

**LAND ADMINISTRATION ACT 1997 — AMENDMENT TO CLASS A RESERVE 22429 —
DISALLOWANCE**

Motion

Resumed from 28 March on the following motion by Hon Phil Edman that was moved pro forma on 27 March —

That proposal 11/2011 — amendment to class A reserve 22429, tabled in the Legislative Council on 23 November 2011 under section 42(4)(b) of the Land Administration Act 1997, be and is hereby disallowed.

HON SALLY TALBOT (South West) [12.35 pm]: This was brought on last night. I thank the Leader of the House for giving us a bit of time to respond to this disallowance motion moved by Hon Phil Edman. As other members have remarked, this is an unusual situation because, to avoid delays to the project in question, Hon Phil Edman has moved a disallowance that he then opposes. The project that we are talking about is, of course, the extension of Mundijong Road to the west of the freeway. I use that road frequently; it is my preferred route to get to that part of my electorate that is on the South Western Highway. I go down the freeway to Mundijong Road and then left. This road will go the other way from that exit and, as Hon Phil Edman has pointed out, it effectively provides the entranceway into Rockingham.

For some time the City of Rockingham has tried to get all the approvals in place to get this road built. I can sympathise with that. Honourable members will know that we in Mandurah had quite a lengthy battle—in fact, I think it went on for even longer than the City of Rockingham has been trying to get this off the drawing board and into reality—about what used to be called road A in Mandurah, which now is the main entrance road to Mandurah off the Perth–Bunbury highway—Mandjoogoordap Drive.

Hon Phil Edman has put this disallowance on the notice paper in an effort to speed up things and avoid any delays that should be avoidable. He has then asked us to vote against it to effectively give the green light to the next stage of this process.

I noticed that the WA Greens put a similar disallowance on the notice paper and it became clear in the debate last night exactly what we are being asked to do. I must say that it is likely to be the closest I ever get to supporting Hon Phil Edman, because he is asking us to support him by voting against his motion. That almost does it for me. I indicate that we on the Labor benches will take that course. We will support Hon Phil Edman by voting against his motion. I will put on the record exactly the reasons for that. I want to point to a few difficulties that we have had in arriving at that position.

The first thing that needs to be pointed out is that Hon Phil Edman noted in his address to the house on this disallowance motion last night that the state government is a large part of this problem. It has taken the state government all these years to get the approvals in place, to make the appropriate land acquisitions and to get all the assessments done to get us to this point. I do not know why it has taken so long. I notice that Hon Simon O'Brien showered Hon Phil Edman with considerable praise last night about his activism as a local member.

Clearly, he has not been successful enough in that activism, because he did not get things moving before now. The state government could have done things faster and, if it had, we might have been able to have this debate in a more timely fashion. I was further confused last night when Hon Simon O'Brien got up and said, "The government supports the motion." I think what he actually meant to say—I do concede that I am reading this from the draft *Hansard*—is, "The government is not supporting the motion." When I read Hon Simon O'Brien's speech further on, he actually said what I have just referred to; namely, that we should support Hon Phil Edman by voting against his motion. So that is what Labor will be doing.

There is a troubling aspect to this. I have a copy of a document—a public document, I would assume—titled "Submission to Parliament under Section 42(4) of the Land Administration Act 1997 — Proposal — Submission No: 11/2011". That document contains the formal submission to Parliament, and it was submitted by, and signed by, the Minister for Lands, Hon Brendon Grylls. That document also contains a note, which I assume was written by a ministerial adviser, or perhaps somebody from one of the local organisations who is trying to give effect to the government's intentions in the Rockingham area. The note is headed, "Amendment to Class A Reserve 22429 under Section 42(4)(b) of Land Administration Act 1997 (LAA)", and it gives the bald details about what is proposed here. The penultimate paragraph on that page states —

The Rockingham Kwinana Department Office has advised the Member for Rockingham and each Member from the South Metropolitan Region have been briefed all of whom have been supportive of the proposed.

I am quoting exactly what is stated in the document, so Hansard might want to put the word “sic” there, because as it reads it does not make good grammatical sense. But I guess the intention there is to advise the minister that the Rockingham Kwinana Development Office has talked to the member for Rockingham, Hon Mark McGowan, and each member for South Metropolitan Region, and they have all been briefed and have been supportive of the proposal. Hon Lynn MacLaren informed the house last night that she certainly had not been consulted; and of course if she had been consulted, she most certainly would not have agreed, because her disallowance motion is one that she intends to support, and that motion will not allow the excision of this small part of this Bush Forever site to go ahead. I understand that not one Labor member for South Metropolitan Region was briefed on this, let alone agreed with it. That is more than a trivial oversight. The information that has been provided to the house in the shape of this proposal is actually wrong. It is not a trivial matter. The government needs to make it very clear among its own members who sit around the cabinet table, and among the officers who are supposed to service the functions of government, that this kind of thing just will not be tolerated. My colleagues on this side of the house who are members for South Metropolitan Region have not been briefed on the proposal to excise this part of the Bush Forever site. That is not good enough, and it is a source of great disappointment to us that this has been allowed to occur.

I would have thought that Hon Phil Edman, who I know talks to a lot of people in the course of his duties as a member for South Metropolitan Region, would have sussed that out and perhaps taken steps to rectify that situation. Having said that, I know that my colleagues in the other place Hon Mark McGowan, Mr Paul Papalia, the member for Warnbro, and Mr Roger Cook, the member for Kwinana, have been consulted about the proposal and are supportive of this extension going ahead. This is clearly a road that will be much used by people who work in that area. Indeed, wearing the hat that I have recently acquired as shadow minister for Peel, in the last few weeks I have met with most of the local government authorities in the Peel region, and they have all pointed out to me that the east–west links through the Peel, and north of that region, are a major transport planning problem in that area; therefore all the local governments in that area are supportive of this extension going ahead. On that basis, Labor will be voting against this motion.

I want to make one final point. I listened very carefully last night to the Greens (WA) submission on this disallowance, and I do substantially agree with the point that the Greens make about the way in which this government is running its environmental offsets policy. There is a problem. We have been promised for the three and a half years that this government has been in office that we would be given an environmental offsets policy that is a public document and that sets out clearly and unequivocally what the government intends to do in managing its environmental offsets program, how it has been managed in the past and how it will be managed into the future. When that document was eventually made public a matter of a few months ago, it consisted of precisely four pages. There has been no attempt by this government to do any kind of analysis of how environmental offsets have been working up to this point in time. A four-page document is not sufficient for us to be confident that when this government talks about running a robust and effective environmental offsets program, it is actually going to work. There are big, big issues at stake here. There is a great deal of money involved, because a lot of environmental offsets involve payments by proponents to government. I am sure honourable members opposite who follow the estimates process know that we have for some years been asking questions in estimates about exactly how that money forms part of the government’s accounting system, and all we have been told thus far is effectively that it does not. That is not good enough. So when Hon Lynn MacLaren talks about problems with that offsets program, I absolutely concur with her statement that this is a cause of some unease.

However, I have looked at the offsets associated with this particular proposal, and I think they are adequate to address the concerns about providing sufficient habitat for the wildlife in this reserve, particularly the black cockatoos that are likely to be disturbed by the loss of some habitat trees as a result of this excision from this Bush Forever site. The fact that the area to be offset is a few kilometres from the area that they currently inhabit is not an issue in this case. I have spoken before in this place about the concept of ecological connectivity. That concept might be new to some members of the government, but it has been around for some time now. It is about the need to leave corridors of biodiversity that will enable species to move around, even where there is a substantial amount of development. My understanding, from people who have been working in this area for many years, is that with species like the black cockatoo, it is much less of a problem to offset with habitat that is a few kilometres from the site that they currently inhabit; but with small birds, of course, and with creatures like frogs and insects, it is much more of a problem because they simply cannot make the journey to the new habitat. But in this case I think those concerns have been addressed.

In summary, my view is that there is plenty wrong with the way this government is running the environmental offsets system. But in this particular case, with this particular amendment, I think those concerns have been addressed. Labor will be opposing this disallowance motion.

HON ROBIN CHAPPLE (Mining and Pastoral) [12.48 pm]: I rise to speak briefly to the document titled “Submission to Parliament under Section 42(4) of the Land Administration Act 1997 — Proposal — Submission No: 11/2011”. This is the submission by the Minister for Lands that contains the statement to which Hon Sally Talbot has just referred —

The Rockingham Kwinana Department Office has advised the member for Rockingham and each Member from the South Metropolitan Region have been briefed all of whom have been supportive of the proposed.

I ask the minister to ensure that the record is corrected to reflect what actually occurred and not what is stated in this document, and that the minister in charge of this advise the Minister for Lands that this chamber would in future request accuracy in documents that come before it.

HON WENDY DUNCAN (Mining and Pastoral — Parliamentary Secretary) [12.50 pm]: The minister that the honourable member is referring to, I would think, is the Minister for Lands, whose representative I am in the house. I take note of those comments that have been made.

HON PHIL EDMAN (South Metropolitan) [12.51 pm] — in reply: I thank everybody for their input in relation to this motion. Can I very briefly say that Hon Wendy Duncan made it very clear last night in her reply that the members for Rockingham, Warnbro and Kwinana and the federal member for Brand were all briefed in relation to this road. In relation to Hon Lynn MacLaren’s position that she is in favour of the connection, I thank her for her report, and I also thank Hon Sally Talbot representing the Labor Party.

The City of Rockingham had an opportunity to put in a submission after a lifting of the reserve was advertised for three weeks, but none was made. Being fair, there was an opportunity, and there was not one submission. The lifting of the reservation was advertised by State Land Services for 30 days. Once again, there was another opportunity for anybody to make a submission, and there was none. In saying that, we live in a democratic country. Everybody gets the right to speak. I appreciate everybody’s input, but I just want to make very clear that there have been lots of opportunities, and there have been no submissions whatsoever. The Rockingham Kwinana Development Office and my electorate office have received no emails in relation to anybody being against this connection. With that, I ask the house to support the building of Mundijong Road by voting against this motion.

Question put and a division taken with the following result —

Ayes (4)			
Hon Lynn MacLaren	Hon Giz Watson	Hon Alison Xamon	Hon Robin Chapple (<i>Teller</i>)
Noes (27)			
Hon Liz Behjat	Hon Kate Doust	Hon Philip Gardiner	Hon Simon O’Brien
Hon Matt Benson-Lidholm	Hon Wendy Duncan	Hon Nick Goiran	Hon Ljiljana Ravlich
Hon Helen Bullock	Hon Phil Edman	Hon Nigel Hallett	Hon Sally Talbot
Hon Jim Chown	Hon Sue Ellery	Hon Alyssa Hayden	Hon Ken Travers
Hon Peter Collier	Hon Donna Faragher	Hon Col Holt	Hon Max Trenorden
Hon Mia Davies	Hon Adele Farina	Hon Michael Mischin	Hon Ken Baston (<i>Teller</i>)
Hon Ed Dermer	Hon Jon Ford	Hon Helen Morton	

Question thus negatived.

Sitting suspended from 1.00 to 2.00 pm