

TAMALA PARK LAND TRANSFER BILL 2001

Second Reading

Resumed from 13 June.

MR EDWARDS (Greenough) [4.54 pm]: I will go back in history a little to the second reading speech of the City of Perth Restructuring Bill 1993, during which Hon George Cash said -

On Monday, 18 October 1993 the Premier announced the coalition Government's proposal to reform the Perth City Council to create a true capital city council and three new councils.

That restructuring involved the towns of Cambridge, Vincent and Victoria Park. Section 14 of the City of Perth Restructuring Act 1993 states -

In addition to its functions under this Act, the commission, acting as the council of the City of Perth, is to establish the infrastructure of the new towns so that on and after election day each new town can perform the functions imposed upon a municipality by law.

The provisions of the legislation further required that in establishing the infrastructure of the new towns, reference was to include -

- (a) acquiring land and buildings for the offices and other facilities of the new towns;
- (b) providing equipment, facilities, machinery and plant for the new towns;
- (c) appointing people to be officers of the towns; and
- (d) doing anything necessary or convenient to be done for giving effect to the purpose in subsection (1).

Following legal advice, the commission established that any assets of the city that were external to the original municipal district of the City of Perth could not be apportioned between the four new local authorities due to a lack of primary power in the legislation. Following further legal advice, the commission took the view that the new towns would be provided with new plant and equipment and, wherever possible, new facilities to ensure that the towns could provide services and could comply with section 14(1) of the City of Perth Restructuring Act. Legal advice also indicated that the commission could transfer assets, including existing plant and equipment, held in the name of the City of Perth without some form of recompense from the new towns.

In the case of the land at Mindarie-Tamala Park, the commission secured legal advice that the individual towns had no right or claim to the land held in the name of the City of Perth and which was external to town districts. As will become apparent later in my comments, from July 1994, the combined funds of the endowment lands fund and the City of Perth parking reserve fund meant that some \$41 million was available to fund the infrastructure of those towns. Tamala Park was retained by the City of Perth in the restructure of the city, which became effective from 1 July 1994. It should be noted that Tamala Park was one of three parcels of land, external to the city's boundaries, which were held by the City of Perth at that time. The other parcels were sillage land in Gosnells and a block in Osborne Park. I believe one was subsequently sold. The Carr-Fardon report commissioned at that time recommended that -

The investment in Lot 17 Mindarie to remain with the City of Perth.

The other joint owners of this land are the Cities of Joondalup, Stirling and Wanneroo. The land covers some 432 hectares and the site is known as lot 17 Mindarie. The land was bought as, among other things, a future landfill site, with the potential to develop the balance of the surrounding land for residential purposes. I understand Bushcare has also taken an interest in the land. The City of Perth bought the land in January 1981 at a cost of \$4.93 million. Under the restructuring process of the City of Perth, the three Towns of Cambridge, Victoria Park and Vincent were provided with substantial infrastructure worth in excess of \$56 million. These funds were provided by the City of Perth. Previously I mentioned the \$41 million, which was part of that funding, as were some infrastructure endowment land funds, to which I will refer later.

When the decisions on the costs were made, the commissioners who were at that time acting as the council for each of those local authorities of Cambridge, Victoria Park and Vincent, decided that the investment properties held outside the City of Perth boundaries should be retained by the city. Those properties included Tamala Park. Their reasoning was based on the extensive expenditure by the City of Perth on the restructuring process of the three towns. The Town of Cambridge received \$19 047 437.27; the Town of Victoria Park received \$13 283 728.80; and the Town of Vincent received \$18 267 345.54. I believe that the argument put forward by the commissioners was agreed to at that time by my colleague, the member for Warren-Blackwood, who was the

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then Minister for Local Government. I am also aware that various approaches to the former Government by the Towns of Cambridge, Victoria Park and Vincent to overturn that decision, were not supported. However, as part of the Labor Party platform during the 2001 state election, the decision was made that special legislation would be introduced into Parliament to grant the three towns their wish. That has occurred and the matter is now before us.

I understand that the City of Perth was not aware that this was taking place. It wrote that it had not been consulted about the legislation, nor asked to make any comment on the circumstances regarding the distribution of assets following the restructuring of the city.

Mr Barnett: Will the Government confirm that it has not consulted the City of Perth?

Mr EDWARDS: I thank the Leader of the Opposition.

Mr Hyde: It has been aware of it for six months.

Mr Barnett: Is anyone handling this Bill.

Mr EDWARDS: Who is handling this Bill? That is a very pertinent question.

Point of Order

Mr BARNETT: Is anyone handling this Bill on behalf of the Government? Some pertinent issues have been raised by the member for Greenough.

Mr Hyde: What sort of point of order is that?

Mr BARNETT: It is incumbent on the Government, not us, to handle this legislation.

The ACTING SPEAKER (Mrs Hodson-Thomas): Order! I understand that the Leader of the House is handling the Bill on behalf of the Minister for Local Government.

Debate Resumed

Mr EDWARDS: In the letter I have in front of me the City of Perth says categorically that it has not been consulted about this legislation, nor asked to comment on its circumstances. Maybe the answer is there.

Mr Kobelke: I cannot answer specifically, but I am sure that the minister, who will conclude the second reading debate, will answer the question.

Mr Barnett: Why don't you have another week off? Why don't you get your act together?

Mr Kobelke: Put the dummy back in the mouth.

The ACTING SPEAKER: Order! The member for Greenough has the floor.

Mr EDWARDS: The action taken by the State Government is notable in that from 7 May 2001, it prevents the City of Perth from acting in any way with regard to the land and particularly it precludes any legal action being taken to protect the city's interest in the land. The question needs to be asked.

The argument that the Government is putting forward does not take into consideration the amount of money that the City of Perth has expended on various projects on the site at Tamala Park. It spent a considerable amount on site planning, regional roads contributions and consultancies for the long-term development of a portion of that site. To have now the additional burden of the potential loss of a major asset of the city is inequitable at best. The three towns' claim, which is supported by the Government, that their ratepayers originally contributed to the purchase of Tamala Park through the payment of rates, may be correct. I would not argue with that. However, to say that they have been disadvantaged is a travesty of the truth; it is not the case at all. The amount of money that the City of Perth contributed to the restructuring of the Towns of Cambridge, Victoria Park and Vincent more than compensated them for the so-called disadvantage of not being given a share of the ownership of Tamala Park.

I suggest that the three local authorities were treated more than generously with funding and being provided with diverse items. For example, all the towns were provided with administrative premises. In the case of the Towns of Cambridge and Vincent, brand new facilities were constructed. For the Town of Victoria Park an existing office structure was acquired and totally refurbished. Each town was given a cash reserve fund of \$1 million. Each town was given membership to the Mindarie Regional Council at a cost of \$175 330 each. Loan repayments on behalf of the towns totalled \$3.84 million. The Town of Vincent was assisted with \$1.296 million to fund structural works at the Macedonian Hall.

Mr D'Orazio: Jeremy, where did you get that from?

The ACTING SPEAKER: Order! I remind members that we refer to members in this place by their electorates.

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Mr D'Orazio: I apologise, Madam Acting Speaker.

Mr EDWARDS: The information has been provided to me. The Town of Vincent was provided with \$1 million for the upgrade of Leederville Oval. Service agreements for services provided to the towns for the financial year 1994-95 totalled \$2.69 million. In addition to new office facilities, each town was provided with a new depot, new plant, machinery, motor vehicles and equipment, a complete information technology system, equity in Local Government House, equity in the Lieutenant Colonel Christian Garden Fund of \$13 105 and a mayoral chain. I am not disputing any of that information but merely reiterating it as fact.

Mr D'Orazio: Where did that money come from?

Mr EDWARDS: It came out of the \$56 million that the City of Perth provided, \$41 million of which came from the parking fund and the balance from the endowment lands fund.

I will move on to the establishment of the new towns and the endowment lands fund. In the City of Perth Restructuring Act 1993, under the heading "Commission to establish infrastructure", section 14(3) and (4) reads -

- (3) The costs incurred before election day of establishing the infrastructure of the new towns are to be paid, in such proportions as the commission thinks fit . . .
 - (b) on and after division day, out of -
 - (i) the Endowment Lands Fund; and
 - (ii) the Parking Fund maintained under the City of Perth Parking Facilities Act 1956 (including any reserve fund of moneys in that Fund).
- (4) In this section a reference to "establishing the infrastructure of the new towns" includes a reference to -
 - (a) acquiring land and buildings for the offices and other facilities of the new towns;
 - (b) providing equipment, facilities, machinery and plant for the new towns;
 - (c) appointing people to be officers of the towns; and
 - (d) doing anything necessary or convenient to be done for giving effect to the purpose in subsection (1).

The Act continues -

Endowment Lands Fund established

- 15. (1) On division day the City of Perth is to establish and maintain an account called the "Endowment Lands Fund".
- (2) Any funds which immediately before division day are held or invested under section 39(2) of the City of Perth Endowment Lands Act 1920 are on division day to be transferred to the Endowment Lands Fund.
- (3) Any moneys to which section 39(2) of the City of Perth Endowment Lands Act 1920 applies and which immediately before division day are payable to the City of Perth, are to be paid into the Endowment Lands Fund.
- (4) Any proceeds arising from a sale of the said lands (as defined in the City of Perth Endowment Lands Act 1920) under a contract entered into before division day are to be paid into the Endowment Lands Fund.
- (5) The City of Perth may transfer such of the funds in the Endowment Lands Fund as it thinks fit into a reserve fund.
- (6) The City of Perth may invest such of the funds in the Endowment Lands Fund as it thinks fit in any manner that a trustee may lawfully invest trust funds.

Expenditure from Endowment Lands Fund

- 16. (1) In this section "relevant period" means the period beginning on election day and ending on 30 April 1999.
- (2) Funds in the Endowment Lands Fund may be expended by the City of Perth -

Extract from Hansard

[ASSEMBLY - Tuesday, 26 June 2001]

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- (a) subject to this section for the same purposes and in the same manner as the municipal fund of the City may be expended under the principal Act;
- (b) under section 14(3)(b).
- (3) In the relevant period the City of Perth shall not expend funds in the Endowment Lands Fund without the prior written approval of the Minister.
- (4) In the relevant period the Minister may in writing direct the City of Perth to make such payments to the local government of a new town from the Endowment Lands Fund as the Minister thinks fit and the City of Perth is to comply immediately with such a direction. . . .

Endowment Lands Fund to be transferred to City of Perth

- 17. (1) On 1 May 1999 the Endowment Lands Fund is to be closed.
- (2) On 1 May 1999 any funds which immediately before then are standing to the credit of the Endowment Lands Fund are to be transferred to the municipal fund of the City of Perth.
- (3) Any moneys payable to the Endowment Lands Fund on or after 1 May 1999 are to be paid to the municipal fund of the City of Perth.
- (4) The municipal fund of the City of Perth is charged with any liabilities of the Endowment Lands Fund which arise before 1 May 1999.

To show that I adopt a balanced view in this argument and of the issues I raise, I refer to a petition that was tabled in the Legislative Council and to the "Report of the Standing Committee on Constitutional Affairs in relation to a Petition Requesting the Legislative Council to Enquire into the City of Perth's Ownership of Lot 17 Mindarie/Tamala Park". I will quote from a couple of items in that report -

- 1.1.1 On 17 December 1998, Hon Ken Travers MLC tabled a petition . . . requesting the Legislative Council to enquire into the City of Perth's ownership of Lot 17 Mindarie/Tamala Park ("Lot 17").
- 1.1.2 The petition was signed by residents of the Towns of Cambridge, Victoria Park and Vincent which comprised parts of the former City of Perth prior to its restructure. The petitioners stated their belief that each of these new Towns should have received a quarter share of the City of Perth's ownership of Lot 17.
- 1.1.3 The petitioners stated that following the restructure of the former City of Perth, the City retained full ownership of the asset without an equitable share being returned to the three new Towns and their ratepayers and residents. The petition called upon the Legislative Council to enquire into why this decision was made and how the situation could be rectified to return to the three new Towns a quarter share each of the City of Perth's ownership of Lot 17.
- 2. THE PETITIONERS' SUBMISSIONS
 - 2.1 In response to its request for information, the Committee received a letter from the Chief Executive Officer of the Town of Cambridge, Mr Graham Partridge, dated 8 April 1998 in support of the matters raised in the petition.
 - 2.2 In his letter Mr Partridge stated that, inter alia:
 - "the City of Perth Restructuring Act 1993 ("the Restructuring Act") determined the process for dividing the former City of Perth into four municipalities including the three new Towns of Cambridge, Victoria Park and Vincent;
 - the Restructuring Act did not provide the manner in which assets outside the former City of Perth boundaries should be distributed. The division of all other assets was catered for;
 - assets owned by the former City of Perth outside its boundaries include a one-third share in Lot 17 and Roberts Street Depot;
 - the land at Lot 17 could be in the vicinity of \$200 million depending on the final use determined for the land.

That was that day's value -

The City of Perth's equity in the land could therefore be approximately \$67 million;
and

as a result of the restructuring of the former City of Perth, the ratepayers of the three
new Towns did not receive a share of the City of Perth's ownership of Lot 17, with
100% equity remaining with the City of Perth."

- 2.3 Mr Partridge claimed that at the time the former City of Perth purchased the one-third share in Lot 17, it did so for the benefit of all ratepayers in its district and all ratepayers contributed to the acquisition. Mr Partridge also claimed that it was never intended that the benefits would only be available to the ratepayers within the City of Perth following its restructuring. Mr Partridge submitted that as a consequence, a majority of the ratepayers of the former City of Perth had been disenfranchised from an equitable share of the value of the asset at Lot 17. This was estimated to be approximately \$16.5 million for each of the four Councils.

I draw members' attention to the fact that a move has now been made by, I think, the Urban Bushland Council WA, or some similar organisation, on that land, so I suggest that some of those figures would now be questionable. The report continues -

- 2.4 The Committee was advised by Mr Partridge that the Mindarie Regional Council, of which the three new Towns have been admitted as members, lease part of Lot 17 for a refuse site from the owners, being the Cities of Joondalup, Stirling, Perth and Wanneroo. The lease expires in October 2011.

I believe I am right in saying that that was a 21-year lease - I think it was from 1990 - and there is an option to lease again for a further 21 years. The report continues -

Mr Partridge expressed concern that after the lease expires, the owners may enter into a new lease excluding the Towns of Cambridge, Victoria Park and Vincent. Mr Partridge submitted that this would leave these Councils with no guarantee of a continuing refuse disposal site at the same concessional rates enjoyed by the owners of Lot 17.

I could probably pick out other issues relating to the petition. However, the point has been made. I will again refer to the Carr-Fardon report, which was also raised in the report of the Standing Committee on Constitutional Affairs and which states -

- 3.1 The Carr-Fardon Report was prepared by David Carr, former Town Planning Commissioner for Western Australia and Mr Ralph Fardon, former City Manager/Town Clerk of the City of Stirling. Dr Carr and Mr Fardon were engaged as consultants to complete the proposal for the restructuring of the City of Perth. The report, dated 31 August 1993, is entitled "A Capital City for Western Australia" and was tabled in the Legislative Council . . . on 2 November 1993.
- 3.2 The Carr-Fardon Report stated that:
- "The City of Perth has been well managed financially. Currently, the Perth City Council has fixed assets of approximately \$150 million, reserve funds of approximately \$50 million including Parking (\$20 million), Endowment Lands (\$15 million) and General Purposes (\$5 million), an annual income of approximately \$70 million and total debts of less than \$25 million."

Of course, that was the situation with the City of Perth at that time -

- 3.3 The Carr-Fardon report also stated that:
- "It is possible to create three new Towns by May 1995 which would be community oriented and financially independent".
- 3.4 As part of the financing for the restructuring of the City of Perth, the Carr-Fardon report proposed that:
- the newly created City of Perth "accept all loan indebtedness, and any facilities made over to the three Towns to be loan free";
- access be provided to the Reserve Funds which had been created on both the City of Perth Parking Facilities Act 1956 ("the Parking Facilities Act") and the City of Perth Endowment Lands Act 1920 ("the Endowment Lands Act");

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following the creation of the three new Towns and the transfer of assets, any remainder of the Parking Facilities and Endowment Land funds remain with the City of Perth; and

the investment in Lot 17 Mindarie remain with the City of Perth.

- 3.5 It was noted in the Carr-Fardon Report that amendments to the Endowment Lands Act and the Parking Facilities Act would be required to permit a distribution from the reserve funds to the newly created Towns with the balances to remain at the discretion of the City of Perth (as re-constituted).
- 3.6 The Carr-Fardon Report proposed that all existing legal obligations, responsibilities, vestings and contractual liabilities as apply to any transferred property of the current City of Perth be carried through to newly created Towns. The report proposed that an exception to this assignment be made for the Endowment Lands and any works in progress (such as the Beatty Park Pool Redevelopment) which would remain in the confines of the City of Perth. Following assignment of these elements and any distribution of assets and liabilities as scheduled by the Governor, the report proposed that the balance of assets and property would remain in the ownership and the care and control of the City of Perth (as re-constituted).

A parliamentary question was included in the report, and I think it would be appropriate to read it -

- 4.1 A question concerning the Mindarie Land Split was put to Hon Paul Omodei MLA, Minister for Local Government, by Dr Constable MLA in the Legislative Assembly on Thursday, 12 March 1998. In his response, the minister referred to the Carr-Fardon Report and stated that:

“The commissioners set up the cities with staff, new plant and equipment, new office accommodation and \$1 million in reserves. The towns' annual financial reports show that they have progressed well financially with considerable reserves held on account. The commissioners made the decisions at the time in relation to the split and they were agreed to by the Government.”

- 4.2 The Minister also stated that:

“The one-third of the Mindarie land that belonged to the old City of Perth will not be split because a decision has been made already about how the assets are to be allocated. A number of assets were addressed, including the endowment land fund held by the City of Perth and the parking fund of which the Minister for Local Government has control until May 1999. It is important that those funds are distributed equitably. The funds held by the City of Perth were distributed to set up the three new towns, which are now running very well and efficiently.”

The report concludes -

- 5.1 The Committee has considered the petition and the submission from the Town of Cambridge. The Committee has not been presented with evidence to suggest that the correct procedures for the division of the assets of the former City of Perth have not been followed. The Committee notes that the Restructuring Act incorporated the recommendations made in the Carr-Fardon Report.
- 5.2 As the issues raised in the petition involve a property dispute between local government authorities, the Committee believes that the best procedure for pursuing the claim would be for the petitioners to approach the Minister for Local Government. If the Minister is convinced of the merits of the claim, it would be necessary for Parliament to amend the Restructuring Act.

The recommendation from this report states -

That should the petitioners wish to take this matter further, the best course of action would be for them to approach the Minister for Local Government to negotiate amendments to the Restructuring Act.

I bring a balance into the argument. I could go through all these papers I have before me, which cover the allocations for infrastructure costs for the Towns of Cambridge, Victoria Park and Vincent. Those costs range from trucks to parks to pencils, pens, ink and rubbers. Other items are included, such as microwave ovens, gloves, trousers and singlets.

Mr Omodei: How thick is that document - 30 or 40 pages?

Mr EDWARDS: Easily. I could spend the rest of the night reading out the costs. There was certainly some comment on artwork, but I believe that was not agreed to. Items include jerry cans, hammers and engravers.

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Twenty pages of this document cover the Town of Cambridge, and, as the member for Warren-Blackwood rightly says, there is plenty more. I think the document is about 60 pages. I will not bore the House with the costs. I could continue speaking about Tamala Park as a landfill site involving all those councils, but I do not think that is necessary. Other speakers wish to address this issue. I am aware that Tamala Park is used as a landfill site. It is run by a regional council, with which I have had some experience in a previous occupation. The Towns of Cambridge, Victoria Park and Vincent, and the Cities of Perth, Stirling and Joondalup make up that body, which operates a very successful and active landfill site. Landfill is a question that all of us must address as time moves on, and other areas will be needed for landfill, as well as other ways of disposing of rubbish.

The Opposition's intention is to seek consideration of some compensation for the City of Perth. There must be a balance in what the three towns received from the City of Perth at the time, and if equity is the issue, the Opposition will be seeking to move an amendment for compensation for the land and improvements. Some equity to the City of Perth should be considered, as I suggest that the city sees itself as being out of pocket. I will not be moving such an amendment at this time, but I foreshadow it.

DR CONSTABLE (Churchlands) [5.28 pm]: I congratulate the minister on bringing this Bill before the Parliament so quickly since coming into government. Good things come in small parcels. This Bill consists of nine short clauses, is very much to the point and rights a wrong of some seven and a half years. It has been that long since the debate on the restructuring of the City of Perth took place in this Parliament, and in that time a number of people in this place have had an opportunity to follow very closely the progress of the three Towns of Vincent, Cambridge and Victoria Park. Those three towns have been waiting a long time to get justice in this matter and to receive their rightful share of the Mindarie land. It was a serious omission in the original legislation. This Bill corrects the serious omission that meant the three towns did not receive their share of the asset. For many years the ratepayers of those three towns paid rates that contributed to the original purchase of the Tamala Park land.

A bit of history is very important here. In 1984 the City of Perth, the City of Stirling and the Shire of Wanneroo purchased 430 hectares of land on the border of Mindarie and Tamala Park as tenants in common. Each had equal shares in the lot. The lot known as No 17 Mindarie includes 43 hectares that is used by the Mindarie regional council as a waste disposal site. It is interesting to note that the three Towns of Cambridge, Vincent and Victoria Park lease part of the lot as a refuse dump. I wonder what will happen when the councils become owners of part of the land. It is something on which I want more information from the minister.

In 1993, the Carr-Fardon report was released. Dr David Carr was the former town planning commissioner for Western Australia. Ralph Fardon was the former city manager and town clerk of the City of Stirling. They were engaged as consultants by the Court Government to complete a proposal for the restructuring of the City of Perth. The report entitled "A Capital City For Western Australia" was presented to the Court Government in August 1993. The report formed the basis of the legislative action taken by the Court Government to restructure the City of Perth. At the time, and for some time before, residents of the western suburbs, including the Wembley Ward Ratepayers' Association and the Coast Ward Ratepayers' Association, supported the concept of having their own municipality, separate from the City of Perth. Those ratepayers, who fell within my electorate of Floreat at the time, supported the proposal. As the debate on the restructuring Bill unfolded, it became clear that many aspects of the Bill were not to the ratepayers' liking. One aspect that emerged, then and since, is that they would lose this asset, which was owned by the old City of Perth. They rightfully felt that they owned part of it.

The restructuring legislation had some positive aspects for the residents of those two wards. It was designed to put "local" back into local government, and to give people much closer association with their local government and a much bigger say in local issues. I believe that has been translated into the way the new Town of Cambridge operates. I am sure that applies to the other two towns as well. Ratepayers feel they have more direct influence on local issues and that their elected representatives represent them on local issues. It has led to more responsive and responsible local government for those ratepayers. It is the old story of not what was done, but how it was done. On the surface it was a good concept, but, in my opinion, the restructuring was very biased against the three new towns and biased toward the new City of Perth. The bias can be seen clearly in the debates recorded in *Hansard*. In the haste to create a new capital city for Western Australia, the commissioners of the City of Perth and the three towns were not fair-minded in their approach to the three towns. The three towns quickly became the poor cousins of the new City of Perth.

The Carr-Fardon report recommended that Tamala Park land stay with the City of Perth. That was quite clear. The ratepayers of the old City of Perth had contributed to the purchase of the Tamala Park land. It did not seem

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to matter that the three Towns of Vincent, Cambridge and Victoria Park were to be cut out of any future ownership of that large asset.

On 10 November 1993, at the committee stage of the Bill, the then Minister for Local Government made the following statement -

I mention also the Mindarie arrangement. I understand that there is tripartite ownership of the Mindarie lands by the City of Wanneroo, the City of Stirling and the Perth City Council. I expect the commissioners will divide the one-third ownership of the Perth City Council equitably amongst the towns and the city council.

The minister said that there would be a fair split of the asset, yet it did not happen. In the intervening years, other members and I have asked a number of questions about righting that wrong. Only today are we seeing it happen. At worst, it could be seen that the establishment of the four municipalities was an asset-stripping exercise that left the three new towns with less than the bare minimum. It certainly removed from them a number of assets, especially this one, of which they should have had some ownership.

It was originally intended to leave undeveloped endowment lands in City Beach and Mt Claremont within the jurisdiction of the City of Perth. Therefore, the argument that the local authorities should not own assets outside their own boundaries is silly, bearing in mind that original intention. During the debate the Government was persuaded to change the situation, and the asset was shared between the Town of Cambridge and the City of Perth when the blocks in the endowment lands were sold.

Members may ask how this Bill affects the electorate of Churchlands. At least half the electorate of Churchlands falls within the Town of Cambridge. This is an important piece of legislation to many of my constituents. These constituents feel ownership of the asset. Some have commented that they are delighted the Government has brought this Bill on as quickly as it has. One interesting aspect is that the three towns lease part of the land at Tamala Park and use it as a rubbish dump. I wonder whether the money paid towards the lease will be reimbursed. This Bill will right a wrong that was set in place seven and a half years ago. The three towns have paid for the right to dump their rubbish on land that will be theirs. That situation needs to be sorted out, and I hope the minister will look into it. I look forward to hearing the minister's comments.

It is interesting that when the Shire of Wanneroo was split into the City of Wanneroo and the new City of Joondalup, the original share of the Shire of Wanneroo was split between the two new municipalities. The commissioners of the Shire of Wanneroo assessed the situation differently from the commissioners of the City of Perth and the three towns in 1993-94 when they considered this asset. It was a fair split for the Shire of Wanneroo, but not at all fair to the three towns referred to.

There is a mystery on which I want the minister to enlighten me if she is able to. I refer to a related matter that arose during the course of my inquiries into the Tamala Park issue in the past week or two. I was leafing through *Hansard* and the questions that I had asked and I discovered a question on notice that I will look at carefully and refer to so that the minister can answer my questions. That question referred to the purchase of seats on the Mindarie Regional Council for representatives from the Towns of Cambridge, Victoria Park and Vincent. My question on notice to the then minister was, given that the commissioners had purchased those seats on the Mindarie Regional Council, from whom were they purchased; how much was paid for each of those seats; and from which accounts were the funds taken to purchase them? The answer I received from the minister was that the commission had arranged, for the Towns of Cambridge, Vincent and Victoria Park, secure membership of the Mindarie Regional Council. This was proposed to be executed by rearranging the membership of the regional council so that each town would have one vote; the City of Perth, one vote; and the councils of Stirling and Wanneroo, four votes. It was all right for those representatives to be on the Mindarie Regional Council and to purchase positions, but it was not all right for them to have any ownership of land. The second part of the answer states that the commission's legal advice recommended that the membership of the City of Perth be diminished to allow the entry of the towns. Each membership was acquired at a cost of \$175 330, which was paid for from infrastructure funding sources.

I now have some more questions: was the City of Perth compensated by the new towns for giving up three of its four votes on the regional council; who received three times the amount of \$175 000; was it a way of shifting more funds and assets into the new City of Perth; and, if that money was paid to the City of Perth, should it be paid back to the three towns now that they are getting their share of the land? The three towns should have seats on the Mindarie Regional Council anyway, without any consideration, now that the wrong is being put right. It is an issue that I would like the minister to look into.

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As I said at the beginning, the Bill is brief and concise; it is very elegant in its briefness and it gets to the point very quickly. It is clear in its intent, and I am delighted to support legislation that gives the Towns of Cambridge, Victoria Park and Vincent their rightful share of this asset at Mindarie.

MR HYDE (Perth) [5.43 pm]: I strongly support this Bill and thank the member for Churchlands for her support and her long campaigns with us on this issue, and also the member for Greenough for his comments.

The key issue in this whole matter is: what is the City of Perth? When we talk of the City of Perth, we must remember there are two different cities. There is the one that existed before 1995 that included the residents of the towns of Vincent, Victoria Park and Cambridge, and there is the small mickey mouse town-borough that is left today and bears the moniker, City of Perth. When we compare the City of Perth today with that which existed prior to 1995, it is a very different beast. Back in 1981, \$5 million was paid for the land at Tamala Park and Mindarie. That land was bought using my rates and the rates of people living in the seat of Churchlands and the Towns of Victoria Park and Cambridge - people who are not in today's very small city of Perth. Our rates and parking fees were used to make up that \$5 million. That asset has grown and is now worth between \$80 million and \$100 million. The decision of the previous Government indicated, "Thank you very much for your seeding funds and for buying this asset all of you 80 000 people, but we will now take that asset and give it to 5 000 people." It was a reverse Robin Hood principle in which it was taking from the poor and impoverished people of the town of Jack Marks's "St Vincent de Poor", and giving it to the rich people who were left in the city of Perth.

The restructuring was not paid for solely by today's City of Perth; it also was paid for by the residents in the towns of Vincent, Cambridge and Victoria Park. It is not a question of the civic centres in Victoria Park, Vincent and Cambridge being paid for by the poor 5 000 people left in today's City of Perth; it was paid for by all those people, so it is a redistribution. There was a lot of argument over \$15 million being wasted on building three new civic centres and establishing councils to replace the previous "one". However, that is a separate issue; we have had that debate and the Government of the day won.

There is a different Government today, one that went into an election with a very clear policy. I have seen the letter from the chief executive officer, not an elected member but the CEO of the City of Perth, saying that it was not consulted. That is not correct. On 7 May the Government sent a letter to the City of Perth and usually, when the Government writes to a local government concerning something within its bailiwick, it is very quick to respond. I do not believe that the City of Perth has responded to the Government's letter of 7 May. More importantly, the members of the City of Perth - the residents, the councillors and the staff - are well aware that the Labor Party's policy was to redistribute the ownership of Tamala Park back to the original owners. Every council in this State, or all of the 144 that were any good, were lobbying not only the Government and the then Minister for Local Government - and a fine minister he was - but also the Labor Party about its policies, so the City of Perth was very aware of what was going on. Having been a member of the Mindarie Regional Council in my former life as Mayor of Vincent, I know that we discussed the Labor Party's policy with the other members of the City of Perth, and we also discussed the likelihood that it would occur. More importantly, the City of Perth was also aware that three towns had spent funds lobbying the Government, the Opposition and the Independents regarding the redistribution of Tamala Park and the Mindarie land to its rightful owners. Clearly, there was full accountable consultation and the letter sent on 7 May was the icing on the cake.

The member for Greenough said that the three towns were given membership of the Mindarie Regional Council. As the member for Churchlands has rightly pointed out, the interpretation of the word "given" is in dispute. I ask the minister to elaborate on the question that the member for Churchlands asked of the then minister to find out the true answer. Where is the \$175 000 that each of the three towns paid? If that money went to the City of Perth, I suggest to the member for Greenough and the Opposition that their amendment should not be about compensation for the City of Perth because it is double dipping; it should be about compensation for the three towns because they have been slugged twice! It will be interesting to find out, through this paper chase, where that \$175 000 has gone and whether it was a case of double dipping. May I suggest to the Opposition that rather than moving an amendment about compensation, it should move an amendment calling on the City of Perth to offer an apology to the three towns and the residents for the penury that has occurred. We are giving the former Minister for Local Government the benefit of the doubt that perhaps he did not double dip on that \$175 000; we will wait until we can check the files on that.

This new arrangement is also needed because, as members of the Mindarie Regional Council, we are dumping our rubbish there and creating wealth and income for the landowners of Tamala Park. At the moment, all the profit from our dumping in Vincent, Victoria Park and Cambridge goes back to the small City of Perth. It is only proper that the benefits of our waste should be shared by the creators of that waste. That is one of the important issues that will occur once this wrong has been righted.

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The member for Warren-Blackwood said by interjection that the Perth City Council parking funds paid for the restructure and that, therefore, all Western Australians paid for the restructure. Perhaps he is foreshadowing a further amendment that the current Government should nationalise the City of Perth and redistribute the funds to every council including his own former council. I remember that when I lobbied the member for Warren-Blackwood in my other role - I declare an interest as president of the Local Government Association, along with the member for Greenough, who was the president of the Western Australian Municipal Association - that option was never brought up. It is a very good option, but it was never considered. We examined the split of the Shire of Wanneroo into the Cities of Wanneroo and Joondalup. As a result, an equal share of Tamala Park and an equal share of the Mindarie land-holding were apportioned.

Mr Omodei: That was a totally different scenario, and the member knows that.

Mr HYDE: It was totally different, but the precedent was set then. We considered the other options, and the member for Greenough rattled off a number of things that happened. What did not happen, of course, was the Roberts Road depot - we did not get that.

Dobells and Nolans from the art collection were not given to the Towns of Vincent, Cambridge, or Victoria Park; they are probably hanging on the back doors of toilets of people in this borough. Ratepayers asked of members of the City of Perth and the then Minister for Local Government, "Where is the art? Where are the assets that were supposed to be shared?" The ratepayers' money had bought the art. Over 80 years, their money had created the assets. Not only could the assets not be found, but also the ratepayers could not get a look at them; a proper asset registry could not be kept. We were told that the split was fair and that the towns were treated fairly, yet the assets could not be accounted for at the time of the split.

We got Colonel Light's endowment of \$13 000 for a garden competition. That has been offered as one of the great benefits of the restructuring of the gigantic City of Perth. The City of Perth had been gaining interest on that money because it had never run a garden competition. The new town said, "Whacko, this is a great idea; \$13 000 will not go far, but we will sponsor our own garden competitions. We will use that asset properly within our towns to ensure that gardens and the greening of our municipalities is carried out." Perhaps it was further justification for the excellent decision the former minister made to split the towns.

This was, in effect, a divorce that got messy. The only problem with this divorce was that the groom - the City of Perth - was in bed with the Government. The three brides from Utah, or wherever we were from - pretty little Cambridge, stoic Vincent, gutsy Victoria Park - were left at the altar while the groom was cheating on them with the Government. That messy divorce should be righted; this new legislation will right that situation.

We will consider the other important issues that the member for Churchlands raised that will be addressed by the minister. I emphasise that the Government had a clear election policy. All of the City of Perth is in my electorate. I have consulted with chief executive officers from the Cities of Stirling and Bayswater and other councils in my area who have come to brief the local member. Stirling has about 15 members of Parliament. What is left of the City of Perth has only one member to deal with, and that is me. I go to the Perth City Council all the time. The councillors could have officially tried to lobby me on the Tamala Park issue. They knew it was an election policy, and the opportunity was there.

Unfortunately, only one or two councillors in the City of Perth live in the electorate. They would have got the newsletter from me that lists the promises kept by the new Government. One of them was the Premier's promise that Cabinet and Parliament would have the opportunity to consider the Tamala Park Land Transfer Bill 2001; we are delivering on that. This is an open and accountable Government.

I have declared my interest in having been the Mayor of the Town of Vincent and also the president of the Local Government Association. In the meetings I had with the three towns I gave commitments. The three towns agree that, since their creation in 1995, the former minister got 99 per cent of the restructuring right. Some people have alleged that the reason for the split of the town - I am not old enough to know - was to stop Jack Marks from becoming the Lord Mayor of the City of Perth and that the conservative forces wanted to -

Dr Constable interjected.

Mr HYDE: Probably in my briefing notes.

The conservative forces wanted to set up a you-beaut little centre of conservatism in the centre. They thought that the poor socialists would be sent out to Vincent, go bankrupt and become corrupt and nothing would happen there. However, Vincent and the other two towns have proved models of financial management; they are debt free. I thank the minister for setting them up that way. As I said, 99 per cent of what was done in that restructuring was wonderful. The one per cent that was missing in 1981, when the land was bought for \$5 million, was Tamala Park. It is a good and brave Government that says that the State of Western Australia

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has made a mistake and that it will right that wrong. Clearly, the Gallop Labor Government will right that wrong. As the member for Churchlands mentioned, her constituents and also my constituents have welcomed this acknowledgment.

I also note that in the area of the city of Perth, which is within the electorate of Perth, people voted for Labor at higher levels than they had ever voted for Labor in their lives. They were well aware that the original owners of the City of Perth property - that is, Vincent, Cambridge and Victoria Park - would get a share of the parking funds or whatever, but they still voted for the Labor Party. This Bill has been endorsed.

The member for Greenough raised the issue of Leederville Oval. We thank the former minister for sending \$1.1 million, on the death knock, as recognition that some of the infrastructure had been missed under the Carr-Fardon or other reports that had been done; at the very last moment, another \$1.1 million was found. That money can be used only with the approval of the Minister for Sport and Recreation and the town. It is not correct to say that the money has been given to the Town of Vincent. It recognises that Leederville Oval and so much else within the three towns and the tiny city are regional centres. They have regional football grounds, facilities and parks; therefore, it is proper that state money go into them.

The other important point in this Bill, which is perhaps what prompted the letter to a number of councillors in the City of Perth today, is that this elegant Bill, as it has been so rightly described -

Mr Omodei: It is the excellent draftsperson.

Mr HYDE: Is it the excellent draftsperson? I always gave the member for Warren-Blackwood credit for his Bills. This elegant Bill prevents the City of Perth from wasting ratepayers' money - the coins that the residents of Manjimup feed into parking meters - on legal challenges to this Bill. It is an important part of this Bill that the City of Perth be precluded from keeping its eye on the main game and going down the silly path of trying to legally challenge this important piece of legislation. I urge all members to support this Bill and not give consideration to amending it. It is a fine Bill. It is overdue, and its time has come.

Sitting suspended from 6.00 to 7.00 pm

Mr HYDE: In conclusion, I commend the Tamala Park Land Transfer Bill to the House. It is part of the great plethora of legislation that this Government is implementing in its early months. It is important that we act early and that we pass this legislation for the benefit of all the residents of the Towns of Cambridge, Victoria Park and Vincent.

MR D'ORAZIO (Ballajura) [7.01 pm]: As one of those local government leaders with long - but not fond - memories of the break-up of the City of Perth, it gives me great pleasure to support this legislation, which will put to bed a chapter in the history of local government that we would all like to forget. I remind the House what happened with the break-up of the City of Perth: we in local government were told that an Act of Parliament would be introduced to break up the council, and that it would happen arbitrarily and without consultation. I was one of the senior members of the Local Government Association and attended numerous meetings at which not only local governments but also residents protested against the split. Of course, it was all to no avail. Some of the decisions surrounding the split were arbitrary and, to us in local government, seemed to be plucked out of the air. The split seemed to occur for no reason other than the whim of the Government of the day. At best, it can be described as senseless, although others might attribute a different description to the 1993 legislation. Some of the comments of the member for Perth on the reasons behind the split may have some truth.

As one of the active participants in the process, I attended numerous public meetings at which issues such as the ownership of assets were raised. Assurances were given that the distribution of assets would be fair and equitable. That promise could not have been further from the truth. The Tamala Park legislation is one of the final nails in the coffin of this saga. The councils have fought this issue for a number of years, and it is time that this injustice is rectified. The decision to not give part ownership of Tamala Park to the Towns of Vincent, Cambridge and Victoria Park was nothing short of disgraceful.

The asset was purchased in 1981 by the councils of the Cities of Perth and Stirling and the Shire of Wanneroo for the strict purpose of providing a rubbish disposal site. At the time, Tamala Park was viewed as "the sticks". The comments of the day were that there would never be a problem with this site because it was so far out in the sticks that no-one would ever worry about it. I was a member of the State Planning Commission, and the various proposals for the area around Tamala Park were always designed with the specific intention of protecting it as a landfill site. The commission knew that landfill sites were precious commodities and should be protected. The lot was originally purchased to protect the councils' long-term ability to dispose of the rubbish of their communities. That was taken from the new towns. People might argue that those towns are now members of the Mindarie regional council; however, that is different from having ownership of the site. Tamala Park was acquired as a landfill site and it has had an impact on the surrounding community. However, the councils of the

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Cities of Perth, Stirling and Wanneroo insisted that it was the only viable site. Some of the councils are now reconsidering their positions. Although that is fine in view of the land planning issues, it is unfortunate and of concern that the councils that own the site are different from those on the Mindarie regional council. Some of the councils which are part of the regional council but which do not own the site have expressed to me that the owners of the land are discussing options for its management and development without the input or knowledge of the regional council members. That is a travesty of justice.

We have heard that the City of Perth contributed \$54 million to the break-up of the three towns. However, that money was contributed by the City of Perth before its restructure; therefore, the ratepayers of the Towns of Vincent, Victoria Park and Cambridge contributed that \$54 million - I think \$38 million came from the land endowment fund and rest from the parking fund, or vice versa. The bottom line is that it did not come from the new City of Perth, but rather from moneys that were already in the coffers of the old City of Perth. Why should the residents of those three towns not have the ability to tap into that facility? If that money had not been made available, the Government which made the decision to split the City of Perth would have had to put its hand in its own pocket to fund the split. I received a letter today from the City of Perth, in which it states that the council was so generous during the restructure that it donated mayoral chains to the three newly created towns. To put such a thing in writing is an insult to not only this Parliament but also the members of those councils. The bottom line is that the money that was allocated for the break-up of the old City of Perth and the creation of the four new councils was money that had to be spent. Once it was decided that these councils would be created, money to fund the split had to be found. The Government of the day chose to make the accumulated funds of the old City of Perth available to the new councils. No-one has a problem with that. However, it is a travesty of justice that the new councils were not able to have ownership of the Tamala Park property, especially when it is at arm's length from the councils - the facility is miles away from any of the councils - and was initially purchased to protect the ability of those councils to dispose of their rubbish. When one considers that the ratepayers of the new council contributed to the funding of the purchase of the property, which in 1981 cost only \$5 million, and that some reports now value the site at anywhere up to \$250 million, one can understand the anger of the communities that have been precluded from having a share of the ownership. This legislation will fix that problem. The \$250 million estimate is on the high side of expectations; I have seen some valuations as low as \$80 million. However, if the property is worth, for example, \$240 million, the amount owed to the individual councils would be greater than the total amount the old City of Perth spent on the infrastructure for the restructure. It defies all logic why anyone would defend that position.

In November 1999, the minister said that he expected the three commissioners to make the third share of the City of Perth available to the other councils. That has not occurred. It is extremely unfortunate that those councils have been affected in that way. Members must stop and think about the consequences of not allowing those three towns access to, or ownership of, that site. Those towns are morally entitled to it; the ratepayers of Cambridge, Vincent and Victoria Park are morally entitled to a share in the ownership of that property. They paid for the property when they were a part of the previous City of Perth. The benefit of buying this site was to protect their interest in the disposal of rubbish. That was not exclusively provided for the big end of town, but included the four councils. They have a moral right to it.

The original purchase of this land was to protect its use as a landfill site. Various development options have been explored by the current owners. This was never envisaged when the land was purchased. At that time, it was said that this would be a landfill site and the opportunity for further development would be minimal because a fairly major buffer area was required for a landfill site. The fact that this is a 430-hectare site meant that the buffer zone was provided within the site. If the landfill site closes, it allows some extremely valuable land to be used for residential, industrial, commercial or other purposes. Whatever the option chosen, it will be of significant value. The area that is currently used as a landfill site could be developed as a golf course. There are significant windfall opportunities for the owners of the site. It is totally unacceptable that the windfall profits, which could be in the vicinity of \$200 million, should be precluded from the councils of the Towns of Cambridge, Vincent and Victoria Park. These are small councils relative to the average scale of local government and an injection of capital funds to the tune of anywhere between \$10 million and \$20 million would have a significant effect on the ability of those councils to provide facilities. The ability of the City of Perth to generate revenue and its opportunities to carry out capital works are far greater than that of the smaller councils. The equity issue comes into play here. The ability of the new councils to generate revenue must be considered in terms of their viability. The windfall profits will make life much easier for those smaller councils.

The closure of Tamala Park would have implications for those councils that use it as a landfill site. If the landfill operations at that site are closed, a new facility will be needed. That may be a landfill site further from the metropolitan area. Major costs would be required to develop that site. The owners of the site will have the ability to generate funds to develop that site, whereas the councils, which are only leaseholders, will not have

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that same opportunity; yet they still must try to get rid of household rubbish from their communities. It is important that members think about not only the financial consequences of the closure of Tamala Park as a landfill site, but also the real problem of finding a new site and the money needed for that.

Mr Masters: Hopefully there will be more projects like Global Olivine Western Australia. There will be no need for more landfill sites for consumable waste.

Mr D'ORAZIO: The member for Vasse may have noticed that I said a landfill site or other process. Even if another process were used, a substantial capital injection would be required. Enterprises might provide that facility, but I suggest to the member for Vasse that the track record of the past is that local government will have to find ways to dispose of its rubbish. Not only that, the regional council is generating funds of its own. It is important that those councils be supported in their legitimate right to have access to that site. It is absolutely important that this legislation is passed, not only to right the wrongs of the past, or give credence to what the minister said in this House about what he expected would happen, but also to provide equity. If it is good enough for the residents of the City of Wanneroo to receive benefits from their share of the ownership of that site, it should also be the right of the ratepayers and residents of the towns of Vincent, Cambridge and Victoria Park to have their share of this valuable asset.

Mr Trenorden: Why not the Shire of Toodyay as well?

Mr D'ORAZIO: Because the Shire of Toodyay did not have original ownership of the land. If the Shire of Toodyay owned the land, I would support its position as well. The reality is that the residents of the towns of Cambridge, Vincent and Victoria Park had ownership of the land when they were a conglomerate part of the old City of Perth. That was taken away from them by the coalition Government - by the stroke of a pen, an Act of Parliament, then a decision by the minister - with no recourse. Any fair-minded person would agree that the land should have remained as part of the assets of those councils and been shared equally. I was one of those people in local government who fought strongly against the split of the City of Perth. It was expected that the right thing would be done for those smaller councils. Comments were made in the City of Perth's submission claiming that it was responsible for the land and had paid numerous costs associated with the split of the old City of Perth. I put it to members that they were not costs paid by the new City of Perth, but costs paid by the old City of Perth. In the fairness equation for all residents in this debacle, as I call the split of the old City of Perth, the moral right of the residents of the Towns of Vincent, Cambridge and Victoria Park to a fair share of this asset, which no-one could have envisaged would have a possible windfall of some \$200 million, should be honoured. It is unfair that those residents be asked to forgo that. I strongly support this legislation.

I do not think the member for Greenough's heart was in the argument that he presented. All the practitioners of local government that I spoke to during the election process supported the position of the Labor Party to sort out the inequity that was foisted on those people through the split of the City of Perth, and to knock the transference of the asset of Tamala Park. This cleans up the final mess created by the previous Government during the split of the City of Perth. I hope that as long as I am in this House, no local government will have to put up with a situation similar to the split of the City of Perth and the processes that were adopted. It was undemocratic, arbitrary and for no good reason other than the whim of certain people on the other side of the House. In the end, the processes have been shown to be unfair and inequitable. This legislation will go a little way to sorting out that problem. I hope that no Government will ever again try to do what was done to local government through the creation of that Act of Parliament to split the City of Perth.

MR TRENORDEN (Avon - Leader of the National Party) [7.20 pm]: I do not really know why I am speaking on this Bill, because it seems to be about a dispute between the Liberal Party and the Labor Party that goes back for some time.

Mr Day: It is not; it is between the City of Perth and three local government authorities.

Mr TRENORDEN: Having listened to the member who has just taken his seat, it seems to me that the argument is Labor versus Liberal.

Mr Day: It is their attitude.

Mr TRENORDEN: I am not picking on the member for Darling Range.

Mr D'Orazio: You have implied that it is undemocratic.

Mr TRENORDEN: The point is that, as a National Party member in this House when the original split occurred, I followed the fight with some interest, including the argument about the casino and Victoria Park.

As a country member, I find this debate almost obscene. In my electorate we do not argue about \$200 million. The Town of Northam has no development land, nor does the Shire of Toodyay. It is the same throughout my electorate.

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Mr Day: It is the same in most other metropolitan areas as well.

Mr TRENORDEN: That is the point I make. We are talking about the prospects of a land grant. It is similar to the position during the American Civil War when Abraham Lincoln granted land rights throughout the States for the sites of universities.

Mr D'Orazio: This was land bought freehold.

Mr TRENORDEN: It does not really matter. The land is being granted through a Bill. At least when Lincoln granted land it was for a good purpose. In this case the City of Perth was split up and a dispute arose as to the equity of the split. This Bill contains nothing for every member of Parliament but it must be debated. During my 15 years in Parliament, I have not seen a Notice Paper as dull and boring as this week's. If we all left this place this week and did not vote on these issues, nothing would happen.

Mr Barnett: Just like last week.

Mr TRENORDEN: Yes, the Notice Paper this week is absolutely amazing.

Mr Bowler interjected.

Mr TRENORDEN: I will be doing it later this year.

Mr Bowler: Why don't you put up a Bill?

Mr TRENORDEN: The member happens to be part of the Government. Why does he not put up a Bill? During the history of this place no Government has done so little as this one. It has its foot flat to the floor on the accelerator and the gearstick stuck firmly in neutral. It is roaring away going absolutely nowhere. When going around my electorate I can get a fair bit of humour out of this situation. It is not usually much fun being in the Opposition, but it is a lot of fun hearing my constituents talk about the current Government. The Government is an absolute laughing stock.

Obviously, over time the land that is the subject of this Bill has increased in value. The land that was purchased for \$5 million has now a potential value of \$200 million, according to earlier debate. I can understand why there is a brawl.

Mr O'Gorman: It belongs to all the people who formed the City of Perth.

Mr TRENORDEN: Okay. The Labor Party is the Government of the day. It obviously made an election commitment about this particular Bill and it is making much fanfare about it. I believe that it has more to do with vindictiveness towards the previous Government.

Mr D'Orazio: That is a disgrace.

Mr TRENORDEN: It is not. The member may consider it to be the case but from where I am sitting, the Government's attitude seems to be a lot of fanfare about very little.

Mr D'Orazio: If \$200 million were taken out of the Town of Northam, what would you do?

Mr TRENORDEN: There is not \$20 million to be taken out of the Town of Northam. I have just made that point. There is not \$20 million to be taken out of the Shire of Toodyay. I hope that when the Grants Commission considers these places, it will compensate for the wealth of those three towns in comparison with other towns in the State that do not have the prospect of developing golf courses or residential or light industrial land. I suspect that in your electorate, Mr Acting Speaker (Mr McRae), those prospects do not exist. Some of the more eastern metropolitan suburbs do not have those prospects either.

All that aside, there is no reason for the National Party to oppose the Bill.

MR KOBELKE (Nollamara - Leader of the House) [7.25 pm]: I intend to make a few brief remarks of an administrative nature because the Minister for Local Government, who will respond, is at a police ministers conference. The previous Minister for Local Government, the member for Warren-Blackwood, also has engagements, and he wishes to speak. Our intention is to bring on the debate on Thursday, so that the member for Warren-Blackwood can speak and the minister can respond and answer the questions raised. Therefore, without further ado, I seek to continue my remarks on another day's sitting.

[Leave granted for speech to be continued at a later stage.]

Declaration as Urgent

MR KOBELKE (Nollamara - Leader of the House) [7.26 pm]: I wish to retrospectively correct a problem. The Bill we have just been dealing with should have been declared urgent. That was clearly signalled when we sat in the previous sitting week. Therefore, in accordance with Standing Order No 168(2), I move -

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That the Bill be considered an urgent Bill.

MR BARNETT (Cottesloe - Leader of the Opposition) [7.27 pm]: I would like a ruling on that. I do not wish to frustrate the Government, but can we retrospectively declare a Bill urgent when we have just debated it?

Ruling by Acting Speaker

The ACTING SPEAKER (Mr McRae): I have looked into this matter, as I had some notice of this problem occurring. We have already been conducting a debate outside the terms set down by the standing orders. As soon as the House becomes aware of that, it is appropriate that we seek to regularise the debate going on, so I intend to allow the motion to be put. I remind members that the Leader of the House has moved the motion under Standing Order No 168(2). We are now able to proceed to debate that motion for up to 20 minutes. Members have the opportunity to argue the case about whether it is an appropriate procedural step to take.

Debate Resumed

Mr BARNETT: We will not frustrate the Government and we will agree to the Bill being declared urgent, but it is not good enough. This House did not sit last week. The Leader of the National Party is right: we are dealing with dead-boring information. This is a non-event. A whole lot of ministers this morning gave notice of a range of Bills to try to create the impression that this Government knows what it is doing. The Leader of the House on the bench opposite is giggling.

Mr Kobelke: At your performance, which is absolutely pathetic.

Mr BARNETT: He had a very simple thing to do as Leader of the House, which was to declare this Bill urgent. He failed to do so. We have cooperated over the First Home Owner Grant Amendment Bill and with the Election of Senators Amendment Bill.

Mr Kobelke: Not yet.

Mr BARNETT: We will. This is an absolute disgrace. Tamala Park is quite a contentious issue that has a lot of history. What has happened? The minister responsible has not been in the Chamber at any time during the debate. The member for Greenough led the issue for the Opposition. When he raised questions, no minister was paying any attention whatsoever to this legislation. It is an absolute disgrace. The Labor Party is treating this Parliament with absolute contempt. During question time today questions were not answered. Clearly ministers have no idea what is happening within their portfolios. They do not know about senior executives leaving. They have absolutely no idea. They were asked questions, but gave no answers.

The Premier walked in today and made a unilateral, dictatorial statement that he will determine entitlements on travel. I have no problem at all in accounting to this Parliament for my parliamentary travel. I have rarely used the imprest account. I suppose that is because I have been a minister for eight years. However, I have not used it. I am not sensitive about the issue in any sense. I would be quite happy, and I think most members would be, to lodge itineraries with the presiding officer of this Parliament. If anyone thinks that I, as Leader of the Opposition, will go to Geoff Gallop, Leader of the Labor Party, and give an itinerary of exactly who I am meeting, what I am doing and what I am saying, that is an absolute affront to this Parliament.

This Parliament is not a creature of the Executive. The way in which the Labor Party, in a disdainful way, treats this Parliament is a disgrace. This is yet another example. Last week we did not sit because there was no legislation to deal with. Okay, we can accept that - we were all laid off for a week. What do we find this week? The Opposition agrees to deal with legislation on an urgent basis, and the Government does not even have the basic courtesy to have the responsible ministers here. It is appalling! If that is the attitude the Labor Party has to the legislative process, it is upon its head. When the Liberal Party was on the other side of the House, how many times did we listen to the then Leader of the Opposition talk about parliamentary process, due process, accountability and the role of the Westminster system? What a lot of claptrap that was! There has been absolutely no conviction.

Leader of the House, the Opposition will agree to this Bill being declared urgent. What a bizarre parliamentary principle we seem to be establishing. We are going to retrospectively endorse a debate we have just had. What a sham - an absolute sham! Mr Acting Speaker (Mr McRae), you are sitting there saying that this is fair enough and that we can retrospectively say this is all valid; it is now an urgent Bill. It is an absolute joke! It is about time the Leader of the House started to treat this House with a bit of seriousness, politeness and courtesy. This is not the province of the Labor Party; this is the province of the Parliament. All 57 members here represent a constituency. They have a constitutional right and responsibility to debate legislation, to argue their point, and to represent their constituents, their values and their principles. It is not up to the Labor Party to be so disrespectful and so disdainful of this Parliament.

Mr Jeremy Edwards; Acting Speaker; Dr Elizabeth Constable; Mr John Hyde; Mr John D'Orazio; Mr Max Trenorden; Mr John Kobelke; Mr Colin Barnett

The ACTING SPEAKER: I take it that the Leader of the Opposition was seeking clarification of the point of order decision I made. Is that correct?

Mr BARNETT: I thought we were debating the motion to declare this an urgent Bill.

MR TRENORDEN (Avon - Leader of the National Party) [7.31 pm]: I point out to the Leader of the House that the last time we sat we debated a number of urgent Bills. The Leader of the House must agree that the time spent by the National Party debating those Bills was minor. The National Party made its contribution, and no more. Because the National Party was not opposing those Bills, its members did not debate the Bills for a lengthy period; they made their points and sat down.

I have no conception of why the Government wants to declare this an urgent Bill. I spoke on the Bill for probably two minutes - five minutes with interjections. The National Party does not intend to delay this Bill in this House, whether or not it is declared urgent. I wonder about the process as well. I know that the Leader of the House has an interest in the proceedings in this place, but I wonder why we are going through this process. I also ask the Leader of the House what we will be doing on Thursday. I suggest at this stage that we will adjourn early on Thursday. Therefore, why are we going through this process? I ask that straight from the shoulder.

Mr Kobelke: The fact is that I indicated two weeks ago that we would deal with the Bill this week, and that because of our standing orders it would have to be declared an urgent Bill. It was simply to meet the requirements of the standing orders. The member for Greenough jumped up before me - I should have been quicker - and I gave him the right to speak on the Bill. I simply overlooked a procedural matter. Members were well aware that this was a procedure that had to be followed. I am now correcting it after the event. I apologise that I did not do it at the time. There was no deceit in it. Members had been informed that we had to do this.

Mr Barnett: Where is the minister? She has not been here all day.

Mr Kobelke: She is at the police conference.

Mr Barnett: She was not there when I spoke.

Mr Kobelke: Contrary to what the Leader of the Opposition said, I have taken notes on the questions. We have an officer who will brief her so that she can answer the questions on Thursday, when the Opposition's spokesperson will also speak.

Mr Barnett: I am sorry, she is perfectly entitled to, and should, attend the police conference. However, she does not need to attend it all day. Her responsibility is to this Parliament and to her legislation.

Mr TRENORDEN: I concede that the Leader of the House is new to his position; I concede that I am new to my position; and I concede that we all make occasional blues as we go through the process. I concede that the Leader of the House has not done this on purpose. However, he must admit that if he were sitting where I am sitting and I was sitting in his place, he would be having a go at me. That is a fact. The Leader of the House deserves the barrelling he is getting now. The National Party will not oppose this motion. It has expressed its view on this Bill. If the Government wants it to be declared an urgent Bill, the National Party will not oppose that. However, it has been a rather strange process.

Question put and passed.