

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

SUNSET HOSPITAL SITE BILL 2006

Consideration in Detail

Resumed from 24 August.

Clause 2: Commencement -

Debate was adjourned after the clause had been partly considered.

Dr J.M. WOOLLARD: As I pointed out to the minister last week, this commencement clause deals with the proposed change to class A reserve 1667. The Heritage Council of Western Australia has listed class A reserve 1667 on the Register of Heritage Places. As I also pointed out to the minister last week, the minister is not only the Minister for Housing and Works but also the Minister for Heritage. I believe that in being in charge of both those portfolios, the minister has a conflict of interest. What involvement has the Heritage Council of Western Australia had on this bill? Is the minister putting this bill on the table wearing her hat as Minister for Heritage, and with the full support of the Heritage Council of WA, or is the minister putting this bill on the table wearing her hat as Minister for Housing and Works, but without having taken this bill to the Heritage Council?

Mrs M.H. ROBERTS: The requirement for a heritage agreement between the University of Western Australia and the Heritage Council of Western Australia is a condition that has been placed on the management order for the care, control and management of the A-class reserve. The heritage agreement must be completed before the residential aged care site can be tendered and any development can occur within the A-class reserve. Those are the safeguards that are contained in the bill. The initial reaction from the Heritage Council has been very favourable.

Dr J.M. WOOLLARD: The minister is talking about the requirement for a heritage agreement between the University of Western Australia and the Heritage Council of Western Australia. This bill deals with a proposal to develop a site that has been heritage listed. I do not have my notes with me at this time, but when I have the Heritage Act of Western Australia in front of me, I will take the minister to the particular section that I am referring to. Therefore, this assessment should have been made by the Heritage Council, and the Heritage Council should have given the minister its comments, before this bill was put on the table. I am not asking the minister about what will happen in the future. I am asking the minister: did the Heritage Council do the job that it is required to do under the Heritage Act; and, if so, will the minister inform the house of the comments, or give a summary of the comments, of the Heritage Council on this bill.

Mrs M.H. ROBERTS: The member has expressed an opinion about what she thinks should happen. That is not what is prescribed by law. It appears that the member does not want to listen to the facts. The heritage agreement between UWA and the Heritage Council of Western Australia is a condition that has been placed on the management order for the care, control and management of the A-class reserve. The heritage agreement must be completed before the residential aged care site can be tendered and any development can occur within the A-class reserve. Therefore, if that agreement is not in place, the residential aged care site will not be tendered.

Dr J.M. WOOLLARD: I am sorry, minister, but the minister is saying -

Mrs M.H. Roberts: Also, you are a long way from clause 2, by the way. I made that point on Thursday.

Dr J.M. WOOLLARD: Clause 2 deals with the commencement of the operation of this act; therefore, it deals with the commencement of an act to authorise the sale of a site that was placed on the Register of Heritage Places in 1997. The minister has just said that the Heritage Council will work with UWA before any development on this site takes place. The Heritage Council has already determined that this site meets the requirements of the Burra charter and has placed it on the heritage register. The Heritage Council must have assessed the site before it placed it on that register. If the Heritage Council was worth its salt, it would have given the minister some comments on this bill. Is the minister now saying she does not have any comments from the Heritage Council? I have said before that the Heritage Council should be sacked. Perhaps the Minister for Heritage should also be sacked.

The DEPUTY SPEAKER: Members, we have allowed a fair bit of laxity in debate on this clause. We are dealing with clause 2 and I will allow the minister to answer, but I then expect all questions to be directed to the clause at hand.

Mrs M.H. ROBERTS: Again, I think the member for Alfred Cove has expressed an opinion. It is a prejudiced opinion. It would appear that she believes that this proposal is in some way detrimental to the heritage of the site. This proposal in fact will ensure that these heritage buildings are properly restored and treated in an

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appropriate way. The fact of the matter is that this site has been mothballed for some 10 years and the heritage buildings are deteriorating. I have spoken to Ian Baxter of the Heritage Council about this proposal, and he has advised me that the council is supportive of the proposal and is, indeed, very keen to see the heritage buildings restored and maintained by the University of Western Australia. I reject absolutely any imputation by the member for Alfred Cove that this proposal will be in any way detrimental to the heritage buildings or the heritage values of the site. This will, in fact, be a major enhancement of those buildings. It can be readily seen that the University of Western Australia maintains its heritage assets in a much better condition than the state government does. The fact that the University of Western Australia is to take over the heritage aspects of the site and is compelled to enter into an agreement with the Heritage Council will be highly advantageous to the preservation of these important heritage buildings.

Mr T.G. STEPHENS: I am delighted to participate in this debate. I can well understand the opportunities that a debate like this gives to the member for Nedlands; it gives her the opportunity to deal with an issue that is of particular concern to a set of constituents in her electorate concentrated around Jutland Parade and Beatrice Road. Some in this part of Dalkeith have been particularly vocal in recent years about the issues surrounding the Sunset Hospital site. There has been an enormous amount of effort put in by a range of people to get to this point in the handling of the proposal, including the former Leader of the Opposition, the member for Cottesloe. He worked very sensibly in government and has done so in opposition to try to secure a sensible way forward for all Western Australians in the handling of this site. This cluster of buildings -

Point of Order

Ms S.E. WALKER: What does this have to do with clause 2?

The DEPUTY SPEAKER: I was about to give the member the same direction that I have given other members. My patience is wearing thin with debate on matters that do not apply to clause 2. I have so far given all members a little leeway, so the member for Central Kimberley-Pilbara will be granted some as well, but this is not the second reading stage. If the member is intending to address clause 2, I ask that he do so.

Mr T.G. STEPHENS: I would love to address clause 2. On the basis of the Deputy Speaker's direction and because this is my first entry into the debate, I will need to have a copy of clause 2.

Mr C.J. Barnett interjected.

Mr T.G. STEPHENS: This would be the commencement clause, would it not?

The DEPUTY SPEAKER: This is the commencement clause.

Debate Resumed

Mr T.G. STEPHENS: I support the commencement of this legislation on the dates that have been set down for royal assent. This bill should come into effect when it has been given royal assent for the reason that it comes at the end of a long process that I was about to describe to the house when I was rudely interrupted. The long process included contributions by people like the former Leader of the Opposition, the member for Cottesloe, who quite rightly pointed out to the people of Western Australia that in considering issues like this, the community and the government cannot forever be surrendering to narrow interests around particular sites, because the end result of that process will be paralysis from one end of the city to the other. The Minister for Housing and Works will be familiar with the need for this bill to be given a commencement date. The reason the bill needs a clause like this is that this bill comes at the end of a process for which a lot of people have put in dedicated effort to try to unlock this site from the destructive processes in which it has been left, as it decays and falls down around our ears as a result of having been left unused for too long. We are talking about buildings that need to be given fresh life and adapted to other uses so that they can be part of our past as heritage buildings, and also part of the state's future; heritage buildings that can be deployed in such a way that they will, as the minister puts it, do us all proud. They will be connected with the University of Western Australia. The University of Western Australia is no fly-by-night institution. It has been referred to in a very disparaging way by the member for Nedlands. After her shocking description of senior personnel at UWA, it will be amazing if the university is magnanimous enough to allow the member for Nedlands on to the campus in future. The bill needs a commencement clause like this in order to be enacted quickly.

Ms S.E. WALKER: I refer to the comments made by the member for -

Mr T.G. Stephens: Central Kimberley-Pilbara.

Ms S.E. WALKER: The member lives in Subiaco, which is a long way from home.

Mr T.G. Stephens interjected.

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Ms S.E. WALKER: When the member was in charge of this portfolio, he said, “Minister, act; or Sunset could rot.” That is what the member wanted to do with it. I follow what people from my community and outside the community want.

Mr B.S. Wyatt interjected.

The DEPUTY SPEAKER: The member for Victoria Park!

Ms S.E. WALKER: I want to see this site brought under the same authority as Kings Park and Bold Park. To return to the clause -

Mr B.S. Wyatt interjected.

The DEPUTY SPEAKER: The member for Victoria Park!

Ms S.E. WALKER: We are working on getting the member for Victoria Park down here. He will not have to shout so loudly then.

Mr B.S. Wyatt interjected.

Ms S.E. WALKER: We will get the member down here. Do not worry; hang five.

We were told by the minister last week that clause 2 allegedly revolves around the University of Western Australia giving the government \$2.5 million. What is the University of Western Australia buying for \$2.5 million?

Mr T.G. STEPHENS: No doubt the minister will have the opportunity to respond to a set of propositions that will be put to the house by various members, including - I would hope - propositions that I would like to put and that the minister might like to consider in her handling of the consideration in detail of this bill. Clause 2 states -

Subject to subsection (2), this Act comes into operation on the day on which it receives the Royal Assent.

Another subclause states -

Sections 4, 8, 11, 14 and 15(1) and Parts 4 and 5 come into operation immediately after the order under the *Land Administration Act 1997* section 46 pursuant to a request of the Minister under section 12(1) becomes effective.

It is therefore not the case that the whole bill will become operational upon royal assent.

Ms S.E. Walker interjected.

The DEPUTY SPEAKER: The member for Nedlands!

Mr T.G. STEPHENS: Subclause (1) provides that, subject to subsection (2), most of the bill will come into effect when it receives royal assent. Some sections will not come into effect until a request of the minister. It also states that -

Section 15(2) comes into operation on the development completion day.

That invites me to go to clause 15(2), which deals with the metropolitan region scheme, which is amended by deleting -

Ms S.E. Walker: You do not have a clue. Sit down so that we can get on with it.

Mr T.G. STEPHENS: I do have a clue.

Several members interjected.

The ACTING SPEAKER (Dr S.C. Thomas): Order, members! That will be sufficient. The member for Central Kimberley-Pilbara has the call. My patience is being tried.

Mr T.G. STEPHENS: I am doing what the member asked the house to do, which is to deal with the commencement clause, which is clause 2 of the bill. That gives me the opportunity to look at that clause and see how the metropolitan region scheme will be amended. It will be amended on the development completion day. In order to understand the development completion day, I have to go to clause 3 of the bill, which deals with interpretations. It states -

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“**development**” has the meaning given to that term by the *Planning and Development Act 2005* section 4, but does not include any work, act or activity declared by regulations made under this Act not to constitute development;

...

“**development commencement day**” means the day on which section 8 comes into operation;

“**development completion day**” means the day fixed under section 4;

Clause 4 states -

Governor may fix development completion day

On the recommendation of the Planning Minister, the Governor, by a proclamation published in the *Gazette*, may fix a day as the development completion day.

Those three separate provisions bring into effect the entire bill. One of the advantages that will flow to the house if I sit down is that it will give the minister a chance to seek leave to have officers called to the table.

Ms S.E. WALKER: I would like the minister to respond to my question. Last week she said that this clause - indeed the bill - would not come into operation at all unless the University of Western Australia paid \$2.5 million to the government. What is the university purchasing with \$2.5 million?

Mrs M.H. ROBERTS: Again, I fail to see what this has to do with the commencement clause. I draw the member's attention to page 3 of the memorandum of understanding that I have already provided to her. Clause 13 of that memorandum states that \$2.5 million is to be paid to the state government pursuant to section 12(1) of the relevant legislation becoming effective, and only upon both the legislation and the management order being to the university's reasonable satisfaction having regard to the terms of the memorandum of understanding.

The ACTING SPEAKER: I give the call to the member for Nedlands. I advise her that if she is to continue her line of questioning, she should do so at clause 13, not this clause.

Ms S.E. WALKER: Yes, but this clause triggers clause 2. In the debate last week we learnt that clause 2 cannot come into operation unless the \$2.5 million is paid. The minister was quite arrogant last week when she said that this bill will not come into operation unless it gets her consent as the minister; that is, until the \$2.5 million is received. I have asked the minister to explain to the house what the \$2.5 million is for. She does not want to tell people what it is for. The \$2.5 million is the purchase cost of the tender process for the land for the aged care facility developer. That is what it is for. The minister knows that because she said so. Why is the minister trying to bypass the State Supply Commission Act?

Point of Order

Mr R.C. KUCERA: The member for Nedlands has ignored the direction from the Chair to confine her comments to this clause.

The ACTING SPEAKER: I will take that under advice.

Ms S.E. WALKER: Nowhere else is the \$2.5 million mentioned in the bill. It was the minister who raised this matter in relation to the triggering of this clause, which triggers the whole bill, which triggers the sale of the land. I am entitled to explore what the \$2.5 million is for. Members of this house are entitled to know, if we are giving away \$200 million worth of crown land that has been in public ownership since 1830, what the \$2.5 million is to be paid for.

The ACTING SPEAKER: I seek some advice from the minister. If the debate is not to be conducted under this clause, can the minister give an indication of the clause at which the member's queries and questions can be debated?

Mrs M.H. ROBERTS: Clause 12 may be a clause that is more suitable than this one. I would have to give that further examination. The fact of the matter is that the matter the member is raising is contained within the memorandum of understanding, not in the bill itself. I have drawn members' attention to that memorandum of understanding, which is a public document. I think the bottom line is that the member simply opposes the bill commencing at all. If that is the case, I suggest that she should just vote accordingly.

Ms S.E. WALKER: An amount of \$2.5 million is referred to directly by the minister in her second reading speech as purchasing the tender process, yet it is not found in the bill. I will not be able to explore this. I think it is highly relevant that the government is purchasing the tender process rather than using the State Supply Commission Act.

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The ACTING SPEAKER: The minister has indicated that clause 12 is a potential clause to debate that point further. That being the case, I therefore ask that members move forward with clause 2 and direct their comments specifically to the commencement. We will move to other issues in clause 12.

Debate Resumed

Dr J.M. WOOLLARD: I seek a little bit of direction. I was not surprised earlier when the member for Central Kimberley-Pilbara stood and supported the bill because I believe it was when he was the Minister for Heritage that the rot set in with Duncraig House. He is the person who sold Duncraig House. That was when the rot started with this government.

The problem with this clause is that it refers to other clauses. Amongst those other clauses is clause 8, which allows part of the class A reserve to be excised. The member for Nedlands asked about the \$2.5 million. The minister is putting up this bill wearing her hat as the Minister for Heritage. If someone purchases land that is attached to a heritage building, in my electorate it is subject to community planning scheme 5. There are certain regulations for development that relate to plot ratio. We are dealing with the excision of a heritage site and the sale of land. Instead of something within the normal City of Nedlands town planning scheme limits, the member could end up with a 12-storey apartment block on the Sunset site. That is why she is asking about the \$2.5 million.

The ACTING SPEAKER: Under those circumstances I ask the member to address these issues at clause 8, which is the relevant clause. The minister has already said that she will allow some leeway in debate on clause 12 and the debate that the member for Nedlands wants to continue with. I ask the member to concentrate on clause 2, which is the commencement clause. The member will find access to present her arguments further with clause 8 and other clauses.

Mrs M.H. ROBERTS: The matter that the member is referring to is found at clause 12(3)(b) at page 6 of the bill. That answers the questions she has been asking. If she wants to pursue this further, she should do so at clause 12.

Point of Order

Ms S.E. WALKER: The minister does not know the bill very well; that is obvious. Clause 2 refers directly to clause 12 becoming effective. That is the whole thrust of the debate on this clause; that is, under the bill, when clause 12 becomes effective. Now is the time to debate the \$2.5 million, because clause 12(1) does not become effective until that \$2.5 million is paid. That is what the minister said last week, and it is a trigger to what happens with this whole site.

The ACTING SPEAKER (Dr S.C. Thomas): I am informed that standing order 179, "Relevancy of debate", dictates what may and may not be debated in consideration in detail. It is therefore my ruling that under the commencement clause, there should not be general debate on a number of issues. We have been given two or three other clauses under which members can progress the arguments that they have developed so far. My ruling is that members should use those clauses at an appropriate time and that debate on clause 2 specific to the commencement should continue, without general debate.

Debate Resumed

Dr J.M. WOOLLARD: When the act commences, what will happen about the sale of the land that has been excised from a class A reserve?

Mrs M.H. ROBERTS: I will say this by way of clarification, and it may assist the member: the purpose of clause 2(2) of the bill is to place the care and control of the management of lots 302 and 303 in the University of Western Australia - for further clarification, lot 302 is the UWA arts centre and lot 303 is the residential aged care facility - before land tenure and planning amendments come into effect for the Sunset site. This achieves the objective for UWA to take control of the site for the UWA arts centre and residential aged care facility before the sale of the residential apartment site on lot 301 proceeds.

Ms S.E. WALKER: Clause 2 states that certain sections come into operation immediately after an order under the Land Administration Act pursuant to a request of the minister under section 12(1) becomes effective. What must happen before the minister can give that order? Anything?

Mrs M.H. ROBERTS: The two things that must occur, as I advised the member last week, are the payment of the \$2.5 million and the acceptance of the management order by the university in the terms agreed to.

Ms S.E. WALKER: Why is the university paying \$2.5 million for the tender process?

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Mrs M.H. Roberts: I have answered that question already.

Dr J.M. WOOLLARD: When the minister gave her description, she referred to the apartment site. Can the minister clarify for the house what that apartment site is?

Mrs M.H. Roberts: Just because I mention a word does not mean it is included in this clause. I said it by way of explaining clause 2(2). You are now picking one word out of a sentence and wanting to go off on a different tack. You have been advised by the Chair not to do that.

The ACTING SPEAKER: I must reinforce that. The member is again getting into the details of more general consideration.

Dr J.M. WOOLLARD: I did not mean to go off track. I was looking at the commencement date, and I am still a little uncertain what the commencement date does under this bill. It seems to me that the commencement date triggers the sale of the land and any development. It triggers the excision of a class A reserve that is heritage listed. Therefore, it does not have just the protection of being a class A reserve, but it is also meant to have the protection of the heritage register. First, this commencement triggers excision, and it triggers an assault on the heritage status of that site. It also triggers further development on that site. I am trying to find out from the minister what kind of development this commencement is likely to trigger. Is the minister willing to give a commitment to this house on what that development might be? I know that people have talked before about groundhog day with Duncraig House. That was a heritage site, and it was part of a heritage agreement, but there is now development on that site. People who drive past the site will see development on either side of that house. When the act commences, what will it open the door to regarding development of this site? I believe that is very relevant to this clause of the bill.

Ms S.E. WALKER: The member for Alfred Cove is quite correct, because this clause, as I said, triggers everything. However, as the minister has said, this clause cannot come into effect until the \$2.5 million is paid, and she has referred to the memorandum of understanding. I want to put on record that although the second reading speech states that the university will pay the state \$2.5 million to lease the residential aged care site and will tender that site by a public process, subject to a long-term lease, the second reading speech is not legally binding. The MOU requires that only the development of the facility be by a public process - that is not legally binding either - not the tendering for the leasing and the management of same. There is no reason that the bill should not deal with that requirement, and there is no reason that all members of this place should not have been able to see that this clause would not have been triggered but for the purchase of the tender process. That is important, and it is relevant to this clause, because members of Parliament have enacted legislation to ensure that crown land is dealt with in a particular way through the State Supply Commission. There is no reason that this bill should not have dealt with the \$2.5 million payment and with the public tender process for both the development and leasing of the aged care facility site. It is very strange to me that this whole bill suddenly pivots around the fact that the first stake in the ground is the purchase of the tender process for the aged care developer. What is going on?

Mrs M.H. ROBERTS: I take the opportunity to point out to the member for Alfred Cove that clause 24, on page 11 of the bill, deals with the development plan under the heading "Development plan must be submitted to WAPC". On page 12, there is some detail about what will be allowed. For example, it says that not more than 57 residential units are to be built and so forth.

Ms S.E. WALKER: What is the university purchasing? Will the minister put on record what the university is purchasing for the \$2.5 million? What will it be able to tender and what will it be able to bypass? The \$2.5 million does not come up anywhere except prior to the commencement of this clause.

The ACTING SPEAKER: I believe the minister gave an undertaking to discuss that matter under clause 12. If the minister is happy to do it under this clause, I will allow her to answer the question.

Mrs M.H. Roberts: No, I would much rather wait until we deal with clause 12.

Dr J.M. WOOLLARD: This commencement date triggers the excision of land from an A-class reserve. There are many members in this house, and I hope that some of the other members of this house, particularly those with electorates in the metropolitan area, will stand up and oppose this bill. Although this bill refers only to the Sunset site at the moment, the commencement date for this excision reflects on all other A-class reserves and heritage-listed sites in the metropolitan area. This commencement date is saying that something that a previous Heritage Council committee considered worthy of inclusion on the Register of Heritage Places can now be sold. I am not sure of the date on which that land became an A-class reserve.

Ms S.E. Walker: In 1899.

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Dr J.M. WOOLLARD: I thank the member for Nedlands. In 1899 the government considered that this land was so valuable to the community that it should have A-class reserve status. There are not many sites in the metropolitan area that have the protection of A-class status, or at least had it until a few years ago. This bill will affect not only the member for Nedlands but also every member of this house who has an A-class reserve or heritage-listed site in his or her electorate. It need not be a building; it could be a piece of land. Ningaloo Reef is heritage listed. The commencement of this bill throws those classifications out of the window. It is saying that the government will not save all of it, but will receive a kickback for part of the land and allow development on part of the land to supposedly protect some of the heritage buildings.

The ACTING SPEAKER: The member is drifting back into general debate again. If she is to continue, she must concentrate on clause 2.

Dr J.M. WOOLLARD: Sorry, Mr Acting Speaker. I know the minister has said that clause 12 refers to the development, but we must look at this commencement clause that triggers everything. I refer to a section of the Heritage Act that requires development proposals to be referred to the Heritage Council. This proposal should have gone to the Heritage Council first. I will ask more detailed questions in relation to the Heritage Act, at your direction, Mr Acting Speaker, when either clause 12 or clause 24 of the bill is considered. However, this clause triggers the sale of our crown jewels. The member for Yokine laughed, but the land is not in his area. What a joke! The member for Yokine is a joke. This is very important for the people who live in the area. With the increasing population density in Perth, it is likely to be important for many people in the community.

Point of Order

Mr J.C. KOBELKE: I appreciate your efforts, Mr Acting Speaker, to confine speeches to the matter under debate, but the member for Alfred Cove is resorting to abuse of another member, which is unparliamentary anyway. I suggest this is really an issue of getting on with the debate, and not using the opportunity to simply slur another member.

The ACTING SPEAKER: I remind members that, under standing order 97, I have the power to ask members to discontinue a speech. We are becoming bogged down in relatively repetitious debate. I ask members who want to debate clause 2 to concentrate fully on the clause itself and come up with some new and different material if the debate is to continue.

Debate Resumed

Ms S.E. WALKER: I return to the issue of the comments by the former minister, the member for Central Kimberley-Pilbara, when he referred to this site as a heritage site and the fact that there would be a conflict of interest for the minister in signing the order for clause 12(1) to become effective under clause 2. There has been no agreement on what will happen with this site once the minister signs that clause. This is important. The Heritage Council, which I think is a joke, has said that this bill is fine, but it does not know what will happen to it. We should not worry about that; we should worry about the detail of what will happen once this bill passes through Parliament. I cannot find it at the moment, but I will look during the dinner break for a major report into this site that says that nothing should happen on this site, and therefore this clause should not be triggered until the heritage agreement is in place. There is no heritage agreement in place, and clause 2 will become operational without that happening. It is a disgrace, and anyone connected with it should be ashamed of themselves. I will find that report during the dinner break. One of the minister's advisers, Mr Peter Gillies, has been working on this project since 1995, because he is certainly mentioned in the first report on submissions to the metropolitan region scheme.

Point of Order

Mr J.C. KOBELKE: I fail to see how this has anything to do with the clause that is currently before the house.

The ACTING SPEAKER: Members, the question is that clause 2 stand as printed. I ask that debate be restricted to clause 2.

Debate Resumed

Mr C.J. BARNETT: We have been saying that clause 2 triggers off a series of events or processes for the Sunset site. I am disturbed that it effectively triggers a transfer of powers and responsibilities from the state to, in particular, the University of Western Australia. The problem members have is that it is indeterminate how that will unfold. This clause hands over powers and responsibilities for the Sunset site, yet we do not know the timing or the process. That is the problem we have in this house. It would almost be better to skip over this clause and come back to it, because it triggers all the events. However, we do not know what will actually be

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triggered until we consider the other clauses. There is some merit in skipping over this clause and coming back to it.

Clause put and passed.

Clauses 3 to 5 put and passed.

Clause 6: Terms used in this Part -

Ms S.E. WALKER: We are dealing here with a heritage-listed, A-class reserve. As I understand it, a bill was introduced into this house in 1899, I think it was, or 1890, by the first Premier, Sir John Forrest, for exactly the reason we are here today - so that simpleminded folk, with short-term vision and no vision for the future of the state cannot sell off this land. This bill wants to sell off A-class reserves. The first Premier, Sir John Forrest, brought in a bill so that that could not happen easily. I am very proudly on my feet today to combat what is happening with this site. Not only will this A-class reserve be flogged off in part, but I have been told that the former minister knew that once a private body corporate got control of this land, it would eventually be subdivided. I know that the former minister had that idea, because I have been told by people with whom he discussed it. That is what concerns me. Not only the Iris Avenue area, but the whole A-class reserve will be flogged off. I want members to understand that, under this class A reserve, the land tenure is now designated - I will give members an example with the residential apartments that are to go on lot 301 - "Retirement Village, Parks and Recreation, Community and ancillary commercial purposes". It is proposed to change that A-class reserve to freehold. That will need an act of Parliament. However, is an act of Parliament needed to change the tenure of lot 302, which the university will take on for the alleged arts centre and which there is no legal liability for it to do under the bill, to an A-class reserve under the custodianship of the University of Western Australia? We need an act of Parliament to change lot 301 from an A-class reserve to freehold. Will an act of Parliament be needed to change the purpose of an A-class reserve on lot 302?

Mrs M.H. ROBERTS: This clause deals with the nature of A-class reserves. The member for Nedlands and others have talked a lot about A-class reserves, a large number of which were set aside by Sir John Forrest when he was Premier. When this reserve was set aside in the time of Sir John Forrest, it was set aside for the purpose of recreation. However, in 1904, the Parliament decided to change the purpose of the reserve from recreation to old men's depot. The member for Nedlands is attempting to run some argument that this should be part of Kings Park or something to do with plants, or whatever or that it has been a recreation reserve since 1900 or whatever. It was a recreation reserve in 1900; however, in 1904 this Parliament decided that it would become an A-class reserve for the purpose of an old men's depot. The purpose was changed in 1904! The fact is that there is a process in this Parliament for excising parts of A-class reserves or adding parcels of land to them. That is a significant part of the reason that we are here. Changes to boundaries of A-class reserves, as have happened in this case or changes to purposes of A-class reserves have to come before Parliament. It is possible to change the purpose of an A-class reserve without introducing an act of Parliament. A change can be tabled in the house under the Land Administration Act. However, as this is a package, it was felt appropriate to deal with this matter in the one piece of legislation.

Ms S.E. WALKER: Is the minister suggesting an act of Parliament is not required when the purpose for lot 302, "Use and requirements of the University of Western Australia", is being changed to urban?

Mrs M.H. Roberts: Changed to what?

Ms S.E. WALKER: Urban.

Mrs M.H. Roberts: That is a matter for the metropolitan region scheme. That is not what we are dealing with here.

Ms S.E. WALKER: Therefore, an act of Parliament is required to change the purpose of lot 301 to freehold, but an act of Parliament is not required to change the purpose of "Use and requirements of the University of Western Australia" to urban?

Mrs M.H. Roberts: It is not being made urban; it is being made public purpose.

Ms S.E. WALKER: No, no; the minister is wrong because lot 301 is being made urban. I am talking about lot 302.

Mrs M.H. Roberts: If the member is asking me whether the university can change the purpose of the lot from urban without coming back to Parliament, the answer is no.

Ms S.E. WALKER: All right. If the university wanted to do that, how would it do it?

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Mrs M.H. ROBERTS: I do not believe the UWA could do it because it would not be the university's land. It still remains part of the A-class reserve. Therefore, I think any action to amend the metropolitan region scheme would have to be done by the state government. In any event, Parliament would have to deal with any major amendment to the metropolitan region scheme.

Ms S.E. WALKER: Lot 302 is being transferred to the University of Western Australia and the purpose is being redesignated to "Use and requirements of the University of Western Australia". Once that happens, the University of Western Australia Act becomes involved and the land is vested in the university. Under this bill, that A-class reserve will be vested in the University of Western Australia and the act will kick in and the senate can then do what it likes.

Mrs M.H. Roberts: I don't think you are correct. I think that the member may be confused between a purpose and a zoning. I am not sure what you think can happen, but I think your concerns are unfounded. In any event, you have not explained them clearly enough for me to understand what you are talking about.

Mr R.F. Johnson: I understand.

Ms S.E. WALKER: Does the member understand what I am saying?

Mr R.F. Johnson: I do.

Ms S.E. WALKER: What I am saying is: once this A-class reserve goes over to the University of Western Australia, this bill designates that it is vested. Has the minister considered, before doing this, that the University of Western Australia Act will kick in, as the minister knows it will kick in, and the university will be able to sell the land if it wants? How does the minister work through that process legally because that is what is of concern to me? On a lesser scale, but still a concern, the purpose for that site is being changed to "Use and requirements of the University of Western Australia". It can do what it likes with it. It can lease it to whomever it likes. This bill even gives away the power of the Minister for Land Information to sanction the sale, lease or licensing of the land. That is being given away also!

Mrs M.H. Roberts: Not sale.

Ms S.E. WALKER: Yes, sale. I am concerned about that.

Mrs M.H. ROBERTS: The land under question will remain an A-class reserve. For that reason, there is no capacity for the University of Western Australia to sell the land. The member is wrong in her interpretation of the term "vested" under section 14(1) of the University of Western Australia Act 1911. This legislation gives away the care, control and management in a later clause. I believe that the concerns of the member for Nedlands are unfounded, which is the legal advice that has been provided to me.

Ms S.E. WALKER: I think the minister should change her legal advisers. Why would the University of Western Australia take on an A-class reserve if it cannot do anything with it? Why does this legislation remove the right of the Minister for Land Information to veto development, license, or lease? The University of Western Australia Act allows the university to lease this land for 99 years. That is a way of flogging off the whole site. It is getting it for 99 years! It is getting it freehold. I think it is strange that the university is getting all this land - 90 per cent - for nothing and yet it has to purchase the 2.5 hectares for the aged care development under a tender process. Why? Does it have something to do with the fact that when Mr Marmion took on this project on behalf of the government, he was actually acting for Hall and Prior on the development of the Edith Cowan University site? The Hall and Prior plan turns out to be exactly the same one that will now be used on the Sunset site. Does it have anything to do with that? How will the tender process work for the aged care site, given that this is an A-class reserve?

Mrs M.H. ROBERTS: This will go to public tender. The member is very focused on some identities in the Liberal Party and people who have worked in the Liberal Party to whom she has referred previously in discussion on this bill. Perhaps some of her friends in the Liberal Party may have a problem with Mr Marmion, I do not know. I understand Mr Marmion worked for former Premier Richard Court. I understand there are all kinds of shenanigans in the Nedlands branch of the Liberal Party and with the various people who have associations with it. Frankly, those matters do not interest me. I know little about them and any of the personalities to whom the member has referred are not people with whom I have any particular friendship or concern or interest in. I will continue to deal with things in an appropriate businesslike fashion.

Sitting suspended from 6.00 to 7.00 pm

Ms S.E. WALKER: Prior to the break we were talking about a class A reserve. There was no mention of any money passing hands for the 2.5 hectares that will be going to a lucky aged care developer. The minister said

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that there would be a public tender process. Will the minister point to where it says in the bill that there will be a public tender process?

Mrs M.H. ROBERTS: One thing I will point out is that there is no mention of this in clause 6. The answer to the question, as the member for Nedlands well knows, is that it is in the memorandum of understanding.

Ms S.E. WALKER: The MOU requires only the development of the facility by public process, not the leasing and the management of the same. I am just wondering if the minister can tell us why the government is selling the tender process to a private body corporate instead of dealing with the land through the State Supply Commission.

The ACTING SPEAKER (Mr A.P. O’Gorman): Clause 6 deals with the meaning given to “class A reserve” in the Land Administration Act. It is not referring to the MOU, so I ask that the member ask questions on clause 6, and the meaning given to the term “class A reserve” according to the Land Administration Act.

Ms S.E. WALKER: The minister has developed her argument on this. I will not have the opportunity to talk about it, because it is nowhere in the bill. I am responding to what the minister said and asking her why the government is -

Mrs M.H. Roberts: You know full well that all I have done is to attempt to assist you by answering your questions. Do not pretend that I have engaged in some argument on it.

Ms S.E. WALKER: I am asking why the minister and the government are selling the tender process for a class A reserve.

The ACTING SPEAKER: I can read nothing in clause 6 that has anything to do with an MOU or selling a class A reserve. The clause simply deals with the meaning given to a class A reserve under the Land Administration Act. I need the member to ask a question about that, not about MOUs, tender processes or anything else. I am sure that there should be something relating to that elsewhere in the bill.

Ms S.E. WALKER: There is not.

The ACTING SPEAKER: I ask the member to keep her questions strictly to clause 6.

Ms S.E. WALKER: May I ask for some clarification? Does it mean that all the debate on this clause that has gone before is of no relevance or significance?

The ACTING SPEAKER: I believe that the minister has already given the member an answer on the MOU and tender process, which are referred to in clause 12, which deals with the management of the reserve. At the moment we are dealing with clause 6, which refers specifically to a class A reserve and the meaning given to that term in the Land Administration Act. If the member does not have a question on clause 6, I will put the question.

Ms S.E. WALKER: I would like some clarification about what you are saying, Mr Acting Speaker. May I speak about the tender process when we deal with clause 12?

The ACTING SPEAKER: That is my understanding.

Ms S.E. WALKER: Thank you.

Clause put and passed.

Clauses 7 to 10 put and passed.

Clause 11: Class A reserve No. 1667: change of purpose -

Ms S.E. WALKER: Under the provisions of this bill the A-class reserve is being divided into five parts, two of which are very minor parts and one of which involves a bore or something similar in the City of Nedlands. The main three divisions are lots 301, 302 and 303. Clause 11 deals with the part of the land that the University of Western Australia will allegedly use for an arts centre. However, the bill contains no requirement that the land be used for an arts centre. There has certainly been publicity about it. I refer to an article dated 2 May 2006 in the *Western Suburbs Weekly* in which the minister and Professor Alan Robson of the University of Western Australia said that there would be an arts precinct on the old hospital site. One must read clause 11 carefully. It states that the purposes for which the class A reserve is being reserved are changed to “Use and requirements of the University of Western Australia”; therefore, the purposes are for the use and requirements of the University of Western Australia. Subclause (2) reads -

The purposes referred to in subsection (1) are to be taken to include -

- (a) arts, cultural and community purposes and ancillary commercial or other purposes; . . .

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It could be for anything; it does not have to be for arts. I believe this is a bit of a con of the public. The minister has said that the land will be used for an arts precinct. Why does the bill not say that? The bill says that the university can do what it likes once it gets the land. It does not have to have an arts section. I am not saying that the university will not have one, but a lot of buildings are proposed for the site. An arts building happens to be only one of them. The land could be used for commercial purposes or any purpose that the UWA decides to use it for. With the greatest respect to UWA, it is a business. Those in its business section are very sharp operators. I do not mean that as a derogatory term.

Mr T.G. Stephens: Yes, you do.

Ms S.E. WALKER: I do not. I respect their business acumen. I knew the wife of Martin Griffiths very well. Martin Griffiths used to work there. The UWA is a business. I am very proud of the UWA. It was my old university. Who would not want to be involved in this? It is a \$200 million beautiful investment. The point is that I am elected to represent my community. That is what I am doing tonight. The minister, together with Professor Robson, talked about their commitment to transform the old Sunset Hospital site, but the university has not given a plan of what it intends to do with the land that it will get. It has not even bothered to cobble something together, unlike the aged care providers, which gave their business plans to Mr Marmion, who was allegedly doing a detailed business plan for the buildings. It concerns me that this area will be an arts precinct, yet the bill does not reflect that. I wonder why.

As I have said, when the bill is assented to, the University of Western Australia Act will kick in. To find out what the uses and requirements are for the University of Western Australia, we need to refer to the University of Western Australia Act. The university will get control and management of the property, as outlined in clause 12, and then the university will be able to lease this land for up to 99 years under the University of Western Australia Act. I want the minister to comment on that.

Mrs M.H. ROBERTS: Clause 11 changes the use of the A-class reserve from retirement village, parks and recreation, community and ancillary commercial purposes to the use and requirements of the University of Western Australia. For clarity, this includes arts, cultural and community purposes and ancillary commercial or other purposes and residential aged care and ancillary purposes. The member for Nedlands has asked what will prevent UWA from using the site for other purposes. I advise her that the UWA Senate approved the memorandum of understanding with the state government for the care, control and management of lot 302 for the UWA arts centre and lot 303 for residential aged care. UWA is, of course, a high-profile public institution that will spend more than \$40 million on redeveloping the UWA arts centre. It will accommodate an exhibit for the Berndt Museum of Anthropology at UWA and the Cruthers collection for public display. This use is consistent with UWA managing the site under its act, and will also involve UWA restoring all significant heritage buildings and providing community use and access to heritage buildings and grounds. The intention is to provide for the best possible uses of the site under UWA management; for example, UWA will liaise with the City of Nedlands about other community uses for the site.

I also draw the member's attention to clause 13, which provides that the Land Administration Act 1997 will not be affected. It states -

Except as expressly provided under this Part, nothing in this Part affects the powers conferred under the *Land Administration Act 1997* on the Minister for Lands in relation to Class A reserve No. 1667.

Ms S.E. Walker: What does that mean?

Mrs M.H. ROBERTS: It means that sections of the Land Administration Act will clearly still apply. I draw the member's attention to section 50 of the Land Administration Act, which gives the minister the power to revoke a management order. That could be with the agreement of the management body, it could be for noncompliance with the management order or it could be because it was in the public interest. Some provisions of the Land Administration Act will clearly not be affected by the bill.

[Quorum formed.]

The ACTING SPEAKER (Mr A.P. O'Gorman): The question is that clause 11 stand as printed.

Ms S.E. Walker: I am sorry, Mr Acting Speaker; this ignoramus was standing in front of me and I could not hear you. It was done deliberately.

Withdrawal of Remark

The ACTING SPEAKER (Mr A.P. O'Gorman): First of all, the member cannot call another member of this house by anything other than his or her electorate name. I ask that the member withdraw.

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Ms S.E. WALKER: I withdraw.

Debate Resumed

The ACTING SPEAKER: I had not called a vote on the clause. The question is that clause 11 stand as printed.

Ms S.E. WALKER: I do not like someone's bottom being quite that close to my face when I am trying to listen to what you are saying, Mr Acting Speaker.

Mr P.B. Watson: We don't want to hear about your sex habits.

Ms S.E. WALKER: It is not my sex habit at all, and I think the member for Albany should watch his language.

The ACTING SPEAKER: Order, members! I am not interested in any other comments. I am interested in getting through this clause of the Sunset bill before sunrise. The member for Nedlands has the call; ask a question.

Ms S.E. WALKER: Clause 11 refers to the purpose of class A reserve 1667 being changed to the use and requirements of the University of Western Australia. Can some members have their conversation outside the chamber because I am trying to focus on the bill?

The ACTING SPEAKER: The conversation is over.

Ms S.E. WALKER: Lot 302 and lot 303 for the aged care facility will comprise class A reserve 1667 after the excisions provided for in clauses 8, 9 and 10 occur. The purpose of the reserve will be changed from retirement village, parks and recreation, community and ancillary commercial purposes to the use and requirements of the University of Western Australia. The minister's second reading speech states that a memorandum of understanding between the University of Western Australia and the state government has been executed. The second reading speech also states that the MOU sets out the respective obligations of each party to achieve the desired outcomes of the Sunset community master plan. At page 4 of the MOU, it states that other than the requirement for the university to pay the state government the amount of \$2.5 million upon the conferral of the management order for reserve 1667, the MOU does not create any legal rights and obligations between the parties and is intended only as a statement of both parties' intention to work together in good faith to achieve the outcomes stated therein. The MOU, accordingly, does not impose legally binding obligations or rights, other than the payment of \$2.5 million by the university. The provisions of the bill do not ensure that lot 302, which is the subject of clause 11, will be used as an arts, cultural and community facility, notwithstanding that the UWA arts centre for community and commercial purposes is stated to be one of the primary purposes of the memorandum of understanding. Clause 11(2) states that the purpose of the use and requirements of the University of Western Australia for reserve 1667 are to be taken to include arts, cultural and community purposes and ancillary commercial and other purposes. The provisions, however, do not require lot 302 to be used for those purposes. On the other hand, in relation to lot 303, the aged care facility site, clause 12(3)(a) expressly states that the management order will be subject to the condition that lot 303 not be developed or used otherwise than for a residential aged care facility and ancillary purposes. Why is that? Why are we giving this land to the University of Western Australia allegedly for an arts centre, but it is not stipulated that the land must be used for that purpose? The bill stipulates only that land is to be used for an aged care facility. Why is that? The minister has not answered that question, and she has not answered my question about why the tender process has been usurped. The tender process, which is provided for in the State Supply Commission Act, for this land has been usurped.

Clause 12(3)(b) states that the university is to enter into a heritage agreement in relation to lot 302, which is the subject of clause 11, and lot 303. However, such an agreement will not necessarily prescribe that the use for lot 302 be limited to that of an arts centre for community and cultural purposes. There is no good reason why the bill should not have set out the requirements that are placed upon the parties under the memorandum of understanding. It is also not apparent why the bill does not state clearly that lot 302 must not be developed or used for any purpose other than as an arts centre for community and cultural purposes. It would not have been difficult to put that in the bill. Why is this clause so wide? Why is this land being given away to UWA for nothing, for UWA to do with as it sees fit?

Mrs M.H. ROBERTS: Essentially the member is asking why the uses for lot 302 are not restricted in the management order, as they are for lot 303. The UWA arts centre on lot 302 is likely to involve some relatively short-term leasing arrangements; that is, for five to 10 years. Those leasing arrangements could be for uses such as a cafe, or for some community uses by the City of Nedlands. However the University of Western Australia will be responsible for the heritage buildings and the overall management of the site in line with its memorandum of understanding with the state government, as endorsed by the UWA Senate. This arrangement

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varies from the arrangement for the residential aged care facility on lot 303, which is also outlined in the MOU. The university has agreed to enter into a public tender process for the development of an aged care facility comprising up to 120 beds. The ancillary purposes could include a florist or a chemist. While the terms of the ground lease for lot 303 will ultimately be determined by the university, the developer or operator will be responsible for the construction and maintenance of the facility over the life of the lease. The reference in the MOU that the land in lot 303 is not to be developed or used otherwise than for the purposes of a residential aged care facility and ancillary purposes provides a clear message to potential parties about the permitted development and uses of the site.

Ms S.E. WALKER: That was not a response to my question. That was just a regurgitation of what I have said. The minister has not responded to my question about why the university has put out publicity in the community to say it will be an arts precinct, when the bill does not specify that it must be an arts precinct. This clause deals with the change of purpose for which class A reserve 1667 is reserved. There does not appear to be any scope within the memorandum of understanding for the university to depart from the express purposes for lot 302. Clause 4 of the preamble to the memorandum of understanding states that any alternate use by the state government or the university is to be agreed by both parties. Clause 6 of the memorandum of understanding states that the University of Western Australia agrees to undertake a review of the detail of the Sunset community master plan and confirm or modify such detail in accordance with the university's due diligence, feasibility and planning studies. The community was sent a pretty picture of the suggested Sunset community master plan. However, there is nothing in the bill about that plan. The university will be able to do what it likes. Clause 6 states also that the university agrees to prepare its own master plan for the use and development of the land under the care, control and management of the university for planning purposes, and to proceed on the basis that the Western Australian Planning Commission is confirmed as the relevant planning authority. Clause 8 of the memorandum of understanding states that the University of Western Australia agrees to conserve the site in accordance with the heritage agreement and to provide appropriate community use and access to the heritage building and grounds. Clause 9 of the memorandum of understanding states that the University of Western Australia agrees to incorporate university art collections and cultural activities for public viewing as appropriate for the site. However, it needs to be borne in mind that none of these commitments in the memorandum of understanding is legally binding. The university will be able to depart from the terms of those commitments, with the exception of whatever requirements may be imposed under the heritage agreement. However, there is no heritage agreement. There is no plan. We have heard some snippets from the minister about what the plan for the site might be. However, the community does not know, and we do not know. We are clueless. We have no idea. We have now heard that some of the buildings will be available for short-term lease for up to 10 years. It appears that some sort of plan has been developed. However, it has not been given to members of Parliament. When Sir John Forrest introduced the original bill, it was for exactly this reason: that we did not give away an A-class reserve in a secret deal. That is what this bill is. I do not know what the deal is for this site. It could be anything. I ask the minister again: why will UWA be allowed to do whatever it likes with the land that it will be given under this clause, yet it will not be allowed to use the other 2.5 acres of the land that it will be given for anything other than an aged care facility?

Mrs M.H. ROBERTS: The member for Nedlands has made some points about what Sir John Forrest intended when he set up the system of A-class reserves. I expect that when Sir John Forrest set up Kings Park as an A-class reserve he did not envisage the cafes and restaurants and other ancillary uses that are now on that site. I do not know whether the member is attempting to suggest that this site will not continue to be an A-class reserve. Of course it will continue to be an A-class reserve. I am confident that the University of Western Australia will stick by the terms of its memorandum of understanding. As we all know, an MOU is not a legally binding document. However, in this instance it has been endorsed by the University of Western Australia Senate. I believe that the memorandum of understanding has been signed in good faith and that the terms of the memorandum of understanding will be abided by. The member for Nedlands referred to the clause in the memorandum of understanding that states that UWA will undertake to review the detail of the Sunset community master plan. That is exactly it. It is the detail, not the overall master plan. I think the member is jumping at shadows and assuming the worst. I believe the best outcome is vastly more likely.

The ACTING SPEAKER (Mr A.P. O'Gorman): The member for Busselton - sorry, I mean Vasse.

Mr T. BUSWELL: Mr Acting Speaker, I support my colleague the member for Nedlands. I heard the minister say that some of the buildings - I think that was the term that was used - would be available for short-term lease, perhaps for five years, for use as a cafe or the like. If a cafe owner were to sign a five-year lease, who would be responsible for the capital costs that would be incurred to enable the particular building to be utilised as a cafe? This is an interesting point, because if the owner of the cafe will be expected to pick up the capital costs, it is highly unlikely that he will sign a five-year lease. The point I am raising is very problematic. The minister may

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have been taking some licence in her attempt to bat away the question from the member for Nedlands. The member for Nedlands had made the point that the concept of an A-class reserve is often defined by people who have become familiar with a reserve through the utility that it offers to their way of life. I acknowledge that this reserve is currently fenced in. However, the issue still remains of the utility versus the strict definition of an A-class reserve.

Mrs M.H. Roberts: It has never actually been a park. Is the member aware of that?

Mr T. BUSWELL: I have visited the site, minister, under the prompting of the member for Nedlands. Although I was incorrectly referred to as the member for Busselton, I do have an interest in the government's desire to take over crown land in local community control, because that is exactly what the government, through the Minister for Peel and the South West, is trying to do in my area.

Point of Order

Mrs M.H. ROBERTS: Mr Acting Speaker, the member is diverting from clause 11 of the bill, particularly in his references to Busselton.

Mr T. Buswell: The Acting Speaker called me the member for Busselton!

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members! There is no point of order. The question is that the clause stand as printed.

Debate Resumed

Ms S.E. WALKER: I will continue to refer to the giving away of this land to a private body corporate. It is our land; it is \$200 million worth of land that has been in public ownership since 1830. Moving on from the snapshot, we then got a Sunset community master plan. The minister said it was a future WA arts centre. That is not what the bill indicates. The bill does not say there will be a future arts centre on the site. In the western suburbs press release, the University of Western Australia and the government confirmed their commitment. I want to say something about the commitment of UWA. As I said, I hold UWA in the highest regard. I think UWA knows it has not put any effort into committing to this site. UWA is hoping the bill gets through the Parliament. I say that because I went to see the university people. The Syme Marmion report referred to UWA having made a formal submission, yet there is no formal submission. Why is that, minister? Perhaps the minister can tell me why the Syme Marmion report indicates there was a formal submission by UWA and there is none. When I visited UWA and spoke to the vice-chancellor, Margaret Seares, a very nice woman, she gave me a copy of the concept for Sunset, which ran to two and three-quarter pages. That is it. That is the university's commitment.

The people who really wanted to develop the site, the aged care providers, put a lot of work into their plans. I have seen some of them. I have to say I do not agree with any of them because I do not believe the site should be developed. My role is to represent the community, and that is what I am doing. The university really has not committed to this site in any way in saying what the plan will be. It has put out a few press releases, and just before the bill came on it may have given some Liberal Party members a document on some of the arts the university was going to put on the site. My point is there has been no real effort on its part. The university is a wealthy organisation. It has some very smart business people who could easily have outlined the plan, but I think they recognise the politics of the situation. I am wondering why the minister expects us to vote on such an appalling bill. The measure will give to UWA, allegedly for an arts centre, nearly \$200 million worth of land. The university does not have to put an arts centre there. There is a secret plan; the minister gave out a few snippets about something to do with the Nedlands City Council. Obviously there is a plan but nobody has put it on paper.

The heritage agreement for the use of the site under clause 11 is a concern, as is the fact that the Western Australian Planning Commission will exercise planning control over any physical development of lot 302 under the metropolitan region scheme. However, any use or change of use of the site not involving physical development and for which the site may be lawfully used by the university does not require the approval of the WA Planning Commission. The local government has no planning control powers over the site under its local planning scheme, as the site is reserved for regional public purposes under the metropolitan region scheme. Therefore, the university will not be subject to planning controls by state or local government in relation to uses that do not involve physical works.

If no other specific conditions are imposed for the management order under section 46 of the Land Administration Act, the terms of the heritage agreement to be entered into may be the only enforceable instrument controlling the use of the land, depending on its terms. Has the minister thought about that? How will the minister prevent UWA from using the site for purposes that are extreme?

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Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mrs M.H. ROBERTS: I think the member for Nedlands has re-hashed many of the arguments she raised in the second reading debate. As I pointed out previously, she is ignoring clause 13 and the provisions of the Land Administration Act 1997. There are provisions in the bill that will apply should UWA not live up to expectations. The member for Nedlands also claimed there was no guarantee about, or no substance to, what may be happening in relation to the City of Nedlands and community purposes. Clause 11 refers to community purposes, and although I think some discussions have taken place with the City of Nedlands at a general level, nothing has been determined at this stage, and nor could it be, given that the legislation is before this house. Once the legislation has passed, I expect UWA will negotiate further with Nedlands City Council and the community purposes could then be agreed upon. A whole range of work clearly needs to be done by UWA before this can be advanced, but it is unlikely to do that until such time as the legislation has passed through Parliament.

Ms S.E. WALKER: The University of Western Australia cannot want this site very much, can it? If it did, minister, it would be doing what the aged care developers did and putting forward plans. I think the minister has said, "We think we've found a way we can give it to you on a platter because I don't think the member for Nedlands is going to come out against UWA." The truth is that I am very much an advocate for my community. The minister and the former minister said that it was just a small select group of people around Jutland Parade who used this site. That is not true. Time and again while this land has been in mothballs, surveys have been done of the people who use the area. One was done by Mrs Anne Pooley. Before I came to the House today, I looked at the numerous files I have on this matter. Mrs Pooley did a survey of walkers, joggers and cyclists to see who used this site and who went down Iris Avenue. She listed the areas they came from. They included Wagga Wagga, Cottesloe, Morley, Ellenbrook, Stirling, South Perth, Kalamunda, Tuart Hill, Bullsbrook, Como, Wembley Downs, Waterford, Jakarta, Trigg, Kojonup, Mt Lawley, Fremantle, Alfred Cove, Bedford, Albany, West Leederville, Perth City, Wilson, Melbourne, Dublin, Ireland, Munich, Willetton, Mt Claremont, Kingsley, Melville and North Perth. They also come from the local area in Nedlands.

It is not correct that people outside the local area do not care about this site or think about it. I am concerned that there are no controls on the passing over of the land to the University of Western Australia. Any controls that could be put in place have been removed. Control under section 18 of the Land Administration Act has specifically been removed.

As I said, there has been no commitment on the part of UWA. People at the university were very honest with the member for Cottesloe and me. They said, "We're just waiting to see that it gets through." I am concerned about whether the university has the power to pay the \$2.5 million. I am not sure, on my reading of the university act, that it can do that. The University of Western Australia Act does not indicate that the provision of an arts centre for community and cultural purposes is within the objects or powers of the act. UWA may not have the power or the legal capacity to provide the intended facilities. We do not know that. We do not know anything about it. If the minister is relying on the memorandum of understanding, as she appears to be, I wonder whether she has taken on board the fact that UWA, as nice as the people are, is a major litigator. It has major litigation going on at the moment with the state - that is, the Water Corporation - concerning extremely valuable endowment lands. I think that in the member for Cottesloe's electorate, but on the boundary with the electorate of Nedlands, there is University of Western Australia endowment land, and the university has a major claim in relation to the Water Corporation's nearby waste water treatment facility. The university is not a stranger to vigorous and costly litigation against the government. Great care should be taken by the minister to ensure that the potential for litigation does not arise in a case where a dispute could arise over the memorandum of understanding. Why the minister is relying on a memorandum of understanding instead of a legally binding agreement is beyond me. While the minister may sit there and look bored - as bored as she usually looks in this debate - she will not come up with any responses.

Mrs M.H. Roberts interjected.

Ms S.E. WALKER: I am not arrogant.

Mrs M.H. Roberts: You said before that you found me arrogant and now you are saying that I am bored.

Ms S.E. WALKER: The minister has told me that she finds my accent hard to understand. The point is that I have to put on the record every issue that I find quite disturbing on clauses of this bill and I will not be stopped from doing so. I ask the minister whether any consideration has been given to what she will do when she finds herself at odds with something that will not be complied with in the memorandum of understanding?

Mrs M.H. ROBERTS: We are not relying solely on the memorandum of understanding, as suggested by the member for Nedlands. She asked whether the University of Western Australia has the capacity to pay the \$2.5 million. Given that the member for Nedlands has talked a little about UWA getting some very good legal

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advice, one would think that it will have received some good advice on this issue. If the university senate has proceeded to sign a memorandum of understanding whereby it will pay \$2.5 million, I am sure that it would have received its own legal advice in that regard. If that money is not paid, a management order would not be issued under the terms of the bill; therefore, the land tenure and use issues would not arise.

Clause put and passed.

Clause 12: Class A reserve No. 1667: management -

Ms S.E. WALKER: This clause is about the management of lots 302 and 303. It states -

The Minister for Lands must, on being requested by the Minister for Works to do so, . . . under . . . section 46 -

- (a) . . . place the care, control and management of Class A reserve No. 1667 with the University of Western Australia; . . .

Subject to section 14 of the University of Western Australia Act, as applied by clause 12(4), power is conferred on the university to grant a lease, sublease or licence over the whole or any part of the crown land for the purposes referred to in section 11; that is, for the purposes of arts, cultural, community, ancillary, commercial and other purposes. It means that as soon as that kicks in, section 15 of the UWA Act kicks in and the university senate may grant leases of lands vested in the university. This is because this land is to be treated as if it is vested in the university under clause 12(4), which reads -

The University of Western Australia Act 1911 sections 14 and 15 apply to land in respect of which an order referred to in subsection (1) is made as if that land were land vested in the University of Western Australia.

It worries me that the land is being vested in the University of Western Australia and reference is made to sections 14 and 15. Section 14 reads -

14. Control and management of property

- (1) The Senate shall have the control and management of all real and personal property at any time vested in or acquired by the University; and may set out roads, streets, and open spaces, and erect and maintain buildings upon and otherwise improve any land or other property as in their absolute discretion they may think fit, and may apply any trust funds of the University to any such purposes.

The university has the absolute discretion.

Clause 13 of the bill removes any discretion that the Minister for Land Information has in controlling what the university does. Section 15 of the UWA Act states -

The Senate . . . may grant leases of any lands vested in the University for any term not exceeding 21 years and, with the approval of the Governor, but not otherwise, -

That is, the cabinet -

may grant leases for any term not exceeding 99 years -

It concerns me that as soon as the lever is tripped by the minister, the land is vested in the university and, in its absolute discretion, it can do with it what it wants. Is the only veto the minister has the withdrawal of the control and management order under the Land Administration Act?

Mrs M.H. ROBERTS: The short answer to that question is no. A number of points need to be clarified. Clause 12(4) gives the University of WA the right to exercise the powers under its act as though the land is vested in it. That land is not vested in UWA and that is an important distinction. I draw the attention of members to the last couple of lines of that clause. The UWA does need to be able to exercise powers under its act to manage that land and apply university moneys to the land. There is a distinction between vested land and land that is under the university's control and management. They are important words and clause 12(4) states that an order referred to in subclause (1) is made as if that land were vested in the University of Western Australia. The fact of the matter is that the land will not be vested in the University of Western Australia.

Ms S.E. WALKER: Why does the bill say that the university can use that land as if it were vested in it when it is not going to be? Does it have something to do with section 14 of the UWA Act?

Mrs M.H. Roberts: It is so it can spend money on it.

Ms S.E. WALKER: Can it spend money on it if it is not vested?

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mrs M.H. Roberts: It cannot under its act.

Ms S.E. WALKER: Where does it say that under its act?

Mrs M.H. ROBERTS: It generally makes sense that organisations cannot spend money on land they do not own. The member for Bunbury knows that local government cannot spend money on other land; it spends it on its own land. This clause uses the word “as if” so the university can spend the money and do the things required without the land being vested in it so that the state retains control.

Ms S.E. WALKER: The state does not retain control, does it? The land is being given away. That is the purpose of the bill.

Mrs M.H. Roberts: It is crown land and it remains an A-class reserve.

Ms S.E. WALKER: Control over that land is being given to it. It says that in clause 12.

Mr A.D. McRae interjected.

Ms S.E. WALKER: The member for Riverton comes in at the last minute. He has not even read the bill. He knows that, because he has gone quiet. The bill says that the government will place the care, control and management with UWA as if the land is vested in it. Of course, if the member had read the University of Western Australia Act, he would know that the university may, with the Governor’s consent, sell any land granted to or vested in the university. How does that figure?

Mr R.C. Kucera: Crown land cannot be sold.

Ms S.E. WALKER: I am not asking the member for Yokine for his legal opinion; I am asking the minister.

Mr R.C. Kucera: You cannot sell crown land.

Ms S.E. WALKER: Can crown land be sold? I am a little concerned.

Mrs M.H. Roberts: The member for Yokine is quite right; it cannot sell the land.

Ms S.E. WALKER: But it can lease the site for 99 years.

Mrs M.H. Roberts: Under its act, I think it says 21 years. To go beyond 22 years, it would have to get approval from the government.

Ms S.E. WALKER: The minister is going to give it that approval. She is giving the university a 99-year lease because she is prepared to flog off 10 per cent of the land. She is giving it 99 years and she knows it. That is virtually freehold. She is giving this land to an aged care developer. It is astonishing how this deal came about. The minister is giving away priceless land that belongs to the public for nothing. She talks about the university having to spend money on the land, but the minister is giving it the capacity to raise a mortgage on the land. She should give it to me. If I can raise \$2.5 million with my constituents, we will take the deal. Does the minister have any plans to allow the university to lease this land for up to 99 years? What are her thoughts?

Mr G.M. CASTRILLI: Paragraph 12(1)(b) of the bill states -

... University of Western Australia power to grant a lease or sublease or licence over the whole or any part of the Crown land within Class A reserve ...

Will the University of Western Australia have a vesting order over this land?

Mrs M.H. Roberts: No. It is a management order.

Mr G.M. CASTRILLI: What is the difference between a management order and a vesting order? They still give power to do all sorts of things. Can the minister explain that to me?

Mrs M.H. ROBERTS: I understand that vesting orders are no longer provided for under the Land Administration Act. They are now called management orders.

Mr G.M. CASTRILLI: Is a vesting order the same as a management order? Has it just had a change of name?

Mrs M.H. ROBERTS: The State Solicitor-General’s Office advised the Department of Housing and Works that there is a distinction between vested land and land under control and management. We are placing it under control and management. The land remains an A-class reserve and is still owned by the public of Western Australia. Contrary to what the member for Nedlands has suggested, we are not giving away the site. We are not selling the site. It remains an A-class reserve. Provisions of the Land Administration Act remain.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

We are possibly diverting from the clause a little. Essentially, the member for Nedlands has continued to ask what the \$2.5 million is for. It is written into the memorandum of understanding. The aged care facility would be a state asset, which would have a value. As such, it has a value for the University of Western Australia to have use of that. It will provide the UWA with an income stream so that it has the capacity to maintain those buildings on the broader site. In my view, this makes sense. The UWA would not be interested in coming to this memorandum of understanding on the Sunset site if that were not part of the memorandum of understanding. It is a requirement of the UWA Senate that it have some income stream, given that it is taking on a significant liability. These are heritage buildings that require about \$40 million to be spent on them in order to make the buildings and the grounds accessible to the public, to house significant art holdings and exhibitions, and to provide the state and the community of Western Australia with a significant asset. It will be a phenomenal asset for the people of Western Australia. Everyone throughout Western Australia will be able to go to what is now known as the Sunset site to view the art collections, to utilise and enjoy the grounds and all that the site offers. That will come at a significant cost. Generally it is the state's role to provide moneys for museums and art galleries. Those things cost a lot of money. We have a significant offer from the University of Western Australia to house significant art collections and make them available to the community of Western Australia, not just for the presentation of those collections but for their security and safety.

The member for Nedlands keeps saying that we are giving away a \$200 million site. That is a crazy statement. If we demolished all the heritage buildings and sold them off for housing, maybe it would be a \$200 million site. But this is a heritage listed site; it is not a level development site. There are significant costs in maintaining the heritage buildings and the grounds and in providing a public asset for the community of Western Australia.

Ms S.E. WALKER: I do not know why the minister does not write fairy stories. This clause mentions the aged care facility. It is a joke. For 20 years the Labor Party wanted to get rid of the nursing home at Sunset. The Liberal Party closed it down but the Labor Party wanted to get out of aged care. The minister has the gall to stand here and say, "We're building it for a state asset." She knows exactly what is going on. This site is worth \$200 million. That is a conservative estimate that I got from a prominent local real estate agent. The minister should not laugh, because the former minister went through the same exercise. She is giving the site away. If she thinks she is not and if she thinks she is conning us, she is joking. She says that the university will put \$40 million into this site. The minister is giving it the land. It is not putting in \$40 million. She is giving it the land with the power to mortgage \$200 million. My constituents have said, "We'll raise \$2.5 million. Give us the site and let us mortgage it and we'll do what we want with it."

The minister is saying that the state government is not in the business of putting money into heritage sites and doing them up. What is the government doing with the old East Perth power station in the member for Perth's electorate? It is spending \$15 million on it. The minister says that the government is not selling the site. The minister is selling off Iris Avenue. She seems to have forgotten that because we have not got to that section of the bill yet. Her rationale for selling that off is that the government wants \$15 million for the Department of Health because it will allow it to be run for 1.25 days. Through this bill the minister is prepared to give away a heritage A-class reserve to allegedly run the health department for one and a half days. I presented a petition to the Assembly - petitions will also be presented in the Council - about this site. One of them that was presented in 2000 requested that the government -

Acts in accordance with its published policy manifesto of 2000 whereby it stated that;

[a] "**Labor will restore heritage** to the forefront of government consideration and see that sites throughout both metropolitan and country Western Australia are protected", and

[b] "Labor will discontinue the Court Government's practice of selling off capital assets for short term revenue gain".

The minister had the hide to stand in this place and say that the aged care facility will be a state asset. It will be an asset to the aged care developer who is given the site. We should make no mistake that this bill pivots around giving that site to that aged care provider. The clause states in part -

(a) the land in lot 303 is not to be developed or used otherwise than for the purposes of a residential aged care facility and ancillary purposes;

An aged care provider is to be given that beautiful land. Where else would the aged care provider get such a significant site?

Mr B.S. Wyatt: That is what you said in your first speech.

Ms S.E. WALKER: The member for Victoria Park should go back to sleep.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mr B.S. Wyatt: You said the Sunset site was ideal for an aged care facility.

Ms S.E. WALKER: No. The member for Victoria Park should tell the truth in this place. He must be accurate, otherwise, once he has been here for a while, he will be caught out. The opposition is working on getting him down here.

Mr B.S. Wyatt: You said it was an ideal location.

Ms S.E. WALKER: Yes, but where the buildings are located; not on the parks and recreation site. Lot 303 is the parks and recreation site. The member for Victoria Park should read the bill and learn something. The land in lot 303 is not to be developed or used other than for an aged care facility; it is parks and recreation land. The government intends to not only give away to a private body corporate an A-class reserve but also allow it to build a 120-bed monolith on that parks and recreation reserve. Is the government nuts?

Mr B.S. WYATT: Now that we are talking about aged care facilities, I thought it would be worth putting on the record exactly what the member for Nedlands proposed. She said -

It is disturbing to me that in the Nedlands electorate, where the largest single group of people is over 70 years, there are elderly residents without high and low-level care facilities, particularly in the Nedlands-Dalkeith area. Families should not have to go through the disturbing experience of searching outside the area for such facilities. Western Australian companies specialising in aged care service delivery are at pains to find land in the Nedlands-Dalkeith area that they can develop to enable them to provide quality aged care services to our residents. The existing Sunset Hospital site in Birdwood Parade, Dalkeith is, in my view, an ideal location.

If the member wants me to tell the truth, I thought I would quote those words back at her.

Ms S.E. WALKER: I thank the member for Victoria Park. He has just given me my cue. In 2001, when I made my maiden speech, the Melvista Nursing Home, of 30 beds, in my electorate was closing. A lot of very distressed people came to see me because there would be no aged care south of the highway for Nedlands-Dalkeith people. That was the only facility at that time.

Mr B.S. Wyatt: You were happy to get rid of Sunset then.

Ms S.E. WALKER: I will not listen to the member for Victoria Park. That 30-bed facility was bought by Garnstone Investments and brought up to accreditation standard. What has happened since then? The commonwealth government has implemented policy that requires aged care providers to restore their old buildings in the western suburbs by 2008, otherwise they must move out and find land. That is why there is an urgent need for land. At the time I made my maiden speech the only place I could think of was the aged persons' home on the Sunset site. I was not thinking of the parks and recreation reserve where this 120-bed monolith is to be built. Since then, I have done research on what is available in the western suburbs. As I said in my second reading speech, things have moved along since then and the people in Nedlands and Dalkeith have more of a choice of aged care facilities coming on stream. Firstly, the Melvista Nursing Home is on land that could be reused, and it must be rebuilt. Those 30 beds will go from Melvista. Garnstone Investments has bought St Louis Retirement Village opposite the Methodist Ladies College on Stirling Highway. Garnstone Investments plans to build a nursing home on some of the land on that site, which will accommodate residents in the western suburbs. Additionally, the Macquarie Bank has bought the Hollywood Retirement Home from the Salvation Army in Monash Avenue, Nedlands, not far from my electorate office. It has submitted the plans. I have received a memorandum from Retirement Care Australia advising me that the proponent intends to completely refurbish that site. If the member for Victoria Park had read my other speeches, which is why I said that he must be truthful, he would have seen that that is on the record.

A list of facilities that are available now in the western suburbs has been sent to me. It is compiled in a 2006 guide to aged care in Western Australia and contains the following: Alfred Carson Lodge, Claremont; the Brightwater facility in Subiaco, which I have visited and which has been built since 2001; Catherine McAuley Residential Aged Care, Wembley; Freshwater Bay Nursing Home, Mosman Park; Hamersley Nursing Home, Subiaco; Hollywood Village Nursing Home, Monash Avenue, Nedlands; Kimberley Nursing Home, West Leederville; Koh-I-Noor Nursing Home, Wembley; Leighton Nursing Home, West Perth; the Melvista aged care facility, Nedlands; Mosman Park Nursing Home, Mosman Park; St Lukes Nursing Home, Subiaco; the Sundowner Hospital, Cottesloe; St John of God Villas, Wembley; Torbay House, West Perth; Warina Dementia Hostel, Nedlands; Wearne Hostel for the Aged, Cottesloe; Allora Hostel, Nedlands; Florence Hummerston Lodge, West Perth; and River Sea Hostel, Mosman Park.

Mr R.C. Kucera: Every one of them has a waiting list.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Ms S.E. WALKER: The member for Yokine does not know what he is talking about. He did not know when he was a minister; he did not have a clue what he was talking about, that is why he was demoted down the line. He is a bitter man.

The point is that Syme Marmion was hired to give an appraisal of the potential for the heritage buildings. The whole plan has been totally reconfigured to pivot around an aged care provider. I ask the minister: why must lot 303 be used for an aged care facility, but lot 302 does not have to be used for an arts centre?

Mr G.M. CASTRILLI: Clause 12(1) refers to a management order and the difference between a managing order and a vesting order. Clause 12(4) states in part -

as if that land were land vested in the University of Western Australia.

Subclause (5) states -

The Minister for Lands' approval under the *Land Administration Act 1997* section 18 is not required for the exercise of a power referred to in subsection (1)(b).

Subclause (4) states -

The *University of Western Australia Act 1911* sections 14 and 15 apply to land in respect of which an order referred to in subsection (1) is made as if that land were land vested in the University of Western Australia.

Clause 15(1)(a) changes the reservation under the metropolitan region scheme from "public purposes - hospitals" to "public purposes - university". On the one hand there is a management order and on the other hand the land is vested, so two provisions are rolled into one. What does the planning scheme enable the university to do with the reservation "public purposes - university"?

Mrs M.H. ROBERTS: The member for Bunbury is talking about clause 15 of the Metropolitan Region Scheme Act. What the university can do on the Sunset site is exactly what this legislation is about in total. It is as if the land were vested in the University of Western Australia. I do not know whether the member has the explanatory memorandum clause notes on this clause, but they provide quite a lot of detail.

Mr G.M. CASTRILLI: I thank the minister for the explanation. However, I was talking about a management order and land as if land were vested. There is a difference. The two are rolled into one. The explanatory memorandum does not give all the explanations of what can be done. I am asking for a complete list.

Mrs M.H. Roberts: I will help a little bit. The land is vested under the University of Western Australia Act.

Mr G.M. CASTRILLI: I thought the minister said that the land was given under a management order to the University of Western Australia, which is different from a vesting order.

Mrs M.H. Roberts: They are given under a management order and then the university can use its powers under the UWA legislation. There is a specific reference to clauses 14 and 15 of the UWA Act.

Mr G.M. CASTRILLI: Clause 12(4) refers to land as if it were vested. That refers to a total vesting order. There is a management order and a vesting order -

Mrs M.H. Roberts: It is not a total vesting order. That is where the member is wrong.

Mr G.M. CASTRILLI: It refers to land as if it were vested. The minister is telling me either that the land is not vested or that the full connotation of the vesting order is related to that clause.

Mrs M.H. ROBERTS: The member must look at two clauses closely together. The first is 12(1)(a). That makes reference to the care, control and management of class A reserve No 1667 with the University of Western Australia. That is the first stage of management in clause 12(1). Clause 12(4) gives the University of Western Australia the power to act as if that land were vested in the University of Western Australia. It refers also to sections 14 and 15 of the University of Western Australia Act, which would apply.

Mr G.M. CASTRILLI: Under clause 15, the legislation changes the purpose of the reservation from "Public Purposes - Hospitals" to "Public Purposes - University". Under that category, which I presume would be defined in a planning scheme, can the minister tell me the extent of the uses applicable under "Public Purposes - University"? What would that enable the university to do? Does that allow the university to build units or to lease property? Exactly what does it allow the university to do?

Mrs M.H. ROBERTS: I understand it is a category under the metropolitan region scheme. It is the same as applies to the University of Western Australia's campus in Crawley.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mr G.M. CASTRILLI: I realise that the university has certain facilities and services on its campus in Crawley. However, that may not be the total extent of what it is allowed to do.

Mrs M.H. Roberts: You are on clause 15, not 12.

Mr G.M. CASTRILLI: Clause 12(4) refers to clauses 14 and 15.

Mrs M.H. Roberts: No, it does not. It refers to sections 14 and 15 of the UWA Act, not this bill.

Mr G.M. CASTRILLI: I know, but clause 12(4) states -

... as if that land were land vested in the University of Western Australia.

Obviously clause 12(4) indicates that under the UWA act there is an implied set of circumstances under which the university can operate and a provision that says what it can do.

Mrs M.H. Roberts: I can explain that to the member.

Mr G.M. CASTRILLI: I am looking for a complete list of what the university can do under this clause. Obviously it relates to clause 15(1)(a).

Mrs M.H. ROBERTS: Under the heading “Control and management of property”, section 14(1) of the University of Western Australia Act 1911 states -

The Senate shall have the control and management of all real and personal property at any time vested in or acquired by the University; and may set out roads, streets and open spaces, and erect and maintain buildings upon and otherwise may improve any land or other property as in their absolute discretion they may think fit, and may apply any trust funds of the University to any such purposes.

As I explained earlier in the debate this evening when the member was not in the chamber, a significant reason for inserting this clause and for referring to the land as if it were vested in the UWA is so that the UWA can invest in and spend university moneys on the site.

Mr G.M. CASTRILLI: I thank the minister. Can the university build roads, lease properties and do all those types of things on an A-class reserve?

Mrs M.H. ROBERTS: It can, within certain boundaries. For example, I have referred this evening to the heritage agreement that is required with the agreement of the Heritage Council of Western Australia. The university will not have totally free rein because of the other issues I have gone through. The memorandum of understanding provides some of that information and obviously the heritage agreement provides more. Other parts of the Land Administration Act apply, as is outlined in other clauses.

Ms S.E. WALKER: Not all members appreciate how we got to this stage. We got to this stage because when the Labor government came in, it set up the Sunset steering committee, which was chaired by the former mayor of the City of Nedlands John Paterson and comprised residents of Dalkeith and Nedlands. The minister’s adviser participated in that committee. The committee looked at whether the buildings should be used for an aged care facility and it found that such a facility was not viable. The committee then released its plan. I have already read into *Hansard* what the committee said about an aged care facility on the site; that is, the site was the wrong place for an aged care facility. The committee could not work out what to do with the buildings. The then Minister for Housing and Works was the present member for Central Kimberley-Pilbara.

Point of Order

Mrs M.H. ROBERTS: I believe that the member is drifting considerably from the clause in front of us.

Ms S.E. WALKER: I am talking to clause 12(3)(a), which states -

the land in lot 303 is not to be developed or used otherwise than for the purposes of a residential aged care facility and ancillary purposes;

I am not drifting at all; I am right on the point. I am talking about how this bill came about and about that provision in the bill.

The ACTING SPEAKER (Mr G. Woodhams): Continue.

Debate Resumed

Ms S.E. WALKER: There was no aged care facility. The then Minister for Housing and Works was sacked and Hon Nick Griffiths, MLC was appointed in his place, and he announced the appointment of planning consultants. A media statement of 2 September 2004 says that the government would specifically investigate the viability of the community uses of the site’s heritage buildings. That is what he was doing. Syme Marmion and Co was appointed to look at how to make those buildings viable. The minister said today that the site would cost

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Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

\$40 million. The estimated cost would be up to \$11 million. Let us say it is \$12 million today. Syme Marmion went from looking at what to do with the buildings - which did not include an aged care facility - to completely reconfiguring the site to put an aged care facility on the parks and recreation land, to giving UWA the site and to selling off Iris Avenue. We ended up with a plan that is exactly the same as that which was used by Hall and Prior Aged Care Group, the developers of the Edith Cowan University site in Claremont. That plan was for 52 to 65 two-storey units along Goldsworthy Road, with three-storey units facing the oval and 120 aged care units along Bay Road. The plan for the heritage building was reconfigured and then the whole site was thrown open. Aged care providers are looking for land. Are any developers not looking for land in the western suburbs? Some aged care providers provide a good service; there is no doubt about that. Some providers have gone about their business and found other sites besides Sunset. There is no doubt that they all wanted the Sunset site. Three aged care providers put in a proposal for Sunset: Hall and Prior, which developed the ECU site; Garnstone Investments Pty Ltd, which bought St Louis Estate; and, I think, Alfred Carson.

Point of Order

Mrs M.H. ROBERTS: So far we have had an interesting potted history of the member for Nedlands' version of events. Yet again, I do not think it is on point to the clause. Perhaps the member might like to turn her remarks to the clause or she should be instructed to do so.

Debate Resumed

Ms S.E. WALKER: I am talking about the aged care facility. I mentioned this issue during my contribution to the second reading debate. When this article appeared in a publication of Post Newspapers Pty Ltd, an aged care developer was touting plans and asking everyone to be quiet because the developer did not want its competitors to know about its plans. The developer who was doing that got the gig for the Sunset site and got its competitors to give it their commercial dealings and plans for the site. The whole site then got reconfigured and it ended up being the same plan as that which was used for the ECU site.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: The member for Yokine should swallow some bitter pills.

The whole site is being pivoted around the aged care development and the parks and recreation area, when the local community committee - I know most of the people in the community; they are very solid citizens - said no to the aged care facility. A person who represented an aged care provider and who worked for the government is now saying that the site should pivot around an aged care facility. It is wrong. This bill is wrong. We should not be giving away this site. The bill should come under close scrutiny, and that is what I am doing. I wanted to put that on the record. I ask the minister what made her change.

Mrs M.H. ROBERTS: I do not think the member for Nedlands has addressed the point. She has spoken at length about her version of the history of events. If she were to tell the full version, she would tell members of the house about her meeting with Ms Rhonda Peplow and officers of the Department of Housing and Works on-site when she first became the member for Nedlands. She pursued officers of the Department of Housing and Works with a proposal for Ms Peplow to have aged care housing on the site. I must question whether it is, in fact, the member who has the conflict of interest, because I think she is on record as saying that Ms Peplow, an aged care provider, is a good friend of hers.

Ms S.E. Walker: Absolutely; she is a very good friend.

Mrs M.H. ROBERTS: On Ms Peplow's behalf and with her, the member for Nedlands attended on-site to see whether she could help her get an arrangement for an aged care facility. The member should think very carefully about whether she has a conflict of interest, given her relationship with Ms Peplow and Ms Peplow's interest in aged care.

Ms S.E. WALKER: Ms Peplow is a constituent of mine. Ms Peplow and every other aged care provider came to see me because they wanted to see the site. Mr Marmion from Hall and Prior came to see me about the Sunset site. Here is the test of my integrity: I want the minister to support my bill to not give the land to any aged care provider. The minister can judge my integrity. I am happy as long as an appropriate tender process for the land is in place.

Dr J.M. Woollard: You wouldn't be happy with that.

Ms S.E. WALKER: I am saying that I cannot do anything about it. If the Greens (WA) wish to pass this bill in the upper house for the government, there is nothing I can do about it; I have tried everything I can.

Mrs M.H. Roberts: Was Ms Peplow a donor to your campaign? Would you like to tell us that?

Ms S.E. WALKER: Was Mr Marmion a donor to the minister's campaign?

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mrs M.H. Roberts: You won't answer.

Ms S.E. WALKER: Yes, she was.

Mrs M.H. Roberts: This is unbelievable! Your hypocrisy is amazing!

Ms S.E. WALKER: Not only was Mrs Peploe a donor, but also we ran the campaign from her garage.

Mrs M.H. Roberts: You should have declared that interest up-front.

Ms S.E. WALKER: I did declare the interest.

Mrs M.H. Roberts: This is appalling.

Dr J.M. Woollard interjected.

The ACTING SPEAKER (Mr G. Woodhams): Order, members! I direct members to the bill before us and I ask members on both sides of the house to keep their remarks pertinent to the bill.

Ms S.E. WALKER: In fact, I took Mrs Peploe to see the member for Cottesloe and we looked at her plans.

Mrs M.H. Roberts: You must have been her agent. Did you take a commission?

Withdrawal of Remark

Mr C.J. BARNETT: The minister has implied a pecuniary interest that is totally unacceptable and I ask that she withdraw that comment. We can debate issues vigorously, but that is just not on.

Mrs M.H. ROBERTS: Further to the point of order, I merely asked a question.

The ACTING SPEAKER: The member for Nedlands has the call.

Debate Resumed

Ms S.E. WALKER: When Mrs Peploe produced the plan in front of the member for Cottesloe, I said that I could not support it because it was against what my community wanted, and she understood that. We are very good friends. I hold her in the highest esteem. She is a confidante of mine and I am a confidante of hers. However, I cannot support her on this issue because it conflicts with my role, which is to represent my community. I have been totally above board with my residents about that matter. Mrs Peploe is my friend, and she will stay my friend and confidante. I have the utmost regard for her.

Mr B.S. Wyatt interjected.

Ms S.E. WALKER: No, I do not.

Dr J.M. Woollard interjected.

The ACTING SPEAKER: Order, members! If members want to make a contribution to the consideration in detail stage, there is an appropriate process by which to do so. When the opportunity arises, members can get to their feet, make some comments, ask some questions of the minister and deliver their point of view.

Ms S.E. WALKER: Mrs Peploe and I saw the member for Cottesloe about two years ago. She was under no illusions then and she is under no illusions now. Her business is her business. We know each other through politics. I am following my community on this matter. I do not want anything on that site. I will not do any deals for any mates. She is not a mate; she is a very good friend. I do not do dodgy deals. I have seen some come through this Parliament.

Mrs M.H. Roberts interjected.

Ms S.E. WALKER: Maybe the minister has a guilty mind. I think I am squeaky clean on this issue, and that is reflected in my bill and in my being totally honest with my constituents about the issue and about my relationship with Mrs Peploe.

I had no idea about the Post Newspapers article and the relationship to the site until just before the bill came on for debate. I could mention other things in this house, but I will not. The minister has mentioned the Nedlands branch. I have never mentioned the Nedlands branch. I have never mentioned any internal party matters. However, I have said that many Liberal members in my constituency are opposed to this development on the site. I am sticking with them because that is what I am elected for and that is what I am paid to do. I will oppose the aged care facility and the clause.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Dr J.M. WOOLLARD: I think the minister said that we could, under this clause, discuss her role - she said that she did not have a conflict of interest - as Minister for Heritage in the development of this site. I wonder whether now might be an appropriate time for her to inform the house of the role the Heritage Council has had to date.

Mrs M.H. ROBERTS: This is becoming tedious repetition from the member for Alfred Cove. She raised the same matter when we last discussed this bill on Thursday; she raised it again earlier today. She has had answers on both of those occasions, but I will answer her for a third time. In those earlier discussions, I referred her to clause 12(3)(b) which states -

the University of Western Australia is to enter into a Heritage Agreement under the *Heritage of Western Australia Act 1990* section 29 in relation to lots 302 and 303.

I will note for the record of the house that the member for Alfred Cove has been in the house for this debate only for about 10 or 15 minutes tonight, having had guests for dinner and having not participated in the debate earlier this evening. As a result, she has joined debate on clause 12 very late.

Point of Order

Ms S.E. WALKER: That is not true. The member was very much participating in the earlier debate.

The ACTING SPEAKER (Mr G. Woodhams): That is not a point of order.

Ms S.E. Walker: The member should tell the truth when -

Debate Resumed

Mrs M.H. ROBERTS: Thank you for your ruling, Mr Acting Speaker, which - unlike the member for Nedlands - I accept. The fact of the matter - as I have explained to the member for Nedlands and others who were in the chamber earlier - is that this clause made provision for the university to enter into a heritage agreement. The University of Western Australia is quite clearly not in a position to enter into that agreement until such time as the legislation is in place. There have been initial discussions with the Heritage Council, and it is very supportive of what is proposed in the bill.

Dr J.M. WOOLLARD: The minister made some reflection on my time in the house. If a comparison was made between my time in the house and her time in the house, I would beat her hands down. I was out of the house for a little time this evening -

Mrs M.H. Roberts: You had an entire week off in August! I don't think I've ever had a whole week off Parliament to go on holiday.

Dr J.M. WOOLLARD: The minister should add up her days, her participation and her truthfulness when she is in the chamber. The minister said tonight that the Heritage Council had given her some feedback and that, to date, that feedback seems very positive. If that feedback is very positive, again I ask what kind of a Heritage Council we have. This minister was, a few minutes ago, talking about the member for Nedlands' conflict of interest. What about the minister's conflict of interest? Where are the minister's standards? If the minister is going to throw mud, she should look at herself. Where are the minister's standards as Minister for Heritage, if she is putting a bill through the house that will excise a class A reserve and damage the integrity of a heritage-listed site? Where is the minister's conflict of interest? In her boots.

Mr P.B. Watson: Table those boots!

Ms S.E. WALKER: Put a sock in it! Clause 12(5) refers to the Land Administration Act 1997 and states -

The Minister for Lands' approval under the *Land Administration Act 1997* section 18 is not required . . .

Mrs M.H. Roberts: It continues -

. . . for the exercise of a power referred to in subsection (1)(b).

Mr R.C. Kucera interjected.

The ACTING SPEAKER: I call the member for Yokine to order.

Ms S.E. WALKER: Section 18 of the Land Administration Act states -

A person must not without authorisation under subsection (7) assign, sell, transfer or otherwise deal with interests in Crown land or create or grant an interest in Crown land.

Why have we given that up in relation to the aged care land for the University of Western Australia?

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mrs M.H. ROBERTS: I direct the member to clause 15 of the University of Western Australia Act 1911, which is also referred to in clause 12. It states -

The Senate, in the name and on behalf of the University, may grant leases of any lands vested in the University for any term not exceeding 21 years, and, with the approval of the Governor, but not otherwise, may grant leases for any term not exceeding 99 years, and may, with the like approval, mortgage such lands.

I highlight that I would find it difficult to imagine any institution actually accepting a mortgage, given the other provisions of the bill.

Ms S.E. WALKER: Is there an example of an A-class reserve in this state being given over by the government to a private body corporate, expunging section 18 of the Land Administration Act?

Mrs M.H. ROBERTS: I draw the member's attention to section 18(8) of the Land Administration Act. It states -

This section does not apply to a transaction relating to an interest in Crown land if -

- (a) that land is set aside under, dedicated or vested for the purposes of an Act other than this Act, and the transaction is authorised under that Act;
- (b) that interest may be created, granted, transferred or otherwise dealt with under an Act other than -
 - (i) this Act; or
 - (ii) a prescribed Act; . . .

Under the terms of the introduction to section 18(8), this section does not apply to a transaction relating to an interest in crown land. If the member had actually read the clause, she would have seen that that was appropriate.

Ms S.E. WALKER: I apologise to the minister; I drifted off while she was talking.

Mrs M.H. Roberts: This section removes any doubt.

Ms S.E. WALKER: I thank the minister. I am talking now. Clause 12(5) of the Sunset Hospital Site Bill states -

The Minister for Lands' approval under the *Land Administration Act 1997* section 18 is not required for the exercise of a power referred to in subsection (1)(b).

Clause 12(1)(b) deals with the care, control and management of a class A reserve. I am asking the minister whether there is anywhere else in Australia where A-class reserves are in the care, control and management of a private body corporate and where section 18 of the Land Administration Act has been expunged.

Mrs M.H. ROBERTS: Yes - all Department of Conservation and Land Management land.

Ms S.E. WALKER: It would be lovely if the minister sometimes came into the chamber and knew what she was talking about with a bill. She is never prepared and she is always political. It is like the time I had to deal with the minister about Alice - no compassion.

Point of Order

Mrs M.H. ROBERTS: The member's comments have once again degenerated into personal insults and reflection upon previous debates. She should be dealing with the clause before the house. I ask you, Mr Acting Speaker, to instruct her to do so.

Mr C.J. Barnett interjected.

The ACTING SPEAKER: I advise members that we have a bill in front of us under consideration in detail. There are members in this house who are interested in progressing this debate further.

Debate Resumed

Ms S.E. WALKER: I ask the minister whether she is taking a commission on the \$50 million for the sale of Iris Avenue.

Mrs M.H. Roberts: No.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Ms S.E. WALKER: Is the minister doing a dodgy deal here? It certainly smells to me because we are giving away all this land to an aged care provider for nothing. Are we loopy? For goodness sake! I am here fighting on behalf of people who were ethical in the past -

Mr B.S. Wyatt: Rhonda Peploe?

Ms S.E. WALKER: I have never seen so many people on that side fall like flies because they did not have the ethics to stay as a minister. I have seen many people demoted on that side of the house, and that is why the member for Victoria Park will be sitting there very shortly.

The ACTING SPEAKER: I direct the member for Nedlands' attention to the bill and ask her to make her points to the papers in front of her.

Several members interjected.

The ACTING SPEAKER: The member for Nedlands has her opportunity.

Mr P.B. Watson interjected.

Ms S.E. WALKER: Some would say so. I am very happy to be here. How much is the aged care provider going to pay for the use of the land, which I reckon is worth about \$60 million?

Mrs M.H. ROBERTS: As the House has been advised, that will be dealt with by way of public tender, so I cannot give a figure. I also point out to the member for Nedlands that the Botanic Gardens and Parks Authority is not required to obtain ministerial approval for leases in Kings Park or other land under its care unless the lease exceeds five years. That is provided under section 11 of the Botanic Gardens and Parks Authority Act. The Rottneest Island Authority is not required to obtain ministerial approval for leases or licences on Rottneest unless the term exceeds 20 years. The member might care to refer to those examples.

Ms S.E. WALKER: I thank the minister for that treatise, which once again shows her complete ignorance of the Botanic Gardens and Parks Authority Act. The minister gave it in part. That is why I went with the Botanic Gardens and Parks Amendment Bill. Instead of giving the land to a private body corporate to lease for 99 years, we put it under the authority. If anyone wants to lease land under that authority for more than five years, they have to get the minister's approval. If anyone wants to erect a permanent structure worth more than \$100 000 on that land, they have to get the minister's approval. It is tightly controlled, and that is why I think my bill is the way to go.

I spoke to different interest groups about this matter and said that I was happy to sit down with the minister, talk it through and come up with a solution. However, the minister is driven by everything political. She has a siege mentality. Instead of showing some compassion and dealing with an issue, she would rather get political. I hope that by the time the bill gets to the other place she will have considered my bill and seen that it is a much better way to go. Let us spend \$12 million over 10 years, do up the site, keep the public asset in our name and make it a beautiful site for all Western Australians.

Clause put and passed.

Clause 13 put and passed.

Clause 14: Effect of amendments -

Mr G.M. CASTRILLI: I seek some clarification of this clause. Clause 14(1) outlines that the amendments to the metropolitan region scheme affected by this part have effect as though the provisions were enacted under the Planning and Development Act 2005. Does it mean it does not go through the normal rezoning process and does not need public consultation?

Mrs M.H. Roberts: It does not mean that. This bill makes the changes.

Mr G.M. CASTRILLI: Therefore, rezoning is not needed. Public consultation is required when rezoning takes place.

Mrs M.H. Roberts: We do not require rezoning because it remains an A class reserve.

Mr G.M. CASTRILLI: So it is totally changed under the Planning and Development Act and there is no public input into this at all. Is that what the minister is saying?

Mrs M.H. Roberts: This bill changes the reservation under the metropolitan region scheme.

Mr G.M. CASTRILLI: Therefore, there will be no public input into this at all.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Mrs M.H. Roberts: Only that which is gained through this Parliament.

Mr G.M. CASTRILLI: Only that which is gained through this Parliament.

Mrs M.H. Roberts: Parliament represents the people. That is my point.

Mr G.M. CASTRILLI: So the minister is confirming there will be no public consultation about the change to the planning scheme under the Planning and Development Act 2005.

Clause put and passed.

Clause 15: Metropolitan Region Scheme amended -

Ms S.E. WALKER: This clause seeks to change the purpose of areas of the site, and one of them is urban. That is the piece the government is going to sell. I know the minister did not know the government was going to sell it, judging by her comments just now. The government will sell eight per cent of this site. Some people might be forgiven for thinking this site is not worth very much. If the minister says the government will sell eight per cent of the site for \$15 million, people might multiply that by X and say the site is not worth much at all. I have spoken to prominent real estate agents in this state and in the local area and they tell me collectively that the site is worth, conservatively, \$200 million.

Under clause 15(2), the government plans to change part of the site from public purposes hospital zoning to urban. The minister's adviser, Peter Gillings, who has been involved with this whole thing since it first started in 1995, knows the WA Planning Commission recommended that that not be done with this site. He knows, and the minister should know if she has done her job, that the WA Planning Commission said specifically that because this site was an A class heritage listed reserve - I said so in my speech in the Botanic Gardens and Parks Amendment Bill second reading debate - it should not be zoned urban. Can the minister tell me why she has decided to do that?

Mrs M.H. ROBERTS: The member is reflecting on a former and different proposal that was made in different circumstances. I understand that 8.2 per cent of the site will be zoned urban for the residential development. Whatever 8.2 per cent of the final sale price is, it will not in any way reflect the overall value of the site because the rest of the site contains all the significant heritage buildings.

Ms S.E. WALKER: In October 2000, the Western Australian Planning Commission put together a report on submissions and commented on the Sunset Hospital site. On page 9, it said in relation to urban zoning of the site that the Sunset Hospital site was considered to be a place of regional significance which, as metropolitan Perth's population grew, would be in increasing demand for regional recreational and community uses if identified for such purpose, particularly as other strategic recreational areas around the river faced these pressures. It went on to say that given the above and after considering the submissions and issues raised at the hearings, the Commission was of the view that the urban zoning, as advertised, was an inappropriate long-term designation -

Mrs M.H. Roberts: Are you referring to the previous proposal?

Ms S.E. WALKER: I am referring to the site.

Mrs M.H. Roberts: But they are the comments that were provided in relation to the previous proposal.

Ms S.E. WALKER: No, I am referring to the site.

Mrs M.H. Roberts: What date are the comments you are quoting from?

Ms S.E. WALKER: It is the same site - year 2000.

Mrs M.H. Roberts: That is what you didn't want to say.

Ms S.E. WALKER: It is the same site. The commission said it was an inappropriate long-term designation that would be inconsistent with the historical and regional recreation landscape and conservation significance of the site. Why is the minister now trying to rezone it urban and flog it off? The minister voted against it last time.

Mrs M.H. ROBERTS: The member is quoting the Planning Commission's comments from 2000. That was a vastly different proposal involving a considerably greater amount of residential development on the site. In fact, the Planning Commission has endorsed the housing proposal for the Iris Avenue end of the site as proposed in this legislation. It also endorsed allowing the other end of the site to be used for public purposes. If the member for Nedlands is suggesting that the Western Australian Planning Commission's position does not support what is being put forward, she is not correct. It is correct that the WA Planning Commission did not support the much greater intrusion on the site that the previous proposal for residential development involved.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Ms S.E. WALKER: The land that was going to be sold off then comprised a couple of blocks at the end of Iris Avenue. What is being sold off now is all of Iris Avenue. It was the Labor Party that came to the rescue, and this illustrates the gall of the minister.

The WA Planning Commission prepared a report on the significance of the site. The minister is saying that when there was talk about changing the purpose of the land to urban, it was a different set up; it was being changed to urban to sell it off. The government is changing it to urban now to sell it off. However, the WA Planning Commission says that it is such a significant site that it should not be zoned urban. It should not be sold. In the 2000 by-election, Robin Collins was betrayed by the Labor Party because it, the Liberals for Forests and the Greens (WA) said they would save Sunset. However, as soon as the Labor Party won government it did the dirty. Not only is it flogging off the site for an unknown price - we have not got to that part of the bill yet - but also it is rezoning the area to urban even though it voted against that when the Court government wanted to do that. How can we trust this government to ensure that all of the land that will be given to the control of the University of Western Australia will not be given as a 99-year lease?

Mr B.S. Wyatt interjected.

Ms S.E. WALKER: I do not need the support of the member for Victoria Park. He is an arrogant little upstart who needs to be here a little while longer.

Mr P.B. Watson: You have been here a long time.

Ms S.E. WALKER: I do not look as old as the member for Albany.

Having voted against the rezoning of that land to urban when the Court government proposed that action, and after telling the Greens and the Liberals for Forests it would support them, this government not only wants to flog off the site, but also it wants to take \$15 million for the land on the pretence that it needs to put some money back into the health system. Sunset was not taken over by the health department until 1967, and the heritage buildings were built between 1904 and 1907. The justification for taking the \$15 million has always been a ruse to get at the good Liberal voters of Dalkeith and Nedlands.

Why has the government changed its tune? It is a shame that some of the government backbenchers, who do very little, have not researched this bill and asked their ministers why the government is selling off a class A, heritage-listed reserve. Why are the metropolitan members opposite not standing up on behalf of their constituents and telling the ministers that they do not want to go ahead with this legislation because they do not want ministers to come into their electorates and sell off A-class reserves? Metropolitan members opposite are not looking after the interests of their constituents. They are more interested in their factional deals and knocking off ministers than looking after class A reserves.

Clause put and passed.

Clause 16: Minister for Works may carry out development of the development area -

Dr J.M. WOOLLARD: Will the minister explain exactly what area the government will have carte blanche over?

Mrs M.H. ROBERTS: That relates to lot 301, which is the residential apartments.

Dr J.M. WOOLLARD: Therefore, an area of the class A reserve is being excised?

Mrs M.H. Roberts: It is the 8.2 per cent.

Dr J.M. WOOLLARD: Under this clause the government can do anything to plan, undertake, promote or coordinate the development of the 8.2 per cent of the current heritage-listed, class A reserve that is being excised. Are there any restrictions on the development for this area? Under this clause it appears that what happens in this area is purely at the discretion of the minister. Does this clause tie in with any other clauses that place restrictions on the development of this area or does it stand alone?

Mrs M.H. ROBERTS: Clause 16(3) provides that -

The Minister for Works must perform functions under this section in accordance with the development plan.

Therefore, the minister will not have carte blanche. Clause 16(4) reads -

The Minister for Works must not perform functions under this section after the development completion day.

Dr Janet Woollard; Mrs Michelle Roberts; Deputy Speaker; Mr Tom Stephens; Ms Sue Walker; Acting Speaker;
Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

The development plan referred to in clause 16(3) is again referred to in clause 24(3). It outlines the requirements of the Minister for Works. It is not a carte blanche requirement that the functions have to be performed in accordance with the development plan.

Ms S.E. WALKER: The member for Dawesville was saying how sacrosanct this land is. He is absolutely right, as was Sir John Forrest. We need more people like that in the Parliament. Will the minister explain how the development of the development area will work? On reading this bill no-one will be able to work out what will happen with that land. Will the services, including sewerage, be provided by the government?

Mrs M.H. Roberts: No.

Ms S.E. WALKER: Who will do it?

Mrs M.H. Roberts: The developer.

Ms S.E. WALKER: Who is the developer?

Mrs M.H. Roberts: We do not know yet, do we?

Ms S.E. WALKER: Could the developer be an aged care developer?

Mrs M.H. Roberts: I think that is unlikely, but potentially it is not impossible.

Ms S.E. WALKER: Hall and Prior wanted to develop between 52 and 65 two-storey units so that elderly people could live in independent living and then be able to transfer to a 20-bed facility. It is not in the legislation, but the Nedlands City Council and the minister in her second reading speech said that those units may be for over 55s. Why?

Mrs M.H. ROBERTS: The reason that was said was that I realised that some of the member's constituents seemed to be concerned about more residents going into the area, thus detracting from the ambience of their suburban neighbourhood. The suggestion was that perhaps the member for Nedlands' constituents might be more comfortable if aged persons were living there and not younger people, who are potentially likely to hold large parties or the like.

Ms S.E. Walker: It is not an aged care facility?

Mrs M.H. ROBERTS: No, it is not. It is not a requirement of the bill, and if the member for Nedlands and her party do not want to take up that offer it will not occur. I said it was a possibility; it was an offer to the member and her constituents, should they want to put that restriction in place. If the member for Nedlands and her party do not want that restriction put in place, it will not be put in place.

I further clarify that the Iris Avenue end of the land was not part of the original reserve; it was freehold land that was added to the reserve.

Ms S.E. WALKER: It is not now; it is an A-class reserve. The minister's party voted against urban zoning when the Court government did it and now she wants to try to justify it. Why is she selling off a heritage-listed, A-class reserve? She does not deserve to be in government, let alone a minister. These units are being built. This is what worries me about this whole deal. The minister said in her second reading speech that the government will only put over 55s in those units, and she now says "If the Liberal members do not want those units, we will not put them there." The minister should go a bit further and say that if she does not want the bill, we will not consider the bill. The government has so much money, it is coming out of its ears. It should do something beautiful for the future citizens of Western Australia and develop this site instead of letting it rot, as the member for Central Kimberley-Pilbara wants. He lives in Subiaco and is a constituent of mine. He represents people way up north. I am not sure whether he ever goes up there. Instead of doing something with the site, the government is letting it rot. As the former minister said, the government is letting it rot in Dalkeith, the blue-ribbon Nedlands Liberal seat. That is what the government is doing. The minister has the power to do the right thing by the citizens of Western Australia. I do not know whether the minister has much clout in the caucus now.

Mr G.M. Castrilli: It is receding now.

Ms S.E. WALKER: Yes, I know it is. The minister could have done something really fantastic for the people of Western Australia, and she still can. The government can keep the \$200 million, beautify the site and make it a great place for all Western Australians. She thinks it is an area that only the people of Dalkeith use. People come from all over to go onto the foreshore at Peppermint Grove and Matilda Bay. These areas are not just for the people who live nearby. On the minister's analysis, only the people in Kings Park Avenue have the indulgence of Kings Park and only the people in Dalkeith have the indulgence of this site. I thought the minister had a hide to say that, under her proposal, UWA will spend \$40 million for the grounds to be accessible to the

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public. As soon as this bill is passed, it will lose \$8.2 million because it will be sold off. As soon as this bill is passed, the aged care provider will get 10 per cent. That leaves 80 per cent. The government does not know what it will get. The university allegedly has valuable art collections. I am suggesting that the whole site be given to the people of Western Australia to use. It was set aside for recreation when there were convicts in the city and they had nowhere to go and no family. It was used and developed for an old person's depot. The government knows that the people want it given back. The government was part of the campaign to save Ningaloo Reef. It did not save Coral Bay but it saved Ningaloo Reef. Yet here it is flogging off this A-class reserve. It is just despicable.

Mr B.S. WYATT: Whilst we are talking about various Labor and Liberal Party initiatives for this particular site, I note the position statement put out by the Parliamentary Liberal Party on Sunset Hospital site, which obviously supported the initial view of the member for Nedlands that it should be an aged care site. It is worth noting that the statement says -

The Liberal Party is sensitive to the wishes of the community and in keeping with the site's former use, will consider the viability of quality aged care accommodation for the site, as well as other community facilities that may be appropriate. New facilities for the aged at Sunset could be a valuable and socially responsible solution to the current shortfall of services and facilities in the area. Any such facility would necessarily be state-of-the-art and compatible with community uses, incorporating appropriate security and access to amenities and public transport.

I am unsure why the Liberal Party is opposing this bill. At the end of the statement are the words -

For comment, please contact the Office of the Leader of the Opposition . . . email: barnette . . .

A number of things have changed in the Liberal Party. The member for Nedlands is attacking the Labor Party over inconsistency and is pretending that she is now this great white knight for the community of Nedlands. I find it very interesting that her position on this issue has chopped and changed. Her great mate Ms Peplow's interest in the area has also changed. It should be noted in *Hansard* that this lady has no credibility with respect to this issue.

Dr J.M. WOOLLARD: From what people are saying across the chamber, it seems that no-one in this house has credibility. I think I have credibility and I think the member for Nedlands has too. We are dealing with clause 16. Before you entered the chamber, Mr Speaker, I asked the minister about her powers under this clause. She directed me to clause 24. Under clause 16 it looks like the minister really has carte blanche. The minister said that she does not have carte blanche and that the plan has to be submitted to the Western Australian Planning Commission for approval. I am trying to think of anything that the WAPC knocked the government back on during my term as a member. I wonder where the WAPC stood on the Swan Brewery site many years ago. Did the previous government charge a rental of \$1 a year or something like that? We do not want to go back to the WA Inc days. It was a heritage site. The minister referred me to clause 24, which refers to schedule 2. I am looking at the drawings in schedule 2. I cannot make out the height of the 57 units within that schedule that the government has said can be on that site. What is the maximum height on those drawings? Maybe the minister's eyes are better than mine, but I cannot see that within this schedule.

Mrs M.H. ROBERTS: I thank the member for Alfred Cove for her comments. Under clause 16 the Minister for Works must perform the functions under this section in accordance with the development plan. The development plan is the subject of division 3 of the bill, starting with clauses 23 and 24. Clause 24 is actually quite descriptive. The member correctly referred to the schedule. If she would like me to turn my attention to the detail of clause 24 and the schedule, I would be happy to do so when we get to them.

Ms S.E. WALKER: I would like to respond to the member for Victoria Park and his comments on the Liberal Party's position statement for 2005 on the Sunset Hospital site. The member for Victoria Park has not been in this Parliament for long; he is only just out of his little pants. He does not know the history of this bill. We were responding in this statement to the government's proposal to sell off the A-class reserve. At that stage, there was no aged care facility. The statement was made by the former member for Greenough, whom we fully supported. It read -

Please supply quotes.

The coalition will engage in genuine community consultation to find an appropriate use for the site which will benefit and enrich the whole community whilst retaining the integrity of the site's heritage value and open space.

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Since then the government has come up with a plan to put a 120-bed monolith on the parks and recreation reserve, not where the heritage buildings are. We are talking about another part of the site whose purpose is parks and recreation. We are responding to that. I do not want the member for Victoria Park to come into this chamber whining incessantly when the government does something to A-class reserves in his electorate.

Point of Order

Mrs M.H. ROBERTS: Clause 16 provides for the Minister for Works to carry out development of the development area. The member for Nedlands has not addressed the clause so far in her remarks.

The SPEAKER: I have not been listening very closely to the debate. I am sure the member will address clause 16, but I will take particular note of what she says.

Debate Resumed

Mrs M.H. Roberts: Excellent. You are an excellent Speaker; well done.

Ms S.E. WALKER: I wish I could grovel like that, but it is not in me.

I was responding to certain members' comments on this clause. The clause seeks to change the purposes for which the site is used. The whole site should be used for the purpose of recreation and should be put under the Botanic Gardens and Parks Authority. That is being done for Araluen and Whiteman Park, each of which comprises 60 hectares. Why cannot the same be done for the Sunset site, which is 8.25 hectares? I suppose it is because it was not this government's idea. Since I have been a member of Parliament I have noticed how governments do not want to take on former governments' ideas. They do everything they can to make sure that the former government's idea is not their idea.

Mrs M.H. Roberts: This fits your party policy at the last election. You could almost say we pinched the idea, if you like.

Ms S.E. WALKER: I listen to my community and I have heard what my constituents have said about this government's plan for Sunset hospital. The minister knows what they are saying and what the Nedlands City Council is saying.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: When the government wanted my constituents' support the government said it would not sell this land. Now, under this clause, the government is rezoning part of the land to urban so that it can sell it.

Mr R.C. Kucera interjected.

Ms S.E. WALKER: Does Hamburger Bob know what? He should hang five and wait for the rest of this week when he will wish he had never been born.

Withdrawal of Remark

Mrs M.H. ROBERTS: It is my understanding that members in this house need to be addressed by their electorate, not by a slang term. The member for Nedlands referred to the member for Yokine inappropriately.

The SPEAKER: Order! That is quite true.

Ms S.E. Walker: What did I say, Mr Speaker; I am sorry.

The SPEAKER: The member for Nedlands has been in this place long enough to know that her remarks were unparliamentary. She is to desist. I do not know how many times she has been called to order today, but she is probably approaching the end of her numbers, so I suggest she not deliberately endeavour to flout the rules.

Ms S.E. WALKER: I withdraw.

Debate Resumed

The SPEAKER: The member for Capel.

Dr S.C. THOMAS: Thank you, Mr Speaker.

Mr F.M. Logan interjected.

Dr S.C. THOMAS: I thank the peanut gallery.

The SPEAKER: Order! I call to order the Minister for Energy for the first time. If he wants to interject, he can do it from his own seat.

Dr S.C. THOMAS: I understand that we are dealing with clause 16, which states in part -

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The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the development of the development area.

This is an all-encompassing clause. What does it preclude?

Mrs M.H. Roberts: Have you read clause 24?

Dr S.C. THOMAS: Are there any specific things that the minister is precluded from developing in that area?

Mrs M.H. ROBERTS: I must develop in accordance with the development plan, which is dealt with in division 3, and that outlines a specific development plan.

Mr G.M. CASTRILLI: I understand that any planning control the City of Nedlands has over the area will be wiped out with the passage of this legislation. Under this clause, the developer must submit a development application to the WA Planning Commission and consult with the City of Nedlands, the Heritage Council and whoever else. What will happen if the City of Nedlands refuses an application or does not want any development or if other parties are not happy with the application and refuse it? Will that mean that their wishes will be ignored or will the whole thing lapse?

Mrs M.H. ROBERTS: I think the member's remarks are probably better addressed in division 3, which is headed "Development plan", where it outlines in clause 24 that the development plan must be submitted to the WAPC. Presumably, as part of its process, the WAPC will take into account any comments provided by the City of Nedlands. Clause 24 and schedule 2 contain quite a lot of detail. In essence, what is proposed for this site is spelt out in this bill. This is the primary document for determining what planning will be applied to that site.

Dr J.M. WOOLLARD: We seem to be asking similar questions about clause 16. Clause 16 appears to give the minister carte blanche for development. Although the minister says that this clause is not to be read alone but with clause 24, clause 24(3)(e) reads -

that not more than 57 residential units are to be built on the development area and that at least 8 of the residential units are to be not more than 90 m2 in area

The member for Nedlands is representing her community tonight, and her community does not wish to see this heritage site abused upon the sale of this A-class reserve. My concern with this is based on the WAPC undertaking to ensure that the Raffles hotel development would comply with a restricted height under the local planning scheme.

Point of Order

Mrs M.H. ROBERTS: I do not know whether you have been listening to the member for Alfred Cove, Mr Speaker, but this clause is headed "Minister for Works may carry out development of the development area". It provides power to the Minister for Housing and Works to do certain functions. This clause does not set out the development plan. The details of that are provided for in later clauses. I ask that the member for Alfred Cove direct her comments to the appropriate clause.

The SPEAKER: I understand that this is a general provision that sets out the functions and the powers of the minister that must comply with later clauses. General questions should be directed through this clause and the more specific issues should be dealt with under later clauses. Members can ask more general questions now.

Debate Resumed

Dr J.M. WOOLLARD: I will address those previous questions to the later clauses. When I first asked about the clause, the minister referred me to the development plan. Clause 16(3) refers to the development plan. Usually, when an earlier clause has a clear link to a later clause, we are given latitude to discuss the later clause while dealing with the earlier clause. Due to her conflict of interest as Minister for Housing and Works and Minister for Heritage, this minister does not want to answer any questions. This bill has been introduced against the wishes of the community and shows this government's lack of accountability.

Mr G.M. CASTRILLI: I want some clarification of clause 16(1), which states -

The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the development of the development area.

In a previous answer the minister said that she could not devise her own development plan and go for it without approval.

Mrs M.H. Roberts: Under clause 16, to which I have referred the member for Alfred Cove, subclauses (3) and (4) will be relevant.

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Mr G.M. CASTRILLI: Subclauses (1) and (2) are also relevant. Clause 16 says the minister “may do all things”.

Mrs M.H. Roberts: Clause 16(3) puts the restriction in place.

Dr S.C. Thomas: Clauses 16(1) and (3) are in conflict.

Mrs M.H. Roberts: Clause 16(3) restricts the powers of clause 16.

Dr S.C. Thomas: Does the minister have a legal opinion to that effect? Does clause 16(3) override clause 16(1)?

Mrs M.H. Roberts: That is an inane question.

Dr S.C. Thomas: It is not an inane question. You have two subclauses that are in conflict.

Mrs M.H. Roberts: They are not in conflict at all.

Mr G.M. CASTRILLI: I thank all members for helping the minister answer the question for my clarification.

I understand what the minister said about clause 16(3). However, clause 16(1) does not say that the minister is subject to the relevant plans. The heading of clause 16 is “Minister for Works may carry out development of the development area”. I want assurances from the minister that she cannot override any objections that the City of Nedlands, the Heritage Council or anybody else might have about the development plan that is presented to the relevant parties, as prescribed under clause 16(3). Can I have that absolute assurance?

Mrs M.H. ROBERTS: I will read clause 16(3) again -

The Minister for Works must perform functions under this section in accordance with the development plan.

Therefore, the minister is absolutely compelled to perform the functions under this subclause in accordance with the development plan. The development plan is, of course, dealt with in the next division. I say again for the member for Bunbury: the Western Australian Planning Commission will make the determination, not the City of Nedlands. Of course, the commission can take advice from the City of Nedlands, but the bill sets it out. There is a lot of detail in the bill and further detail in the schedule. Ultimately, the approving authority for the development plan is the WAPC.

Dr J.M. WOOLLARD: The minister’s reference to clause 16(1) is not what is written in the bill in front of me, which states -

The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the development of the development area.

That is not the same.

Mrs M.H. Roberts: It does not say it in that part; it says it in another part.

Dr J.M. WOOLLARD: A later clause says it will go to the WAPC, but clause 16(1) states -

The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the development of a development area.

It does not say someone else will do it. That is why I ask about providing the minister with carte blanche powers under this clause.

Ms S.E. WALKER: Clause 16(1) states -

The Minister for Works may do all things necessary to plan, undertake, promote and coordinate the development of the development area.

Clause 16(3) states -

The Minister for Works must perform functions under this section in accordance with the development plan.

The minister says that it is all set out in the bill. The point is that although the bill provides for the development area to be the subject of a development plan - which under the bill must include certain requirements; for example, 57 residential units, height limits and setbacks - the Western Australian Planning Commission is, as the minister has said, the relevant planning authority. It can approve a development that departs from the development plan. The Planning Commission can also approve a subdivision of the land that is at variance with the development plan, although it must have regard to the plan. Although the development plan is one relevant

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consideration, along with the submissions from relevant notified persons, the requirements of orderly and proper planning, and the preservation of the amenities of the area, the exercise of the discretion for the full development is unfettered and can significantly depart from the development plan. The minister said that the minister must perform the functions under this provision in accordance with the development plan, and that the WAPC is the authority that will approve the plan. However, the general legal opinion in the planning area is that the commission can do what it likes. It does not have to abide by the detail. That is the problem with this bill. The minister might have another legal opinion from the State Solicitor's Office.

Mrs M.H. ROBERTS: The WAPC is not unfettered in this matter. Clause 25 provides the requirement for the endorsement and publication of the development plan by the WAPC. That clause lists the details for the publication of the plan. Clause 31 concerns the WAPC's functions and applications. The WAPC must abide by the relevant clauses in this bill, if and when it becomes an act.

Clause put and passed.

Clauses 17 to 23 put and passed.

Clause 24: Development plan must be submitted to WAPC -

Ms S.E. WALKER: This clause refers to Iris Avenue and a draft development plan. Why is there a draft development plan when it is supposed to be the plan that is contained in schedule 2 at the back of the bill?

Mrs M.H. ROBERTS: The draft development plan goes from the Minister for Works to the WAPC for its approval. If that plan is approved by the WAPC, it will be an endorsed development plan.

Dr J.M. WOOLLARD: I refer to the height limits and setbacks of buildings under clause 24(3)(d) as discussed in schedule 2. I cannot read the height limits. I ask the minister to point me to which diagram on which page sets out the height limits. Are the height limits to the top of the building or are they to the top of an ancillary feature on the building, such as an air-conditioner?

Mrs M.H. ROBERTS: The member for Alfred Cove is looking at schedule 2, where some of the printing is small. On page 24 is a diagram headed "Residential Zone 1: two level apartment building". References are made on the diagram to Australian height datum. For example, one says that the maximum level wall height is 26.00 AHD for a pitched roof and another states that the maximum level wall height is 27.00 AHD. The AHD is a defined and specified measurement. In lay terms, that is a two-level apartment building. On page 25, in the diagram headed "Residential Zone 2", the plan states "Three level apartment building". Again, the Australian height datum are there. For example, the one in the middle of the diagram states "Maximum Roof/Parapet level 30.50 AHD". On page 26, in the diagram headed "Residential zone 3", the plan states "Stepped apartment buildings set into the escarpment". They will be single-level apartments. Again, the AHD levels specified in the diagram include levels of 20.0, 23.0 and 18.0 AHD.

Dr J.M. Woollard: The last diagram is a single-level apartment block.

Mrs M.H. ROBERTS: That is right, but stepped into the escarpment. The buildings are single-level apartments stepped into the escarpment.

Mr G.M. CASTRILLI: I think this is the clause to which the minister referred me when I asked a question about the process. If this bill is passed, it means that the planning controls of the City of Nedlands will be wiped out and the developer will need to lodge a development application with the Western Australian Planning Commission. The WAPC will need to consult with the City of Nedlands, the Heritage Council and so on. If the City of Nedlands or somebody were in conflict with the development plan and did not agree with it, what would be the process after that?

Mrs M.H. Roberts: There is no process.

Mr G.M. CASTRILLI: Would it grind to a halt?

Mrs M.H. Roberts: It would proceed. The City of Nedlands would have no power.

Mr G.M. CASTRILLI: The City of Nedlands would have no power?

Mrs M.H. Roberts: That is right.

Mr G.M. CASTRILLI: The WAPC would make that determination.

Mrs M.H. Roberts: That is right.

Dr J.M. WOOLLARD: The member for Bunbury said that developers will submit the plans to the WAPC. However, clause 4, "Development plan must be submitted to WAPC", states that the Minister for Works must submit a draft development plan to the WAPC for its approval. Does that mean that the government will call for

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tenders from developers, select the development plan that it considers acceptable and then pass that on to the WAPC, or will the government accept several development plans and pass them on to the WAPC?

Mrs M.H. ROBERTS: The process will be that the development plan will be approved by the WAPC. The land can be sold at that point, and it will be sold for the highest price with that development plan. Clause 31 may assist the member for Alfred Cove, and also the member for Bunbury given the concerns he expressed a moment ago. Reference is made in the clause to the development approval, as opposed to the development plan. The development approval must also be submitted. Under clause 31, the WAPC must have regard to the development plan, any submission and so forth. I point out to the member for Bunbury that the development approval given by the WAPC would be subject to normal processes, such as an appeal to the State Administrative Tribunal.

Mr G.M. Castrilli interjected.

Mrs M.H. ROBERTS: The first stage is the development plan, which must be approved by the WAPC. The further stage is the development approval. Clause 31(1)(b) refers to any submissions received from a person notified under clause 30(1), the requirements of orderly proper planning and the preservation of the amenities of the area. That would happen after the development plan referred to in clause 24 was already in place.

Ms S.E. WALKER: When will the government sell the land?

Mrs M.H. Roberts: It is intended to sell the land once the development plan has been approved.

Ms S.E. WALKER: What value has the government put on that land?

Mrs M.H. Roberts: We have not. We will sell it to the highest bidder.

Ms S.E. WALKER: The government has not done that yet.

Mrs M.H. Roberts: It would be pre-emptive and it would be done before we went to market.

Ms S.E. WALKER: The government does not even have a valuation.

Mrs M.H. Roberts: I do not even have the legislation through Parliament.

Ms S.E. WALKER: Does the government have a valuation?

Mrs M.H. Roberts: No.

Ms S.E. WALKER: The government does not have a valuation of the land.

Mrs M.H. Roberts: That is right. It is not about money.

Ms S.E. WALKER: It is not about money! I thought it was all about \$15 million.

Mrs M.H. Roberts: It might be for you.

Ms S.E. WALKER: Come off it! Goodness me.

Dr J.M. WOOLLARD: The minister appears to be misleading the house.

The SPEAKER: If the member wishes to progress a substantive motion, she should do so. The member knows the rules of this place and she will abide by them.

Dr J.M. WOOLLARD: Clause 24 states that the "Minister for Works must submit a draft development plan to the WAPC for its approval". That clause is fairly clear to me. The minister said that clause 29 provides that the development approval must go to the WAPC, and she went on to refer to the WAPC's functions on development plans. That clause clearly refers to the Minister for Works. My previous question to the minister stands: as the clause states that the Minister for Works must submit a draft development plan, does that mean that the minister will call for tenders from developers for the development plan? What exactly is the process for the development plan? Will the government put together a development plan? Will the government move into private business? The clause states that the minister must submit a draft development plan. How will the minister get the draft development plan that will then go to the WAPC?

Mrs M.H. ROBERTS: The Department of Housing and Works will develop the draft development plan and the Minister for Housing and Works will then submit it to the WAPC for its approval. I make it perfectly clear that developers will not draft the development plan; the Department of Housing and Works will draft the development plan and the minister will send it to the WAPC for approval. Once it has been approved, we will have something to sell, because it will allow developers to see the plan that has been approved and its value. Until the development plan is approved - we need to know the exact plan that is approved and the market at the time - we cannot confidently say how much money will be returned.

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Ms S.E. WALKER: In her second reading speech, the minister said that the site will be tendered to the private sector. Is that right?

Mrs M.H. Roberts: That is right.

Ms S.E. WALKER: Will the government tender the land under the State Supply Commission Act? Will that be done under the normal process?

Mrs M.H. Roberts: The Department of Housing and Works tenders sites for development.

Ms S.E. WALKER: Yes, but it does so under the State Supply Commission Act if the contract is more than \$50 000. Is that not the act that controls what the government does with crown land?

Mrs M.H. Roberts: If you're asking whether we will be complying with the Public Works Act, yes, we will.

Ms S.E. WALKER: However, does the Department of Housing and Works not have to comply with the State Supply Commission Act when dealing with the tendering of crown land?

Mrs M.H. Roberts: Are you going to make a point? What is the point of the question?

Ms S.E. WALKER: I am entitled to know about the government's tender process for this land.

Mrs M.H. Roberts: The clause is not even about the tender process for the land.

Ms S.E. WALKER: It is about the sale of the land. I want to know what process the government will use. Will the government do it under the State Supply Commission Act?

Mrs M.H. Roberts: This clause is not about the sale of the land; it is about the draft development plan.

Ms S.E. WALKER: However, the government will sell the land.

Mrs M.H. Roberts: Not under this clause, no.

Ms S.E. WALKER: The government will sell the land. This clause is about the development plan for the developer to which the government will sell the land. Is there another clause in this bill that deals with the tender process?

Mrs M.H. Roberts: You always do your homework. You tell me.

Ms S.E. WALKER: Is there another clause in this bill that I can speak to later that deals with the tender process for the sale of Iris Avenue?

Mrs M.H. Roberts: Government tenders are dealt with under normal departmental policy. It is not the subject of this clause, so I am not going to be accused of being out of order by speaking to another clause or speaking to a matter that is not relevant to the clause. If you have done your homework, you will ask your questions about this clause.

Ms S.E. WALKER: I am. My question is about this clause and the 57 residential units that will be built, and how the minister will get from A to B. Is there any other clause that deals with the way the government is going to sell the land?

The SPEAKER: Member for Nedlands, do you have any questions that relate to this clause?

Ms S.E. WALKER: I am sorry. I was waiting for the minister -

The SPEAKER: I think the minister has answered it about six times.

Ms S.E. WALKER: No, she has not, Mr Speaker. I have asked whether there is a clause that deals with -

The SPEAKER: The minister said quite rightly that this clause has nothing to do with the sale of land.

Ms S.E. WALKER: I am asking whether there is a clause that deals with the sale of the land.

Mrs M.H. Roberts: It is clause 16, which we have dealt with and cannot go back to.

Ms S.E. WALKER: All right. In relation to this clause and the development plan, when the plan is finalised and the government comes to the point of allowing the development, will the minister deal with that development under the State Supply Commission Act, which relates to the supply and disposal of government businesses or land? Will the minister proceed under that act when she has signed off on the development plan?

Mrs M.H. ROBERTS: The minister will deal with this in accordance with the provisions outlined in this bill - I draw the member's attention to clause 16 in that regard - and all relevant pieces of legislation.

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Mr Bob Kucera; Mr John Kobelke; Mr Colin Barnett; Mr Troy Buswell; Mr John Castrilli; Mr Ben Wyatt;
Speaker; Dr Steve Thomas

Ms S.E. WALKER: While the Minister for Works may develop the area, the minister may also dispose of the development area. As I said in the second reading debate, the minister stated that the site would be tendered to the private sector. While the Minister for Works is required to perform her functions in accordance with the development plan, it is unclear that the minister is to develop the area before disposing of it. It appears that any person who may acquire the development area before development is carried out will not be statutorily bound to the development plan. Is that right, minister?

Mrs M.H. Roberts: If you would like to sit down I will answer the question, but I am not going to sit here and have you carry on.

The SPEAKER: The minister.

Mrs M.H. ROBERTS: As I have said already during this debate, post the development plan being approved by the WAPC we will go to tender to sell the land with the development plan in place. The developer will then be required to make an application for a development approval. Later clauses contain provisions dealing with how that development approval is obtained and what it must have regard to.

Clause put and passed.

Clause 25 put and passed.

Clause 26: Development plan may be amended -

Mr G.M. CASTRILLI: I seek some clarification of this clause. When I asked a question about clause 16(1), the minister referred me to clause 16(3) and basically told me that the development had to be done in accordance with the development plan and that she had no jurisdiction other than that. Clause 26(1) provides that the Minister for Works may amend the development plan. In the context of the minister's earlier answer, under what scenario does the minister see herself amending plans? I thought the plans had to go through the normal process at the Western Australian Planning Commission.

Mrs M.H. ROBERTS: Of course the Minister for Works would still need the endorsement of the Western Australian Planning Commission. Clause 24 sets out the mandatory components of a development plan; for example, the building envelopes, the heights and so forth. Clause 26 refers to minor changes, certainly not changes to the mandatory parts spelt out in clause 24. It would require the approval of the WAPC.

Dr S.C. THOMAS: If there were a conflict, would clause 24 or clause 26 predominate?

Mrs M.H. ROBERTS: Clause 24 is mandatory; it applies and the requirements are included within it.

Clause put and passed.

Clauses 27 to 38 put and passed.

Schedules 1 and 2 put and passed.

Title put and passed.

House adjourned at 9.50 pm
