

**LOAN BILL 2003**

*Second Reading*

Resumed from 10 September.

**MRS C.L. EDWARDES** (Kingsley) [12.16 pm]: In speaking on the Loan Bill 2003 I will raise a few matters that indicate there are major problems with getting action taken in some government departments. In the first instance I raise a planning matter, which although it was gazetted at the end of July, took an enormous amount of time. It is in respect of the Town of Kwinana planning scheme amendment No 76. There were real concerns about the time it took for the minister to consider the scheme amendment. I raised the delays in the scheme amendment two weeks ago in this place. The minister acknowledged there were some considerable delays. Despite numerous faxes and phone calls to the Department for Planning and Infrastructure regarding its progress, the department said it was waiting for the minister to meet with her staff and consider the amendment. That was four months after the letter of complaint from Greg Rowe and Associates to the department, which was dated 6 March. If a delay of 152 days is unacceptable in March 2003, by July this year the amendment had been lodged with the department for 276 days! That can only suggest "gross inefficiency within the current system", to use the words of the letter. This is a constant concern that has been raised by town planners and developers. Delays are becoming the norm rather than the exception. It means that costs will continue to escalate the longer people are subject to delays. As I indicated two weeks ago, while the costs are being incurred by town planners and developers, it also means that the cost of land will go up. People buying the lots will incur that extra cost. There should be a greater level of accountability in the terms and time it is taking to progress many of these applications. With the extra staff she has employed, I hope that the minister will continue to monitor the time lines in order to ensure they are met.

I raise another matter. It concerns the impact that we sometimes have on landowners and that happens in a number of different ways. More than 20 Acts on Western Australia's statute book affect the rights of landowners in various and respective ways. I refer to the Environmental Protection (Western Swamp Tortoise Habitat) Policy Approval Order 2002. An EPP does not come to the Parliament by way of regulation and cannot be disallowed. It is an order that is put in place by the Minister for the Environment. The public has the opportunity to make submissions on the order, after which time a draft is released. I released the draft on this particular order. However, when I was the Minister for the Environment, I did not sign off on the final order as the current Government did because of the huge impact it would have had on a number of landowners whose land was affected by the protection of the western swamp tortoise. If the people of Western Australia believe it is important to protect the habitat of the western swamp tortoise, they ought to be looking at how the landowners whose land is affected by the order will be compensated. I know that not everyone can subdivide his or her land. Disputes often arise 20 to 30 years after land has been purchased because people want to develop their land - as was done in the Burns Beach area - as part of their superannuation. I refer to one elderly gentleman who cannot get a pension because he owns his land. However, he cannot sell the land because of the EPP. That is an absolute disgrace. He is in an absolute bind. He does not have any family to look after him and lives alone. It is an absolute disgrace that he has not received any form of compensation from the Government as a result of not being able to deal with his land in any way, shape or form. Even if he were able to get an application to subdivide his land, the City of Swan has placed restrictions on the size of subdivided lots. The man's land is regarded as an asset and because he does not live on it, he cannot get a pension. Who will look after that gentleman given that an EPP has been put in place to protect the western swamp tortoises' habitat? Obviously looking after the tortoises' habitat has a far greater priority than looking after the gentleman.

I raise the issue of Bush Forever. Bush Forever was launched on 26 December and includes only two per cent of private and public land in the metropolitan area that is zoned urban, urban deferred and industrial. Bush Forever was supposed to represent a balance between the needs of conservation and development. However, I do not believe that it does that. Our Government brought in Bush Forever. One hundred million dollars was assigned to the acquisition of sites of the highest conservation value over 10 years. However, it was always recognised that public land acquisition would not be the answer in every instance. Private landowners who wished to effectively manage the land for conservation could be dealt with. People made many submissions on that basis. They believed that managing their land for conservation would increase the value of the land. However, other people purchased their land with the view that it could be developed in the future as part of their superannuation. In some instances, blocks of cleared land surround an area of bush. Everybody has had the benefit of the value of that land by being able to produce income, except for the person who kept it for a certain period. Now they can no longer deal with their land. Bush Forever was introduced on the basis that landowners would be advised. It was never intended that people would not know that their land was protecting valuable bushland.

Thirty years ago, a group of family members purchased Swan location 1942, lot 67 from plan 6962. They bought the land that is opposite the trotting track in Wanneroo with the idea of building horse stables or selling it

at a later date. The site is bounded by Nicholas Road, Benmuni Road, a strawberry farm and another site of vacant bush that is similar in size to their block. Over the years they have paid rates and taxes on the property, which last year alone amounted to nearly \$4 000. Last year they decided it was time to sell the property. To make the site more attractive to buyers, they decided to clear it and left a 10-metre buffer. To their horror, they found that they needed a permit from the Department of Agriculture, the Wanneroo council, the Environmental Protection Authority and the Bush Forever people. As they had never cleared land before, they said it was a shock to be treated like Ned Kelly. After a couple of meetings with the authorities, the Department of Agriculture said that it did not intend to prosecute because land degradation did not result from the clearing. Although this family is protected from prosecution, they can no longer deal with their land. They cannot do anything else with it. The stumbling block is Bush Forever. The point the members of the family have made is that they were never advised of the situation by Bush Forever. As the minister who was involved at the time, I was clearly told that everybody had been informed. The family to whom I referred - I understand there are a few others - was never advised. The reason given for that was that the letter went to an address that was as old as the hills. The City of Wanneroo can send letters to this family about rates and the Valuer General's Office can send letters about land tax. However, Bush Forever cannot find the family. Rather, it sent a letter to an address at which the family has not lived for decades. However, the family has lived at its current address for decades. The family can be found when notices about rates and taxes need to be delivered, but it cannot be found by the Bush Forever people.

The Department for Planning and Infrastructure, which deals with Bush Forever, has acknowledged that the family was not advised of the situation. Therefore, I hope that the listing of its land as a Bush Forever site is deemed totally inappropriate, if not illegal. I hope the family's application to remove its site from the Bush Forever register is successful. As I said, the family was never advised, as it ought to have been. That does not stop other people who have Bush Forever sites. Seemingly, there is a lack of support from within the department to help those who have made approaches to deal with their own land.

I refer to another planning matter that also has not been resolved. A lady who owns an old house in the town of Vincent wants to knock it down and build two three-storey town houses. Even though the house and the street are not on the council heritage list, the Town of Vincent failed to act on her development application. Therefore, she appealed to the minister under the deemed refusal provisions of the legislation. Although her appeal was lodged early in 2002, it seems that she will still be required to take her appeal to the tribunal, because the minister indicated that as the legislation was being dealt with by the Parliament, she would deal only with appeals lodged before July 2001, and anything after that date would be sent to the tribunal. That has happened. However, the tribunal has said that there is a backlog. It had to deal with all the matters that went to it before July 2001. In addition, because it was made known in the public arena that the minister would not deal with anything lodged after July 2001, the tribunal had to deal with all those matters. It also had to deal with the bundle of matters that the minister did not deal with, and it was given no extra resources.

The issue is that this woman has an old house. It is leaking. It has been raining again today, and her kitchen is full of water. This lady is becoming depressed because she cannot do a thing with her house. Interestingly enough, the department said to this woman, "Why don't you just change your submission, recolour it a bit and make it look more faux heritage?" That contradicts all good planning recommendations. In the Dialogue with the City symposium, which was run on Channel Seven, in radio discussions on 6PR and in *The Australian Financial Review* of 26 August 2003, it was said that that should not be done. Everybody has said that people should not recolour their submissions to make them look faux heritage. People are not receiving proper advice, support and assistance to get their matters dealt with in a timely fashion.

This woman has been living with this for some time now. A number of issues are involved. There is the problem of the council not acting and not making a decision in the first instance. I understand that there were some differences of opinion between councillors over heritage issues. There has been a lack of progress in the minister's office. The tribunal system is causing further delays because of the backlog. Finally, it comes down to increased costs. This woman has found out from the Town of Vincent that she still cannot demolish the house without making a new development application. She must start the whole process again. It is an absolute disgrace in terms of the proper planning for our State. I believe that there has been total mismanagement in this area of planning.

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

Mrs C.L. EDWARDES: There are delays in the minister's office, and low morale and a lack of experienced people in the Department for Planning and Infrastructure. Essentially this is creating a huge planning backlog in this State.

I will move to industrial relations and identify another concern. It is one that I have raised previously and that was raised yesterday. The legislation that this Government introduced is doing absolutely nothing to create

harmony and to support employers and employees. I refer to the statistics on Australian workplace agreements in Western Australia. From 1 July 2002 to 30 April 2003, 37 085 AWAs were lodged by WA employers. From 1 July 2002 to 31 March 2003, 26 140 AWAs were approved for WA employers. In the March quarter 2003, 10 610 AWAs were approved for WA employers. Comparing the March quarter 2003 with the March quarter 2002, WA lodgments had increased by 420 per cent. In the March quarter 2003, WA employers comprised 35 per cent of all employers lodging AWAs for the first time. In April 2003, 44 per cent of all AWAs lodged were from Western Australia. The current rates of industry penetration by AWAs in Western Australia are as follows: mining - 28 per cent of the WA mining work force; communication services - 16 per cent; construction - 10 per cent; cultural and recreational services - eight per cent; electricity and gas - eight per cent; manufacturing - seven per cent; and transport and storage - seven per cent. The total of all Western Australian industries was five per cent, which was second only to the Australian Capital Territory at six per cent, and that compares favourably to 2.05 per cent nationally.

I am saying that, under the Government's new legislation, employer-employee agreements in Western Australia have been a dismal failure. They are an absolute waste of time. I said in the debate at the time that I did not believe the legislation was ever intended to work because of the huge amount of red tape and bureaucracy that surrounded EEAs. As such, at budget time the minister said that only 12 employer-employee agreements had been lodged. That shows what an absolute waste of time EEAs are.

[Quorum formed.]

Mrs C.L. EDWARDES: I will raise another serious issue that again deals with the Department for Planning and Infrastructure. Earlier this year on 7 May, I asked question on notice 1498 about the Cockburn shopping centre in Hamilton Hill. The owner of that shopping centre is the Western Australian Planning Commission, and it is also the holder of the head lease. I asked -

- (3) Is it a condition of this lease that the shopping centre is covered by public liability insurance?

The answer was yes. I asked -

- (5) . . . what is the value of this insurance?

The answer was \$200 million. I asked -

- (6) Is it a requirement of the lease that the 'Head Lessee' inform the owner of all sub leases?

The answer was -

- (6) The lease requires the Lessee to seek the consent of the Lessor to sublease.

I asked -

- (7) Is it a requirement of the lease that the 'Head Lessee' ensure that all occupiers, stallholders, casual stallholders and sub lessees hold valid public liability insurance?

The answer was no. I asked why not. The answer was -

- (8) Any consent to sub-lease by the Western Australian Planning Commission requires the preparation of formal documentation which would include provisions relating to public liability and indemnification of the Commission as Head Lessor.

Essentially, there is no requirement for the head lessee to ensure that all sublessees hold valid public liability insurance, because the consent of the head lessor - which in this instance is the WA Planning Commission - to sublease would require the preparation of formal documentation, including indemnification of the commission as head lessor. That means that for any incident that occurs at a shopping centre, the head lessor, who must take out public liability insurance, is ultimately responsible, unless he takes action against a head lessee who has not received proper consent for subleasing the premises. The incident I am talking about involves a lady of senior years who had an accident in this shopping centre and who continues to experience genuine and ongoing problems associated with the accident. At present, she is suffering severe depression. Her family is in the eastern States. The concern has been that her life expectancy has been reduced by the stress of and complications from the accident. She has not received any compensation whatsoever. She was almost fatally injured when one tonne of watermelons collapsed on her while she was shopping at the site. This site is owned by the Western Australian Planning Commission. It is leased to Waterford Nominees Pty Ltd, which is owned by Mr Peter Tagliaferri. Waterford Nominees subleased a portion of the premises to Mr Napoli, who has no insurance or assets. As such, no compensation can be obtained from him. The head lessee is denying liability. The WAPC says that it is not its responsibility and will not take action against the head lessee for not advising it about and seeking consent for subleases. The owner of the site - the WAPC - has leased the site to Waterford Nominees - Mr Tagliaferri. The lessee must have insurance. Waterford Nominees subleased the premises to Mr Napoli, whose fault it is that this accident with the one tonne of watermelons occurred. He has no assets or

insurance. Mr Tagliaferri has said that no-one should bother coming to him. The WAPC has said that it will not take action against Mr Tagliaferri or Waterford Nominees for not getting consent for the sublease. Everybody is backing off.

Ms A.J. MacTiernan: Just say that we took some sort of action against Waterford Nominees. Where would that get this lady? How would that assist her?

Mrs C.L. EDWARDES: Huge court costs are involved. She has already paid in excess of \$30 000.

Ms A.J. MacTiernan: But any action that we might take as an owner against the lessee for a breach of his lease would not provide her with any relief.

Mrs C.L. EDWARDES: That person would need to take action against the WAPC, and the WAPC would need to file a cross-claim against Mr Tagliaferri or Waterford Nominees.

Ms A.J. MacTiernan: What would be the basis of the claim against us?

Mrs C.L. EDWARDES: It would mean that this matter would have to go to court, because the WAPC has not been supervising its leases. When I asked a question on how many WAPC leases there were just within the metropolitan area, the department said I was seeking too much information and that it was sorry but it did not have the answers. Surely it would involve just pressing a button on a computer.

Ms A.J. MacTiernan: It will do, once we have been in government for eight years. Unfortunately, because of the lack of attention to good management principles in the past, that information has not been readily available.

Mrs C.L. EDWARDES: So information on those leases is not readily available on a register?

Ms A.J. MacTiernan: It is not readily available. The agency is being restructured to provide a much better focus on asset management.

Mrs C.L. EDWARDES: Who will manage these leases so that somebody does not suffer or is not put to huge expense?

Ms A.J. MacTiernan: We are not spending all our time or intellectual energy on putting in place legislation to discriminate against, abuse and harass working people. We are spending a lot of effort on restructuring these agencies so that they work effectively.

Mrs C.L. EDWARDES: The minister has not confronted the problem. This is an issue involving a woman in her senior years who must sell her house to pay her medical bills. She cannot get compensation because the WAPC did not do its job. If consent had been sought to provide a sublease to Mr Napoli -

Ms A.J. MacTiernan: What a ridiculous proposition! What you are saying is that each week we should ring up each of the thousands of lessees of the department and ask whether they have done anything naughty or breached their leases.

Mrs C.L. EDWARDES: If the Government took action against Waterford Nominees, other head lessees would take notice of that and would do the right thing by coming to the department. If no action is taken, what will be the requirement on other head lessees to take action? They will know that neither the WAPC nor the Department for Planning and Infrastructure will take any action. They will be able to breach their leases and the Government will not take any action against them. The minister has said that she will not ring them up every week. Come on! She does not have to. If proper practices and procedures were put in place, the department would not have to do that. It must take action when a serious breach such as this occurs. This breach has had a big impact on an elderly woman, who must sell her house. She has already spent in excess of \$30 000. The minister does not care. If the Government took action against Waterford Nominees, other head lessees would take notice.

Ms A.J. MacTiernan: For a start, we have not said that we will not take any action in respect of Waterford Nominees.

Mrs C.L. EDWARDES: That is what this woman's family has been advised.

Ms A.J. MacTiernan: As I have said, whatever action we take will not in any way, shape or form change that woman's legal entitlement.

Mrs C.L. EDWARDES: It would stop other head lessees from subleasing premises and then taking no responsibility whatsoever. That is what is being allowed. The Government is allowing that company to not meet its responsibilities.

Ms A.J. MacTiernan: The person who is liable is the watermelon man.

Mrs C.L. EDWARDES: That is right. He was the sublessee. He has no money, assets or insurance. Consent was not received to sublease the premises from Waterford Nominees. Action should be taken against the head lessee.

Ms A.J. MacTiernan: It will not help her one bit.

Mrs C.L. EDWARDES: If that action were taken, all other head lessees would take notice and would seek consents in the future. It may not help this woman, but if the Government took this issue seriously, it would make head lessees think twice about subletting premises in the future. If the Government does not take this issue seriously, no head lessee will worry in the future about anything. The minister is saying that the lessees of WAPC properties can breach their leases, because the department will not ring them up weekly or check whether they have done anything naughty. It will let all its head lessees get away with it. That is not good enough!

**MR R.F. JOHNSON** (Hillarys) [12.47 pm]: There is very little time before we will reach 12.50 pm, when 90-second statements will be given. However, I will start my speech on the Loan Bill. Although I will not be able to say an awful lot before we get to 90-second statements, I will outline what I will say straight after question time, when we will resume debate on this Bill; that is, that our Premier and Government are spending taxpayers' money for political purposes, which is against all the conventions. I suggest that it goes against the provisions of the Public Sector Management Act and the code of conduct for ministers, which includes the Premier as well. I do not make that accusation lightly. I will show in the course of my contribution to this debate that the Premier is spending taxpayers' money to promote both his party and Labor backbench members. I will show members where that is occurring. The Premier did not realise, because he made a very glib comment some time ago to *The West Australian* when he was approached about the article that talks about putting a \$10 million spin on Labor. We know that \$10 million is an underestimate, simply because the figure does not include the totals for the Department of Education and Training or the Department for Planning and Infrastructure - two big bureaucracies that have correspondingly big public relations sections. The Premier obviously had a long chat with his good friend, ally and university colleague Tony Blair. They have obviously worked out that the best way to get the Gallop Labor Government -

Debate interrupted, pursuant to standing orders.

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