

**MACHINERY OF GOVERNMENT (PLANNING AND INFRASTRUCTURE) AMENDMENT BILL
2001**

Second Reading

Resumed from 29 November.

MRS HODSON-THOMAS (Carine) [12.16 pm]: I am not the lead speaker in this debate, but I will give the Minister for Planning and Infrastructure and the member for Kingsley an opportunity to collect their thoughts after a long session. I am one of the few members who was able to go home early last night, and am probably much better rested than many people in this place. I have a great deal of empathy for the member and the minister, and I hope we can deal with this in a quick and effective way.

Ms MacTiernan: Is your microphone on?

Mrs HODSON-THOMAS: Can the minister not hear me? I am not leaning on anything this time. I apologise that she cannot hear me.

The Bill before us was only second read just over a week ago.

Mr Bradshaw: It is not on.

The SPEAKER: We will check the system.

Mrs HODSON-THOMAS: I know I do not have a very loud voice, but I will do my best.

Point of Order

Mr BRADSHAW: It will not help the member if other members are carrying on conversations.

The SPEAKER: What the member for Murray-Wellington has pointed out is correct. The fact that the member for Carine's amplifying system is not working correctly makes it imperative that there be no other conversations in the Chamber while she is speaking. Apparently a number of microphones are out, otherwise the member for Carine could have spoken from the Table. I am sure that now all members know that there are problems with the microphone system, they will be very quiet during the member for Carine's contribution to this debate.

Mr Pandal: Maybe you should leave the Chair.

Debate Resumed

Mrs HODSON-THOMAS: I am sure many members would appreciate it if the Speaker left the Chair.

The Bill before us was second read just over a week ago. The debate has come on much sooner than I anticipated. Nevertheless, we had a briefing on Monday, and it has given us an opportunity to scrutinise the Bill. The Opposition certainly understands that the Bill before us is a result of the Government's commitment to bring together the Ministry of Planning, the Department of Transport and Main Roads Western Australia to facilitate better transport and land use planning, as the minister indicated in her second reading speech. That fusion of the portfolios will avoid the difficulties that have arisen when the ministers responsible for the different portfolios have not always pursued the same agenda.

Later today we will deal with the Road Safety Council Bill 2001, which will remove road safety from the Road Traffic Act and place it in its own stand-alone legislation. Given that, will there continue to be a need for a Minister Assisting the Minister for Planning and Infrastructure? The Minister Assisting the Minister for Planning and Infrastructure has a number of functional responsibilities. I was given a list outlining those responsibilities, because a number of issues caused a great deal of confusion. I will outline those functional responsibilities, and perhaps during the consideration in detail stage the Minister for Planning and Infrastructure can elaborate on whether there will continue to be a need for an assisting minister. The Minister Assisting the Minister for Planning and Infrastructure is responsible for reporting to Parliament on the construction or closure of railways; the provision of omnibus ferry and rail services in the metropolitan area; licensing provision of services in respect of public vehicles, commercial goods vehicles, charter vehicles, aircraft, ferries, omnibuses and small charter vehicles; the provision of permits, which also covers the refusal of licences and any conditions placed thereon; the authority for ships to engage in coastal trade, metropolitan taxis; taxi cars in country areas; the transport coordination fund; the metropolitan passenger transport fund; facilitation and promotion of public transport; public transport fares; ticket zones; supply of school bus services and remuneration of contracts; provision of licences and permits for aircraft services, together with any conditions placed thereon; Bikewest; the Perth bicycle network; bike paths; rail freight access to the Fremantle port; licensing and administration of all non-residential parking bays in the Perth parking management area; funds to be applied to give effect to the Act; and central area transit services. Now that road safety will come out of the Road Traffic Act, will the Minister

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for Planning and Infrastructure continue to require the services of the Minister Assisting the Minister for Planning and Infrastructure? It is a large portfolio, and the assisting minister has done a significant job and made a contribution to that portfolio.

I raise a number of matters relating to the planning portfolio, which I am sure the member for Kingsley will take up in greater detail, as that is her responsibility in opposition. Those matters particularly relate to the recommendations of the Machinery of Government Taskforce, one of which was to remove the Lord Mayor of the City of Perth as a member of the Western Australian Planning Commission. I was interested in the changes that will be made to the representation on that commission. I am fortunate to have been provided with an outline of that structure today, and I thank the minister for arranging that.

My other inquiries also relate to the Machinery of Government Taskforce report, and I hope that during consideration in detail the minister can elaborate on whether all the recommendations are to be accepted. My understanding is that they are not included in this Bill. The legislation is not as significant as I thought it would be, in the light of the recommendations of the Machinery of Government Taskforce.

Ms MacTiernan: Which recommendations?

Mrs HODSON-THOMAS: Recommendation 38 is that the statutory office of the Valuer General should operate from within the new land administration agency. Is there a requirement for a legislative change?

Ms MacTiernan: That has already happened.

Mrs HODSON-THOMAS: That is my fault for not being as observant as I should be. I thank the minister. Recommendation 40 relates to the land management functions. Has that also taken place?

Ms MacTiernan: No.

Mrs HODSON-THOMAS: Recommendation 41 is related to that. We will obviously see further legislation.

Ms MacTiernan: There is no doubt that this Bill mostly deals with the fusion of planning and infrastructure. It is certainly not the end of the story in terms of the changes that are required to put into effect the grand plan for the portfolio. I will elaborate on that later. The Bill certainly does not reflect the whole picture.

Mrs HODSON-THOMAS: I thank the minister. I appreciate her giving that further information. It is very helpful. I had anticipated that this legislation would encompass all those things.

Ms MacTiernan: That would have been a slightly bigger task.

Mrs HODSON-THOMAS: I appreciate that. It is not always as easy as one would like. I certainly understand the need to marry the planning and transport portfolios. That is evidenced through the issues relating to the southern rail link, which we have discussed in this place ad nauseam. That project needs to take into account both the planning and transport needs of people in the community. If we do not get it right, that large infrastructure project could be an absolute planning disaster. I am sure we will speak about that on future occasions.

I will seek some clarification on various matters at the consideration in detail stage.

The SPEAKER: Before we move on, I give an update on the amplifying system. Investigations show that the control room's amplifying system is working correctly. There is clearly a problem in the Chamber. It will be another hour and a half before the people who can check the system within the House can get here. We will have to be quieter and more attentive to the speaker.

Mr Graham: I will have a crack at fixing it!

MRS EDWARDES (Kingsley) [12.26 pm]: When I was the Minister for the Environment, I would say to people, particularly my ministerial colleagues, that nothing really happens in this State unless the Minister for the Environment signs off on it. I am sure the Minister for the Environment and Heritage would agree with that. Development proposals in Western Australia must go through the planning process and are then assessed by the environment minister. Legislation to try to blend the two came in some four years ago. Although evidence suggests that that is working well in some respects, other evidence suggests that some areas could be improved and streamlined. Although I used to say that nothing happens in this State without it getting the tick from the Minister for the Environment, I now know that the most important minister is the planning minister. Nothing really happens until she signs off on a proposal. One of the major concerns of developers in Western Australia is the logjam in the minister's office. We have heard concerns about the number of outstanding appeals.

Ms MacTiernan: There were 370 appeals when we came into office, and there are now 170.

Mrs EDWARDES: There are some differences of opinion.

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Ms MacTiernan: That is fact.

Mrs EDWARDES: I will accept what the minister says, because I was not there to count them. Given that, there are some views in the industry that the minister has before her the same number of appeals as she found when she came into office. Her figures do not tally with that. In any event, more appeals are before the tribunal today than there were at the same time last year.

Ms MacTiernan: If the Liberal Party could get its act together and, rather than having two parties, have a unified policy for both Houses, we might get through legislation to deal with that.

Mrs EDWARDES: I point out to the minister that the legislation would not go anywhere anyway, because the other place has been dealing with this Government's prime legislation; that is, the introduction of one vote, one value. Therefore, the Bill would not be debated in any event. It will allow for proper scrutiny of the planning appeals legislation and it will be dealt with in the other place next week. I look forward to reading the report and to the planning appeals legislation being passed by both Houses of Parliament this year. I, like many other people, would like to see this legislation in place.

The tribunal used to be the more complex and expensive option and it was more time consuming than going through the minister. However, that situation has been reversed somewhat, because the minister has never really taken on the function of dealing with appeals and the number of people going through the tribunal has increased. The tribunal will not be resourced adequately until the planning appeals legislation is passed.. As I said before, when this legislation is proclaimed, additional resources will need to be allocated for the first few months to ensure a streamlined, seamless transition. If that does not happen, the delays currently being experienced will get worse.

The message the developers and local governments would like me to give to the minister is that they really appreciate the job that she is doing and she is the most important person in their lives in getting developments under way. However, they would really like her to sit down and sign off on a few more developments. They would like her to give them all a Christmas present because some of these people have been waiting for a long time. In an article in the *Sunday Times* a few weeks ago, the minister questioned why a minister should determine the colour of paint. I totally agree with her. One could also ask why she should be signing off on a sign on a building. The responsibility for many of these minor decisions could be delegated to others and we would like to see them taken out of her hands.

The other issue that local government has relates to scheme amendments, and, in a few cases, schemes, on which people are waiting for decisions. Some of them have been going through the process for in excess of nine months. Local government is concerned to know what the hold up is. The industry is also concerned that the new Ministry for Planning and Infrastructure does not have the resources to deal with these matters.

Ms MacTiernan: These are the same complaints that they used to have about the Department of Environmental Protection when you were Minister for the Environment. That is exactly the same argument that they constantly put to us in Opposition.

Mrs EDWARDES: The minister is right. She is suffering from the same problem that we suffered from in the DEP at one stage when there was a huge brain drain. Private industry, with great buckets of dollars - much more than the Government could pay - would entice our excellent people into the private sector, which is good news and bad news. It is good news because someone in the private sector understands the public sector, but it is bad news from the Government's perspective because it is losing some of its key, experienced and skilled people. The minister is probably suffering from some of the same issues, and is losing experienced and skilled people from those areas. There will always be a short hiatus until the people at the lower levels build up experience and experienced people are contracted in while that occurs. At one stage, in the Department of Environmental Protection, we put in an extra \$1 million over 12 months to contract out for some of that experience, because we knew there would be a hiatus while the experience we had lost was built up. The worst part about losing skilled and experienced people is the corporate knowledge that is lost, as well as the history. I imagine that in planning, it is very useful if somebody has that long history and knowledge..

Ms MacTiernan: You are absolutely correct. You can imagine what happened in Main Roads WA with the rampant privatisation in some of those agencies and the impact that has had on those agencies.

Mrs EDWARDES: Those were outside skills and they were contracted back in. However, along the way some people would be lost. I acknowledge and accept that. As I said earlier, it is good news and bad news. It is always nice to have somebody in the private sector who fully understands the public sector process.

Other than being a parliamentary draftsman's dream, being able to rewrite legislation, the Bill before us today does little. It stands alone.

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Ms MacTiernan: I think they thought it was more of a nightmare.

Mrs EDWARDES: No, I am sure the parliamentary draftsman in this instance rubbed his hands with glee and thought, "This is what I have always wanted to do; that is, get my teeth stuck into this Act and make sure that it can be amended so that it stands alone".

Ms MacTiernan: We like to think that this Government is making many people's dreams come true.

Mrs EDWARDES: We will see about that. The minister should give some of these developers a Christmas present. I am sure that they would then keep the minister on their Christmas card lists in the future.

Various agencies are involved, including the Western Australian government railways, Main Roads WA, Transperth, the port authorities and LandCorp. Some were already within the Ministry for Planning and others came under the other agencies. There were also the respective differences between directors general and chief executive officers, as to who was responsible under the Financial Administration and Audit Act and the like. Essentially that is all that this Bill does; it rewrites those pieces of legislation to bring them under the one umbrella so that it reflects the current administrative processes. However, it does more than that. It allows those pieces of legislation to be moved from one agency to another without having to come back to this Parliament and be separated from, for instance, the Transport Co-ordination Act. It is a very simple piece of legislation, but there are issues that I would like to raise with the minister at the consideration in detail stage.

The one major change that is contained in the Bill relates to the Western Australian Planning Commission. Two chief executive officers of the agencies had individual berths as representatives on the Western Australian Planning Commission. It is not necessary for two representatives from the same agency to have individual berths. Therefore, one person will hold that position. For instance, the CEO of the Water and Rivers Commission and the CEO of Conservation and Land Management have been brought together under the Minister for the Environment and Heritage. Now one CEO will be responsible for administering both those pieces of legislation. The other two changes relate to the Lord Mayor of the City of Perth.

Dr Edwards: Can the member repeat that, because I am not sure that was correct.

Mrs EDWARDES: The Minister for the Environment and Heritage might like to take that up with the Minister for Planning and Infrastructure. This is the information that she gave to me. The positions of CEO of the Water and Rivers Commission and CEO of the Department of Conversation and Land Management will be amalgamated into one position and the new CEO of the department will administer the Water and Rivers Commission Act and the Environmental Protection Act. CALM has lost a berth, and it returns to the Water and Rivers Commission and the DEP. The Lord Mayor of the City of Perth has also lost a berth. The City of Perth is more than a local government; it is Western Australia's capital city. What happens in the City of Perth is important for all Western Australians. We should not underestimate the role of the City of Perth and its impact on the people of Western Australia. Perhaps the minister can enlighten me, because I do not know, when the Planning Commission was established, on what basis the Lord Mayor of the City of Perth was given a position on it. I imagine it was on the basis that Perth is the capital city for Western Australia.

Ms MacTiernan: The City of Perth at that stage was a much larger entity than it is now.

Mrs EDWARDES: That is true; however, we must ask the question as to whether its representative should be removed -

Ms MacTiernan: The Lord Mayor is of the view that he should be.

Mrs EDWARDES: The planning industry is concerned about the removal of the Lord Mayor of the City of Perth -

Ms MacTiernan: That is news to me.

Mrs EDWARDES: I am sure that over the Christmas festivities, if those people get the minister on side, they will be able to mention their concerns to her, as often occurs at this time of the year. The minister will probably learn more about what is happening within her department and agencies than she learns at any formal meeting.

Ms MacTiernan: But we do not have parties.

Mrs EDWARDES: No, not since the minister cancelled the last one.

The concern about the new structure for the WA Planning Commission is that a qualified town planner may not be appointed to it. The previous CEO of the Ministry for Planning was a town planner. He may have been experienced in other disciplines as well, and that is not to say that other disciplines cannot be appointed. However, it is important to ensure that people represented on the Planning Commission have planning

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qualifications of some description. It would appear at the moment - I do not have the names of the people who are on the Planning Commission -

Ms MacTiernan: That was a concern that we had.

Mrs EDWARDES: The minister has put in a new clause to ensure that she can add one extra person. The industry would like to have some input into the selection of that person. I do not know whether the minister proposes to seek nominations from the respective industry bodies, academic institutions and other areas from which planners can be drawn. In Cabinet, we were concerned to ensure that planners who were appointed to boards or committees and/or to the Planning Commission were not faced with a conflict of interest. One must be very careful to ensure that, if those people are in the current planning system, they are not put onto the Planning Commission. It is not an easy selection process, but the industry would like to have input into it.

Ms MacTiernan: I am constantly asking people who they think would be good for the position.

Mrs EDWARDES: The minister might like to do it formally.

Ms MacTiernan: Who would you then apply? Every person you speak to has a different view. As you know, there are about 10 organisations that would claim to be the industry representative. However, we speak broadly to industry and we are meeting with these people. We are more than happy to consider proposals and we are constantly seeking advice.

Mrs EDWARDES: The issue relates to a qualified town planner. Other associations may indicate that a qualified town planner is not necessary. There are also issues, which I raised, about conflicts of interest. The other point I was about to raise, is that the minister, being a female minister, might have more success than I did in obtaining a female town planner who would fit the bill.

Ms MacTiernan: It is a big issue and it is a bit bizarre. You can imagine in my portfolio generally, which is transport, that the position is even worse than that in planning when considering that option.

Mrs EDWARDES: We went to some lengths to ensure that we had female representation in some of those areas, and I keenly remember planning as being one. With the added disqualification of not being currently within the industry, and ensuring there was no conflict of interest, it made it even harder to achieve.

Ms MacTiernan: I was appalled that the 10 members who comprised the Town Planning Appeal Tribunal were male. I found it very surprising that there was not a female member. The Town Planning Appeal Committee - which has 15 members - has only two females.

Mrs EDWARDES: I wish the minister luck in that selection process because it is always important to balance the number of women representatives on such boards. However, I know from past experience that that will not necessarily be an easy task.

I do not have the nominations in front of me, but I understand that on the current commission, three seats are occupied by planners. I do not know who those people are - I know their representative status - and I do not even know when their terms expire. That information would allow us to determine that there will a qualified town planner on the commission, or that planning discipline will be retained.

Essentially, the Opposition supports any changes that improve coordination in the delivery of services across all government agencies. However, the planning industry is concerned that the transport sector will have a higher priority than planning, probably because, first, the minister has demonstrated a strong interest in transport over the years; and, secondly, the CEO comes from the transport sector. Prior to that he was in Treasury - so, at the same time, he is also a bean counter, albeit a very good bean counter.

Ms MacTiernan: Who is that?

Mrs EDWARDES: Mike Harris.

That is the concern of the industry, but where we are headed in the future will be demonstrated only by practice. Concerns have been expressed about the processes under way within the Ministry for Planning, and about the loss of skills and experienced people. It could indicate a lack of direction and the inability to prioritise.

Ms MacTiernan: There is no lack of direction; there is far more direction now. Obviously, dislocation goes along with major structural changes. However, there is certainly no lack of direction. There is a real planning focus that we would argue is a clear direction of where we want to go; and that generally is embraced by the planning professionals. Obviously, in any restructure complexities arise that often are personal.

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Mrs EDWARDES: As the ministry tries to bring in individual officers, there is obviously a concern that they are doing their CVs, attending interviews, and awaiting the outcome -

Ms MacTiernan: We have not advertised any of those jobs.

Mrs EDWARDES: Obviously people have been slotted into like for like acting positions wherever possible. All those issues can have the effect of slowing down a department in the short term. Of course, we hope that that will be overcome in the not too distant future. Unfortunately, it takes longer than most would like. In large agencies in which, for example, planning, roads, railways and the like are brought together, a large number of positions are involved.

We have heard a lot about the minister's direction for the transport sector, and that is probably one of the reasons the planning industry is concerned that under the Minister for Planning and Infrastructure the transport sector will have higher priority than planning. It would be nice if the minister took the opportunity to demonstrate to the industry and to the community her future direction and vision for planning, because this will be the vehicle to deliver that vision for the minister, the Government and the people of Western Australia.

That is not to say that the minister has not had to address a number of key planning issues. These include coastal developments and the establishment of the coastal task force in an endeavour to come up with proposals. Some areas expressed concern that they would be left outside that proposal. Residents of Gracetown in the south west believed that their proposal, which currently is going through stage 1 of consideration before the commission, would not be part of that whole coastal planning process. They wanted to have community input at an early stage, because there was no sense in waiting for stage 2 before providing community input if stage 1 had got it wrong. The residents of that community were obviously pleased when the minister said that the letter that came from her office, which indicated that there was no need to review the planning policy in Gracetown, did not fully reflect her views and that some issues relating to the Gracetown areas had been identified for possible growth. It was her view that people would be consulted on that. The community is looking forward to that process.

The number of planning appeals before the tribunal have increased and resources will be needed to ensure that there will be a seamless transition. I have indicated to this House before that the funds currently available for the ministerial planning appeals system and the tribunal will not be sufficient to get over that initial hump. When the minister responds I would like her to inform the House of the number of outstanding appeals before 11 or 12 July, which was the date from which the minister indicated she would deal with all the appeals that came directly before her. Once the planning appeals legislation had come into the Parliament she had the option of transferring those appeals across. However, in the debate, the minister indicated that she would endeavour to progress as many of those appeals as possible. Obviously, the minister would put the more complex appeals back into the system. The minister has had to deal with a number. I have already mentioned Gracetown, but there have been others in Wagerup, Wattleup, and Leighton Beach; there has been quite a few.

When looking at the administrative process that would deliver all this, the Machinery of Government Taskforce made recommendations about how land use and transport planning could be combined. It also made a number of recommendations about how that could be achieved, including appointing a full-time executive chairman to the Western Australian Planning Commission. It also included two structure plans for the office. One was a long-term portfolio structure and the other was an interim portfolio structure. Will the minister enlighten the House about the situation in the interim to the long term? What is the process for the transition into the long term and the differences between the two? I know that in the long term the minister has foreshadowed a revamped Western Australian Planning Commission forum. Is that different from the changes to the Western Australian Planning Commission contained in the Bill before the House, or is it something new?

Ms MacTiernan: Can you repeat that?

Mrs EDWARDES: Page 169 of the report of the Machinery of Government Taskforce contains a long-term portfolio structure plan which removes the Western Australian Planning Commission and provides for a revamped Western Australian Planning Commission forum. I do not know the minister's view on that and I do not know the status of that suggestion. I do not believe that the changes in the Bill before us today are anything to do with that; I understand that they are just changes to the current structure of the Planning Commission. Will the minister explain how that will be achieved and whether she agrees with the recommendations of the Machinery of Government Taskforce? The minister has a greater knowledge and expertise in terms of how she would like services to be delivered.

I turn now to the public service. As the transition occurs there will be a loss of staff and, in particular, of experienced personnel. I ask the minister to bring the House up to date about the position of some of those senior personnel as the transition occurs. I note that the minister said that none of the positions had been advertised and that it is still in an interim stage. What is happening with the directors general or those on the

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senior executive service level across all of those agencies? How many ended up taking the management initiated redundancies? I want the minister to generally bring the House up to date about the situation in her department.

MR BRADSHAW (Murray-Wellington) [12.55 pm]: As I stated in the address-in-reply I do not believe that big is beautiful and that putting all the departments together into one will necessarily make the system better. An example was back in the 1980s when the Government put the three sections of the health department together to create one monolith. I do not believe that the Department of Health has worked the same since. It is a bit sad, but when there are small departments we can keep control over what is happening in the department; when the department is large it makes it harder for the minister and in the end the bureaucrats run the show. I am putting on record that I do not support the theory that big is beautiful and the amalgamation of these departments. The minister might say that they will coordinate so that there is proper planning for Western Australia - the road works, transport system and the like. It sounds good, but we can do that with an overarching group that can get together and do that coordinated planning. I do not support what is being proposed. As the member for Kingsley indicated, some of the planning decisions or appeals have taken a little while to complete. One went through the other day but unfortunately I could not find out how long it had taken. The good thing was that the minister had given very deliberate and good consideration of the appeal by the person concerned and upheld it. It is important to people that their appeals are considered, because they want to get on with doing things that create employment, development and so on. A lot of those people have money tied up in land, the planning process or the consultants who have put together the plans, and it is important that appeals and planning issues are dealt with as quickly as possible. I realise it takes time to go through appeals.

The member is correct, the minister should not be deciding about the colour of a building or whatever. An appeal has been lodged with the minister by a landowner in my electorate who wants to construct a dam. The shire had the temerity to reject his application even after the Water and Rivers Commission had issued a surface water licence. It was rejected because the shire believed that the landowner did not need a dam. It is not the shire's responsibility to decide whether he needs a dam.

Ms MacTiernan: What?

Mr BRADSHAW: He wants to construct a dam and he has lodged an appeal with the minister. It is disgraceful that these issues are sent to the minister. They should not get to that stage.

I am particularly interested in the Peel regional scheme, which was first introduced in 1996. It was to be debated in Parliament last year, but it is now almost the end of 2001 and we have not seen it. If we are to have these schemes, they should be ratified or brought to Parliament for debate. I will certainly have a few words to say about that scheme when it is debated in this place.

Big is not necessarily beautiful. It would be better to have smaller operations so that we have more control over how they work. It is important to ensure that appeals get through the system as quickly as possible.

MR WALDRON (Wagin) [1.02 pm]: This legislation will allow flexibility in managing the planning and infrastructure portfolio. Part 10 of the Bill - clauses 55 and 56 - removes the Lord Mayor of the City of Perth and the Commissioner for Main Roads as members of the Western Australian Planning Commission. I have a concern about the Commissioner for Main Roads not being a member of the Planning Commission. I understand that the aim of this measure is to bring together different agencies to ensure that the planning process is more coordinated. Removing the Commissioner for Main Roads will isolate Main Roads rather than include it. The Main Roads advisory board's function is to advise the minister about the present and future requirements for roads, infrastructure and so on. It makes sense to retain the commissioner as a member of the WAPC so that he is not isolated from the other planning areas. I understand the Government is trying to integrate those functions. Perhaps the minister will reconsider that part of the Bill.

MR TRENORDEN (Avon - Leader of the National Party) [1.03 pm]: Having read the second reading speech, I now know why this is an urgent Bill. It is the miracle that will fix up the mess that has been created since 10 February. The transport and planning portfolios are in chaos. If that miracle is possible, we should pass this Bill now.

Local government authorities have not been able to get information out of the Department of Transport for months. Planning procedures are also months behind - hundreds of applications have not popped out of the system.

I remember Hon Ian Taylor's superministry. I do not have any difficulty with Governments doing what they want to do - they are elected and they have every right to do what they want to do in administering the State. The second reading speech contains bland statements about how this will be good for us, but it does not tell us why.

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I would like the minister to comment on the Office of Rail Safety. Reference is made to the rail safety accreditation account. What will be credited into that account? From where will the revenue come, or is the Government referring to the current revenue? The Office of Rail Safety is charged with regulating the industry, so it will need to raise funds to cover its costs. What is the projected turnover for the office? Have any new moneys been allocated? Which fees and charges will be allocated to that account?

This list of government agencies affected by this Bill is extensive. Part 2 deals with the Control of Vehicles (Off-road Areas) Act and part 3 deals with the Motor Vehicle Drivers Instructors Act, which will be an important piece of legislation as the months go by. Part 4 deals with the Motor Vehicle (Third Party Insurance) Act. Activity in that area has been of concern in this State for a decade. I do not have a great deal of interest in the Perth Parking Management Act, which is addressed in part 5. Part 6 deals with the Rail Safety Act. How will the trust account be structured? Part 7 deals with the Road Traffic Act. The National Party is very interested in that legislation. It will be fascinating to see how the department's new direction works.

Part 8 deals with the Taxi Act. Taxi services have caused great anxiety in the metropolitan area. People in Northam, Geraldton and elsewhere are concerned about the lack of direction in controlling country taxi services.

Ms MacTiernan: They all knew the direction of the metropolitan taxis under the previous Government.

Mr TRENORDEN: I am happy for the minister to interject, because I was not happy with what the coalition Government did either. The taxi industry in this State is ordinary. I use taxis frequently when I come to the metropolitan area. The industry does not provide a regular and reliable service. One must have a backup when contemplating using metropolitan taxis. That amazes me. I can remember being stranded, unable to get a taxi, in the middle of Perth last year. I walked from central Perth to the Burswood Casino, because I knew there would be 2 000 taxis there, and I was right. They were all lined up at the casino, but I could not find a taxi in central Perth for life or money.

Mr McGowan: It probably did you good.

Mr TRENORDEN: The walk certainly did me good. It probably should have been longer, but I was heading for Fremantle.

Mr McGowan: I have heard that you often walk to Northam.

Mr TRENORDEN: The member should check his medication.

Part 9 of the Bill deals with the Transport Co-ordination Act. I hope the minister is successful with this approach to planning and infrastructure. She knows that I am not her greatest enemy in this place.

Ms MacTiernan: Who is?

Mr TRENORDEN: I think he is sitting three up from the minister.

Ms MacTiernan: What a terrible thing to say!

Mr TRENORDEN: I am going through an interesting exercise with the Western Australian Planning Commission Act, which is addressed in part 10 of the Bill. I am gathering all the information I can and sending it to South Australia, to Judge Trenordan. Judge Trenordan was one of three judges of the Australian Productivity Commission. I will be interested to read her comments.

Ms MacTiernan: Are you asking her to comment about the planning appeals process?

Mr TRENORDEN: Yes. She agrees, in principle, with the minister's direction. I met her for the first time in the middle of this year. She has a keen interest in this issue and has complained about planning procedures in each State. According to her, many of the changes - especially those made in the eastern States - have resulted in improved planning procedures. She came to Western Australia about three years ago to attend a range of conferences and seminars on planning. She was amazed to hear that this State has changed its planning direction. The minister might like to have a private conversation with her after I have received her comments. She spends a considerable amount of time dealing with planning issues. The National Party will support the Bill, but I would like the minister's comments on the issues I have raised.

MS MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [1.11 pm]: I thank all members for their support and comments, which have been very good. I will try to respond from my rough notes.

The member for Carine asked whether there would be an ongoing role for the Minister Assisting the Minister for Planning and Infrastructure. The minister assisting might not continue in that role; the member filling that position might become the minister responsible for road safety.

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In disaggregating the bureaucracy and the legislation under which the various agencies operate, the Government is attempting to introduce flexibility. As time goes by, because of the size and scale of the task - it is a seven-day-a-week task at the moment - it might be deemed necessary or desirable to appoint another minister assisting to take on some or all of the tasks. This disaggregation process will allow discrete areas of responsibility to be put together in a package and given to another minister. Because of the scale of the task confronting the Treasurer, we have a Minister Assisting the Treasurer. Some ministerial tasks could be properly given to another minister, and obviously those ministers would work in close cooperation.

In the short term, the current minister assisting is most likely to become the minister responsible for road safety. However, it is always possible that the Government will determine that a minister assisting is also necessary.

Mrs Hodson-Thomas: Will you take back those functional responsibilities she has now? Should I forward correspondence about those areas to you?

Ms MacTIERNAN: Executive Council action will be taken to achieve that. Obviously, the Government will let everyone know when that has happened. An announcement will be made.

Mrs Hodson-Thomas: Do you have a time frame for that?

Ms MacTIERNAN: The Government would prefer to see it happen sooner rather than later. We will need to work on that once we have achieved the disaggregation. A number of aspects present themselves, and we must work through what might be the best configuration.

Mrs Edwardes: Are you saying that some of the changes to the Acts will assist in that disaggregation?

Ms MacTIERNAN: The different components are not locked in under the Transport Co-ordination Act. We can bundle various areas of responsibility differently.

Mrs Edwardes: I read it the other way around. What is the difference between certain ministers being able to administer various sections and/or chief executive officers?

Ms MacTIERNAN: I am talking about only some areas at the fringe. It is similar to the situation of a Treasurer and a minister assisting the Treasurer. They are both concerned with large issues of financial management. As happened in the member's Government, a Premier can create a minister assisting the Treasurer, as well as have a minister for finance, to allow some of those areas that strictly fall under one portfolio to be dealt with by another minister in an assisting capacity. It allows that flexibility. We may not choose to do it in the short term. I think this is the key. A number of members spoke about this. They must understand that it is important to allow some flexibility so that a restructuring of the administrative arrangements can take place without having to deal with the degree of entrenchment - that is, if someone takes this then he must also take that - that we see in the current structures.

It is important to understand that this was a recommendation of the Machinery of Government Taskforce. We made a clear pre-election commitment to fuse planning and transport. That was a theme of our agenda for at least 18 months before the election. We went to industry and community forums, and made it very clear that we would take this approach and put in place these changes. That was dealt with in more detail through the machinery of government process. It was one of the things I started looking at immediately I became a minister. We were sworn in on the Friday, and on the Saturday I met with the CEOs to ask them to put forward their suggestions for how such a fusion could take place. We importantly talk about a fusion and not simply an amalgamation. We are not taking two agencies and bolting them together, but merging and melding those portions of the agencies that are responsible for planning matters. Obviously, that creates a great deal of complexity. It is not an easy task. However, I think there has been an enormous amount of goodwill on the part of the agencies.

The member for Carine referred to the removal of the Lord Mayor of the City of Perth from the Western Australian Planning Commission. As a former Perth city councillor, I have a particular understanding of that area. In its glory days, the Perth City Council was a sizeable outfit the budget of which arguably rivalled that of the State Government.

Mr McGowan: Only when you were there.

Ms MacTIERNAN: Is that right?

Mr McGowan interjected.

Ms MacTIERNAN: It certainly fell apart, or was torn apart, and became the small capital city surrounded by mendicant municipalities.

Mrs Edwardes: Beware of members offering tokens.

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Ms MacTIERNAN: The member for Kingsley is saying terrible things about the member for Rockingham. I have every confidence in the loyalty of the member for Rockingham.

Mr McGowan: I can think only that it must be a result of overwhelming tiredness, because the member for Kingsley is not like that.

Ms MacTIERNAN: The member supports his railway down the centre of the freeway.

The Perth City Council always considered itself to be separate from the rest of local government. It did not participate with any great vigour in the structures of the Western Australian Municipal Association. As it was not involved, other than in a purely formal sense, with the Municipal Association or any of its structures, it negotiated for itself a direct seat on the WA Planning Commission. Times have changed. The City of Perth is probably treated less as a separate entity than in the past, although it has its own particular issues that mark it out from any other municipality. The current Lord Mayor has for some time said that he does not see a particular role for the City of Perth on the Planning Commission. We now have a central area planning committee, which comprises the chairman of the Planning Commission, the Lord Mayor, a community representative and an industry representative. It is that body which the Lord Mayor quite rightly sees as important for the City of Perth, as its decisions impact specifically on the City of Perth. That is where the city wants to concentrate its energy. Now that we have the central area planning committee, which performs the role required by the city, there is no longer a case for the municipality of the City of Perth to have a seat on the WA Planning Commission and be singled out for separate representation.

Mrs Edwardes: I did not get a chance to explore with those who expressed concern about the removal of the Lord Mayor from the commission why they had those views. Do you have views about that?

Ms MacTIERNAN: The general feedback we received was that it is a good idea. It has been spoken about for a long time. This is an opportunity. We would not have introduced legislation especially to do this; however, we are tightening the membership through this and other provisions. We want the Planning Commission to be a tight body that gets on with business. The Lord Mayor has the view that the vast majority of the items that go before the commission are not of particular interest to him in his role as the Lord Mayor of the City of Perth. He is not coming through the WAMA structure; he does not represent local government. He represents only the City of Perth. It is neither efficient nor effective for his time to be tied up with the commission when only a minute fraction of the work has any significant impact on his city.

Mrs Edwardes: How long has the mayor been on the commission?

Ms MacTIERNAN: I am not sure. I might be able to answer that during the consideration in detail stage. It has certainly been for some time. However, it must be seen in the context of how the City of Perth saw itself as separate from the other municipalities. For example, when the City of Perth had functions for councillors, it never invited any other council. I attend functions for the local councils of Gosnells, Armadale and Serpentine-Jarrahdale, and they always invite the other councils. There is a sense of working in a cooperative. The City of Perth saw itself as a completely different species from the rest of local government. That is how it was perceived.

Mr Johnson: That does not happen with the Cities of Wanneroo and Joondalup.

The DEPUTY SPEAKER: Member, you are not in your seat.

Mrs Edwardes: That is changing.

Ms MacTIERNAN: That is the Cain and Abel syndrome. I will not say who were Eve and the snake who tempted Eve - I am sure the member for Kingsley might be able to help us with that.

We need a properly focused planning commission and proper use of the resources of the individuals involved. Any analysis will show that it no longer makes sense to treat the City of Perth separately. The Lord Mayor participates in a local committee, and that is important to the City of Perth.

The member for Carine also asked about the machinery of government inquiry recommendations relating to the Valuer General. They have been acted on. We were able to put those into effect administratively. The location of the Office of the Valuer General was not enshrined in legislation, so when we made the decision to administratively fit it within the lands portfolio, we were able to act on it. That is an illustration of the silliness of some of the arrangements currently in place, which hamstrings us in terms of putting in place proper structures.

The larger issue the members for Carine and Kingsley raised was about what is happening with the rest of the MOG recommendations. This legislation is certainly not the whole picture. This Bill is designed to bring together all the things that relate to the fusion of planning and transport - and fix the WA Planning Commission to the extent that is necessary for it to work logically within that new framework. The members have correctly

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identified that once changes are made to the administrative and departmental structures, concomitant changes to the planning commission structure are required. At this point, I will refer to the member for Kingsley's question about when we will move to the Western Australian Planning Commission forum. A review of the Western Australian Planning Commission will commence early next year. That will look at the future role of the commission in light of these changes. We see, as was stated by those who wrote the MOGI report -

Mrs Edwardes: I have never referred to it as "MOGI", but I like it.

Ms MacTIERNAN: It is a term of endearment.

There will be an ongoing body. The questions that must be asked are about its proper roles and whether the structure is right. A proliferation of committees operates under the commission, and some seem a little archaic. We want to examine those and determine how we might need to recast the commission to bring into focus the integration agenda, modernise it and make it more effective. We have not at this stage made any commitment to turn it into a forum. We still see it as a separate agency. However, we recognise that more work must be done to bring it into line with what we are doing. We want to see how the Department for Planning and Infrastructure, particularly the policy areas, functions before crafting the WA Planning Commission. We will need to take into account that reality. The process is to put in place changes in the areas about which we are very clear, see what impact they have, and then work with other agencies to make sure they fit into the picture. A lot of work will continue that involves reviews of LandCorp and Main Roads Western Australia. In the second reading speech the Government flagged that it will be recasting the Western Australian Government Railways into the Western Australian Transit Authority, which will become the operational entity of public transport in the State -

Mrs Edwardes: Does that include buses?

Ms MacTIERNAN: Yes, all public transport.

Mrs Edwardes: And taxis?

Ms MacTIERNAN: That is an interesting point. It has not been yet been determined whether taxis will go under the WA Transit Authority or stay within the Department for Planning and Infrastructure. We shall have to work through that, because there are arguments for both sides. Arguably, taxis are a form of public transport. However, the WA Transport Authority will be an operational entity. In the administration of taxis, the Government has more of a policy role than an operational role. It is a conceptual issue that the Government is working through at the moment and a final decision has not yet been made.

Mrs Edwardes: I will put in a plug here. I raised a matter of public interest the other day with regard to bus safety. It was mentioned during that debate, and has been on previous occasions, that perhaps we need to have one set of security on public transport. How that operates is to be determined, but one option would be to have one set of people trained - however many there are - to operate on rail and buses.

Ms MacTIERNAN: That will develop as we merge the agencies. We refer to the new train guards as "transit guards" and not rail guards, even though it has identified that risk and safety concerns relate predominantly to the rail service, which is the area it has addressed. In principle, once the administration of the bus fleet is included in a unified operation with the WAGR, which already operates a substantial bus fleet in the country bus network, it will be possible to adopt a more integrated approach. Certain synergies will emerge from bus-train interchanges and the like. The major constraints in this area are the cost and trade-offs between providing augmented facilities for people who have access to public transport, and extending the service to those who do not. That is the big question in public transport.

The reviews of the statutory authorities and how they fit in will be done over the next year. We have had productive chief executive officer meetings, and a retreat at which all the CEOs in the agencies got together. There is an enormous amount of goodwill and enthusiasm for moving forward in a unified manner. We have some very capable and committed public servants in that area, for which I am very appreciative.

One of the points made by the member for Kingsley is that there will always be problems with staff losses. We have a good team, even though a couple of people have left who I would like to have retained. The CEO position in the DPI will be advertised, as the Government has always indicated, and a selection panel will be put together for that process.

Mrs Edwardes: Has that job been advertised yet?

Ms MacTIERNAN: No it has not. At the moment, the Director General of Transport has taken on that role and made a big effort over the past six months. However, it is proper that a job that is so fundamentally different, be advertised, so that everyone has an opportunity to apply for it. The Commissioner of Main Roads remains in his position, and a very capable person is acting as CEO of the Department of Land Administration. DOLA is undergoing a review this year, so the Government does not plan to make any immediate decision in that regard.

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The port authorities are not affected, and LandCorp will remain a statutory authority under very capable management. No changes will be made in those instances, although we are reviewing the structure of the agency and the legislation.

The member for Kingsley, the former Minister for the Environment, said that nothing happens without the Minister for Planning and Infrastructure and that when she was Minister for the Environment, nothing happened without her. I now understand what some people in the industry were trying to tell me when they said that I am the Minister for Planning and Infrastructure, and then said to my colleague the Minister for the Environment and Heritage that they want her to be the Minister for the Environment and Heritage and not a de facto Minister for Planning and Infrastructure. I think those people in the industry thought that when the member for Kingsley was Minister for the Environment, she also acted as though she was the Minister for Planning.

Mrs Edwardes: I did not complete where I was going with that before. Last year, some hiccups were identified with regard to the planning approvals process involving the areas of planning and the environment; and that process was supposed to be seamless. We were going to making some amendments to the legislation at that time and I do not know how far the then Minister for Planning got - probably not very far because these discussions happened in October or November.

Ms MacTIERNAN: We are reviewing that issue. The Government made a conscious decision not to put the environment portfolio into the same mix as the planning portfolio. It recognised that it was important to have the environment portfolio as a separate agency but that, at the same time, the interaction must be right. As the member correctly pointed out, it is also a question of resources. That was an issue under the previous Government, and I cannot pretend that it is not still an issue under this Government. It is a question of ensuring that we, as a Government, get sufficient funds to properly resource these matters. The easy answer would be to just employ more people. However, we are working on that issue.

The member referred to the Planning Appeals Tribunal and its increased workload. Its workload has increased since 1 July and we have appointed another tribunal member.

Mrs Edwardes: Has he started yet?

Ms MacTIERNAN: Yes he has and we have also recently extended his term. We have provided extra resources and are hopeful that the legislation will be passed by the Legislative Council. Members are playing politics somewhat because the amendments are not of a very technical nature. It would be in everyone's interests if that legislation proceeded. Should the member for Kingsley be able to prevail on her Council colleagues to expedite matters, parliamentary time would be found to get that Bill through. There is no reason for extensive debate because the Bill has been pulled apart, limb by limb, by the Clerk of the House, who has done a very thorough job on the legislation.

Mrs Edwardes: What about the Christmas present for developers?

Ms MacTIERNAN: We are giving them the Christmas present of sound planning structures and close liaison on and input to our planning legislation. I am sure that they will appreciate that, and we will continue to work seven days a week to get through the workload. There were 370 planning appeals in the pipeline when we took over government and there are now around 190. The member may say that the industry says otherwise, but those are the facts. During that time, appeals have continued to be received. We have resolved about 240, and I am not just rubber-stamping them. Many of those appeals were very complex and represented an enormous workload.

We have also been trying to get on with the strategic work that should be done. I do not think ministers should spend hours determining the colour of someone's shed in Exmouth; that is just ridiculous. Ministerial appeals have stopped being a disincentive for more sensible dialogue between local authorities and their constituents. It has been far too easy to race off to the minister and get a second guess, rather than sit down and work out some of these issues. There are lists of 20 or so conditions, which are minor matters, each of which I am being asked to arbitrate on. Those matters might be significant to the people concerned, and I am not saying that they are trivial and do not need to be determined. However, it is not the role of the minister to resolve these issues. The minister can do lots of this busy work that does nothing to add value to the planning process. We are trying to determine where the points of dysfunction are and where we need to improve the planning process. We should not be focusing on whether an individual should be allowed to build a half filled-in fence rather than a full filled-in fence, and whether their boundary is 1.5 metres rather than one metre from their neighbour's side wall. However, it has been an interesting experience to see the issues that people appeal about.

Mrs Edwardes: It would be a learning curve and it would quickly teach you a lot about planning.

Ms MacTIERNAN: It has been an interesting experience from that point of view.

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Mrs Edwardes: With regard to outstanding appeals, how many of those are pre-July?

Ms MacTIERNAN: I do not know. I do not have that information at hand but we can get it for the member.

The Western Australian coastal task force is reviewing the best structural arrangements for proper planning for the coast. It is not making plans for the coast. The member's comments about Gracetown are not valid -

Mrs Edwardes: There has obviously been a misunderstanding in the community.

Ms MacTIERNAN: The Government made it very clear that the task force's job is to review the literature, look at best practice elsewhere, review the current arrangements and recommend the processes that should be in place for coastal management and planning. The task force will not be making plans for particular areas of the coast. That has already been done with the Leeuwin Naturaliste Ridge Statement of Planning Policy with respect to the Gracetown area. That policy is generally right, but we recognise with regard to the settlement hierarchy and the size of the nodes of development, that in some instances it is not correct, or ambiguity exists, which could lead to overdevelopment.

Mrs Edwardes: Have you met with them yet?

Ms MacTIERNAN: No, I am doing that next month. We have given clear priority to Smiths Beach and Gnarabup because they are areas in which private developers are involved, who have some sort of planning approval. They are the issues that must be resolved urgently. The land in Gracetown is government land and there will be no development until we act. As I have attempted to explain to the people of Gracetown many times, they should not try to wind this up and set up a false problem because there will be no development until the Government acts. It is quite different from the situation at Smiths Beach and Gnarabup, which, quite rightly, had to be dealt with as a priority.

Mrs Edwardes: When I was Minister for the Environment there was an overlap in coastal planning and management between me and the Minister for Planning.

Ms MacTIERNAN: That is right, and that is part of what this committee is doing with the task force. It has representatives from the agencies of the Minister for the Environment and Heritage, and we are trying to work through those precise issues.

I will speed this along. I think I have answered all of the member's questions.

Mrs Edwardes: What is the minister's vision for planning?

Ms MacTIERNAN: I will not give a vision statement in the limited time I have available.

The member for Wagin raised a legitimate and interesting concern about Main Roads Western Australia, and it is a pity he is not in the Chamber. Perhaps the new member for Merredin could take on board what I am about to say and relay it back to the member for Wagin. The member for Wagin quite rightly noted that Main Roads legislation refers to a main roads advisory body and that it is the role of the advisory body's commissioner to give advice about matters concerning roads, including matters of policy. The member for Wagin argued that if that is the case, why is Main Roads not on the Western Australian Planning Commission? For four years I argued - we have a clear mandate from the community - that Main Roads should no longer have planning powers. The Government has decided that Main Roads will not be an operational entity within the Department of Planning and Infrastructure but will stand alone. It will not be the role of Main Roads to decide if we need a southern link road or where that road will go. Main Roads will have a role to play in providing technical advice about the implications of various alignments. However, because we want this to have a greater degree of modal neutrality we do not believe it proper for Main Roads to carry out the planning of the network. Its role will mostly be of a technical nature. Given the fundamental change in the way that the Government views Main Roads, and given that Main Roads' planning functions have now been given to the DPI, it is not longer appropriate for Main Roads to remain on the WA Planning Commission. Planning is not its job; it is a deliverer of services. After a period in which Main Roads was dismembered, the Government's real challenge is to build up the technical expertise of Main Roads and get it back on track as the premier deliverer and maintainer of roads.

Mrs Edwardes: I have a lot of respect for the tremendous work done by Main Roads from an environmental perspective. It changed dramatically over the years and has developed quite a deal of experience in that area.

Ms MacTIERNAN: That is right. As a builder or contractor of roads, it will continue to have those obligations and responsibilities. However, strategic planning will be the role of the Planning Commission. Therefore, it no longer serves a useful planning function. In fact, if we allowed it to continue its role on the Planning Commission we would be sending out a double message.

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The Leader of the National Party asked about the rail safety trust account. This account is basically funded from accreditation fees for rail operators - rail operators seeking accreditation to act under the Rail Safety Act 1998 - and this will now be part of a rail safety trust account.

Mrs Edwardes: Is that the first time this has happened?

Ms MacTIERNAN: It has always gone into a trust account, but previously it went into a transport trust fund. We are abolishing that transport trust fund because we believe it does not serve a useful purpose. However, because rail safety is a provision of services to the private sector and has to pay its way, we have that in a discrete fund. It puts the fees in and those fees are used to administer rail safety.

The Leader of the National Party also raised the issue of planning procedures in this State. I am glad to see that his namesake in South Australia seems to support the changes that this Government is making. We recognise that there are many structural changes that would be beneficial. I believe that some of our existing processes are pretty long-winded, because they go on stage after stage. We are doing a lot of work to determine how we might be able to bring some of those processes together so that they happen simultaneously rather than seriatim. That will achieve a more cost-effective outcome and more meaningful input from the community, rather than having a situation in which people are often consulted-out during the various stages of a planning process. We will be doing further work on that.

I thank members for supporting this Bill, which I commend to the House.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1 put and passed.

Clause 2: Commencement -

Mrs EDWARDES: I compliment those who prepared the clause notes. As the minister is aware, I have dealt with many pieces of legislation over the past few months and I have been critical of the drafting of clause notes because of their lack of information or repetitive nature. Unlike some of the other clause notes, these are very informative; they provide a lot of information. Unfortunately, as the minister is aware, the downside of that is that they raise a number of questions. However, we will get there!

The clause notes state that a number of administrative mechanisms must be put in place. Does the minister need to highlight anything that would be unusual about those administrative mechanisms as opposed to regulation and the like?

Ms MacTIERNAN: As I outlined during the second reading debate, there will be a reallocation of legislation within the portfolios. That has to be sorted out and prepared for the Executive Council. We want to have those mechanisms in place before we proclaim the legislation. We also want to be able to give the member for Carine adequate notice.

Clause put and passed.

Clause 3 put and passed.

Clause 4: Section 3 amended -

Mrs EDWARDES: This clause deals with the amendment of the definition of "director general". As I said in the second reading debate, the amendments will essentially standardise each Act so that they get a chance to stand on their own. This is an amendment that we will come across on a consistent basis. Will the minister explain why the clause seeks to remove the minister from this particular Act? Also, the clause notes refer to the inclusion of a new section 4A, which will allow for the delegation of licensing function. Will the minister explain how this definition of "director general" picks up that mechanism?

Ms MacTIERNAN: I am not sure that I understand what the member for Kingsley is asking, but the Government is seeking to delete the specific reference and rely on the provisions of the Interpretation Act 1984, which provide that where a piece of legislation refers to the minister, it is the minister who has the responsibility for that legislation. As the member for Kingsley would be aware from her previous life as a minister, when a member is sworn in as a minister various pieces of legislation are assigned to that minister's responsibility. That is provided for in the Interpretation Act and it basically gives the ultimate flexibility in the allocation of portfolios.

Extract from *Hansard*

[ASSEMBLY - Wednesday, 12 December 2001]

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Mrs EDWARDES: As I said in the beginning, that makes it cleaner, and it would be a parliamentary counsel's dream to be able to clean up legislation in the way that he liked.

Ms MacTiernan: We are happy to make people's dreams come true; that is what happens when a Labor Government is in office.

Mrs EDWARDES: The second part of my question referred to the clause notes and the link between the new section 4A, which allows for the delegation of the licensing of motor vehicles to the chief executive officer of the responsible agency. Because I am not familiar with this area, will the minister explain to whom the new section 4A refers?

Ms MacTIERNAN: Under this section the licensing of off-road vehicles is currently the responsibility of the CEO of the Department of Local Government and Regional Development. This allows the functions of that CEO to be delegated to the director general, who is responsible for the licensing of on-road vehicles. If it is determined for administrative purposes and efficiency that the licensing of off-road vehicles, which in a policy sense will remain with local government and regional development, should be given to on-road licensing administration, that provides the mechanism.

Mrs Edwardes: Does that come under your portfolio?

Ms MacTIERNAN: No.

Mrs Edwardes: Just the licensing?

Ms MacTIERNAN: If the Minister for Local Government desires, it allows the licensing of off-road vehicles to be brought under our agencies in an administrative but not a policy sense.

Mrs Edwardes: Who does that for on-road vehicles?

Ms MacTIERNAN: The Department of Transport. As a result of the broad provisions, it will be part of the Department for Planning and Infrastructure.

Debate interrupted, pursuant to standing orders.

[Continued on page 7007.]