of the current debate between the Water Corporation and the University of Western Australia about the use of land owned by the university that borders the Subiaco waste water treatment plant. The survey also shows that 87 per cent of the people surveyed want to be kept informed of the outcome of this debate and of what happens to the land. Even more significantly, but not surprisingly because we now live in a society that understands environmental issues, the survey showed that 72 per cent would prefer the land to be retained as natural bushland. An additional 14 per cent supported the environmentally sustainable use of the land.

Ms MacTiernan: When was that survey done?

Mr EDWARDS: It was done only in the past month or so.

Ms MacTiernan: What was the catchment?

Mr EDWARDS: The catchment was about a five kilometre radius. Eighty-six per cent of the 404 local residents agreed that the University of Western Australia should consider alternatives for its land that are compatible with the waste water treatment plant, even though it may give the university a lower financial return.

The University of Western Australia and the Water Corporation are involved in delicate negotiations to resolve this matter. However, given the likely cost to the taxpayer in the event of a prolonged litigation process between the University of Western Australia and the Water Corporation, the State Government has a responsibility to play a leadership role to assist in the resolution of the impasse between those organisations. The University of Western Australia has spent some \$2 million over the past two years on a court case over this issue with the Water Corporation. The Water Corporation would have spent that much of taxpayers' money also. It could be accused of wasting public money on this issue.

Ms MacTiernan: What do you want the Government to do?

Mr EDWARDS: If the minister waits, I will tell her. I think the minister came in half way through my speech. I urge the Government to take a leading role in resolving the issue to ensure a cost-effective and environmentally responsible outcome. Some other members, including local members, wish to speak to this motion, so I will conclude with those remarks.

MR BARNETT (Cottesloe - Leader of the Opposition) [4.16 pm]: I thank the member for Greenough for his account of the history of the site and in particular for his account of the value and quality of the urban bushland and the diversity of flora and fauna species in that area.

I will make some comments from the perspective of a local member of Parliament. The area of bushland on the corner of Underwood Avenue and Selby Street has been within the Cottesloe electorate since I have been a member. However, it is very much on the edge of the three electorates of Cottesloe, Nedlands and Churchlands. The people closest to the site formally lived in the Churchlands electorate but now live in the Cottesloe electorate. Apart from the member for Greenough, the member for Nedlands will also make some comments. I thank her and acknowledge her role in working closely with the Friends of the Underwood Avenue Bushland. She has been to the site on several occasions, as have I, and has spent a lot of time on environmental issues related to the quality of that bushland; therefore, I will not say a great deal about that issue. I will give the member for Nedlands an opportunity to expand on that.

I also acknowledge the member for Churchlands who, when the area of adjoining residents known as the Hackett estate was in her electorate, spent a lot of time on issues surrounding the Subiaco waste water treatment plant. The waste water treatment plant is located in my electorate. It is operated by the Water Corporation and serves some 300 000 residents. It is a significant part of the water treatment and waste disposal system, serving central Perth and most of the western part of the metropolitan area. The plant has been a constant source of complaints from residents. Nearly 12 years ago I inherited this issue which, like the Servetus Street issue, goes back decades. It has become more of an acute problem over the past 20 years or so because residential development has moved into the Hackett area and closer to the Subiaco waste water plant. There is no doubt that the plant produces odours. In certain climatic and atmospheric conditions on still days the odours tend to collect and congregate in the hollow areas, which makes it extremely unpleasant for people nearby. It is not an exaggeration to say that people cannot leave windows and doors open on hot, still summer nights. I have had numerous complaints from constituents who had planned barbecues and invited friends around, but who could not proceed with their entertainment because the odour was so offensive. It is a serious issue. It does not happen every day, but on hot, still summer nights it is quite offensive.

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The Water Corporation has been very professional in the way in which it has tried to deal with the technical, scientific and environmental issues and nearby residents' complaints. A number of things have been done to try to reduce the odour problem in recent times. The first of those was the development of a sludge processing plant. This was completed in late 1998. It was a significant investment involving \$15 million worth of capital expenditure. This took the sludge from the waste material and produced a product that had a market value as engine oil. It was a good application of technology. It was environmentally friendly and the outcome was a commercial product. There were high expectations that the treating of the sludge in a practical and environmentally friendly way would reduce the odours. It has reduced the odours, but not to the level expected by either the residents or the Water Corporation. It has had a positive effect, but it has not resolved the problem.

During the time of the previous Government, other local members of Parliament and I continued to push for further measures to be put in place at the Subiaco waste water treatment plant. In the second half of 2000, the former Minister for Water Resources, Hon Kim Hames, announced with the Water Corporation a \$22 million project for odour reduction at the site to be implemented over a four-year period. That followed work by local members of Parliament. I also acknowledge the work of the Hackett Civic Association and the Mount Claremont Residents Association. This project, which was started virtually immediately after the announcement was made in 2000, and which will continue over four years, will involve the covering of tanks, the extraction and treatment of gases and a number of landscaping projects. I am confident this will do a great deal to solve the odour problem. It is a large expenditure, but I am confident that finally covering some of the tanks and ponds will do much and the physical extraction of the gases will play an important role.

We have to recognise that expectations of the community and environmental standards will continue to rise. As part of operating the waste water treatment plant, it is essential there be an appropriate buffer zone. Those buffer zones were established when the plant was first built. However, as I said previously, residential development has moved progressively closer into that area as the former endowment lands have been developed. The community expectations of environmental standards and the regulated environmental standards continue to be evermore exacting. That is the background of the Subiaco waste water treatment plant. It is an existing issue.

That is now compounded by the issue of the Underwood Avenue bushland. This area of bushland, originally an 85 hectare site and essentially now 32 hectares, on the corner of Selby Street and Underwood Avenue, is immediately adjacent to the Subiaco waste water treatment plant and part of the buffer zone extends over it. The land is owned by the University of Western Australia. It was provided to the university under an endowment in 1904. In 1989 it was zoned residential. The water treatment plant was opened on land that the Water Corporation's predecessor purchased from the University of Western Australia and was established in 1927. It has a long history. In 1904 the land was granted to the University of Western Australia for endowment and some part of that land was purchased by the Water Corporation. The treatment plant was established in 1927 and in 1989 the land was zoned residential. From the point of view of the University of Western Australia, that land was provided to the university for the development of a university - essentially for tertiary education purposes. The university feels, quite properly, that it has a responsibility to maximise the value of that land and to provide for its intended purposes. However, what was envisaged in the early part of the twentieth century is now somewhat different almost 100 years on. The city has grown to an enormous extent.

The university started the process of a planned residential development on the site. Opposition to that has come principally from an environmental and community base that is, essentially, led by the Friends of the Underwood Avenue Bushland and also the Water Corporation. The Water Corporation has an important role, but I will discuss the bushland issue first. There has been a lot of discussion in the community, and more widely, about the importance of preserving areas of urban bushland. I do not profess to be an environmental scientist or have any special knowledge. However, I note that both the Department of Environmental Protection and the Western Australian Museum have rated this bushland area as having regional significance. I am prepared to accept and acknowledge that expert advice. I also acknowledge that the reports have indicated a high level of biodiversity. Thirty-seven species of bird have been identified, six of which are considered to be at risk of survival on the Swan coastal plain. It is also widely recognised that the vast majority of this bushland is of a high quality in both its flora and fauna. The Environmental Protection Authority, when it carried out its assessment of the University of Western Australia proposal, judged that the proposal in its original form was not acceptable. However, it did leave the door open for some part of that land to be developed.

Based on the views expressed to me by residents and constituents on the work undertaken by the DEP and the Western Australian Museum and on the report from the Environmental Protection Authority, I have formed the view that the majority of that bushland should be preserved. That would be the first policy position. I accept the environmental case for preservation of that land. However, some areas of that land have been cleared, and there

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may be some areas of lesser quality urban bushland that may potentially have a use rather than remain for conservation purposes.

With respect to the Water Corporation, the Subiaco waste water treatment plant serves Perth and most of the western part of the metropolitan area. The Water Corporation has a responsibility to operate that facility and I commend the managers and professionals working there for the way they have tried to deal with the many problems they have faced. They have made capital investments and genuine and significant efforts to reduce odours. I think that the current program will prove to be effective. It is absolutely essential that the operation of that plant continue. It is providing an essential service. A highly populated metropolitan area must be able to treat and dispose of sewage and waste water. It is an essential requirement on all grounds, especially on health and environmental grounds. If residential development continues to encroach on land close to the treatment plant, in light of the continuing higher standards expected by the community and the regulatory agencies, the operation of the treatment plant will be at risk. This city cannot afford that to happen. It is important that that large capital investment, which serves an essential environmental and community service, be preserved. In pursuing its responsibility to gain the receipts from a residential development to spend on education, the University of Western Australia has proceeded with its proposal to build housing on up to 32 hectares of the site. In pursuing that, the university served a Supreme Court writ on the Water Corporation in December 1999 seeking, effectively, \$95 million of compensation from the Water Corporation if that development is unable to proceed.

The issues involved are the quality of the bushland in the area and the long-term operation of the Subiaco waste water treatment plant. For understandable reasons, a legal dispute has arisen as a result of conflicting interests between the Water Corporation, environmental groups and the University of Western Australia. The amounts of money involved in a potential legal battle would be very large. As I said, the University of Western Australia has sought compensation of \$95 million from the Water Corporation. The Water Corporation has estimated that if it were required to close the Subiaco waste water treatment plant, an alternative plant for serving the central business district and the western part of Perth would require piping and processing facilities with a replacement value of approximately \$400 million. Various estimates may be made of the legal costs of dealing with the dispute in the Supreme Court. I have been advised that the best guess of the total legal cost to the Water Corporation would be in the order of \$5 million and the University of Western Australia may face a total legal and related expenses bill of \$5 to \$10 million. Potentially, up to \$15 million would be spent on legal and related costs alone. That would be untenable.

This is not about apportioning blame to any previous Government over the past almost 100 years, to the University of Western Australia, which is behaving responsibly towards the use of its endowment, or to the Water Corporation, which has professionally operated the Subiaco waste water treatment plant to the best of its ability. I do not know why it is called the Subiaco treatment plant because it is not close to Subiaco. It should be called the Floreat or Shenton Park treatment plant. Blame should not be apportioned to residents or people who place a higher demand today than in the past on environmental air quality levels and on preserving urban bushland. An issue exists now that would not have arisen 80 or 100 years ago. However, in the twenty-first century it is an issue of urban growth and conflicting pressures on a piece of land.

The issue must be resolved, and that is the point of this motion moved by the member for Greenough. Governments have a role in resolving problems in the community. It is not appropriate to sit back and allow disputes like this to continue. As the member for Cottesloe - prior to the change of government in 2001 and since - I have met with the university and with representatives of the Water Corporation. I have encouraged the two bodies to meet, appropriately without me, which was achieved. I have tried to play a role as a local member in facilitating negotiations between the two parties and reaching a commonly agreed resolution. As a local member of Parliament, that is an appropriate role for me to play.

Discussion has taken place to try to resolve this. It appears that over the past 12 months or so the parties have come close to agreeing, but one party or the other, perhaps on the advice of legal representatives, has stepped back and the legal conflict has resumed. I do not know what the final amount of compensation may be. However, a fair guess would be that if the Water Corporation were to offer to the University of Western Australia compensation of approximately \$10 million, a settlement could be reached.

Ms MacTiernan: What are you saying?

Mr BARNETT: I am suggesting a figure of \$10 million, but perhaps the ante has risen a little since then.

Ms MacTiernan: To whom do we give the \$10 million?

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Mr BARNETT: I am suggesting that to settle this issue, which as the local member I have been trying to encourage for 12 months, the Water Corporation compensate the university for the land to the tune of \$10 million or a little more. I understand that the Water Corporation finds that figure realistic and some university people may agree that it is a realistic settlement.

It is not acceptable that two essentially publicly-owned institutions, the Water Corporation and the University of Western Australia, are battling out an issue like this at a high cost in the Supreme Court. This motion calls on the Government to show leadership and to ensure its trading enterprise and its university - the University of Western Australia belongs to the State and operates under state legislation - reach a resolution. This issue should be no longer pursued through the courts.

As I said, I have been convinced by the arguments of the scientists on the environmental side and by the representations of my constituents: the vast majority of that land should be preserved as urban bushland. Some areas may have some commercial use in the form of continued research for some UWA operations and some aquaculture applications could be attached to the waste water treatment plant. As Leader of the Opposition and the Liberal Party and as the member for Cottesloe, I emphasise that housing should never be built on this site. It is too close to the waste water treatment plant. I am not against housing development in the area. Over the past decade an enormous amount of housing has been developed in my electorate. However, this area is too close to the waste water treatment plant and too sensitive to its effects to be suitable for housing development. It would be a misguided outcome even if the parties were to agree on an area for housing development. The bushland must be preserved. A commercial agreement should be reached in which the Water Corporation pays the University of Western Australia a little over \$10 million.

Ms MacTiernan: What is the basis of the Water Corporation's liabilities? What has it done?

Mr BARNETT: The Water Corporation must preserve the operation of its asset, the waste water treatment plant. In the twenty-first century the Water Corporation must acquire the land around the plant to protect its long-term operation. Like any other corporate citizen, it must acquire and manage its buffer zone. As it has acknowledged, it cannot allow housing to be built any closer to the plant because it would jeopardise its operation. That would be in no-one's interest.

The Opposition calls on the Government to take a more proactive approach to resolving this issue. It is not about politics. Although this issue has evolved over several years, it requires leadership to ensure that neither university education money nor taxpayers' money through the Water Corporation is unnecessarily squandered in the Supreme Court.

MR MASTERS (Vasse) [4.37 pm]: I must express my disappointment that neither the Minister for the Environment and Heritage nor the parliamentary secretary with responsibility for the environment is here in the House to listen to this debate. There is no doubt that in the minds of many people on this side of the House some very important and significant environmental issues relate to the Underwood Avenue bushland. My disappointment was doubly felt today because yesterday the Minister for the Environment and Heritage failed to turn up at a forum on science and forest management organised by the Conservation Commission of Western Australia. It is a pity she was not there because many very important messages would have been passed on to her and to the parliamentary secretary if he had chosen to stay a little longer.

For the benefit of the parliamentary secretary when he reads my remarks, he is affectionately known on this side of the House as the member for Swanbourne. Although I say that somewhat tongue in cheek, he is a resident and ratepayer of part of metropolitan Perth where these urban bushland areas are very important to local people. I am unaware of where most of the suburban members of the Government live. I am not trying to point the figure at only the member for Cockburn. Nonetheless, he is obviously able to talk to the people around him and find out that the preservation, conservation, management and protection of urban bushland is a major issue to almost all urban residents of Perth.

I thank and congratulate community groups and individuals who have worked on protecting the Underwood Avenue bushland for a number of years. One group in particular, Friends of the Underwood Avenue Bushland, has been in contact with me and has done an enormous amount of work to raise public awareness and to ensure that government, whatever its colour, and authorities such as the Environmental Protection Authority, are well aware of community aspirations for this land.

I congratulate and thank people such as Kim Gates, an office bearer or very active member of the Friends of the Underwood Avenue Bushland group, and also Malcolm Trudgeon, whom I have not met for many years but whom I respect as a very good botanist and whose report was provided to me only a couple of days ago. The Western Australian Naturalists Club and people like Roz Hart have been active on this issue over the past 12 to 24 months.

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Several messages need to be conveyed to the Government today in addition to the valid and pertinent points that have been raised by the members for Greenough and Cottesloe and will be raised shortly by the member for Nedlands. The first message is that the bushland within the Underwood Avenue area has extremely high environmental value. I will take a few moments to quote from bulletin No 1034, a report and recommendations of the Environmental Protection Authority, dated November 2001. The bulletin is entitled "Residential subdivision - Pt Lot 4 Underwood Avenue/Selby Street, Shenton Park". If I selectively quote from this document, members will appreciate just how important are the environmental values of this area. For example, the report states -

The draft *Perth's Bushplan* recognised the subdivision area as containing regionally significant remnant native vegetation and included the area as Bushplan Site 119 . . . However, *Perth's Bushplan* also recognised that where land was already zoned Urban under the Metropolitan Region Scheme, as is the case for the Underwood Avenue Bushland, such sites were open to the possibility of development through the adoption of a negotiated planning solution, with the aim of striking a balance between conservation and development.

I will quote extensively from page 5 of that document to show that the EPA believes there is a need to strike a balance. The remaining sections I will quote indicate that the balance has to be strongly in favour of conservation and show virtually no support for development. When the EPA provided advice on Bush Forever, it said -

. . . the EPA would expect a reasonable outcome through the negotiated planning solution process administered by the Ministry for Planning. In this context the EPA considers that a "reasonable outcome" is where the core (highest conservation value) area/s and threatened ecological communities are protected. Recognising the constraints applying to these Sites, the objective should be to protect as much bushland as possible.

I go back to the previous sentence, which refers to core areas and threatened ecological communities, and point out that the plan proposed by the University of Western Australia does not meet the recommendations of the EPA that it published in the report on Bush Forever. The report continues -

Compared with most other remnants of this vegetation complex, the Underwood Avenue Bushland is comparatively large and diverse.

That is a very important comment, because being large and diverse means, first, that it has intrinsic environmental values; and, secondly, that the largeness of the site means that the ability to manage that area of bushland in perpetuity is much, much higher than if we were considering protecting a small area of bushland. Since we are talking about species extinctions and about protecting long-term values, not only for our generation but also for many and, as some would argue, all generations in the future, the ongoing management requirements of an area of bushland such as Underwood Avenue are a major consideration in this overall debate. The report continues -

. . . the bushland contains a diversity of upland woodland units . . . Significant populations of *Jacksonia sericea*, a Priority 3 species endemic to the Spearwood Dune System in the Perth Metropolitan Region, are found in the bushland . . . The bushland also contains areas of *Banksia prionotes* Low Woodland, and while *Banksia prionotes* is typically found on the Spearwood Dune vegetation in the Perth Metropolitan Region, there are only two other areas in which this species is known to have a comparable abundance.

This again highlights the importance of this patch of bushland. The report continues -

The majority of the bushland is in very good to good condition . . . the Tuarts are of a mixed age indicating that this species is still able to regenerate well.

The fact that an ecosystem and a particular tree component of that ecosystem can regenerate well shows the viability and resilience of that area of bushland as it currently exists. The report continues -

The condition of the bushland is comparable to, and in many cases better than, other regionally significant areas on the Spearwood Dunes.

Under the heading "Fauna", the report continues -

The relatively large size of the bushland and the range of habitats over the varying terrain present provides significant habitat for a diverse vertebrate fauna. At least 37 bird species, 16 reptile species, and 3 amphibian species have been recorded in the bushland . . . Significant bird species observed at the bushland include the Carnaby's Cockatoo, listed under Schedule 1 of the *Wildlife Conservation Act*

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1950 as 'threatened'. The Weebil, Varied Sitella and Yellow-rumped Thornbill are bird species that are known to be habitat specialists with a reduced distribution on the Swan Coastal Plain and are present at the Underwood Avenue Bushland site.

This emphasises the importance of the bushland in its current form, size and quality for those species. The report continues -

Tuart and other trees in Underwood Avenue Bushland also provide hollows for obligate tree hollow breeders as well as tall tree habitat for other species such as diurnal birds of prey.

That means that the large trees in the Underwood Avenue bushland provide hollows for birds that cannot breed elsewhere. Therefore, if urban development occurs in those areas of tree hollows, those bird species will no longer remain within that section of native vegetation. The report continues -

The bushland supports four species of *Banksia* which flower in different seasons. This is important for nectar feeding birds, such as honeyeaters, that are able to utilise different nectar sources in different seasons.

That means that while it may be ideal for some of us in this place to occasionally go on diets because we have an excess of food presented to us, birds in their natural environment - such as honeyeaters, which are nectar feeders - require nectar all year round in order to survive. If we remove one of those four species of nectar-producing *Banksia*, the species of dependent honeyeaters will cease to exist on that site because they will not survive the three-month period without food. The report continues -

The presence of the Gould's Goanna (*Varanus gouldii*) at the Underwood Avenue Bushland is considered significant as this large reptile species is only recorded in a few larger remnants in the metropolitan Swan Coastal Plain.

The Underwood Avenue Bushland is also part of a significant potential bushland/wetland linkage that is likely to facilitate movement of birds, some reptiles, frogs and insects between other conservation reserves including Kings Park, Shenton Bushland and Bold Park.

This means that at the moment we have the high conservation values at Kings Park, Shenton Park and Bold Park, partly because the Underwood Avenue bushland itself forms part of a jigsaw puzzle which allows birds and animals to move between those four areas of natural vegetation. If we significantly reduce the size of that one piece of the jigsaw - the current Underwood Avenue bushland site - we diminish over time the environmental values of the remaining pieces of the jigsaw puzzle, namely, Kings Park, Shenton Park and Bold Park. The report continues -

... the EPA considers that the whole Underwood Avenue Bushland area is regionally significant ... the 8.5 hectare area proposed to be protected through the Negotiated Planning Solution equates to 26.5% of the total subdivision area, and is arguably below the area that could reasonably be expected to be retained as bushland through an Urban Negotiated Planning Solution within the *Bush Forever* process.

While the proposed conservation area of 8.5 hectares represents bushland in the best (very good) condition, not all bushland in very good condition is protected by the proposal.

In other words, should this proposal by the University of Western Australia go through, clearing of very good native vegetation will occur, which under normal conditions would not be permitted. The report continues -

In addition, the proposed conservation area does not protect significant populations of the Priority 3 flora species *Jacksonia sericea* and a small population of *Eucalyptus decipiens*.

That means that if the 8.5 hectares of bushland are retained, but the remaining 24-odd hectares are cleared, one of the clear objectives of the Environmental Protection Authority will not be followed, namely, protection of the significant populations of vegetation. The current proposal to protect 8.5 hectares does not meet the EPA's basic requirement. The report continues -

The proposed conservation area does not protect the area dominated by *Banksia prionotes* which is largely confined to areas of lesser condition, with considerably less species diversity than the area proposed for conservation.

The smaller area of 8.5 hectares would also require more intensive management to maintain its conservation values over time. I will get back to that shortly. The report continues -

... the EPA considers that the proposed 8.5 hectares identified for bushland conservation is considered inadequate to protect the core (highest conservation value) area/s of the Bushplan Site. The EPA is of

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the view that a larger area of the Bushplan Site, but not substantially so, should be set aside for conservation.

I disagree with that last comment of the EPA. It said that a larger area of the Bushplan site, but not substantially so, should be protected. From the evidence contained in the EPA's report, one can only conclude that the environmental values are so high that the entire area must be protected. That is message No 1: inherent environmental values in the bushland are high. Having done environmental surveys, for example, of areas such as Bold Park, I can assure members that some of the environmental values in Bold Park are far lower than the values in the Underwood Avenue bushland. There should be no argument about this issue: Underwood Avenue bushland should be protected for its inherent environmental values.

Message No 2 is that this Government's current policy on bushland clearing is a dog's breakfast.

Ms MacTiernan: Would you describe your policy when you were in government?

Mr MASTERS: The only way in which I can assess the current Government's policy is to say that the Minister for the Environment and Heritage and the Minister for Agriculture, Forestry and Fisheries are duckshoving the issue between them.

I refer to an article in *The West Australian* of 24 November 2001 headed "Land clear ban for city only: Chance", meaning the agriculture minister, Kim Chance. I have a lot of time for the minister; however, he appears to be saying in that article that the Australian Labor Party's pre-election policy to establish a moratorium on clearing does not apply to agricultural areas but only to urban areas. Yet, my understanding is that the Minister for the Environment has said that that is not the case and that it was the intention to apply the moratorium only to rural areas. There is certainly some confusion there. I can understand the reason for that confusion, because some major compensation issues are involved. Nonetheless, the bottom line is that there are different policies for rural and urban bushland. It is sad to see that nothing has changed 14 months after the election, when people in Western Australia thought they were voting for a Government that would bring in a moratorium or in some other way solve this issue of bushland clearing. The Minister for Planning and Infrastructure may well be critical of the previous Government's policy, but I must tell her that the current Government's policy is either no better or is significantly worse.

Message No 3 is that the current Government has double standards on this issue. There is a generally held view that it is appropriate to pay compensation for this block of land. The member for Cottesloe, as the local member for the area, said words to that effect. I have stood in this place before and said that compensation should be considered when community environmental or other values need to be protected at the expense of an individual.

[Leave granted for the member's time to be extended.]

Mr McRae: Compensation to whom?

Mr MASTERS: The owner of the land. Having said that there appears to be strong and widespread support for compensation, that is not the case when it comes to farming land on which community conservation values prevent clearing. The issue of compensation has not been addressed in either a positive or negative way by this Government. That to me is a double standard. It is no wonder that people often hold Governments and individual members of Parliament in contempt, because they appear to have one rule for one set of people and another rule for another.

Message No 4 is that whatever happens at Underwood Avenue, there must be a significant allocation of funds for management. I have stood in this place several times before, looked in the direction of both the Premier and the Minister for the Environment and said that areas of natural bushland will not be protected merely by drawing a line around them on a map or by stopping development, be that stopping logging in old-growth forests or stopping urbanisation of remnant bushland in urban areas. Money is required to protect in perpetuity those areas of bushland. If there is to be development of the Underwood Avenue bushland, I hope that one condition of that development will be that at least \$1 million be placed in trust for the long-term protection of the remnant bushland left on the site. Without \$1 million in trust, the bushland will degrade and ultimately we will lose the very environmental values we are trying to protect.

My conclusions are, first, the area of urban bushland in Underwood Avenue should not be developed because of its very high, intrinsic environmental values. Secondly, the University of Western Australia is not living up to its current modern-day responsibilities as a university. I am a former graduate of the University of WA. I can say that 35 years ago the sort of thing it is proposing, as the member for Cottesloe pointed out, would have been regarded by the community as dull, boring and of no consequence. Back then the community accepted that people needed to clear bushland, wherever it was, to allow urban and other development. Times have changed.

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I say to the University of WA that it is time to accept that community attitudes have changed. It must sit down with the Government and the Water Corporation and try to work out a fair and reasonable compromise on this issue to meet its community responsibilities. Finally, the Government is not being responsible in that it is failing to make a clear and prompt decision in favour of protecting the Underwood Avenue bushland from urban development. There is nothing worse for a Government than prevarication in making a decision. It is important that this Government does what it was elected to do; that is, to govern and make decisions for the betterment of all Western Australians. If the environmental values of this site are accepted by the Government - I have quoted at length from the EPA report - eventually the Government will have no alternative but to act appropriately and make a decision in favour of protecting the Underwood Avenue bushland.

Ms MacTiernan: The Minister for the Environment has an obligation to consider the appeal before her. Are you saying that she should not comply with her legal obligations?

Mr MASTERS: No. The minister clearly has a legal responsibility to address the issue of the appeal.

Ms MacTiernan: But you are criticising her for doing it.

Mr MASTERS: I am saying that it is now at a stage where there is a legal dispute between two parties that should never have arisen. A decision should have been taken as early as possible and it should have happened before the matter got to this stage.

Ms MacTiernan: Did you know that the application was made in 1999 when you were in government?

Mr MASTERS: I have already said that this is an issue on which both the previous and current Governments can be accused of not having done the right thing. There is now an opportunity to do the right thing and, as the members on this side of the House have said, now would be a very good time to permanently protect the bushland at Underwood Avenue.

MS SUE WALKER (Nedlands) [5.00 pm]: I support the motion moved by the member for Greenough that this House calls on the Government to mediate an agreement between the Water Corporation and the University of Western Australia in relation to the future of the Underwood Avenue bushland. This issue could be resolved easily by the Minister for the Environment and Heritage and, to a lesser extent, the Minister for Planning and Infrastructure. They could fix this issue tomorrow if they wanted to.

Mr Ripper: Would you support legislation?

Ms SUE WALKER: Why does the minister not go back to sleep? He has been sleeping for the past 40 minutes. The minister has been sleeping since the Opposition started speaking on this motion.

Everything required to solve this problem is at the feet of those ministers. The Minister for the Environment and Heritage has the power to declare the Underwood Avenue bushland part of Bushplan, and she could declare a statutory buffer zone around the water plant if she wanted to. The Minister for Planning and Infrastructure could assist by working with the University of Western Australia to find uses for that land that are compatible with the buffer zone. There is community support for that proposal, as evidenced by the Water Corporation survey, and those ministers have the power.

I have always supported Underwood Avenue being maintained and left as bushland. I said as much in my maiden speech on 28 June last year, and I do so again today. Since being elected as the member for Nedlands I have become very interested in this issue. I have consulted the three main stakeholders: the University of Western Australia, the Friends of Underwood Avenue Bushland and the Water Corporation. On behalf of all the groups I can say that they have a passion to maintain their own outcomes with this land, for their own good reasons. I will talk about each of the stakeholders and give a summary of their interests. I will also look at the current state of play of the area. The land falls within the electorate of Cottesloe and serves as an important ecological fauna corridor between Bold Park, Shenton bushland and Kings Park.

Mr Barnett: It is an important buffer between the electorates of Nedlands, Churchlands and Cottesloe.

Ms SUE WALKER: It is. Kings Park, on which it impacts, is in my electorate of Nedlands. For some time, members of the community, through the Friends of Underwood Avenue Bushland and the Water Corporation, have opposed the proposed subdivision of the land owned by the University of Western Australia. In my January newsletter to my 23 000 electors I said that -

After many discussions with the interested parties and constituents, my views reflect those of Opposition Leader Colin Barnett, (Member for Cottesloe) that it is not appropriate to build a residential

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site next to a waste water plant. Preferably the Water Corporation ought to purchase the land and develop it in harmony with the natural environment.

Before I consider the position of the University of Western Australia I will look at the irony of the situation that we face in the Assembly today. In 1896, in this very House, the then Premier, Sir John Forrest, spoke during the second reading debate on the Perth Park Roads Bill. The purpose of the Bill was to take small lots from the edge of Kings Park. It is interesting that Sir John Forrest proposed that small parcels of land be taken up. We see that today in the beautiful area that was set aside by our forefathers. The Premier's brother, Alexander Forrest, objected to the take up of the land. I will quote from *Hansard* of 24 September 1896. Sir John Forrest said -

The object of this Bill is to improve the Perth Park.

That was the original name of Kings Park. He continued -

The Government have recently resumed some small pieces of land on the summit of Mount Eliza, in order that the citizens of Perth and the people of the colony who visit the park on the mount may not have the view of Perth Water obstructed. As members will notice in the plan placed on the table, the small pieces of land that have been resumed for this purpose front a street called Bellevue Terrace; and it being desired to have this portion of the street inside the park, the new line of the street will not go exactly in the same place as the present street. It is thought that it would be convenient, and also be a great advantage, to have this part of the street inside the park for the convenience of the public.

Alexander Forrest objected to the closure of Bellevue Terrace. He said -

... the reason for my objection is that the Government are resuming a lot of land that is not necessary for the park, and I fail to see what reason they have for resuming so much land in that locality.

We can see the advantage of the vision of our forefathers in taking up those extra parcels of land. Hopefully, this Government has some vision - although I have not seen a lot of it - for this land and will provide funds to compensate the University of Western Australia so that the land can continue to be used as a corridor for flora and fauna in conjunction with Kings Park. The debate I have just quoted was 106 years ago. Today we find ourselves having a debate about land that is connected to Kings Park. There are three main players in this issue, although there are also others whom we do not hear from.

I turn now to the historical position of the University of Western Australia. The Shenton parkland, as it was known, was granted to the University of Western Australia by the State Government in 1904 as part of an original endowment. The parliamentary debates of the time made it clear that the purpose of the endowment was to provide for a system of endowment that would strengthen the university so as to lighten the burden on the finances of the State.

I spent 13 years at the University of Western Australia. It is one of the most beautiful universities in Australia. The university has done a marvellous job in handling its funds to provide education for young people in Western Australia. The university's land at Shenton Park has been zoned for development since 1985. In accordance with that zoning the university wishes to proceed with a 20-hectare residential development on the eastern portion of the site. That includes a commitment to preserve 8.5 hectares of bushland for the community. I have spoken in other debates about that 8.5 hectares and how the Friends of the Underwood Avenue Bushland and other environmental groups see it as not enough land to protect the flora and fauna corridor to Kings Park.

Initial estimates show that the residential development could produce a return to the university of up to \$80 million. I am not saying that is correct; that is the viewpoint of the university. It feels aggrieved that it may not get a suitable return for the land, as it has its own visions and goals for developing the university. Under its endowment Act, the University of Western Australia is to reinvest the proceeds from the sale of land. The university estimates an annual return of \$4 million from money derived from the subdivision. In turn, that money will be invested in teaching and research programs for the ultimate benefit of the community of Western Australia. The university is seeking to maximise its return from the land to continue with its vision and objectives.

The University of Western Australia is in my electorate, and I am very proud of that. It wants to know who is championing its cause. It wants to know whether the Government has an understanding of how an appropriate level of return to the university would benefit thousands of young Western Australians and the future of this State. That is its frustration with the Government. The University of Western Australia is a public institution that is largely funded by taxpayers. Universities around Australia are seeking to secure their funding base. There has been a tradition in Western Australia for State Governments to make land grants to universities to use as a source of funds. Much of the infrastructure of the university has been funded by the sale of land in the

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western suburbs. Daglish was once gifted to the university, and over the past 100 years it has been sold for residential development. That suburb is also part of my electorate.

The Friends of Underwood Avenue Bushland have estimated that the University of Western Australia has spent \$2 million on this bushland issue during the past two years and is putting aside between \$5 million and \$10 million for the pending court case. It has been suggested that the Water Corporation is putting aside a similar amount.

The Underwood Avenue bushland occupies approximately 32 hectares. My colleague the member for Vasse spoke in depth on the environmental aspects of the bushland. I will briefly go over that information. The hilly terrain of the bushland provides a range of habitats for native flora and fauna, and the upper slopes contain open jarrah and tuart woodland. The lower eastern end is dense jarrah forest, and banksia thickets dominate the northern end. This diversity of terrain and vegetation types provides a range of habitats and ensures that animals within the bushland have food and shelter all year round.

The environmental group, The Friends of Underwood Avenue Bushland, has been vocal in the local community about the proposed development. The group is concerned that UWA has not considered the adverse environmental implications of the proposed development. It is also concerned that the area of bushland UWA proposes to retain lacks a diversity of terrain and vegetation types. The land to be preserved is largely jarrah forest and is located at the foot of the hill. The group feels that the development would lead to the continued loss of bird species from Kings Park. It argues that the Underwood Avenue bushland is an integral part of the link between Bold Park, the Shenton bushland and Kings Park, and is critical to the survival of many species, particularly bird, fauna, frog and some reptile species. The bushland provides a stepping stone for migratory birds between Bold Park and Kings Park. The member for Greenough has already referred to the opinion of Dr Paddy Berry of the Western Australian Museum, who said that if the bushland goes, the rate of extinction of flora and fauna in Kings Park and Bold Park would increase.

The Underwood Avenue bushland was identified in Perth's Bushplan as having high conservation value and comprising a corridor for the future dispersion of native animals and birds between remnants of native vegetation. The fauna of this site has been recognised by the Western Australian Museum. Fauna studies and surveys of the bushland over the years have identified at least 37 bird, 16 reptile and three amphibian species. Seven bird species are recognised as having conservation significance, because they are either habitat specialists with a reduced distribution on the Swan coastal plain or are wide-ranging. The size of the bushland is critical to both the number and abundance of species present. Preserving a large part of the site would encourage greater diversity in the flora and fauna of the western suburbs.

Retention of the Underwood Avenue bushland has been supported by the community. The member for Greenough gave the results of a survey undertaken by the Water Corporation on 2 and 3 February. Two hundred and two people were surveyed in a three-kilometre radius from the bushland, and 202 people from within a three to five kilometre radius of the bushland. The survey found that there was community support for this bushland, which I will briefly outline. Support for retention of the bushland was also highlighted in a petition presented today by the Leader of the Opposition, bearing 7 000 signatures of residents in the western suburbs. Eighty-two per cent of people surveyed by the Water Corporation opposed the UWA proposal to subdivide the bushland, 12 per cent supported the proposal and six per cent were undecided. Seventy-two per cent expressed a preference for retention of the UWA land as bushland, 14 per cent supported some kind of environmentally sustainable use of the land, while only seven per cent preferred housing and four per cent wanted a commercial use of the area. Eighty-seven per cent were interested in the outcome of the issue. People appear to hold strong views about what should happen to the land. Only one per cent of survey participants changed their minds after being given information on the issue during the course of the interview.

I refer to the Water Corporation position on this issue. It is the other government institution with an interest in the bushland. The subdivision allows for residential development, largely within the 600 metre buffer area of the Subiaco waste water treatment plant. The waste water treatment plant services 300 000 residents in the western suburbs and would service the proposed residential development. A by-product of the waste water treatment process is odour. I have visited that plant and all remnant bushland in those areas several times, and in the company of the member for Cottesloe, in whose electorate the treatment plant lies. The Leader of the Opposition referred to the odour, which is a by-product of the waste water plant. The plant has been designed to provide adequate odour control, given a buffer of 600 metres between it and residences. However, residents beyond that buffer zone are still adversely affected by the smell that emanates from the plant. The Water Corporation is spending \$22 million to improve that facility. Those improvements are expected to be finished by 2004-05. Current technology at the plant would not enable adequate odour control at the distance presented by

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the proposed subdivision, with the nearest proposed residences being as close as 150 metres to the plant. According to the Water Corporation, residents of the proposed subdivision will be adversely impacted upon by the sewage plant odours.

Western Australia currently has ineffective buffer maintenance policies. I note the Environmental Protection Authority report that confirms that no statutory buffer zone has been set around the Water Corporation plant in Subiaco. The Minister for the Environment has the power to do that. Public works in this State lack statutory protection of their buffer zones. However, statutory protection of buffers for waste treatment plants has been recognised in law in both Victoria and the Australian Capital Territory. An Environmental Protection Authority briefing commissioned by the Water Corporation found that if the State does not legislate to secure buffers for essential public infrastructure, the estimated cost to the community to purchase buffers would be more than \$2.5 billion across Western Australia.

The Water Corporation feels that only new development that is compatible with the operation of a sewage treatment plant should be approved. It has identified three consequences of inadequate buffer zones - nuisance and hazard to residents living adjacent to the buffer zone, the additional cost experienced by ratepayers for sewage operations and additional energy consumption by the sewerage system. I have seen all the proposals, and know the time, energy and money that has been spent to try to overcome this problem for residents in the area. The Water Corporation believes that the land should not be rezoned and developed for high residential dwellings, restaurants, accommodation and leisure. It would prefer the land to be used in a manner consistent with the concept of a buffer zone. Acceptable uses of the land would be as a nature reserve, for plantation forestry, as an agricultural region or for scenic purposes.

[Leave granted for the member's time to be extended.]

Ms SUE WALKER: The recent suggestion to move the treatment plant at a cost of approximately \$4 million, which was reported in *The West Australian* of 18 March, is simply untenable. The Water Corporation is spending \$22 million on the plant. I give all parties their due; they have all worked hard. However, to try to solve the problem by moving the plant, which services 300 000 residents, is simply untenable.

An Environmental Protection Authority report has been published on this tract of bushland. The EPA said that this tract of bush should be preserved. An article in *The West Australian* of 26 November 2001 stated that the EPA had recommended that the minister reject the proposal for a 260-lot residential subdivision on the site. The article states -

EPA chairman Bernard Bowen said the subdivision would not conserve enough bush and odours from a nearby waste water treatment plant would affect potential residents.

...

Conservation Council vice-president Sue Graham-Taylor said while any delay in development was welcomed, the EPA had left the door open.

It is important to note that the door has been left open in two ways. Supporters of the Water Corporation and other stakeholders have suggested that the Environmental Protection Authority should have supported the statutory buffer zone around the sewage treatment plant. Underwood Avenue has not been given a permanent bushland status. It has been given only interim status. I will return to that problem later.

It is my understanding that the minister has received seven appeals against the EPA report. As I said at the beginning of my speech, the minister can overrule any of the recommendations of the report. She can declare that a statutory buffer zone be put in place and that the bushland be protected. The Government can act to provide fair compensation to the University of Western Australia. The Department for Planning and Infrastructure has since instigated a structure planning consultation process, part of which involved stakeholders attending a meeting. A report of that process is to be produced. I do not know whether it has been released yet; I was not able to obtain a copy.

I refer to conclusions reached by consultant botanist Malcolm Trudgeon - to whom the member for Vasse referred - after his analysis of the EPA report -

1. Clearing of a substantial amount of . . . Underwood Avenue . . . will result in very significant loss of native flora, fauna and vegetation;
2. This loss would not be able to be prevented by more intensive management, as it is a result of the loss of sustainable size of populations, or direct loss of populations by clearing, or direct loss of the vegetation types by clearing.

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3. The EPA has not adequately defined the environmental (flora, fauna, vegetation, landscape) values of . . . Underwood Avenue . . . nor has it adequately defined the loss of such values that would result from clearing most of the remnant vegetation on the site.

4. The application of more recent development of the island biogeography theory can allow much more clarity in the assessment of what a clearing proposal means in terms of species loss and when applied to the development proposal for Part Lot 4 indicates an impact that is unacceptable in the context of the high level of clearing and low level of reservation on the Swan Coastal Plain.

5. The EPA seems to have felt that it was constrained by the negotiated planning process when it formally assessed the University of Western Australia development proposal for Pt Lot 4. This has given a flawed result that if allowed to stand would result in loss of much of the flora, fauna and vegetation values of Pt Lot 4.

That is; the Underwood Avenue bushland -

6. Increased management is not a practical option for maintaining the conservation values of a greatly reduced remnant of native vegetation on Pt Lot 4.

I refer to the submission made by Friends of Underwood Avenue Bushland to the Shenton Park structure planning process. It has collected a petition containing 7 000 signatures. The summary of the submission states -

All levels of Government now have a responsibility to consider the biodiversity impacts of their land-use decisions.

The Friends of Underwood Avenue Bushland Inc request that this structure planning process adopts a bioregional approach to protecting the biodiversity of the region.

A bioregional approach involves: (a) informing the community about the key issues and available options, (b) co-ordinating a process of considering options, and (c) providing resources to facilitate the dialogue between participants.

The key biodiversity issue in the study area is the protection of an effective corridor linking Bold Park to Kings Park. The minimum requirements for such a corridor are that:

- the entire 38ha of the Underwood Avenue Bushland should be rezoned . . .
- two sections of the corridor of bushland along Underwood Avenue should be rezoned for conservation and protected from development. . . .
- a corridor of bushland running parallel with Bedbrook Place linking Underwood Avenue Bushland to Shenton Bushland should be rezoned for conservation and protected from development.
- Lemnos Street should be closed to all through traffic except buses and emergency vehicles

. . .

The State perspective

State Governments in Western Australia have responded to the targets and objectives set by the Commonwealth Government by introducing Perth's BushPlan (currently called Bush Forever). Under Perth's BushPlan, all bushland areas in the Perth region have been assessed according to their quality and environmental significance.

The Underwood Avenue Bushland was listed in BushPlan as an area of regional significance and is largely in good condition with high levels of biodiversity . . .

The State Government has been tardy in finding adequate ways to protect such important areas of bushland that are not in public ownership. This is how the Urban Bushland Council of Western Australia . . . regards the issue:

The UBC has always been nervous about the concept of . . . Negotiated Planning Solutions). We believe it presents as a dark and dangerous cloak in the implementation of Bush Forever. In Bush Forever Volume 1, it presents as a planning mechanism with the underlying intention of facilitating development rather than a strategic policy which delivers long term security for conservation . . . It results in giveaways and erosion of the integrity of sites. It opens government officers to unreasonable and unrelenting pressure from landholders and

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developers and we believe it leads to corruption of proper environmental protection processes.

...

Wildflower Society of Western Australia has a similar perspective on this situation:

Western Australia is facing a crisis in terms of the loss of bushland both in rural areas and the Perth Metropolitan region

...

The tardiness of the State Government in addressing the problems of dealing with land that is not in public hands has constrained the Environmental Protection Authority . . . in the way it has responded to a proposal by the University of Western Australia to subdivide the bushland.

...

Local perspective

The Greenways Corridor #19 linking Bold Park and Kings Park is recognised by the Nedlands City Council in its Greenways policy . . .

...

If the minimum requirements for an affective Greenways Corridor are applied to the Bold Park to Kings Park corridor -

Point of Order

Mr KUCERA: The standing orders clearly state that the reading of speeches is not acceptable except in particular circumstances. I understand that this is not a particular circumstance.

The SPEAKER: The member for Nedlands is quoting from a report of some type. It is quite appropriate to quote from such a document.

Debate Resumed

Ms SUE WALKER: Thank you, Mr Speaker.

Ms MacTiernan: Will you table that document?

Ms SUE WALKER: I continue -

- Underwood Avenue Bushland must be retained in its entirety to act as a place of refuge along the corridor. . . .
- The linkage along Underwood Avenue between Underwood Avenue Bushland and Bold Park must be protected. . . .
- The linkage along Bedbrook Place between Underwood Avenue Bushland and Shenton Bushland must be protected. . . .
- Lemnos Street should be closed to traffic . . .
- Some mechanism is required to enable animals to cross Brockway Road and Underwood Avenue on the corridor linking Bold Park to Underwood Avenue Bushland.

It was suggested to me today that the EPA report has left the door open for a further challenge by UWA in 2004-05. By then, the Water Corporation will have finished its \$22 million upgrade. Giving the land interim status will allow for further litigation, resulting in increased costs for the State's taxpayers.

In summary, like the member for Cottesloe, I have tried to progress this issue through different forums and various means. I have tried to force the Government to make a decision. A leadership role should be taken by the Minister for the Environment and the Minister for Planning and Infrastructure. They should bite the bullet, stop the waste of millions of dollars of taxpayers' money, declare the land a bushland, allow the Water Corporation to purchase land, adequately compensate the University of Western Australia and then declare an appropriate buffer zone.

DR CONSTABLE (Churchlands) [5.30 pm]: I begin by making a plea for commonsense to prevail in the search for a solution to the conflict between the parties involved, particularly the Water Corporation and the University of Western Australia. I have had an interest in the waste water treatment plant and the area surrounding it since I was first elected to the seat of Floreat in July 1991. At that time, the boundary of the

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electorate was on the northern side of Underwood Avenue. Many homes in my electorate were adversely affected by the foul odours coming from the waste water treatment plant. One of the very first community meetings I ever attended was held in the Hackett Hall in Floreat. Well over 100 citizens and residents of the area attended this meeting because they were sick and tired of putting up with the dreadful odours. The plant at that time was in the seat of Nedlands. I sat next to Richard Court, who was the member for Nedlands at that time. He said that this problem was affecting residents in my electorate, and that I should be part of this community consultation group. For five and a half years, until the change in the electoral boundaries, I attended a large number of community meetings set up by a small group of local residents and the Water Authority. We used to meet regularly at the waste water treatment plant to keep abreast of the issue, and to have input into the issue with the Water Authority, as it was at that stage. It was a very good example of community consultation. The Water Authority, when it became the Water Corporation, continued this process.

In 1991, the then minister, Hon Ernie Bridge, found \$600 000 to put towards some research into what could be done to minimise the odours. The consultation group was very involved in that. Many people in the community reported the odours, and the information was collected and used to make decisions, when the first swag of more than \$20 million was spent by the Court Government to try to minimise those odours. Unfortunately, that expenditure has been only partly successful. People living in houses on the northern side of Underwood Avenue experience many days in the summer when they simply cannot go outside their homes because of the odours from the waste water treatment plant. The lives of those people have been very adversely affected by being near that plant. The land on the northern side of Underwood Avenue should never have been developed. It was part of the initial buffer zone of one kilometre, which has gradually been cut back to about 600 metres. I am very concerned that any development of that land will adversely affect residents living in the area. This must be taken into account in finding a solution. I am delighted that the current Government has appropriated over \$20 million to make further very necessary improvements to the plant. Hopefully, that will improve the daily lives of the people living near the plant. Much of the University of Western Australia land is part of an essential buffer zone which protects the people living and working in the surrounding area. It is very important that the relevant government authorities set the standards for buffer zones, not just for this waste water treatment plant, but for all such plants.

There is a serious conflict between the University of Western Australia and the Water Corporation, and it has been brewing for years. It is nine or 10 years since the university took the first subdivision plan, which was not progressed, to the City of Nedlands. The conflict, and the potential litigation involved, has the potential to cost the taxpayers of Western Australia a great deal of money, and the Government should at all costs avoid going down that path. The parties involved, with goodwill, should be able to arrive at a solution that is sensible and will work for everybody. I would like to see the Government, wherever possible, helping to find that solution. I have not gone into all the details of the natural wonders of the bushland. I have been briefed by various people, and I am well aware that the bushland provides a corridor between Kings Park and Bold Park. That was an issue when the Bold Park land was given to the State by the Town of Cambridge, and the land is very important as a part of the natural environment in the area. However, I am far more concerned about making sure that an adequate buffer zone protects people who live and work in the area. A number of organisations with premises in the area, including the CSIRO, are affected by the problem. I hope that a sensible solution can be found, and that the Government will play an important and positive role in finding that solution. I support the motion.

MS MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [5.37 pm]: I thank the member for Churchlands for her contribution to this debate. The people of the Shenton Park area would be interested to know that the member for Churchlands is the only participant in this debate so far who has bothered to stay around and listen to the Government's response. This calls into some doubt the desire of those other members for a resolution to this problem. The history and the issues of this site have been set out at considerable length, and in some instance with considerable repetition, in a fine example of teamwork from the Opposition.

The speakers from the other side of the House have identified the three corners of this contest. In one corner is the Water Corporation, which has the duty to deal with the sewage of the Perth metropolitan area, which is very important for the community. I am glad to see that none of the members advocated moving this waste water treatment plant from its present location, perhaps to a site in the south east corridor, which is what might have been expected. It is recognised that the Water Corporation has been on the site since 1927, and the odour problem has been quite significant for some time. I trained and played soccer at McGillivray Sportsground for 20 years, and I know well, particularly on those cold winter nights -

Mr McGowan: What is your favourite position?

Ms MacTIERNAN: On the soccer field, my favourite position is left midfield.

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Mr McGowan: Are you always on the left?

Ms MacTIERNAN: On the soccer field, I am definitely on the left wing.

Ms Sue Walker: On whose behalf are you speaking?

Ms MacTIERNAN: I am speaking on behalf of the Government. We take a whole-of-government approach. I noted that the member for Nedlands, in her very extensive contribution, called upon a range of ministers including me to take leadership. I am not sure why now the member for Nedlands is somewhat agitated because I am speaking on this issue. Perhaps I will also apprise the member for Nedlands who, in her own description, is a lawyer of some renown and repute, that the Minister for the Environment is not able to speak on this motion today.

Ms Sue Walker: Why not?

Ms MacTIERNAN: The legal forensic skills of the member for Nedlands need a bit of brushing up. As the first two speakers indicated they understood, when an appeal is before the Minister for the Environment - that is, the appeal by the University of Western Australia against the determination of the Environmental Protection Authority - and the minister needs to deal with that matter acting in a quasi-judicial manner, it would be inappropriate for the minister to participate in this debate.

As I was saying, we have a three-cornered contest with three seemingly conflicting interests. In the first corner is the Water Corporation, and the very necessary work that it does. It is a fundamental component of civilisation that we have an effective and efficient sewerage system. We have had an odour problem at that site. A number of members opposite, the member for Churchlands in particular, referred to the work that has been done over the years in an attempt to contain the odour. It is recognised that that has not been entirely successful, although it has dealt to some extent with the problem. The member for Churchlands also recognised that the Government - I thank her for congratulating the Government - allocated \$22 million to instigate substantial works, which the Government and the Water Corporation are confident will go a long way towards reducing this problem.

Mr Edwards: We all recognise that.

Ms MacTIERNAN: The member for Greenough acknowledges that as well.

The second part of the issue is the bushland. We had an exegesis from the member for Vasse on the value of that bushland. The Government recognises that; it is a Bush Forever site. As the member for Greenough said, it is an important link between the Shenton Park bushland and Bold Park. That bushland has very real corridor values over and above any value that it might have intrinsically.

In the third corner is the University of Western Australia. The university was given a substantial endowment in 1904.

Ms Sue Walker: The minister is just giving us another history lesson.

Ms MacTIERNAN: I find that an extraordinary comment from the member for Nedlands who read out for in excess of 30 minutes an extremely turgid speech.

The Government supports the university's desire to obtain a return from its asset. We recognise that the university wants to enhance the educational opportunities for Western Australians. That is what the endowment was for, and it is important that universities have the capacity to do this. I might add that in the straitened circumstances in which universities find themselves today through the decline in federal funding for universities, that the need for the University of Western Australia to develop this resource is probably even more pressing than it has been in the past.

The Government recognises those three competing interests. As the members have said, we have seen the conflict result in a good deal of agitation in the area. The university, in 1999, during the period of the previous Government -

Point of Order

Ms SUE WALKER: I note that the minister is reading her speech from her notes.

The SPEAKER: A point of order that was made earlier was in a similar vein. It has been long held in this place that members can refer to their notes. Some members from both sides of the House refer extensively to their notes. It is something that has been and will continue to be allowed so that members can deliver speeches in this House.

Debate Resumed

Mr Jeremy Edwards; Mr Colin Barnett; Mr Bernie Masters; Ms Sue Walker; Mr Kucera; Speaker; Dr Elizabeth Constable; Ms Alannah MacTiernan; Mr John Hyde; Mr Rob Johnson; Acting Speaker; Mr Mark McGowan; Mr Dan Barron-Sullivan

Ms MacTIERNAN: I will show members the speech from which I was allegedly reading. These are the few handwritten notes that I scrawled down from the debate, although I did not have to write down very many when the member for Nedlands spoke because there was nothing other than tedious repetition.

The majority of members who spoke on this issue today are seriously concerned about it. I would like an opportunity to respond, and I do not care if the member for Nedlands does not want to hear this. I believe that the members for Greenough and Churchlands are genuinely interested in the progress that has been made in this issue. Notwithstanding the carping of the member for Nedlands and her pathetic attempts to seek attention, I will not respond to her interjections.

The university, in seeking to develop its land for proper purposes, made an application in 1999 to develop 260 residential lots. As we know, this was strongly opposed by many of the residents in the area. It also was of grave concern to the Water Corporation, which felt quite properly that it would be under threat. That is because, as the residential area increases, the number of complaints increases and the corporation's capacity to continue to operate a sewerage facility efficiently and without the need for undue capital investment would become compromised. There was a stand off. It did not appear that we were getting very far. I point out that this commenced in 1999. UWA then chose to take legal action against the Water Corporation by way of seeking damages, because it believed the Water Corporation had not taken sufficient action to address the odour problems and the value of its land had been compromised. We have made it clear to the University of Western Australia that is its entitlement.

The Government is concerned about the action by the University of Western Australia against the Water Corporation. At the end of the day, the Water Corporation is undertaking an important and vital task for the community, and we believe that it needs to be supported. There is one more speaker, so rather than go on, I will cut to the chase.

This Government has been working actively to revolve this issue. We have been in constant dialogue with the various parties and have been able to forge something that is beginning to look like an amicable and fair settlement on this matter. The Department for Planning and Infrastructure sponsored an inquiry-by-design workshop last week. That workshop had in attendance some 69 individuals representing 27 organisations that included local land-holders and operators, staff from the Towns of Claremont and Cambridge and the Cities of Subiaco and Nedlands, representative interest groups, community organisations, relevant elected representatives and officers of government departments. It appears that a compromise might have been reached through the workshop. The process was well run, non-adversarial and non-binding and there may finally be closure on this issue. The Water Corporation is now prepared to operate within a 600-metre buffer zone and the University of Western Australia is accepting of this proposal at this point in time. When the \$22 million worth of work has been completed, then, if necessary, the extent of that buffer can be revisited. It is clear that the university wishes the buffer to be reduced in the future. Again, that will need to be determined when the \$22 million worth of work is in situ and we can assess how well we have succeeded in containing the odour. There is no doubt that the Water Corporation is prepared to accept the proposal and operate satisfactorily within a 600-metre buffer zone. In the inquiry-by-design workshop, various stakeholders and interest groups showed a great deal of preparedness to compromise and reach a negotiated outcome. The proposal is now for residential development to occur outside the 600-metre buffer zone. The precise nature of that development will have to be worked through, as will a decision on the location of bushland to be retained.

In the reports from the discussion of the conservation values, it was interesting to note that many of the environmental groups argued that it was more important that the location of the Bush Forever land between Bold Park bushland and Shenton Park bushland was considered because of its prime function in acting as a corridor, rather than for the volume or the nature of area.

The workshop group then looked at the sustainability concept being developed for the site by the Water Corporation. There might be a range of activities and uses that would focus on what might be called sustainable and green industries. There was a lot of enthusiasm for the sustainability park proposal within the buffer zone.

The university is now proposing to submit another outline development plan for the area that lies outside the 600-metre buffer zone. The current outline development plan that is the subject of controversy extends inside the buffer zone. The new outline development plan will be submitted to the City of Nedlands and from there it will go to the Environmental Protection Authority for assessment. The University of Western Australia would then be able to withdraw its legal action and enable a resolution of these matters. The big challenge will be the identification of the appropriate portions of Bush Forever that need to be conserved, which will have to be worked through with the EPA.

Amendment to Motion

Mr Jeremy Edwards; Mr Colin Barnett; Mr Bernie Masters; Ms Sue Walker; Mr Kucera; Speaker; Dr Elizabeth Constable; Ms Alannah MacTiernan; Mr John Hyde; Mr Rob Johnson; Acting Speaker; Mr Mark McGowan; Mr Dan Barron-Sullivan

Ms MacTIERNAN: In the light of that information, I will move an amendment to the motion. I move -

To delete “calls on the Government to mediate an agreement”, and substitute the following -
supports the action of the Government to reach an agreement

This would change the amendment to recognise that the Government has been proactive in the establishment of an inquiry-by-design workshop to work with the Water Corporation and the University of Western Australia to achieve a negotiated settlement on this matter.

MR HYDE (Perth) [5.57 pm]: I support the amendment. I am delighted that it has been moved now and that I did not have to move it after the dinner break.

It is important that we acknowledge that in a short year this Government has achieved a resolution of this issue. Many members have already spoken and confessed that in the eight years under the coalition Government, it was not able to find a resolution and the problem persisted. It has been an in-depth issue. People have acknowledged the important consultation work that the member for Churchlands and others in her electorate began, and this has made it easier for the Minister for Planning and Infrastructure and others to reach a resolution in the final consultation stage with stakeholders.

One of the most interesting issues to arise out of this debate was that raised by the opening speaker for the Opposition, the member for Greenough, in his important cultural heritage acknowledgment concerning the people of the western suburbs. He mentioned the cubbyhouses in the area and the activities that they have undertaken there. I draw members' attention to the exceptionally rare bronzed *Banksia menziesii*. The name of this banksia gives some indication that it has blue-blood tendencies. It is the only one left in this area. As we all know, the red areas of Perth are slowly extending to the western suburbs. However, there is a bastion of blue-blooded Menzies-era hardwood left in this area. We need to find this bastion because I would be concerned if the Young Liberals in this Bushplan area were to put up the cubbyhouses that the member for Greenough referred to; I would be concerned if there is a Young Liberal's cubbyhouse in this *Banksia menziesii*. There are no other known examples of this particular banksia between Kings Park and Bold Park. It is the Government's priority to find out if there is a cubbyhouse in this area and what we will do about it. This is clearly one of the most important issues of this debate. The minister has already stated that the issues are underhand and completion will be forthcoming.

Sitting suspended from 6.00 to 7.00 pm

Mr HYDE: During the dinner break some other Labor members and I went out in search of this very important *Banksia menziesii* tree - the lone tree in the western suburbs containing a potential cubbyhouse used by the Young Liberals. We failed to find the tree, but you, Mr Acting Speaker (Mr Andrews), pointed out a Carnaby's cockatoo on this important block of land. It is very rare, but it is on this site. Another of my colleagues on that search, the member for Albany, discovered a Gould's goanna, and straightaway he said, “Look under there! That is a *Varanus gouldii*!” Another of my colleagues on that search, the member for Riverton, was a bit more adventurous. He went out on the left wing, and he said, “Hello! Under that eucalypt there is a collared sparrowhawk!” I was very impressed with my colleagues and their attachment to the flora and fauna. The coup de grâce was when the member for Eyre, with his binoculars and, being a journalist like me, his old peaked cap to aid in vision at sunset, identified the white-cheeked honeyeater. I was impressed with the performance of my Labor colleagues on this environmental stretch of land.

It is important that this 8.5-hectare piece of land has been identified for conservation and the subdivision proposal. As pointed out by the member for Vasse, the Environmental Protection Authority had recommended that perhaps slightly more land should be considered for inclusion under the Bushplan and for perennial preservation. There seem to be opposing views on the opposition side. The member for Vasse wants the whole lot to be preserved. The other members are a bit more reconciliatory and agree that it is important that the water treatment plant remain.

I praise the member for Cottesloe for rightfully acknowledging the importance of the water treatment plant. The member indicated that during his eight years in government the Government was not able to arrive at a final solution. The previous Government put aside money to establish a sludge treatment facility, which has helped with the odour problems. However, that facility was not fully funded, and it is up to this Government to fund that project, as we are doing as part of the \$22 million odour eradication treatment. The member for Cottesloe acknowledged that that will go a long way towards solving the odour problems, so it is important that that facility remain.

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While 98 per cent of what the member for Cottesloe said was important, to put a figure of \$10 million on compensation I do not think was particularly responsible. As indicated by this amendment, the Government has this issue in hand; it is involved with the parties; and a beneficial outcome for everyone - a win-win situation - will evolve. To claim that \$10 million should be given to one party or the other as compensation is very dangerous. It is incumbent upon that member and other members opposite to say where that \$10 million should come from. From which areas in the western suburbs, from which schools, hospitals and police stations, and from which black spot funding will they make cuts in order to give \$1 million, \$10 million or \$20 million compensation? Being in government is about being responsible. Those opposite can throw figures around and tell the Government to hand over the money, but that money has to come from the Water Corporation. If that \$10 million is taken from the Water Corporation, the State Government's dividend will be reduced by \$10 million to fund hospitals, police stations, black spot eradication, roads and other important activities.

The member for Vasse indicated that at least \$1 million would be needed for protection. With that \$1 million, the Carnaby's cockatoo, the *Varanus gouldii*, the white-cheeked honeyeater, the collared sparrowhawk and all the others species that were mentioned by the member for Vasse and other members today will have quality of life.

Ms Sue Walker: There must be a lot of environmentalists in your party.

Mr HYDE: There are, and that is why they voted Labor. This Government is delivering on its environmental promises. It is erroneous to call on the Minister for the Environment and Heritage to give the speech that I am giving at the moment. The minister is legally involved in an appeal; it is her responsibility to consider the application by not only the University of Western Australia but also the EPA. That is a heavy responsibility, and it would be totally irresponsible of the minister, or even the parliamentary secretary, to voice in this place opinions and views on this issue on behalf of the Government.

The member for Vasse spoke about a prompt decision. The member for Vasse's party was in government for eight years and did not make a prompt decision. The issue of a sustainability park, which was alluded to by the Minister for Planning and Infrastructure, has been countenanced. The other issue that clouds this matter is the fact that the current Liberal commonwealth Government has a proposal to dispose of 62 hectares of land at Irwin Barracks that similarly contains important Bushplan flora and fauna species that are under threat. In any whole-of-government decision we must look at not only an immediate preservation of this corridor but also the impact on the district as a whole.

The member for Churchlands referred to the wonderful public meetings held in nearby Hackett Hall. I have spent many an evening on the stage at Hackett Hall in a variety of Thespian pursuits, as well as in the audience, and that area certainly has an odour issue. The minister alluded to her earlier days playing soccer. I can also inform the House that the member for Albany - that wonderful spotter of *Varanus gouldii* - trained on that same patch of turf, McGillivray Oval. We have established that he needed to take a big breath at a certain turn with a northerly wind, but we do not know whether taking that big breath then enhanced his lung capacity and enabled him to make the Olympic team, or whether it detracted him from winning two gold medals instead of almost one.

Mr McGowan: The problem was that he always stopped in the home straight to keep an eye out for birds!

Mr HYDE: That is a very good analogy. It is incumbent on the Opposition, in its original motion, to provide a solution. We all know the situation. Those of us who live in Perth, and the residents of this area, are well aware of the solution. Nothing came from the eight years of the previous Government. It is up to this Government to ensure that the due processes are adhered to, and that the Minister for the Environment and Heritage, in determining an appeal, adheres to her responsibilities to the EPA. The Minister for Planning and Infrastructure must liaise with the Minister for Government Enterprises, the minister responsible for the Water Corporation, to ensure that there is a whole-of-government solution to the matter involving the University of Western Australia, the Water Corporation and the residents of the western suburbs.

The issue of the 8.5 hectares has been identified, as has the location of other bushland that has the potential to be included. Greenways are important to the residents in my electorate of Perth; we have established a number of pockets of greenways. The greenway in the northern and eastern boundary of this section of land is important to the community and to the environmental sustainability of the metropolitan area. I hope that the issues of the park's sustainability is progressed. The member for Cottesloe praised the Government for spending \$22 million. His Government allocated \$12 million to the sludge treatment facility. Therefore, \$34 million has already been spent to alleviate some of the environmental offshoots of the water treatment plant. With regard to the Environmental Protection Authority's assessments, and other environmental assessments, we must consider the make-up of the current ecosystem and the impact of the water treatment plant. Obviously, there are different species of flora and fauna such as *Varanus gouldii* and the white-cheeked honeyeater. There is also the

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important *Banksia attenuata*. Three other banksias are not only surviving but thriving. We must ensure that the environmental assessment is, and remains, compatible with the \$34 million of government money that is being spent on the water treatment plant.

I assure the House that the Government views this issue as one of the many priorities it inherited from the previous Government. There was inaction by the previous Government and, thus, no resolution. This Government is close to achieving a resolution. It will be a credit to this Government and the ministers involved when a solution is found. I urge the House to support the amendment.

MR EDWARDS (Greenough) [7.14 pm]: I hope the House will allow me a little levity. The member for Perth raised a few issues about Latin pronunciation. I commend him for that, and I hope he understands my Latin. I did not quite catch the name of -

Mr Hyde: *Banksia menziesii*.

Mr EDWARDS: Until the member for Perth brought it to my attention, I was not aware that there was such a plant. I respect his knowledge -

Mr Hyde: It is in the EPA report.

Mr EDWARDS: I understand that, and with levity I suggest that the member find a “hydeafloria”, which is slightly pink with red overtones. It is found in various parks of Perth. We would need a bird “hyde” to see a “hydeafloria”. That is my level of humour.

The member for Perth suggested that the Water Corporation would have to pay much more than the \$10 million -

Mr Hyde: It was the member for Cottesloe who stated that; I discounted his view.

Mr EDWARDS: I understand that. However, if this matter goes to court, it could be a lot more expensive than \$10 million.

I return to the thrust of the motion and the amendment. During the debate it has been revealed that the community wants to retain the bushland, and does not want to see any development or building on the land. When they have to, Governments can usually find money, and it may be cheaper to come up with between \$10 million and \$15 million than to allow the issue between UWA and the Water Corporation to reach court. It is in the interests of the Government to ensure that this matter does not reach court. The 7 000 or so people who signed the petition proves that there is a strong commitment by the community to see the bushland saved. The survey of 404 locals is a good sample from which to establish the views of the community. When those canvassed were asked if they were aware of the current debate between UWA and the Water Corporation, 80 per cent of residents within a three-kilometre radius responded yes. The survey also revealed that 87 per cent of those surveyed wanted to be kept informed about the outcome of this debate, and about the future of the land.

The idea of linkages has been raised on a few occasions; it was mentioned by both the Minister for Planning and Infrastructure, and the member for Perth. There is no doubt that the community views the linkages from Kings Park through to Bold Park as vitally important and wants them retained. A first stage of development will mean a foot in the door for further development. If that occurs, the thrust of what we are trying to bring to Parliament through this debate will be lost. That is very important. It must be highlighted, prioritised and remembered. We must go back to the thrust of my motion, which calls upon the Government to mediate between the Water Corporation and UWA. Discussions between the two parties have already taken place, but somewhere along the way the discussions broke down. I understand there is goodwill on both sides. However, it is the role of the Government to assume a position of leadership in this issue. That is the thrust of the motion put forward by the Opposition.

I remind the House that if this matter goes to court, the money expended by the Water Corporation is Western Australian taxpayers’ money. A compensation figure of between \$10 million and \$15 million will prove much cheaper than pursuing litigation, which could cost the State anything up to \$80 million.

Mr Hyde: Member for Greenough, you are presuming that the Water Corporation would lose the case and would have to pay expenses. If the matter goes to court, the Water Corporation could very well win the case. It is irresponsible of members of Parliament to pine for a legal outcome that will affect the financial future of this State.

Mr EDWARDS: The member for Perth has a good point and I understand what he says. However, having been in business most of my life, I have always tended to look at the -

Mr Hyde: Worst-case scenario.

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Mr EDWARDS: That is right, because the worst-case scenario is the starting point. The Government would be irresponsible if it did not look at the worst-case scenario, which must be the benchmark in this issue.

I return to talk about people living in the Claremont, Shenton Park and Floreat areas. They are not keen to see this issue go down the track that the Minister for Planning and Infrastructure suggested to us this afternoon. It is incumbent on Governments to listen to and hear what the community has to say. Times have changed. Gone are the days of overpowering Governments coming into power and putting their imprimatur on matters. It is a different time for Governments now; they listen to people. I hope that the Government on that side of the House will listen to what the community is saying. It appears that the Government is taking the easy way out. Governments are not elected to make easy decisions; they must make difficult decisions. This Government has inherited a difficult decision. I do not resile from the fact that the previous Government also may have had a role in this matter. The important issue is that the community has spelt out what it wants and the Government should listen and act on the community's views.

I sympathise with the University of Western Australia. It has owned the land for some 70 years and it is important to the university, correctly, that it be compensated one way or another. The university must have a figure in mind that it is prepared to accept and live with. As I said, it is the responsibility of the Government to find that figure. That is a hard and difficult decision for the Government to make. On the other side of the issue, the Water Corporation is a state instrumentality that must act responsibly in the treatment of waste water and other matters with which it must deal. The Water Corporation also has been on the land for 70 years and has a difficult role to play.

Mr McGowan: I think you have said this.

Mr EDWARDS: I do not think so. I am sure I have not said anything about the Water Corporation's waste water plant.

Mr Hyde: There is an important point. A member said earlier that it would cost the Water Corporation \$4 million to relocate and do everything else that it has to do. The figure is actually \$405 632 910; that is, more than \$400 million to move, not \$4 million.

Mr EDWARDS: I thank the member for Perth. In fact, I believe the figure is close to \$500 million. If that is true, the Government has a very much larger amount of money to find. That was the reason I said earlier that if the Government can get out of this case for \$10 million, it is not doing too badly. The Government may struggle to find the money if the cost of relocating the Subiaco waste water treatment plant is \$500 million. That proves the point I was trying to make.

Mr Hyde: The Leader of the Opposition said that it would never happen, and we thank him for his support!

Mr EDWARDS: That was the opinion of the Leader of the Opposition.

I return to the area of bushland that members talked about and the linkages to that area. I am aware of the biodiversity of bird life and animals in that bushland. I believe small eagles and other birds and animals frequent those sorts of parks. There is a particular goanna that lives there, the name of which I do not have in front of me, but other members have mentioned it.

Mr Hyde: Varanus.

Mr EDWARDS: I will take the member for Perth's word on that. I think it was something else. However, that biodiversity is fairly dear to the heart of the local residents who want those animals and birds to retain their habitat.

I return to the policy objectives that I spelt out earlier. There were a couple that I did not read out, one of which was to establish a conservation system that, as far as possible, is comprehensive, adequate and representative of the ecological communities of the region. That probably spells out fairly well what I tried to say earlier. Another policy objective that I did not read out was to establish a range of measures to enable the recommendation of Bush Forever for the protection of regionally significant bushland to be implemented by 2010.

Mr Barron-Sullivan: I came into the Chamber only a few moments ago so I missed the comments you made earlier. However, I have read that a compensation figure of \$95 million is being touted if UWA is unable to develop the land. Is that the sort of figure you are talking about?

Mr EDWARDS: I thank the member for Mitchell for the interjection. A figure of \$95 million was reported in the media, but I am not sure of its veracity. The Leader of the Opposition talked about a figure of \$10 million to

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\$20 million earlier this evening, which is perhaps a figure closer to the truth. Obviously, it is an issue that UWA and the Water Corporation will have to work out between themselves with, as I said, leadership from the Government. The thrust of this debate tonight has been about leadership from the Government in the role in which it finds itself.

Amendment (words to be deleted) put and passed.

Amendment on the Amendment

MR JOHNSON (Hillarys) [7.29 pm]: I move -

To amend the amendment by inserting after “agreement” in the words to be substituted, the following -
 , and urges the Minister for Planning and Infrastructure to work harder than she has in the past 12 months to facilitate such an agreement

Mr McGowan: Why are you wasting the time of the Parliament like this? What is going on?

Mr JOHNSON: If my friend wants to move an amendment to a very good motion, we have the right to seek to amend the amendment. The reason for the amendment to the words to be inserted is simple. This side of the House does not believe that the Minister for Planning and Infrastructure is working hard enough in her portfolio. It took six months for the minister to reply to a letter I sent her about a problem one of my constituents was experiencing. That is not good enough. It is appalling for any minister to delay replying to a fellow member of Parliament over a serious issue. It is disgraceful. I do not have enough faith in the amendment that was originally moved. To congratulate the Government on coming to an agreement is not good enough. We must be firmer than that; we must be more positive. We must tell the Minister for Planning and Infrastructure to get moving, work harder and spend less time doing other things. She should do the job she is paid for. She is driven around in a wonderful car and has a wonderful job. The situation is not good enough. This problem can be resolved quickly simply by the Minister for Planning and Infrastructure doing the work she is paid to do. Ministers receive an enhanced salary, but extra productivity is expected from them. We have not been getting it from the Minister for Planning and Infrastructure, certainly not in my experience when I received a reply to a letter about a problem being experienced by one of my constituents six months after I first wrote to her. It is simply not good enough!

One member asked why I am wasting parliamentary time by moving this amendment to the words to be inserted. The Government thought it was clever in moving an amendment to a motion that was put forward in all seriousness by the member for Greenough. It is a good motion, and it was moved in good faith. Members on this side of the House try to do the right thing. We are trying to bring the attention of the House to the need for the parties involved to come to an agreement on this issue. The member for Perth spent ages talking about different types of flowers and plants. I do not profess to be an expert on plants. I am told that there is such a thing as a “hydeafioria” plant. Is that correct? I would love to describe what I thought such a plant looks like, but I will not do so because I do not want to trivialise the work of this Parliament. I am not going to waste much time of the House. I do not think I am wasting any.

The Government always thinks it is clever when it amends amendments. The Opposition is criticised when it moves motions that condemn the Government or ministers. The Opposition does so because it knows the Government would have a job amending them. The Opposition does not like to have its motions amended. The Opposition puts forward motions in good faith to bring very important issues to the attention of the House, but what happens? We see dirty tricks. The Government moves an amendment to make itself look good and to try to make the Opposition look stupid. I am sorry, in this instance the Opposition looks pretty good and the Government looks fairly stupid. We can play the game of amending amendments all night. We cannot do that tonight as our time is limited. The Opposition has other issues it wants to discuss.

Mr Dean: You are wasting time.

Mr JOHNSON: I am not wasting time. This is private members’ time. If the Government does not want to waste this time it should get its members to stay in their seats and vote on this amendment. I know what will happen. Some of my colleagues may want to speak to my amendment to the words to be inserted. When it comes to a vote, the Government will win. The Opposition will have at least got across its point to the Leader of the House, who is the master of amending motions. He is very good at it, if members like that sneaky sort of approach. I do not like that approach. I prefer to be fair and open-minded and to act with integrity. Members should be able to talk to one another. We are all in this place to do the same job. Although we may have different philosophies, we are here to look after the interests of Western Australians. We are not here for the Labor Party or the Liberal Party, but for Western Australians.

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Mr Hyde: Why is the member scared to move on to the motion of the National Party about forests?

Mr JOHNSON: Do not think that I am scared, for goodness sake! I want to get to that motion but I do not want another sneaky move by the Government to amend the amendment to the amendment. The House can divide on the first motion.

Mr McGowan: Has the member ever had a psychiatric assessment?

Mr JOHNSON: Never, but I think the member should have one. I am concerned about the member, as he is a young man with old ideas. That can be a problem.

Mr Hyde: This is an important issue. The member should have a drink while I speak. We could do a double act.

Mr JOHNSON: God forbid!

Mr Hyde: The Government is acting. We all recognise the importance of this and are in agreement.

Mr JOHNSON: Fine, then why did the Government move an amendment to our motion?

Mr Hyde: Just to sharpen it up.

Mr JOHNSON: No, it did not. It was done to make the Government look good and to make the Opposition look like a load of dills. It is not going to work because the Opposition is going to fight back on behalf of the people of Western Australia. We will stand up for Western Australians. We will not do it from a party political point of view. We will fight for good Western Australians, of which I am very proud to be one.

Several members interjected.

Mr JOHNSON: I love interjections, especially from the other side of the House. The Leader of the House does not like government members interjecting on me because it feeds me. I like it when the member for Perth interjects. The Opposition is trying to promote the member for Rockingham to the frontbench because we think he will do a better job than most of the ministers. Perhaps he should become the Minister for Planning and Infrastructure, because I think he will do a better job. He is a very conscientious young man, but he has some old ideas. Perhaps I was being a bit unkind to him earlier. He is a young man. I wish I were a young man, but I am older than he is. He sometimes comes up with old ideas that are a bit silly. Sometimes he comes up with young ideas that are also a bit silly. He has the makings of a good minister and I think he should occupy one of the seats on the front bench. The Minister for Planning and Infrastructure is standing behind him and is looking very worried. Watch out member for Rockingham, she is behind you! Be careful. Do not worry, she will not be there long.

It stresses me enormously to move an amendment to add words that criticise the Minister for Planning and Infrastructure, because I quite like her. It upsets me to do it. I would not normally do it for all the gold in the world, because I like her. The member for Perth moved an amendment to the motion, which is a bit unfair.

Ms MacTiernan: He did not.

Mr JOHNSON: It was the minister! Of course it was. It was a bit unfair, because the minister was ingratiating herself by that amendment. It is a bit vain. It is not appropriate for a minister of the Crown to be vain. The minister has caused the Opposition to move an amendment that amends the words to be inserted. The Opposition will stick by that. I do not want to waste any more time of the House.

Ms MacTiernan: Why change a lifetime's practice?

Mr JOHNSON: Excuse me! Do not get nasty with me. Come on, we are friends. Government members know that they will win the vote, but at least the Opposition will make the point that the Government has been unreasonable. If the Government continues to make amendments to motions put forward by the Opposition, it will simply mean that every amendment the Opposition moves will condemn a minister, or that it abhors the actions of a minister and urges the minister to desist. We do not have to move amendments like that. Government members should play the game and vote on the motion as decent, genuine people, which I am sure most of them are. The member for Swan Hills is a decent person. I have a lot of time and respect for the member for Swan Hills, because she is a thinking person and, dare I say it -

Ms MacTiernan interjected.

Mr JOHNSON: My criticism of the Minister for Planning and Infrastructure was that she took six months to reply to a letter I sent to her.

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Ms MacTiernan interjected.

Mr JOHNSON: The government amendment virtually says that the Government is doing a great job. I cannot stomach that, because it is incorrect. The minister is not working hard enough. We expect more. I will mark the minister's report card at the end of the year. I will base her score on how she behaves and how her work improves over the next few months. I want to give the minister an excellent score, but I need her help to do that. I cannot do that unless she does her bit. I want to help the minister. I urge government members to support the amendment to the amendment, because it will create some unity, warmth, comfort, wellbeing and a genuine feeling of going forward together. I doubt if that will happen, but we shall see.

MS MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [7.41 pm]: I take exception to this particularly silly counter-amendment because I believe the Government had every justification for its amendment. It was evident from the debate that members on the other side were simply not aware of the developments that had taken place over the past couple of weeks. The sorts of things opposition members called upon the Government to do have already been done. The Government has found a way through a problem that had been on the books for many years. Notwithstanding all the pontificating of the Leader of the Opposition - his expression of concern about the problem and the need to negotiate a settlement with the University of Western Australia - he did not do anything to resolve this issue during his eight years in government.

Ms Sue Walker interjected.

Ms MacTIERNAN: The Leader of the Opposition did nothing to negotiate a settlement on the use of that land. The Government has spoken to the Water Corporation and the university and has reached an accommodation. We have a way forward. We got the Water Corporation, University of Western Australia and all other stakeholders together in an inquiry by design workshop.

Ms Sue Walker interjected.

Ms MacTIERNAN: I sent that information to the Opposition. I find it extraordinary that its members have failed to grasp that we have moved forward and are moving towards a negotiated settlement. They do not seem to understand that. Quite frankly, they are making fools of themselves. Of course, members understand what is really going on here - the Opposition has lost one of its team. It cannot start the next debate. Opposition members are searching the highways and byways, looking under jarrah trees and whatever, to find the errant member, so that they can commence the next debate. They cannot find the member, so they have had to start on this absolutely ridiculous process. As I said, the Government accepted the motion. We listened to the six members who made representations and responded to them. The Government recognised that it was an issue. We explained what we had done and how we had come to a negotiated outcome on this problem. If members opposite were genuinely concerned about this issue, far from moving this amendment, they would have wholeheartedly supported the amendment to the motion put forward by the Government. They are making absolute geese of themselves.

Several members interjected.

Ms MacTIERNAN: Don Quixote has joined the ranks!

The Government has worked constructively with all sides on this issue. An inquiry by design workshop was held. It appears that a positive outcome has been reached. I hoped that some of the more sensible members on the other side - there are a few - would have -

Ms Sue Walker interjected.

Ms MacTIERNAN: What was that? We would all like to enjoy the benefit of the member for Nedlands' wit and humour. I ask her to share her little bon mot with us. She is pointing. I always know when her argument is lost; it is when the finger comes out and the pointing begins.

I do not intend to take this any further. I am genuinely disappointed by the Opposition's amendment because the Government had taken the debate seriously. We felt that members opposite would get great comfort from knowing how the Government had worked to negotiate a positive outcome on this matter. The amendment shows how lacking in good faith are the majority of members opposite. I do not include the members for Greenough or Vasse in that comment, because they generally conduct themselves with great dignity and considerable learning.

Mr Johnson: We would like to say the same about you.

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Ms MacTIERNAN: The member for Hillarys is the Arthur Daley of the Liberal Party. I would like to know who is the Terry McCann. The Government is working extremely hard and has achieved a positive outcome on this issue.

MS SUE WALKER (Nedlands) [7.47 pm]: I support the amendment to the amendment moved by the member for Hillarys, which urges the Minister for Planning and Infrastructure to work harder. There is a difference between working hard and working effectively. In my professional life, I have noticed that some people can work hard, but they do not work effectively. That is what happens with members on the other side. They may think they are working hard, but they are not working effectively.

Mr Johnson: Would you take six months to reply to a letter?

Ms SUE WALKER: No, certainly not. Does the member for Hillarys know what happens to a person who takes six months to reply to a letter? He is usually sacked.

Several members interjected.

The ACTING SPEAKER (Mr Andrews): Member for Mandurah!

Ms SUE WALKER: I am glad that the Minister for the Environment has turned up. She should have been here for the debate in the first place.

Taking six months to reply to a letter is not the only area about which the Minister for Planning and Infrastructure is receiving complaints. I have heard complaints about people not receiving a response from her department. The Opposition came in here today to talk about an issue on which a lot of people in my electorate have worked passionately. The members of The Friends of Underwood Avenue Bushland are voters in my electorate. They have worked hard and passionately on this issue. They do not have resources at their beck and call, unlike the Water Corporation and UWA. They must do it after they have finished their ordinary jobs. This work is done on their home computers. These people come from work and then prepare their campaign. They cannot do it as well as a large organisation could. The way the member for Perth trivialised the debate speaks volumes about the seriousness with which this Government treats the issue. The Minister for Planning and Infrastructure held up a page to claim she had taken notes. However, she also had copious typewritten briefing notes because she did not have much of a clue about what she was talking about. The Minister for the Environment should have been here to address the issue. The people in my electorate and the electorate of Cottesloe, and those who signed the petition - it contains 7 000 signatures - want the Minister for the Environment to take some leadership in this issue. I am glad she is now in this place, because she has not provided any leadership.

Dr Edwards: How would you know?

Ms SUE WALKER: The minister is not providing any leadership. She is not biting the bullet. She is not doing what the community is asking of her.

Mr Hyde interjected.

Ms SUE WALKER: The member for Perth does not have a clue about what is going on in relation to this bushland. It has nothing to do with his electorate. He has probably never been on the land or spoken with any of the stakeholders. Although his comments seemed very amusing, they would not have been amusing to those people who have spent many hours over many months pursuing something about which they are very passionate and in which they truly believe.

I support this amendment to the amendment. In reality it is probably flattering to the Minister for Planning and Infrastructure and the Government. We will see the results of this Government's decisions at the next election.

MR McGOWAN (Rockingham - Parliamentary Secretary) [7.51 pm]: I have decided to make a few remarks because it is obvious that the Opposition will talk out this motion until the conclusion of private members' business, which is at eight o'clock. There will not be time to debate the other motion the Opposition had indicated it wanted to discuss, which relates to the timber industry in the south west. I was going to make a contribution during that debate; however, I might as well make a contribution in this debate.

I will talk about the way the Parliament should operate. Private members' business is an opportunity for the Opposition to raise issues of concern in the public arena. It is three hours a week in which the Opposition can raise major issues of public importance to Western Australia; that is, to the people across our State. I was once a new member like the member for Nedlands and some of the other members on her side. When we were in opposition, we tried to raise a number of motions each week during private members' business to address various issues of public importance across the State. The Opposition's performance tonight comprised a range

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of speeches by members professing a love for eight and a half hectares of land in Nedlands. It is a pathetic way to deal with the issue. The Opposition could have dealt with it in half an hour, and the minister could also have responded in that time. The Opposition would then have had another two and a half hours of private members' business in which to raise issues of actual concern to the people of Western Australia. The Opposition's ability to manage its business during its time in this House is appalling.

It then advised us that it wanted to deal with two motions tonight. The second motion relates to job losses in the south west. That is a major issue. I acknowledge that the member for Warren-Blackwood has a legitimate concern for his electorate; however, I also acknowledge that we were elected with a mandate, which we are carrying out. The Opposition could have debated that issue. Instead, it moved a series of amendments to its original pathetic motion -

Mr Johnson: You brought on the amendment.

Mr McGOWAN: The Opposition moved the amendment to the amendment when it had an hour in which to deal with an issue of substantial concern for a major segment of the population of Western Australia. The Press, which informs the public of the goings-on in this Parliament, will point out how appalling the Opposition is at managing its time in this House.

I advise the Opposition to come to question time with a set of questions that will make a difference and address real matters of public importance, and to raise real issues of public importance during private members' business. It should learn how to raise such motions one after another so that it can deal with a range of issues that affect people across the State, rather than dealing with a single issue that affects one of the most affluent areas in not only Western Australia but also Australia. That is how the Opposition should manage its business. The way it currently manages its business is appalling.

We had a great debate this morning about the sessional order. There was an agreement. Standing Order No 2 explains what a sessional order is. It is an order that lasts for the duration of a session. The Opposition was given a form of words that explained the term "sessional order".

Mr Johnson: Have you finished yet?

Mr McGOWAN: I will finish in a moment.

Despite that, the Opposition could not work out that a sessional order relates to a period of a session of the Parliament. This is all very amusing. My advice is gratuitous; it benefits us when the Opposition spends three hours on issues of little concern. However, I think it is demeaning to the Parliament and democracy. It is certainly demeaning to the people of Western Australia for their Parliament to be treated in such a laughable fashion. The manager of opposition business made a speech for 20 minutes, in which he played off interjections, before moving an amendment to an amendment. If the Opposition wants to treat this Parliament with respect, it should raise issues of substance.

MR BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [7.56 pm]: I raise a new angle to this debate - possibly in response to the gratuitous advice of the member for Rockingham. This point has not been considered in detail because other members have concentrated on the core arguments. However, the chief of the Water Corporation, Dr Jim Gill, has said that if this matter results in the State paying compensation in the order of \$95 million, plus \$10 million costs, our AAA credit rating will be at risk. That is an important point because \$100 million equates to one per cent of the general budget sector. According to one of the most senior and respected economic bureaucrats in this State, a one per cent blow-out in the budget sector will mean the loss of our AAA credit rating. Therefore, this matter raises a number of issues. I support the amendment of my colleague the member for Hillarys. Not only the Minister for Planning and Infrastructure but also every minister with responsibility in this area, including the Premier and Treasurer, needs to start working harder than he or she has been for the past 12 months. The simple fact is that one of the most senior public servants in this State has said that we are one per cent away from losing our AAA credit rating, and that this issue could trigger that. We could lose our AAA credit rating if a compensation payment of just \$95 million is made. I quote the newspaper article of 30 January in which Dr Gill is reported as saying -

A judgment against the corporation for \$95 million, plus up to \$10 million in costs and interest payments, would put at risk the State Government's AAA credit rating,

Members opposite are silent. The member for Rockingham has gone very quiet. The Government is one per cent of its budget away from losing its AAA credit rating. I was once asked if the Treasurer should resign if he lost the AAA credit rating. If we are just \$100 million away from losing that rating, perhaps the Government should replace him now. These are not my words; they are the words of one of the most senior public servants in

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this State. We are \$100 million away from losing our AAA credit rating. That is barely one per cent of the general budget sector. That is an amazing statement by one of the most senior public servants in this State. The Opposition has been referring to the fact that, over the past year, the Government has blown out the general budget and total government budget debt levels dramatically. Total government debt levels have blown out by more than \$900 million in the past year, despite the fact that we have a crisis in the health system, and enormous unmet needs in education and law and order. The Government has led the State to a situation in which it cannot even anticipate a compensation payment of \$100 million without risking one of the most important indicators of the economy of this State.

Debate interrupted, pursuant to standing orders.