

Mr John Kobelke; Mr Colin Barnett; Mr Gary Snook; Ms Alannah MacTiernan; Dr Elizabeth Constable; Mr John Castrilli; Deputy Speaker; Mr Bob Kucera; Mr Terry Waldron; Ms Sue Walker; Acting Speaker

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**PERRY LAKES REDEVELOPMENT BILL 2005**

*Standing Orders Suspension*

**MR J.C. KOBELKE (Balcatta - Leader of the House)** [10.32 am]: I move -

That so much of the standing orders be suspended as is necessary to enable the Perry Lakes Redevelopment Bill 2005 to proceed through all stages without delay between the stages.

The effect of the suspension of standing orders is simply that although amendments have been made to the bill at the consideration in detail stage, we will be able to move straight to the third reading stage today. It is the clear intention of the government that the bill be passed in this house today, but that would not be possible without suspending the standing orders because the bill has been amended.

**MR C.J. BARNETT (Cottesloe)** [10.33 am]: No-one will object to this motion because it is more of the same; that is, it is not a particularly proper parliamentary process. Members on this side of the house who have been handling the bill have genuinely tried to raise the major issues involved, and I am sure they will continue to do so. One of the problems the Parliament has had in dealing with this bill is not only that it has been rushed through Parliament, but also that information which was promised to opposition members never arrived.

**Ms A.J.G. MacTiernan:** It has arrived.

**Mr C.J. BARNETT:** Has it finally arrived? Great! It is four days later.

**Ms A.J.G. MacTiernan:** The DPC records show -

**Mr C.J. BARNETT:** I invite the minister to explain it to members when it is her turn to speak. Opposition members did not receive that information. Yesterday the minister introduced amendments to the bill, some of which were minor and some of which were more significant. This bill has been rushed through Parliament. The government cannot expect a lot of sympathy if this legislation does not get through the upper house or is returned to this chamber to make further amendments to it. There is no reason that this bill could not have been handled in a more civil manner by allowing members at least a week to study it. Most members have not had the opportunity to talk to sporting and community groups. Although the project and the controversy surrounding it has had a long history, its involvement in this Parliament has been very limited.

**MR G. SNOOK (Moore)** [10.35 am]: I reiterate the sentiments of the member for Cottesloe. The opposition has no intention of delaying or frustrating the passage of this bill. I said at the outset that we need to give this legislation thorough scrutiny, as should be the case with all legislation. Matters have come to light exactly as we predicted and have been outlined. When bills are declared urgent, as this bill has been, mistakes are made, which creates difficulties.

The object of members on this side of the house is to ensure that these much-needed sporting facilities are built. That has been the main aim we have been trying to achieve. I reiterate that we will not oppose this motion. We wish to work through this bill in a proper, thorough and timely manner so that we get good and fair legislation that is not full of holes.

**MS A.J.G. MacTIERNAN (Armadale - Minister for Planning and Infrastructure)** [10.36 am]: I thank members for supporting the motion. I appreciate that the bill has been brought forward. However, as we have said, it involves matters of urgency. The Town of Cambridge needs to know in a timely way whether the Parliament will agree to go down this track.

Much has been made of information not being provided to the opposition. I will quickly go over this. As soon as we introduced the bill, I immediately made an offer to provide a briefing to the opposition. About five members of the opposition took up that offer and a briefing was held on Thursday afternoon. Further information was requested and it was agreed at that meeting that the information would be distributed through the opposition spokesperson for planning, who is the member for Moore. The Department for Planning and Infrastructure very diligently provided all the information that was requested. As I said yesterday, we told members on Tuesday that the information had been e-mailed to the member for Moore on Friday. The member then said that he had never received it. We have traced the records through the Department of the Premier and Cabinet and discovered that the information has been registered as duly sent. The information was sent to a number of other people at the same time, and they had opened their files. It appears that, for some reason or other, the member for Moore has not opened his file. That information was provided to the member for Moore on the Friday, as promised. We have confirmed that. Copies of the information were tabled on Tuesday only because, for some unknown reason, the member for Moore had not opened his file.

**Mr T.R. Sprigg:** And coincidentally none of the other opposition members got it either.

**Ms A.J.G. MacTIERNAN:** It was sent to only the member for Moore because that was the agreement.

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**Mr T.R. Sprigg:** Some other opposition members asked for it.

**Ms A.J.G. MacTIERNAN:** It was agreed at the meeting that it would be sent through the opposition spokesperson for planning. The information was forwarded to him on the Friday. We are desperately trying to ensure that the opposition is given every opportunity to scrutinise this legislation within these tight time frames.

Question put and passed.

*Consideration in Detail*

Resumed from 21 September.

**Clause 18: Time for complying with this Division -**

Debate was interrupted after the clause had been partly considered.

**Mr C.J. BARNETT:** When we concluded the session yesterday, I had raised the issue of public housing - social housing as it is now called - on the Perry Lakes site. In doing so, I stated that there were some 600 Homeswest units in my electorate of Cottesloe, and I am very proud to represent the people in those units. There has been a suggestion that social housing will be included on this site. I believe that it is a most inappropriate site for social housing. It is poorly serviced by public transport, it would be virtually impossible to live in the area without a car, and it is also an expensive area. By the government's own figures, it estimates that a traditional residential lot at Perry Lakes would sell for up to \$1 million. I think that figure is probably high; maybe \$700 000 or \$800 000 is closer to the mark at present. The point though is that I think that it is irresponsible for the government to contemplate spending up to \$1 million on a residential lot for public housing. For that cost the government could provide three or four public housing dwelling units. Public housing is to provide assistance to those in need because of age, disability, personal circumstances, or whatever. I do not believe that public housing should be used as some form of social engineering and to make some ideological statement. Public housing funds are limited, the demand for them is great and they should be used to provide quality housing in suitable locations. To me, Perry Lakes is not a suitable location. I add that there are several areas in my electorate that would make suitable locations for more Homeswest housing. Indeed, I am involved with a group of people who may bring some proposals to this government in due course for some more public housing in a particular area of my electorate; however, Perry Lakes is not in my view a good area to put it.

**Ms A.J.G. MacTIERNAN:** I understand the member's views about public housing. The member is also on record saying at one stage that he thought public housing tenants would feel uncomfortable living in the western suburbs away from their peers. The member may not recall saying that, but he did make that comment. As a former Housing Commission tenant, my view is that, if given the choice, poor people, like rich people, want to live in nice places. Having dealt with many Homeswest tenants as we tried to locate them, I know that any time they were offered a place in Claremont it was grabbed with both hands. Therefore, I am not sure that they feel that same level of discomfort that the member believes they feel. However, importantly, this bill does not deal with public housing. I have a very different view, as does the government, about the appropriateness of locations for public housing. Indeed, some members of the Liberal Party are concerned about the intensification of public housing in single areas. Yesterday morning I was with the member for Bassendean when we visited Ashfield, an area in which there is a very high intensity of public housing - around 23 or 24 per cent.

**Mr M.P. Whitely:** It is just over 22 per cent.

**Ms A.J.G. MacTIERNAN:** It is just over 22 per cent. The Mayor of the Town of Bassendean, a person who is generally considered to be of more conservative persuasion, is on record saying that there should be more public housing in Dalkeith, Nedlands etc, and that public housing is for the benefit of all parties and should be spread across the metropolitan area. As I said, this bill does not deal with public housing. If the Minister for Housing and Works determines that he will stand in the marketplace and acquire a lot of land in the Town of Cambridge for very important social objectives, that will be his prerogative. I suggest that, if the member wants to take this issue further, he move an amendment to ban public housing in Floreat.

**Mr C.J. BARNETT:** What a typically stupid comment from the minister! The minister referred to Claremont. I live in Claremont. It has quite a high level of public housing. I do not know what the percentage of public housing is off the top of my head, but there is a lot of public housing around the business area, close to the rail line, close to the highway and close to services. Similarly in my electorate, there is a lot of public housing in Mosman Park and in what used to be known as Graylands, because of the history of immigration. There is a remnant of a lot of public housing through that area, probably now called Claremont rather than Graylands. North Fremantle, where I lived for a number of years, has large amounts of public housing. The minister likes to make ideological and philosophical comments about public housing. I will give an example of an event that occurred when I first became a member of this Parliament. I was living in North Fremantle and Hon Carmen

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Lawrence was the Premier of the day. North Fremantle is now, coincidentally, in her federal electorate. Homeswest acquired some land to build public housing there. It built some very nice units that are there today, providing both river and ocean views from the top of the hill in North Fremantle. I made a similar point then that I made today: by all means there is a lot of public housing in North Fremantle and the responsibility is to provide good quality housing in suitable locations, particularly with transport accessibility, shopping facilities, medical care and whatever else, and we should try to provide as much as possible, and not use a limited budget on a small number of very expensive units. Predictably, Hon Carmen Lawrence got stuck into me about western suburbs attitudes and the like. One tenant in that public housing, an elderly bloke called Bert who I knew quite well, came around to see me while this debate was raging. He knocked on my door and said, "Colin, I just want to tell you that all us people in this public housing are all ex-wharfies and we all agree with you. We don't need river and ocean views. All we want is decent accommodation in North Fremantle where we have lived all our lives." In fact, we think the government should be building more units, not fewer, instead of making some sort of social engineering statement that people in public housing can also have river and ocean views. I think it is a silly policy. I support public housing, but I also support the government in providing good quality housing for as many people in need as possible, and not in making social statements about high-value property. I guess that is our philosophical difference and one reason that we are over here and the minister is on the other side, at least ideologically. Having been shadow Minister for Housing when I first came into this Parliament, I am acutely aware of the number of deserving people, particularly elderly people, who have no option and no prospect of acquiring their own house. The state has a role to provide as much housing as possible for those people. The minister and I will, therefore, agree to disagree on this issue. I just warn the minister that the issue will arise quite legitimately with the council when she starts her public discussion. I know that the minister will get on her high horse and accuse people in the western suburbs of having no compassion and whatever else. That is not true at all. The minister will find that people in my electorate support public housing in good locations. This is not a good location for public housing.

**Clause put and passed.**

**Clause 19: Draft redevelopment plans to be prepared -**

**Mr G. SNOOK:** Subclause (3)(a) states that the responsible agency concerned must make reasonable endeavours to consult etc. In view of the fact that this has a significant impact on the autonomy and capacity of the Town of Cambridge to be involved in this project after the enactment - if it occurs - of this bill, why does the clause not include a specific reference to the Town of Cambridge? The Town of Cambridge is the principal authority that will be impacted. As some of the powers and autonomy of the Town of Cambridge will be limited by this bill, I would have thought it appropriate to refer to it by name rather than include the phrase "such public authorities and persons as appear to the agency would be likely to be affected". The Town of Cambridge will be significantly affected by the impact on its planning powers and other powers that are entrusted to it under the Local Government Act.

**Ms A.J.G. MacTIERNAN:** There will be two redevelopment plans. This applies to the redevelopment plan for the Perry Lakes site and the redevelopment plan for the AK Reserve and, potentially, the AK Reserve and adjoining lands. As we discussed yesterday, there is a real possibility that the redevelopment plan for the sporting facilities may traverse two local authorities. We are not including them by name because it may include the City of Nedlands. It is important to expressly recognise local government and that is why we have inserted clause 20, which, over and above the requirement in clause 19, focuses on the need to incorporate local government in the process in a very formal way.

**Clause put and passed.**

**Clause 20: Draft redevelopment plan to be submitted to local government for comment -**

**Mr C.J. BARNETT:** I note that the plan must be submitted to the local government in whose district the land concerned is situated. I think that everyone would agree that this is an appropriate clause. Although Perry Lakes is in the Town of Cambridge, some of the houses immediately opposite Perry Lakes are in the City of Nedlands. I would like some acknowledgment that this plan will also be submitted to the City of Nedlands for its comments as it affects some of its residents.

**Ms A.J.G. MacTIERNAN:** This is a slightly difficult issue that arises quite often with adjoining local authorities, particularly in the member's area where there are lots of adjoining local authorities. Classically, there are disputes between the Cities of Subiaco and Nedlands in relation to these sorts of matters. I can give the member an undertaking that, as part of our obligations under clause 19, we will most certainly consult the City of Nedlands. We spoke yesterday of the process that we see to be part of clause 19. We would not necessarily confine it to the Town of Cambridge. I was picking up the same sentiments referred to here. Very often these things can impact on more than one municipality. A municipal boundary does not always, particularly in these

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sorts of areas, give a logical catchment for people who might have a legitimate interest in what happens. In the clause 19 process the government will engage with the City of Nedlands.

**Dr E. CONSTABLE:** The minister and the member for Cottesloe have been discussing an issue that I think is very important. It has been said many times over the past few years by the residents that they have been left out. The residents of the City of Nedlands who are directly impacted by this have never had any direct opportunity to comment. Not only should the City of Nedlands be involved, but also the residents who will be directly affected.

**Ms A.J.G. MacTIERNAN:** I agree. Those comments reflect the comments I made yesterday. It is a fact that a state government can sometimes do these things a little more appropriately. We would not say that the redevelopment is an issue of regional significance, but it is of sufficient importance to traverse the boundaries of the Town of Cambridge. This is one of the reasons we must think very deeply about how appropriate it is to have a multiplicity of very small local authorities, which, by their very charter, confine themselves in their consultation processes to a very small group. That makes it hard to get rational decisions made. It also means that there is no consultation process with sufficiently interested groups of people.

**Mr G.M. CASTRILLI:** I would appreciate the minister's response to my queries. People and authorities such as the City of Nedlands will be consulted outside the Town of Cambridge. The clause states that a plan must be submitted for comment to the local government in whose district the land concerned is situated. Is that provision too restrictive for what the government hopes to do?

**Ms A.J.G. MacTIERNAN:** Assume, for example, that we are talking about the Perry Lakes land. We would rely on clause 19 rather than this clause. It is important that clause 20 recognise the formal municipal boundary. The Town of Cambridge would be dealt with in the formal way as outlined under clause 20. However, the City of Nedlands and some of its residents would be classed as public authorities and stakeholders who have an interest that needs to be consulted.

**Clause put and passed.**

**Clause 21 put and passed.**

**Clause 22: Draft redevelopment plan to be submitted to WAPC -**

**Mr G. SNOOK:** Subclause (2)(a) states -

28 days have elapsed since the day on which it was submitted to the local government under section 20; Why is the period only 28 days? It is normally longer than that. It can be 60 days in other cases.

**Ms A.J.G. MacTIERNAN:** We are dealing with a structure that we are trying to expedite. It might be easier if we added an additional seven days. If the member wants to move an amendment to make the period 35 days, that would be a period of five weeks, which is sufficient for parties to set up a meeting, I am prepared to do that. It is quite proper under these circumstances for councils to be prepared to convene an urgent meeting. If the council had any aspirations to run this as a project, it would be having special meetings every week. To accommodate that time line, if the member wishes to move an amendment to increase that to 35 days, I will accept it.

**Mr G. SNOOK:** Because of the meeting process in local government, we need to have a little longer than a month. I thank the minister for providing me with the opportunity to move an amendment. I move -

Page 18, line 2 - To delete "28" and substitute "35".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 23 to 28 put and passed.**

**Clause 29: Redevelopment plan may be amended -**

**Dr E. CONSTABLE:** I have just one query about the whole process. I ask the minister to give us an indication of how long this process will take from drafting the plan to the point that we are at in clause 29. If this legislation goes through, when does the minister expect that the process will start? About when next year does the minister believe this process will be completed?

**Ms A.J.G. MacTIERNAN:** I thank the member for that question. The bit that is hard to predict is the Environmental Protection Authority approval. However, given that the site is already a heavily constructed site - we are not dealing with bushland issues - we do not anticipate that that will be too long. We are hoping that we will have this all finalised by the end of 2006, bearing in mind that construction would not be completed until the end of 2007. Even if we were able to get this completed in 12 months or, in the worst-case scenario, by the end

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of 2006, in the meantime all the work would have been going on to get the AK Reserve facilities finalised, to get all the land swaps in place, to get the contracts let and to get the construction started. I do not see that as being particularly problematic. However, we need to get moving on it. Both Minister Kucera and I have made it clear that we want agencies to be working. We do not want things to be done seriatim. We want these things to be progressed simultaneously so that we minimise the delays. Realistically, by the time we do a charrette process, I think it would take 12 months.

**Clause put and passed.**

**Clause 30 put and passed.**

**Clause 31: Undertaking unauthorised developments an offence -**

**Mr C.J. BARNETT:** I would like an explanation of whether this is a common clause in, for example, legislation dealing with redevelopment corporations. I am curious about what sort of unauthorised development was envisaged by the minister when this clause was put in the legislation. I cannot see mayhem breaking out in the western suburbs, but I would be interested in knowing the thinking behind it.

**Ms A.J.G. MacTIERNAN:** The member suggests that the people of the western suburbs are not only compassionate but also sin free. From the multitude of town planning appeals that I had to deal with previously, I know that they have their fair share of unauthorised garages and unauthorised structures on their properties. It is basically to ensure that there are powers, just as a local government has powers when a person has either built without approval or built in a way that is not in accordance with the development approval. For example, a person might get development approval to build two units, but he ends up building three. That is a breach of his planning approval. It is just to deal with that standard failure to obtain development approval or, having obtained development approval, building other than in accordance with the approval that a person has been given.

**Mr G.M. CASTRILLI:** The minister might have answered this question yesterday; I am not sure. In the back of my mind I remember that somebody asked the minister about the description of “a person”. I could not find it in the interpretation clause, and I do not think it is in the definitions.

**Ms A.J.G. MacTiernan:** No, it is not in the definitions clause.

**Mr G.M. CASTRILLI:** When the minister says “a person”, does that include natural persons, corporations, government departments and local governments - anything whatsoever?

**Ms A.J.G. MacTIERNAN:** Yes. These things are not described in each piece of legislation. There is a piece of legislation - the Interpretation Act - that I commend to all members. They should keep a copy of it in their desk drawers. When I was in opposition, I always had a copy of the Interpretation Act in my drawer. It is very useful. “Person” is defined in the Interpretation Act. It says that where in legislation the word “person” is used, it means -

“person” or any word or expression descriptive of a person includes a public body, company, or association or body of persons, corporate or unincorporate;

**Mr G.M. Castrilli:** It includes government agencies.

**Ms A.J.G. MacTIERNAN:** Absolutely.

**Mr G.M. CASTRILLI:** I have one other question on this clause. Subclause (4) states that only subsections (1) and (2) apply to the Western Australian Land Authority and the AK Reserve minister. Why does subclause (3) not apply also to WALA and the AK Reserve minister?

**Ms A.J.G. MacTIERNAN:** Parliamentary counsel has suggested that perhaps the member is on to something. We will include subclause (3) in that subclause also. Can we get back to the member on this? We will just double-check that there is nothing in the bill. The member may be correct. It will not do any harm to insert reference to subclause (3). If the member wishes to move an amendment to insert reference to subclause (3), I am happy to agree to it. I will make a suggestion. If the member for Bunbury would like to take his seat, parliamentary counsel will draft that amendment for him, which might make it a bit easier, and perhaps we can listen to the comments of the member for Wagin while we are waiting.

**The DEPUTY SPEAKER:** That is a good suggestion, minister.

**Mr T.K. WALDRON:** Will the minister explain subclause (5)? I do not understand what it means. It states -

It is immaterial for the purposes of this Division that a development is undertaken in the performance of a function vested in a person by a written law.

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**Ms A.J.G. MacTIERNAN:** The subclause will ensure that public agencies do not have immunity from this provision. The Water Corporation, Western Power and other entities that undertake works that would normally require development approval cannot claim immunity from the operations of this provision.

**Mr G.M. CASTRILLI:** I am happy to be in a position to make a positive contribution to this clause. I thank the minister for drafting the amendment. I move -

Page 23, line 22 - To delete "and (2)" and substitute "(2) and (3)".

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 32 and 33 put and passed.**

**Clause 34: WAPC's functions as to applications -**

**Dr E. CONSTABLE:** I have a question of clarification for the minister. Can the minister tell me whether the process set out in this clause is any different from the normal process for applications to the Western Australian Planning Commission?

**Ms A.J.G. MacTIERNAN:** Effectively, it will be the same as the normal process. It is important to bear in mind that we are talking about development applications. In the normal course of events, the WAPC does not deal with development applications; normally it delegates its authority under the metropolitan region scheme to local authorities. However, from time to time, in areas of special sensitivity - for example, Scarborough Beach and the Raffles Hotel site - it will consider the development approvals itself. We believe that the processes set out in this clause will closely follow that process. It is important to understand that, generally, the WAPC does not deal with a heap of development applications, but it has the authority to do so under the metropolitan region scheme. It exercises that authority from time to time. In this situation, it will exercise that power pursuant to the legislation. Subclauses (5) and (6) will ensure that there is some process to provide a transition after the completion date.

**Clause put and passed.**

**Clause 35: Review of WAPC's decision by SAT -**

**Mr G. SNOOK:** Will the minister confirm for the house that the normal capacity for appeals to be made to the State Administrative Tribunal will still apply?

**Ms A.J.G. MacTiernan:** Yes, that is what the provision says.

**Mr G. SNOOK:** It is exactly as provided in the clause. There will be no change to the normal process.

**Ms A.J.G. MacTiernan:** That is right; exactly.

**Clause put and passed.**

**Clause 36: Building laws, operation of -**

**Mr G.M. CASTRILLI:** Will the minister explain subclauses (3) and (4)? Does it mean that building applications can be approved by the minister? Does it also mean that the government will carry all the legal responsibility? Subclause (3) provides that the housing minister has and may perform any function under the building laws that the relevant local government has in respect of any building that may be constructed or any activity that may be carried out.

**Ms A.J.G. MacTIERNAN:** The advice I have received is that that is the case. In this clause the Minister for Housing and Works will be substituted for the local government in making those decisions. We expect that the liability will lie with the state government as a result.

I will clarify a comment I made yesterday when we spoke about the Local Government (Miscellaneous Provisions) Act. I need to make it clear, because it might have been a bit confusing yesterday, that there will be no need to substitute the Minister for Local Government and Regional Development in the development of the public facilities on AK Reserve or adjoining lands, because there is no entitlement for local government to give approval for public works. That is not relevant here, because this section really deals with the Perry Lakes land, but because some confusion may have arisen out of what was said yesterday, it is important to refer to the Local Government (Miscellaneous Provisions) Act, which sets out the need to obtain approvals for construction of buildings. It states -

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The provisions of this Part shall not apply to buildings owned or occupied by, or under the control or management of the Crown in right of the State, or a department, agency, or instrumentality of the Crown in right of the State.

In relation to those buildings on the AK Reserve, which would be considered to be buildings that fall within that provision, we are not invoking a similar clause because local government does not have a role to play in any event. I need to make that clear. The provisions in the legislation that give the Minister for Housing and Works the powers to substitute for the local government under this Local Government (Miscellaneous Provisions) Act relate only to the Perry Lakes land. Does that make sense?

**Mr G.M. CASTRILLI:** Yes, I think that clarifies it. Yesterday the minister referred to the miscellaneous provisions. If someone wanted to build a house after the subdivision was done, I think the minister said that they would have to go to local government for normal building approvals. Can the minister confirm that under subclauses (3) and (4) they do not have to? Can the minister give those building approvals?

**Ms A.J.G. MacTiernan:** That is correct.

**Mr G.M. CASTRILLI:** A person does not have to go to local government if he wants to build a two-storey house; he just goes to the minister for a normal building approval?

**Ms A.J.G. MacTIERNAN:** That is right. Of course, that applies only to completion date. Once we have set the completion date, everything returns to normal.

**Mr G. SNOOK:** Sadly, those approvals for local government do not apply in normal circumstances. It has been a bane of mine that the Crown does not have to get the relevant approval.

**Ms A.J.G. MacTiernan:** I assure the member that as his side of politics constantly agitates for more people to be locked up, no prisons or facilities would be constructed if we let local government have the final say on all public works.

**Mr G. SNOOK:** The minister may have a point, but I am trying to be reasonable. I am not arguing.

**Ms A.J.G. MacTiernan:** The member has moved a step up the food chain and he needs to look at things from a slightly different angle.

**Mr G. SNOOK:** I can give the minister examples from the education field when no development application was lodged with a local authority for the construction of school buildings on local government roads. That is the point I am driving at. There is a lack of communication. That is my concern about development applications. We are not here to change or debate those. However, development application fees normally apply to developments such as the Perry Lakes site when there is subdivision of lots. I am not talking about public works sporting facilities. Normally when a residential subdivision is done by either a private developer or an organisation, it pays a development application fee. I can probably guess the answer, but does a development application fee apply for the Perry Lakes site on which residential subdivision will occur and housing developments will then start? I understand that the normal building licence fees would apply, because the land would then have been passed back to the local authority.

**Ms A.J.G. MacTIERNAN:** The member is talking about two separate sorts of approvals and he seems to be blending one with the other. He referred to development application fees. If I can go back a few clauses to clause 32, which deals with development control, that clause specifically provides that, by regulation, fees can be set, and I assure the member they will be set. Clause 36 refers to building licence fees. There are specific provisions for development applications and building licences. When it comes to building licences, the capacity to levy a fee is included in the Local Government (Miscellaneous Provisions) Act, and because under that act we are standing in the shoes of local government, those same provisions will apply.

**Mr G. Snook:** Do they get passed on in the in globo net profit?

**Ms A.J.G. MacTIERNAN:** No, because they will be administration fees. The cost of doing that would not be part of the development. These fees, as the member would probably be acutely aware, coming from local government, often do not adequately cover the actual costs. There certainly will not be a profit; if anything, there will be a loss, but that will not relate to the trust fund. This legislation specifically provides that if on the completion date applications for building licences have not been dealt with, they will be transferred to the local authority. There will also be a requirement to hand over the building licence application fee that was received by the Minister for Housing and Works. When they deal with the application they will keep the fee; if on completion date there are applications they have not dealt with, those fees will be handed over to local government.

**Mr G.M. CASTRILLI:** I presume the minister is referring to subclause (5)(c).

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**Ms A.J.G. MacTiernan:** Yes.

**Mr G.M. CASTRILLI:** Obviously they would not be fees collected by the minister on approval; they would be the ones that were still under consideration.

**Ms A.J.G. MacTiernan:** That is right. There may be administrative ways to deal with this, but basically that provides protection. Any fees collected, even if the job has been started but is not complete, will go to the local authority.

**Mr G.M. CASTRILLI:** Subclause (6) basically provides that after the completion date it will all be handed back to local government to deal with as if the application had been made to local government. I am asking the minister for confirmation. There may be different standards of building approvals among local governments, which may mean precedents will be created that may cause conflicts in the future with applications approved by local government and those approved before being handed over to local governments. I am fearful of precedents and conflicts arising in the future.

**Ms A.J.G. MacTIERNAN:** If any local laws have been passed in the past or during this period by the local authority, those local laws, as opposed to the state laws, will not apply during the operation of this legislation, but after the completion date those local laws will be resuscitated for the Perry Lakes site. Under this clause we would expect that, although a building licence application may have been lodged before the completion date, if it has not been determined until after completion date, the local laws will apply.

**Mr G.M. CASTRILLI:** I cannot say specifically what circumstances would cause a conflict; nonetheless a conflict could arise. Some of the subdivision might be built by the government and the other part might be built by local government, and discrepancies could occur between the various regulations and standards. An applicant might claim that a precedent had been set across the road. I would not like to see the Town of Cambridge, or any other town, involved in conflict within its own boundaries.

**Ms A.J.G. MacTIERNAN:** It is not the government's intention to rule beyond the grave. On completion date, the matters will be placed in the hands of the local authority. It is the same with any changes to building laws or planning laws - there is a cut-off point. There is a time in which they do not apply and a time in which they do. Standards change. Sometimes they are increased and sometimes they are reduced. This provision deals with building matters. It is very difficult to imagine that approved local laws would differ radically. We would be talking about things at the margin, bearing in mind that at the end of the day they must, effectively, be approved by Parliament.

**Mr G. SNOOK:** The member for Bunbury referred to subclause (3). Reference is made generally throughout the bill to the Minister for Housing and Works having functions to perform under building laws. As the minister knows, part of the local government's role is to oversee the environmental health officers' role of applying the Health Act. Does the bill include a clause that supports the need for that? Housing development will be ongoing with lots being occupied and other stages commencing. Local government is responsible for functions under the Health Act. The minister can correct me if I am wrong, but I cannot see any provisions referring to the Health Act relating to the usual local government functions.

**Ms A.J.G. MacTIERNAN:** We canvassed this issue yesterday and made it clear that this legislation does not take the health area outside the Town of Cambridge; it will remain within the Town of Cambridge. As soon as properties are rateable, rates will be payable and they will go to the Town of Cambridge. This legislation will take planning and development and building powers from the Town of Cambridge. It will not supersede all the other things that local governments do. The Town of Cambridge's obligations concerning health and environment laws will be unchanged. Nothing in the bill changes the existing practices. The Town of Cambridge will still be responsible for collecting rubbish. As I said, the council will receive the rates even before completion date. Nothing here suspends the obligation of any persons involved in developments in this area from paying rates. Therefore, on the basis of no taxation without representation, their rubbish will be collected and the normal health laws obeyed.

**Clause put and passed.**

**Clauses 37 and 38 put and passed.**

**Clause 39: Planning Minister's powers to ensure environmental conditions are met -**

Leave granted for the following amendments to be moved together.

**Ms A.J.G. MacTIERNAN:** I move -

Page 30, lines 1 to 3 - To delete the lines and substitute -



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doing so for a period specified in the notice, being a period that begins when the notice is served and ends not more than 24 hours later;

Page 30, line 7 - After "period" to insert "as is".

Page 30, line 30 - To delete "subsection (3)" and substitute "subsection (2)".

The first amendment corrects some drafting issues and improves clarity. The second one corrects an error in drafting and the third one corrects an incorrect cross-reference.

**Amendments put and passed.**

**Clause, as amended, put and passed.**

**Clause 40 put and passed.**

**Clause 41: Perry Lakes Trust Fund established -**

**Mr G. SNOOK:** Will this be the operational fund or the \$5 million maintenance fund?

**Ms A.J.G. MacTIERNAN:** This is the large fund. It is the main fund in which all sale proceeds will be placed.

**Dr E. CONSTABLE:** Subclause (2) states -

The Planning Minister must control and administer the Fund.

That means that the Minister for Planning and Infrastructure will continue to control and administer the fund. What would happen, for example, if the local authority wanted to spend some of the interest on the fund? Will it have to apply to the minister? If so, why? Will the minister provide a run down of the practical meaning of that subclause?

**Ms A.J.G. MacTIERNAN:** Someone must have legislative responsibility and ultimately be the accountable person for the fund. This clause makes it clear who that accountable person is. Someone must have responsibility for answering questions about the fund. It is a formal responsibility that I have as minister. Nothing in the bill deals with how applications are made to access the fund and nothing provides for any obligation to release funds early. However, the government is not precluding that as a possibility. We will always be prepared to talk to local government about the early release of funds if we are confident that they are needed and that we are not undermining our capacity to discharge all of the obligations under this legislation. Clause 47 countenances the possibility that we can provide such funds to the Town of Cambridge. However, I will obviously need to act in concert with the Treasurer and the Minister for Sport and Recreation, who is responsible for AK Reserve, before making that determination. Clause 47 anticipates that the Town of Cambridge may apply for funds. It gives the government the power to respond to any request for funding but notes that the minister must have the approval of both the other effective ministers before releasing those funds.

**Dr E. CONSTABLE:** I think that I have missed something. If I have, I would like the minister to tell me. I understood from the previous debate that a trust fund would be set up. Previously we have talked about the \$50 million that was to be given to the Town of Cambridge. It does not seem to me that the Town of Cambridge will be given a large sum of money. It will not have control of the trust fund in the sense that I assumed it would have. It seems that that was a false assumption. Will the minister run us through that again so that I can understand exactly how this trust fund will work?

**Ms A.J.G. MacTIERNAN:** The trust fund will be established at the commencement of the legislation. To progress the development, the trust fund will be used to borrow moneys to fund works such as the subdivision works. A proportion of the construction of the facilities would be paid out of the trust fund. Money can be borrowed also for the demolition of the facility. In the early years the trust fund will be in a negative balance. As the land sales occur in late 2007 or early 2008, the proceeds of the land sales will go into the trust fund and the various obligations will be paid; that is, the debt that has been accrued will be paid off. Once those debts have been paid off and any other expenses that are acquired have been paid off, the rest of the fund will remain with the Town of Cambridge. It is a similar financial arrangement to the process that the Town of Cambridge was contemplating; that is, that the town borrow \$40 million or \$50 million up-front to use for the development and then reimburse itself and pay back the fund when it receives proceeds from the land sales. It is an identical process except that those funds will be accumulated until the completion date -

**Dr E. Constable:** The completion is the point on which I need clarification. Will the minister still have control upon the completion of the project?

**Ms A.J.G. MacTIERNAN:** No. The arrangement finishes on the completion date. The state government will hand over all the money in the trust fund to the Town of Cambridge and any land that is left will be handed back to the Town of Cambridge. The trust fund will be finished.

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**Dr E. Constable:** I wanted that stated so it is absolutely understood.

**Ms A.J.G. MacTIERNAN:** Clause 47 contemplates that the completion date may not be reached for a variety of reasons but that the Town of Cambridge may wish to get an earlier payment for some reason. It is self-evident that if I can convince the minister with authority for the AK Reserve and the Treasurer that a sufficient -

**Dr E. Constable:** I am sure you will be able to.

**Ms A.J.G. MacTIERNAN:** The Treasurer is a very hard man.

We will then be able to release those funds early. As I said, one would have to take into account the likelihood of there being excess funds when doing that. That is why the arrangement is set up in such a way that I must get the concurrence of the other two ministers to ensure that all bases are covered.

**Mr T.K. WALDRON:** Can the minister confirm that the trust fund will be audited annually by the Auditor General?

**Ms A.J.G. MacTIERNAN:** Yes. We have made that very clear. Clause 41(3) expressly requires the trust fund to be subject to the requirements of the Financial Administration and Audit Act so that it does have to be audited. We want maximum transparency of this process. We want all the financial arrangements to be subject to scrutiny.

**Mr C.J. BARNETT:** Yesterday I moved an amendment that the residual of the trust fund would be paid to the Town of Cambridge. The minister's second reading speech nominated an amount of at least \$50 million. Therefore, I moved an amendment to guarantee that the Town of Cambridge would receive at least \$50 million and the minister undertook to consider that amendment. Will the government agree to at least provide that minimum level of certainty to the Town of Cambridge and its ratepayers?

**Ms A.J.G. MacTIERNAN:** I made it very clear yesterday that I cannot consider that matter without reference to cabinet. I pointed out also that it is antithetical to the structure of this legislation. The government had offered the Town of Cambridge another way of dealing with this matter. The government suggested that it would provide the Town of Cambridge with the money up-front by purchasing all or part of the land through LandCorp, but the council did not want to go down that path. In the past, the Town of Cambridge has been concerned with the private sector proposals that the town would not receive the developer profits. We have structured a quite different arrangement. Under this structure, all the proceeds go into a trust fund. It is not a profit-sharing process. The state government is merely a project manager and the benefit of the asset will go to the Town of Cambridge. On that basis, it does not sit comfortably with that notion to have a flaw. However, the government is very comfortable that \$50 million is a minimum that one could expect.

**Mr C.J. Barnett:** It does not stand up at all though.

**Ms A.J.G. MacTIERNAN:** As I said, there are other limitations. Once we have sufficient funds to cover our costs, we would want to have the option of handing back the land to the Town of Cambridge earlier than anticipated. It would obviously be very difficult to do that if we were locked into providing \$50 million. I have said also that if as part of our negotiations we need to consider something of that nature with members of the Legislative Council, we will consider it.

**Mr C.J. BARNETT:** What a weak answer that is. The government is represented in the chamber by the Minister for Planning and Infrastructure and a couple of other ministers and it is saying that it is not prepared to honour what it publicly said it would do, which was read to Parliament in the minister's second reading speech. The government is not willing to front-up and do what it said but if it needs to do something of that nature as part of its negotiations with the Legislative Council, it will think about it. This is black letter law. We are establishing law. We are not sitting around in some committee wheeling and dealing. This will be the law of Western Australia when it is passed. This government will not honour what it said it would do. It is not unreasonable for me, as the member who represents the constituents of the Town of Cambridge, to insist that there be at least that guarantee. There is no natural check and balance within this trust fund.

Yesterday we established without any doubt at all that the Perry Lakes and AK Reserve land belongs to the Town of Cambridge. A minister of this government suggested it was given to the Town of Cambridge, which was shown to be totally fallacious. It was bought in 1917 by the City of Perth. We have had that debate. Without doubt the land belongs to the Town of Cambridge. This is a case of the government resuming land without paying compensation. That is what this bill seeks to do. When we sought for the government to at least keep its word to provide \$50 million to the Town of Cambridge, the minister said it would do that only if the government considered it is necessary as part of a deal it does with the Greens (WA). What a clumsy, sloppy way of governing Western Australia. What a sloppy way of going about it. There is no check or balance. There is no doubt that this land is highly valuable. The natural inclination of the Ministers for Planning and

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Infrastructure and Sport and Recreation will be to get as much money out of Perry Lakes as they can for the government by allowing as much development as is possible in Perry Lakes, regardless of what the Town of Cambridge or the residents of the area think.

I support the sporting groups. Their eyes will be wide open. They will be thinking about all the extra bits and pieces they can have in the multi-sport's facility, the basketball facility and the rugby facility. The sporting groups will think that they can make the facilities fantastic because the bucket of money will grow as this government tries to put in higher and higher density developments. The sporting community's eyes will grow and grow when it sees how much it will get. However, the group that owns the land will be left out of that equation. The legislation contains no natural check or balance. The government will have an incentive to take as much money as it can out of the sale of the land at Perry Lakes. The Minister for Sport and Recreation and the sport associations will be given the incentive to spend as much of that money as they can, leaving by default the minimum possible amount to the Town of Cambridge and its ratepayers, the very people who own the land. That is another reason the legislation is badly structured. The Minister for Planning and Infrastructure has said that she might think about that later. If the minister did not know what she was talking about when she said that the Town of Cambridge would make a profit of \$50 million, why did she say that in her second reading speech? She and the Minister for Sport and Recreation have repeatedly claimed that it is a form of compensation. It is not; it is a residual; it is what is left over. The people who will get the residual are the people who own the land, the one group of people that does not have a say. That is why this legislation is unsound and in every respect unfair.

**Mr R.C. KUCERA:** The raw political statement that the member for Cottesloe has just made shows his true picture. There is no doubt at all that this whole sorry exercise has been aimed at a small group of political supporters of the member for Cottesloe and a small group of ratepayers in the Town of Cambridge. The foreshadowed amendment by the member for Cottesloe will totally disadvantage the people of Cambridge. There is no doubt that the council, despite all its rhetoric, had no intention of going ahead with this development. It has done everything possible to block the development for the sake of one group of ratepayers. As the minister clearly said, if the land were to be handed back to the Town of Cambridge with an agreement to pay the council \$50 million, the council could, once it got back the land, change the whole purpose of the development for the benefit of one small group of ratepayers and the group that politically supports the member for Cottesloe. This is absolute raw politics.

*Point of Order*

**Mr C.J. BARNETT:** The Minister for Sport and Recreation has effectively accused me of having a pecuniary interest and a conflict of interest in this matter. I ask that he withdraw the accusation and apologise immediately.

**Ms A.J.G. MacTiernan:** He is accusing you of being political, as you accuse people of being political. Grow up! This is a house of politics. We are all political parties. Stop being so sensitive.

**Ms S.E. Walker:** You are a disgrace!

**Ms A.J.G. MacTiernan:** Improve your repartee! Will someone give this woman a thesaurus? She has only two words.

**The DEPUTY SPEAKER:** Order, members! I believe that the Minister for Sport and Recreation's comment was a debating point. I did not hear any direct accusation. The minister is entitled to his opinion. If I hear a direct accusation, I will rule differently.

*Debate Resumed*

**Mr R.C. KUCERA:** I do not accuse the member for Cottesloe of any pecuniary interest at all. If the amendment foreshadowed by the member for Cottesloe were passed, it would totally disadvantage the vast majority of ratepayers of the Town of Cambridge in favour of one very small group of ratepayers.

**Mr G.M. Castrilli:** How?

**Mr R.C. KUCERA:** If we were to hold the land until the \$50 million is gained, it would preclude future councils from taking the direction that they want to take. Ultimately, this is just a political point that has been raised by the member for Cottesloe.

**Ms A.J.G. MacTIERNAN:** I am conscious that Mayor Anderton is in the Speaker's gallery. No doubt that is why we are having a duplication of a debate we had yesterday.

**Mr C.J. Barnett:** No, it is because you undertook to consider the issue.

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**Ms A.J.G. MacTIERNAN:** I did, and I made it clear that it was a proposal that could be considered only by cabinet.

**Mr C.J. Barnett:** Take it to cabinet.

**Ms A.J.G. MacTIERNAN:** We know very well that when the member for Cottesloe was a minister he was known in the government as the budget bandit. The poor Premier of the day had enormous problems constraining him because he would just spend, spend, spend without any regard to the budget or to collective processes at all. I understand the point the member is making about control on the cost of the facilities. The minister responsible for the AK Reserve, the Minister for Sport and Recreation, and I are quite prepared to have the chief executive officer of the Town of Cambridge involved in a working party to develop these facilities. Members must bear in mind that the government is also liable for the cost of the athletic stadium; therefore, we will be cautious about letting the cost blow out. We therefore understand that issue. However, we expect and are quite happy to be publicly called to account on the cost of these facilities. We do not have any intention of letting the cost escalate. I understand that there is some genuineness, but there is also a lot of disingenuousness, in the member for Cottesloe's point. He claims that it is an outrage for me to have referred in my second reading speech to a profit to the Town of Cambridge of \$50 million and that there is no provision for it in the bill. I refer the member to many second reading speeches that he made in which he referred to the practical consequences of legislation that he introduced. When I referred to \$50 million, I was talking about the practical consequences of the legislation. It is inconceivable that less than \$50 million would accrue to the Town of Cambridge. Indeed, yesterday I tabled a series of documents that contained a number of valuations that suggested the likely return would be in the realm of between \$67 million and \$99 million. The Town of Cambridge proposes to go down the path of a strategy that does not have a floor underpinning the price it would receive. We offered the Town of Cambridge another path if it wanted security and certainty in the amount it would get. We offered the Town of Cambridge different options. One option was to sell all or part of the land to LandCorp. Those options would de-risk the process. The Town of Cambridge decided that it would not go down that path, nor would it go down the Multiplex path. The Town of Cambridge wants to take on a process that entails risk. The structure of this legislation has built on the aspirations of the Town of Cambridge to ensure that it does not share the profit with anyone else. The role of LandCorp is as project manager and it is not appropriate that a project manager be required to underwrite the value of a property.

**Mr G. Snook:** You are the government.

**Ms A.J.G. MacTIERNAN:** We are acting as project manager for the council. We have had this debate. The office of the Minister for Sport and Recreation - the minister who is responsible for the AK Reserve - held meetings with the Town of Cambridge recently. I give an assurance that the Minister for Sport and Recreation and I will be very open about the scope of the three facilities. We are happy to have the CEO or another officer on the board to assess the scope of those facilities.

**Mr R.C. Kucera:** I also point out that the Town of Cambridge has had separate negotiations with both rugby and basketball sporting organisations. Some suggestions that have been made to the rugby organisations, without any discussion with government, indicate that the price has been upped. The Town of Cambridge itself has been involved in this process.

**Ms A.J.G. MacTIERNAN:** We certainly will not exclude the Town of Cambridge from discussions about the scope of the projects.

**Mr C.J. BARNETT:** I do not want to labour the point but I must clearly state again that the land belongs to the Town of Cambridge. The revenue raised from Perry Lakes will be paid into a trust fund over which the Town of Cambridge does not have any control. The money belongs to the Town of Cambridge. The money will be used to build sporting facilities, the final cost of which the Town of Cambridge will have no control over. The minister talks about the Town of Cambridge in her second reading speech receiving at least \$50 million, yet the minister now refuses to put into this legislation that minimum guarantee. Everyone else's interests are guaranteed except for those of the Town of Cambridge and its ratepayers, who are the very people who own the land. I think that is immoral and unnecessary. The very least that this government could do is show some respect to local government and include that minimum provision so that at least it will receive what this government has promised. A promise should be made that it will get at least \$50 million. The minister is failing in her duty and a sense of fairness and responsibility by not agreeing to that.

**Ms A.J.G. MacTIERNAN:** The member is forgetting one key point, which is that a substantial body of persons in the Town of Cambridge do not want Perry Lakes to be developed either partially or in full. The member's proposal - he does not address this point - would also preclude the government from simply covering its costs and handing the rest of the land back to the Town of Cambridge to make its decision as it will.

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**Mr T.K. WALDRON:** The Nationals support this legislation. I am not disingenuous when I say that I do not know about all the local politics. However, from what I have heard yesterday and today, I cannot see why it is not possible for the government to include that minimum amount. It would give some surety to the ratepayers of the Town of Cambridge and the council. I cannot see why it should not happen. The minister indicated yesterday that she might take this matter to cabinet. Will she indicate today that she will take this matter to cabinet?

**Ms A.J.G. MacTIERNAN:** We will be considering it; we will have negotiations next week with all members of the Legislative Council to consider this. As I said, another mechanism that is always available to the Town of Cambridge, if it wants a guarantee, is to sell the land to the government for its in globo value. If that happens, it will not get developer profits. The Town of Cambridge has to work out what it wants. Does it want to be the developer and get developer profits, or does it want a guarantee? If it wants a guarantee, the land must be sold.

**Mr T.K. Waldron:** It has also been said that it will realise \$67 million to \$99 million. That being the case, I do not see why -

**Ms A.J.G. MacTIERNAN:** The legislation has been constructed on a different basis. It has been developed on the basis that there is no developer profit.

**Mr T.K. Waldron:** I think you should consider taking this to cabinet.

**Ms A.J.G. MacTIERNAN:** Perhaps the member could talk to the Town of Cambridge and ask it to reconsider its proposal.

**Mr G.M. CASTRILLI:** I hope that I will not be accused of having electors in the Town of Cambridge! However, as shadow spokesman for local government, perhaps I can be accused of being genuine in looking after local governments as much as I can - for the right reasons, of course. I do not do things blindly just because I am involved with local government.

I supported the amendment moved yesterday by the member for Cottesloe to guarantee \$50 million in the trust fund. The minister mentioned yesterday that there would be at least \$50 million; I accept the reasons mentioned. The minister yesterday tabled valuations from Egan National Valuers and the Valuer General's office. The Egan valuation showed a net flow of \$67 million in the worst-case scenario. The minister said that it was a worst-case scenario. The Valuer General's office stated that there was a net value of almost \$100 million as a worst-case scenario.

**Ms A.J.G. MacTiernan:** That is assuming a full development. The member does not want us to leave open the possibility that there might be only two stages of development and the rest of the land would be handed back to the council?

**Mr G.M. CASTRILLI:** There is nothing in this bill that states that there will be full development nor is there anything that states that there will not be full development. I am talking about the minister's scenario.

**Ms A.J.G. MacTiernan:** That is based on full development.

**Mr G.M. CASTRILLI:** This is the scenario tabled by the minister yesterday showing a net flow of at least \$67 million.

**Ms A.J.G. MacTiernan:** Only if it is fully developed.

**Mr R.C. Kucera:** There is a fundamental difference, member. The government will guarantee the development but the council could not guarantee the development. That is the difference. That is the reason for this legislation.

**Mr G.M. CASTRILLI:** That is the minister's scenario. I have other ideas about that. The document tabled yesterday in this house shows a 30 per cent contingency, which is 20 per cent more than the norm in any development. Even after that, there is a minimum return of \$67 million. Based on that, I cannot see any problem with guaranteeing a minimum return to the Town of Cambridge, as has been publicly stated. When the figures were first stated, it did not mention full development or partial development, unless I am mistaken.

**Ms A.J.G. MacTiernan:** Of course it is on full development.

**Mr G.M. CASTRILLI:** Nevertheless, these are the figures that were tabled yesterday.

**Ms A.J.G. MacTiernan:** Read what it states. It mentions 213 lots.

**Mr G.M. CASTRILLI:** Yes. I can read that.

**Ms A.J.G. MacTiernan:** Two hundred and thirteen lots is full development.

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**Mr G.M. CASTRILLI:** The minister also made the statement before this document was tabled that the very least the Town of Cambridge could expect was \$50 million.

**Ms A.J.G. MacTiernan:** On full development.

**Mr G.M. CASTRILLI:** That is the statement the minister made.

**Ms A.J.G. MacTiernan:** Of course it is on full development. Does the member think that full development and partial development are the same, and that there should be a guarantee of \$50 million for only one stage?

**Mr G.M. CASTRILLI:** I supported the member for Cottesloe yesterday. Even the National Party now recognises that there is some merit in this, although it supports the minister's legislation. Why can there not be that safeguard to the community of the Town of Cambridge, who own the asset? What did the minister mean when she said that the Town of Cambridge would be disadvantaged?

**Ms A.J.G. MacTIERNAN:** I have explained it three times. I will quickly run through it again. The whole concept of the legislation -

**Mr G.M. Castrilli:** By way of interjection, I know the minister has explained it. Why does the minister think that the Town of Cambridge would be disadvantaged by having that guarantee in the bill?

**Ms A.J.G. MacTIERNAN:** Because it would effectively preclude the government from an early return of the land. An amount of \$50 million is the minimum sum if there is a full development of the site. The situation is different if there is only partial development of the site. We talked about that as a possibility in which we created a master plan for a full development but developed, for example, the rugby and basketball grounds, and generated sufficient funds from that to fund all the costs that are set out in the legislation. The legislation allows us to hand the rest of the land back. If a ceiling of \$50 million is included, that virtually rules that out as a practical option.

**Mr C.J. BARNETT:** One of the biggest problems seems to be a lack of trust between the government and the Town of Cambridge. I am interested that the Minister for Local Government and Regional Development is in the chamber. He made claims across the chamber yesterday that local governments across the state support what the government is doing. I challenge him to name a single local government. I think there are 142 in Western Australia. I challenge him to nominate a single local government authority that will put its name to supporting the state government on this legislation. One would think that he would be able to stand and name a few out of the 142 authorities. Let us see if he can demonstrate support from local government for what this government is doing. I suspect he will not be able to do so. I guess it is a matter of speaking the truth.

The other issue is that the minister said a few moments ago that LandCorp had made an offer to purchase the whole site. Will the minister confirm that she made those comments?

**Ms A.J.G. MacTiernan:** Yes.

**Mr C.J. BARNETT:** When was that offer made? Was it a formal offer? On what date was it made? What was the amount offered? Will the minister please provide some proof of the assertion that LandCorp made a formal offer to purchase the site.

**Ms A.J.G. MacTIERNAN:** We had numerous discussions with the Town of Cambridge about how we would deal with this matter, and it was canvassed in those discussions. If the member will bear with me, I will see whether we can find the correspondence and go through it. However, that was certainly suggested to the Town of Cambridge in the discussions we had. We had the meetings with the Town of Cambridge in May and June.

**Ms S.E. WALKER:** This is the first time that I have spoken on this bill, mainly because the member for Cottesloe's electorate is involved. However, following the redistribution last time, I gained a significant number of the member for Churchlands' constituents in the suburb of Wembley.

**Mr R.C. Kucera** interjected.

**Ms S.E. WALKER:** I do not need the minister's comments, thanks. Before that I had a few constituents in, and had had an association with, the Town of Cambridge. I support the member for Cottesloe on this issue. In the minister's second reading speech, she states -

It should be recognised that this bill is anything but a land grab, and the Town of Cambridge stands to clear a profit of around \$50 million. In order to put the matter beyond doubt, -

That is, that the town will clear a profit of around \$50 million -

the legislation stipulates that the proceeds of the trust fund can be spent across the entire municipality.

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In fact, that is just a play on words, because we can see now that this minister has no intention at all of ensuring that the Town of Cambridge stands to clear a profit of around \$50 million. I have read the various speeches in the second reading debate. In my view, this is an ideologically and politically driven bill. We all know that the Mayor of the Town of Cambridge was a Liberal candidate in an election at one stage. The second reading speech is constructed in a very dodgy way. It states -

The AK Reserve land will be resumed by the state. Compensation will be paid to the Town of Cambridge from the consolidated fund . . .

It states that the Perry Lakes land will be resumed by the state, but it does not say that the Town of Cambridge will be compensated for that, because it will not be.

The minister has a history. If I remember rightly, when the minister first came to office, she moved very quickly to assist the City of Subiaco and its then mayor to make amendments to planning legislation so that they could use that as a facility for smothering Subiaco properties with a blanket heritage coverage. The minister should not look at me strangely. It was a while ago, and I know she might not remember, but I do remember.

*Point of Order*

**Mr R.C. KUCERA:** We are addressing a clause that has absolutely nothing to do with the City of Subiaco. I suggest that the member get her comments on this clause back on track.

**Ms S.E. Walker:** Thank you for those pearls of wisdom.

**Mr C.J. BARNETT:** I am wondering how the minister is going in finding a copy of that formal offer from LandCorp to purchase the property at Perry Lakes.

**The ACTING SPEAKER (Mr M.J. Cowper):** I think the member for Nedlands was speaking broadly to the clause. I ask that she continue, but she should confine her comments more closely to the clause.

*Debate Resumed*

**Ms S.E. WALKER:** It is no good the Minister for Sport and Recreation trying to gag me. The Minister for Planning and Infrastructure has a reputation of going into the western suburbs with her jackboots on and upsetting a lot of people. We are talking about the Perry Lakes trust fund and the fact, as the member for Cottesloe has said, that the Town of Cambridge will have this land ripped from it, with no compensation and no control over the trust fund. What will the minister's charges to this trust fund be? How will she whittle it away?

Frankly, I find the minister's second reading speech and the viciousness that she has demonstrated towards the Town of Cambridge councillors very disappointing. I will give an example. The minister said in the second reading speech -

In our judgment and in the judgment of many of those in the community, this project is of a complexity that is beyond the capacity of the Town of Cambridge to deliver in a timely way.

I take offence at that. I know quite a few of the councillors on that council. They are very competent people. I have seen this minister at work. It is arrogant in the extreme, in my view, for the minister to come into the Assembly and say that it is beyond the capacity of the Town of Cambridge. I do not think that is the case at all. The minister also said at the end of her second reading speech, and this was patronising and arrogant -

Whilst we will not be indemnifying the Town of Cambridge for any actions it might have taken in the past that could result in legal action, by taking over the project at this point the state is effectively preventing the Town of Cambridge from causing itself any further legal problems.

The minister has been in power for a short time, but it has gone to her head.

**Mr C.J. BARNETT:** Before we progress, I hope that the minister can table the offer from LandCorp to the Town of Cambridge so that we know we are talking about a reality, not a fantasy.

**Ms A.J.G. MacTIERNAN:** The proposal was raised by me in discussions with the Town of Cambridge. We had a series of meetings in which we discussed a range of proposals, from a partial purchase to LandCorp project management to a full purchase. Unfortunately, we were not able to get any of those proposals considered by the council.

**Mr C.J. BARNETT:** Ten minutes ago the minister claimed that LandCorp had made an offer to purchase the land.

**Ms A.J.G. MacTiernan:** I said we had.

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**Mr C.J. BARNETT:** She claimed that an offer had been made. We now know there was no offer. At best, it might have been a bit of chitchat, of which, not surprisingly, the minister has a vague recollection. No offer was made by LandCorp.

**Ms A.J.G. MacTiernan:** How do you know that?

**Mr C.J. BARNETT:** Prove it! Show me! I did not claim it. The minister claimed an offer was made. I am saying prove it. There is none.

**Ms A.J.G. MacTiernan:** Where is your evidence? You weren't in the meetings, so where is your evidence?

**Mr C.J. BARNETT:** I did not claim to have made an offer. The minister claimed that LandCorp made an offer to the Town of Cambridge. No such offer was made. That is the truth. The minister came into this place and made it up on the run. She misled this Parliament - maybe it was not the most serious misleading of a Parliament - because she made it up and she cannot back it up.

**Ms A.J.G. MacTiernan:** What is your evidence for saying that? I have said to you that in these meetings -

**Mr C.J. BARNETT:** The minister -

**Ms A.J.G. MacTiernan:** No, let's just go through it. Calm down.

**Mr C.J. BARNETT:** I am very calm. It is usually the minister who gets frenetic.

**Ms A.J.G. MacTiernan:** I said that we made this offer during discussions -

**Mr C.J. BARNETT:** Where is the offer?

**Ms A.J.G. MacTiernan:** Hold on - with the Town of Cambridge. I was at the meetings. You were not at the meetings.

**Mr C.J. BARNETT:** The minister said LandCorp made an offer. The minister said in this house that LandCorp made an offer to purchase the land.

**Ms A.J.G. MacTiernan:** It was an offer that we made.

**Mr C.J. BARNETT:** However, LandCorp is a statutory authority. Did it go to the board of LandCorp? Was the Chairman of LandCorp involved in that offer?

**Ms A.J.G. MacTiernan:** No.

**Mr C.J. BARNETT:** Did the minister make the offer?

**Ms A.J.G. MacTiernan:** Yes.

**Mr C.J. BARNETT:** It was a government offer?

**Ms A.J.G. MacTiernan:** Correct.

**Mr C.J. BARNETT:** It was a consolidated fund offer to buy the property, not a LandCorp offer. Who made the offer - the government, the minister, LandCorp, Peter Pan? I would like to know who made this offer.

**Ms A.J.G. MacTIERNAN:** I had been prepared to answer by way of interjection, but the style of the member for Cottesloe, which is a deeply offensive style, does not allow that sort of dialogue.

**Mr G. Snook:** And yours is not?

**Ms A.J.G. MacTIERNAN:** I have been accommodating to all members in the chamber, except for one. There is one member to whom I will never bother responding.

In the discussions I had with the Town of Cambridge, we made several offers. We were prepared to negotiate on a range of possibilities, including an offer that LandCorp either purchase or act as project manager for the site. It is true that I made those offers to the Town of Cambridge. It was not a formal offer that came from LandCorp. However, the member will appreciate, because he is such a learned person, that the Western Australian Land Authority legislation gives the minister powers in relation to LandCorp. It would be within our capacity to deliver that. It was not an unreasonable mechanism by which to do it.

**Mr G. Snook:** Was it a written offer?

**Ms A.J.G. MacTIERNAN:** No, it was made in discussion. A range of discussions were held about how we could work with the Town of Cambridge to take the project forward and about the alternatives that were available if the council would not go down the path of its business plan, which it had advertised and had approved. We had a number of meetings in May and June with a number of councillors, because it was always



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my preference that as many councillors as possible be involved. Some meetings were held in Parliament House; some were held in my ministerial office. The member for Cottesloe has said that these things did not happen. I do not know what evidence he has for saying that these things did not happen.

**Mr C.J. Barnett:** I asked you to produce proof of the offer from LandCorp. You raised the offer from LandCorp; I didn't.

**Ms A.J.G. MacTIERNAN:** As a person who was at the meeting, I am producing evidence of what happened.

**Ms S.E. Walker** interjected.

**Ms A.J.G. MacTIERNAN:** I was not at the meeting? Okay.

**Mr C.J. Barnett:** You weren't at the meeting? Were you at the meeting or not?

**Ms A.J.G. MacTIERNAN:** I was just trying to work out the mumblings of one member. I thought she was claiming that I was not at the meeting.

**Mr C.J. Barnett:** Were you at the meeting?

**Ms A.J.G. MacTIERNAN:** They were meetings that I had; that is what I have said. I will not go on with this grandstanding by the member for Nedlands. We had a series of meetings in May and June, during which we put forward a variety of propositions that would involve LandCorp taking on one of three possible alternatives for the project - as a project manager, a partial purchaser or a full purchaser.

**Ms S.E. WALKER:** Clause 41 is an important clause because it provides for the establishment of a trust fund. It is important because clauses 42 and 43 provide the amounts that can be credited to the fund and the amounts that can be charged to the fund. Clause 43 has a never-ending list of moneys that can be charged by the trust fund that will be created under clause 41. The whole bill is disturbing because the land will be taken by the government and no compensation will be paid to the people of the Town of Cambridge. All we are relying on is the establishment of a trust fund to which certain amounts can be credited. Clause 43 provides that a series of amounts can be charged to the fund, including the expenses of administering the fund and all costs and expenses incurred under the legislation in planning, undertaking, promoting and coordinating the redevelopment of Perry Lakes. These costs will be never ending. This is where the minister has further misled this house. Not only has she said that the ratepayers of the Town of Cambridge - the constituents of my electorate and the electorates of Cottesloe and Churchlands - stand to make a clear profit of about \$50 million, but also she has said that the Town of Cambridge will be left with very a handsome cash reserve. That is not true, because the minister will not guarantee it. It could be that the Town of Cambridge will be left with nothing. It could be that the Town of Cambridge will find itself with a bit of a problem with the trust fund. Can the trust fund incur debts? Can it go into the red? Is that possible? If the trust fund goes into the red, who will be responsible for it and who will have to make up the difference? I wonder whether the minister has considered that.

**Ms A.J.G. MacTIERNAN:** All those questions have been answered previously.

**Ms S.E. WALKER:** I do not think they have been answered, according to members who have listened to the entire debate.

**Mr R.C. Kucera:** If you spent some time in the house, you would hear it.

**Ms S.E. WALKER:** I am relying on my colleagues, not the minister. We all know the minister's history when he goes missing from a room. When he goes missing from a room, terrible things happen.

**Mr P.B. Watson:** How's your stress leave going?

**Ms S.E. WALKER:** I have never been on stress leave, but I think the member for Albany might have. If not, I think he had better take it now.

Several members interjected.

**The ACTING SPEAKER:** Order, members!

**Ms S.E. WALKER:** I want to know from the minister whether there is a possibility that the trust fund can go into the red. Has that been considered? What are the ramifications for the Town of Cambridge and its ratepayers?

**Ms A.J.G. MacTIERNAN:** I have already explained in response to a very considered question earlier by the member for Churchlands about how that trust fund will operate. The member for Nedlands was not in the chamber. I suggest that she read *Hansard*. It is also set out in the legislation. As with any development project, there is a capacity to borrow funds to progress the development - to do the demolition and progress the works. The deficit in the fund would then be offset against the proceeds of the sale. It is exactly the same process that

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the Town of Cambridge would have engaged in if it had proceeded with the project in the way in which it said it would.

I have two of the letters that we sent to the Town of Cambridge after that series of meetings. The letters set out a couple of the formal proposals. One proposal was for the project management, and the other proposal was for the partial sale. However, in our discussions we also proposed the full sale proposal. We went with the partial sale proposal because we wanted to be as non-interventionist as possible. I will ask that these letters be copied for members.

**Clause put and passed.**

**Clause 42: Amounts to be credited to the Fund -**

**Mr G.M. CASTRILLI:** Clause 42(a) refers to the net proceeds of the sale of the Perry Lakes land by LandCorp, or the Western Australian Land Authority, that are to be credited to the fund. It refers to "net proceeds". What audited statements will be available to Parliament showing the gross sales and any net income that will go into the trust fund, because the clause refers only to the net proceeds that will go into the trust fund? I want to know what audited statements will be available and what sort of accountability there is that allows us to ensure that gross sales, less costs, equals the net that goes into the trust.

**Ms A.J.G. MacTiernan:** Which clause are you referring to?

**Mr G.M. CASTRILLI:** Clause 42(a).

**Ms A.J.G. MacTIERNAN:** Is the member asking what assurances he will have that all the figures will be available?

**Mr G.M. Castrilli:** It states that the net proceeds of the land sale will go into the trust. The net is gross sales, less expenses, and only the net amount goes into the trust. If land is sold by the Western Australian Land Authority, there must be some paper trail or audit for the gross to net figure. I want to know whether that information is available to this Parliament.

**Ms A.J.G. MacTIERNAN:** I suggest that we delete the word "net". I assure the member that in the reporting, because the reporting requirements are those required under the Financial Administration and Audit Act, they will be a full account of all expenditure, but I think the word "net" should come out. I move -

Page 32, line 14 - To delete "net".

**Mr G. Snook:** We will be here all day and all night getting this sorted out.

**Ms A.J.G. MacTIERNAN:** I did this for eight years with a plethora of bills. This is an important part of the process. Members of the opposition pick things up in their scrutiny of the bills. That is good. I did it for eight years, so I understand the importance of it.

**Mr G. Snook:** The minister should have given us a bit more time. That is the point we are making.

**Ms A.J.G. MacTIERNAN:** We would get legislation one day and we would sit through that night to debate it. It was a lot tougher in our day.

**Amendment put and passed.**

**Ms S.E. WALKER:** Clause 42(d) refers to AK Reserve. The AK Reserve land will be resumed and compensation paid. Will it go back to the Town of Cambridge afterwards?

**Ms A.J.G. MacTiernan:** She has not been here during the debate at all.

**Ms S.E. WALKER:** That question has not been answered. It is no good the minister mumbling to her advisers. I wonder whether it will eventually go back to the Town of Cambridge.

**Ms A.J.G. MacTiernan:** No.

**Clause, as amended, put and passed.**

**Clause 43: Amounts to be charged to the Fund -**

**Mr G.M. CASTRILLI:** Clause 43 states -

The following are to be charged to the Fund -

- (a) the expenses of administering the Fund and the provisions of this Act relating to the Fund;

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What administration expenses are we talking about; by whom and by which department are they incurred; and what are the possible charge-out rates? How are they benchmarked? This is a broad statement.

**Ms A.J.G. MacTIERNAN:** I do not have those figures. It is important to understand that these are the sorts of charges that the Town of Cambridge would be up against under its proposed development. I do not have the particular charge-out rates. If the member is interested in the standard charge-out rates, I can get them for him later, but they are basically what would be the rates across government.

**Mr C.J. BARNETT:** Following the point made by the member for Moore, the minister gave a very vague description of the expenses for administering the fund. For example, the funding of the sporting facilities will be taken from this trust fund. Will ministers or public servants travel the globe looking at sporting facilities and will they be funded from this? Will the salaries of public servants be paid from this fund? Will various charges for departmental time be taken from this fund? Where is the accountability? I am sure it will be accounted for, but where is the protection for the funds of the ratepayers of the Town of Cambridge?

**Ms A.J.G. MacTIERNAN:** We will be accountable, as the elected representatives of the people, for our actions. I assure the member that no moneys will be taken from this fund for public servants or anyone else to travel the globe. The normal accountability is here. We will be required to produce reports to the Parliament on the expenditure and we will have to account for those expenditures. That is the normal mechanism of accountability that one has in public life.

**Dr E. CONSTABLE:** The member for Cottesloe gave some examples of the type of expenses that might be taken from this fund and he raised the issue of salaries of public servants who might be involved. They may spend half their time on this project. Will half their salary be taken from this fund? That is a very legitimate question, because this sort of practice has been happening more and more often in government over the past 10 years. I would like the minister to comment on that. I want to ask the minister about paragraph (d), which states -

52% of the costs incurred in designing and constructing the athletics facilities referred to . . .

Where will the other 48 per cent come from?

**Ms A.J.G. MacTIERNAN:** The state government. There will be a charge-out rate for project management and administration, and that will be the same charge-out rate that applies across the board. It is an important practice. The resources of government are finite. Indeed, we will be losing profit in one sense to achieve the social objective here, because personnel in LandCorp who could normally be engaged on projects that not only are socially good but also might be financially beneficial will be curtailed to progress this project. We have made that necessary decision, but it is appropriate that we pay these costs, just as the Town of Cambridge under its proposal, which was to contract out to a project manager, would have been required to pay exactly that same bundle of expenditure for project management work.

**Mr G.M. CASTRILLI:** I thank the minister for the explanation. Clause 43 refers to the planning, promotional and redevelopment stage. Its scope is very broad. Will the minister provide an undertaking that all the costs will be finite or individually listed in a report to this Parliament so that that the costs can be assessed?

**Ms A.J.G. MacTiernan:** The funds will be audited by the Auditor General.

**Mr G.M. CASTRILLI:** I have been around. If a tradesman quotes his rate at \$100 an hour, which might be normal, who is to know whether it will take him much longer to do the job than he needs?

**Ms A.J.G. MacTIERNAN:** We would not be on site every day watching tradesmen work, nor would the Town of Cambridge be there every day watching what its project manager does. We must have faith in the same way that the member for Bunbury relies on his lawyer not to charge him for the time in which he is reading comics, for example. Within the bounds of reason we will provide all those figures.

**Mr G.M. Castrilli:** The government is the project manager.

**Ms A.J.G. MacTiernan:** We want to go in, do the development and get out.

**Mr G.M. CASTRILLI:** I am very keen for this project to proceed, even though I disagree with the process. I am simply seeking to do my job; that is, to gain some assurances from the government. As the project manager, the government is responsible to the Parliament for these costs. Will the minister ensure that every expense is itemised and confirm that due diligence will apply, that everything works okay and that the best job possible has been done in the most efficient way, for the least cost?

**Ms A.J.G. MacTiernan:** The records we provide the Auditor General will be tabled in this house.

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**Mr G.M. CASTRILLI:** Paragraph (d) provides that 52 per cent of the costs incurred in designing and constructing the athletics facilities referred to in clause 12(1)(a) will be charged to the fund. We have not seen any plans of the scale or style of the facility.

**Mr R.C. KUCERA:** Forty eight per cent of the cost of the running tracks will be covered by the Department of Sport and Recreation through the consolidated fund. The member for Bunbury can rest assured that we will have a finger very much on the project and the cost of it. We have already asked for meetings with the Town of Cambridge to discuss decisions like that.

**Mr G.M. Castrilli:** That is the assurance I am seeking.

**Mr R.C. KUCERA:** Like all departments, the Department of Sport and Recreation is subject to the usual estimates process every year, so there is a double check and balance.

**Mr G.M. CASTRILLI:** I thank the minister for his explanation. I have experience in these matters. A quote could be provided for \$99 an hour and the government could be charged for three hours' work, when, as the minister and I know can happen, the work took only an hour and a half. We have both been there and done that so to speak. Paragraphs (a) to (d) provide a broad scope for charge-out rates. They might look good initially but the costs end up increasing because the work took longer than it should have. Paragraphs (d) to (j) should not provide an avenue for the purchase of gold-plated taps, for example. This clause has no provision for how the facilities will be designed.

**Mr R.C. KUCERA:** All the normal checks and balances that I suspect the Town of Cambridge would put in place will apply. The department will be equally observant. As the minister has said, the government has no objection to the chief executive officer of the Town of Cambridge being part of the development process when we implement the AK Reserve proposal, albeit we can never provide a 100 per cent assurance.

**Mr G.M. Castrilli:** I appreciate the parameters.

**Mr R.C. KUCERA:** There is no intention here to do anything other than build a sporting facility.

**Mr G. Snook:** We will do our job. We will drill down and dig deep.

**Mr G.M. Castrilli:** When the design guidelines are available, will the opposition have an opportunity to see them and receive an interim report on costs? Although there is no provision in the bill for that, will that be available as a matter of course?

**Mr R.C. KUCERA:** I anticipate that the opposition spokesperson for sport will want to involve himself intimately in the process. As I said yesterday, there is a unique opportunity here.

**The ACTING SPEAKER (Mr M.J. Cowper):** There seems to be too much idle chatter in the chamber. I am having difficulty hearing the minister and no doubt the Hansard reporter will also be having difficulty. If members wish to engage in conversation, I ask them to please step outside.

**Mr R.C. KUCERA:** There is a unique opportunity to create something very special with this proposal. I have no difficulty with the opposition spokesperson being involved in these issues. In fact, I expect him to be on top of them.

**Mr G. Snook:** He is a good bloke.

**Mr R.C. KUCERA:** Exactly. The other issue is that sporting organisations obviously will have thoughts similar to those of the member for Bunbury. I have already said to all the sporting associations involved that this development will be done sensibly and properly to achieve the maximum benefit for everybody. We must always have in the back of our minds - this is one of the reasons the government has taken control of this process - the benefits that should go to the ratepayers of the Town of Cambridge; not the council or the councillors. The government has that in mind. This bill, at long last, will bring certainty. The government has no intention of ripping off people, despite what the member for Nedlands said in her rhetoric today. It is about building a great sporting facility and at the same time protecting the ratepayers of the Town of Cambridge.

**Mr G.M. Castrilli:** If I am reading the intent of the Minister for Sport and Recreation correctly, this Parliament has a responsibility to look after the interests of all people, particularly those of the people of the Town of Cambridge.

**Mr R.C. KUCERA:** That is exactly the point I am making.

**Mr G.M. Castrilli:** That is why I have been asking about administration costs, guidelines and over-the-top construction costs. We have a responsibility to look after the assets of the people of Cambridge and to ensure that they get the maximum possible return, which we cannot guarantee with this bill.

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**Mr R.C. KUCERA:** Under this legislation, the government will accept the risk through LandCorp and the Department of Sport and Recreation.

**Mr G.M. Castrilli:** So will the Town of Cambridge.

**Mr R.C. KUCERA:** Not to the extent it would have, had the previous situation continued.

**Ms A.J.G. MacTIERNAN:** We are running out of time.

**Mr G. Snook:** The Minister for Sport and Recreation takes over.

**Ms A.J.G. MacTIERNAN:** He was making a very useful contribution.

Leave granted for the following amendments to be moved together.

**Ms A.J.G. MacTIERNAN:** I move -

Page 33, line 21 - To delete the line and substitute -

- (f) a sum of \$5 million towards the costs of maintaining, operating and managing the athletics facility referred to in section 12(1)(a);

Page 33, after line 32 - To insert -

- (2) The sum charged to the Fund under subsection (1)(f) must be credited to an account established by the Treasurer for the purposes referred to in subsection (1)(f) in the Trust Fund constituted under the *Financial Administration and Audit Act 1985* section 9.

Clause 44 was a long, complex clause on the maintenance fund. We have decided to make it much clearer and simpler and to include this matter in clause 43 as one of the items of expenditure against the major trust fund. As a result of some concerns expressed during briefings about what would happen to the \$5 million, we will move a second amendment to enable the \$5 million to be placed into another trust fund so that it will be used only for maintenance of the athletics stadium. That second trust fund will survive the completion date. Although the major trust fund will wind up on the completion date and the money will be returned to the Town of Cambridge, the second trust fund will continue and will be an FAAA-administered fund. Those resources will be required to be directed exclusively towards the maintenance of the athletics facility.

**Amendments put and passed.**

**Mr G. SNOOK:** Will the new separate \$5 million trust fund be covered by a sunset clause and who will administer the fund?

**Ms A.J.G. MacTIERNAN:** It will not covered by a sunset clause, and it will be administered by Treasury. It can be used only for the maintenance of the athletics facility.

Debate interrupted, pursuant to standing orders.

[Continued on page 5935.]