

HOPE VALLEY-WATTLEUP REDEVELOPMENT BILL 2000

Referral to Standing Committee on Public Administration

Debate resumed from an earlier stage.

HON J.A. SCOTT (South Metropolitan) [2.45 pm]: I have a couple more issues to refer to the Standing Committee on Public Administration. First, the notification period of 14 days for the local government authority to close roads in the district does not give sufficient time for any communities affected by those road closures to be adequately notified. I hope the committee can look at that issue. Secondly, we have constantly heard statements from the minister with responsibility for the carriage of this legislation in this House and the Minister for Planning about the compulsory nature of the acquisition. This is probably the most important issue of all. From the point of view of the minister, it would appear that this is neither necessary nor desirable. It is very important that we look at the issue of compulsion. It applies not only to the towns but also to rural properties in the redevelopment area. It is important for the committee to look at that point, because it would be a great community service and would take a lot of the sting out of this issue for the people who live in Wattleup and Hope Valley.

I hope members will support this motion, because these issues are very important; namely, compensation, the compulsory nature of the acquisition, the exclusion of town sites, the use of metropolitan improvement funds for this task, the lack of a social impact study and the failure to conduct proper studies into the need for this quantity of industrial land. Of course, the Cockburn City Council's studies show that a number of alternatives could be put in place without causing this disruption. I ask the House to support the motion.

HON J.A. COWDELL (South West) [2.47 pm]: Last night I mentioned the difficulties of referring this Bill to the committee at this stage of the session with one week to go. Indeed, we may be able to achieve one objective by referral; that is, the burial of the Bill, which is worthwhile. However, we may not be able to achieve other matters that relate to the worthwhile amendment of this piece of legislation.

Hon Barbara Scott said that referral in this instance was a test of the Labor Party's commitment to the people of Hope Valley and Wattleup. She indicated that the committee had plenty of time to consider a report, and not voting in favour of referral would indicate that the Labor Party was cynically burying local interests. That is not so. The proof of our commitment to the people of Hope Valley and Wattleup can be seen in our vote on the second reading. We voted against the Bill; others voted for it. Our commitment to local constituents can be seen in the amendments that stand in my name on the Supplementary Notice Paper. We deliver; others do not. However, if this is a test, as Hon Barbara Scott suggests, we will pass it. The Labor Party will support this referral. The question is whether Hon Barbara Scott will do so, having made this a test of support for the people of Hope Valley and Wattleup.

When one is referring legislation, the question arises as to where it should be referred. I am willing, although not the instigator of the motion, to refer the Bill to the Standing Committee on Public Administration and to support such a committee. Hon Barbara Scott is deputy chair of the Public Administration Committee, which will give her an opportunity to act instead of talk.

Hon B.M. Scott: On public administration issues.

Hon J.A. COWDELL: A range of public administration issues occurs in this Bill. Hon Barbara Scott said that the compensation provided in the Bill is inadequate. She rejected the minister's anti-precedent argument and said that a new precedent must be set in this case and that it was difficult to support a Bill that did not have provision for adequate compensation. By this referral, the member will have an opportunity, as will the rest of the Chamber, to right the wrongs that she has identified.

Hon Barbara Scott accused the Labor Party of not being sympathetic to the people of Hope Valley-Wattleup and of saying one thing and doing another. The Australian Labor Party opposes the form of the redevelopment and therefore voted against the Bill's second reading. We believe if the scheme progresses - having been passed at second reading - the town sites concerned should be removed, heavy industry precluded from the development, decent compensation paid and a right of appeal to Parliament provided through the master plan. Given that situation, we will vote for referral of the scheme on the basis that it may progress those objectives. The ALP does not say one thing and do another; we will demonstrate that yet again by our vote for the referral.

Mr President, I make the point, as you would be aware, that a referral would allow public participation. I had my doubts about the timing but Hon Barbara Scott assured me that there is plenty of time for it as there are some weeks before Christmas. I accepted her assurance on that basis and have overcome my fears that there may not be time; therefore, we will do it. Referral will allow public participation in public committee hearings and will

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give local residents an opportunity to be heard. Local residents have been quoted as both opposing and supporting the development for various reasons. This referral will allow them to be heard before the committee.

Members will be aware that consideration of the Bill in the Committee of the Whole would be extremely limited compared with consideration by a standing committee. I remind members that no amendments on the Supplementary Notice Paper pertain to a redevelopment authority. We cannot amend the Bill in that regard as it would require an appropriation. Therefore, that dimension of the Bill cannot be adequately considered in a Committee of the Whole. Hon Mark Nevill will be relieved to know that applies also to any proposal for compensation.

Although a proposed amendment appears on the Supplementary Notice Paper in my name, it may not be considered because it proposes a more generous regime of compensation, including a 10 per cent solatium, and because no such amendment can be considered in this place. The merits of referral lie in public participation and the ability to adequately deal with aspects of the legislation that cannot be dealt with in a Committee of the Whole. Members will be aware of the complexities of the issues involved, if they have examined some items on the Supplementary Notice Paper. The debates revolve around current property prices and trends prevailing in the area where payment is to be made. There is another question of whether an additional 10 per cent solatium is adequate. Some members suggested to me that it might cut below the possible current payment on the basis of equality with Spearwood; thus we would need to know the Spearwood prices and trends. There is a question of whether that would set a precedent, which has been strongly argued. There is also the question of the complexity of rural block compensation, which is far more complex than the question of any compensation that may be paid for urban blocks. Some members will say that it is not complex because values will increase automatically, but that may not happen for 10 to 20 years, depending on the zonings that take place.

For those reasons, I now support this referral. As I said, I was concerned that a referral may not be practicable at this time of the year of the parliamentary sitting. However, I am convinced by the argument of Hon Barbara Scott that these obstacles can be overcome and by her challenge to the Opposition not to vote for a referral. That would indicate we were letting down the people of Hope Valley-Wattleup in some way. We will not let them down; we have not let them down on the second reading vote; we will not let them down on the amendment; and we will not let them down on this motion. We, therefore, answer Hon Barbara Scott's challenge and hope that she is up to the response.

HON B.M. SCOTT (South Metropolitan) [2.58 pm]: Hon John Cowdell once again has signalled his insincerity in this respect. I do not want to speak for very long on this matter. However, he said that a referral would indeed mean a burial of the Bill. It is a mystery to me why he has amendments on the Supplementary Notice Paper that include appropriations when he knows that this House cannot do that. I do not know why he has done that, other than to signify to the citizens of Cockburn that the amendments are a nonsense because they cannot be made, but he will put them on the Supplementary Notice Paper. That is cynicism to the utmost. The Standing Committee on Public Administration is not the committee to which a referral could do any good. I will therefore not be voting for a referral to the Public Administration Committee.

HON NORM KELLY (East Metropolitan) [2.59 pm]: This Bill could be referred to a number of committees. I think Hon Barbara Scott said that the Standing Committee on Legislation would be the preferable committee.

Hon Derrick Tomlinson interjected.

Hon NORM KELLY: Yes. Of course, the Legislation Committee can deal with any Bill referred to it by this House, and it usually does a good job when it undertakes its inquiries. However, this Bill also contains a number of public administration issues. It contains provisions concerning the role of the Western Australian Planning Commission, LandCorp and ministerial officers of the Ministry for Planning and the Department of Land Administration. It also contains provisions concerning the roles of the local government authorities and the powers of the various government agencies. The impact that this Bill will have on those public administration issues is significant. In that sense alone, although the Standing Committee on Public Administration may not deal with all issues, it would substantially be able to deal with a referral of the Bill.

The Standing Committee on Ecologically Sustainable Development also has terms of reference from this House to deal with Bills such as the one before us. The committee has been able to turn around other legislation with which it has dealt and bring it back to the House with reports, the recommendations of which have been widely adopted by the Government. In particular, that was the case when the committee dealt with the Environmental Protection Amendment Bill.

The issue of the committee to which the Bill is referred is minor in comparison with whether or not the Bill is referred. Time is of the essence. We do not want to leave the residents and communities of Hope Valley and

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Wattleup in an uncertain situation for longer than need be. However, the demand for industrial land, as pointed out last night by a number of members, including Hon Mark Nevill, does not exist at the moment.

Hon Mark Nevill: I did not point that out.

Hon NORM KELLY: Hon Mark Nevill referred to the fact that there is not a demand at the moment, and there probably will not be in the next few years.

Hon Mark Nevill: I did not say that at all.

Hon NORM KELLY: I suggest that there will be an opportunity over the next few months for a committee to consider this Bill and for committee staff to do research and to look at other measures which will make this a much stronger and more equitable Bill for the residents in those communities. Even though any delay creates uncertainty for the residents in those communities, they will suffer greater injustices if this House does not adequately inquire into the provisions contained in the Bill, particularly the compensation provisions, which the Australian Democrats believe are hopelessly inadequate and should be much stronger. That is one reason that we opposed the second reading of the Bill and will support this referral motion.

HON MARK NEVILL (Mining and Pastoral) [3.03 pm]: From my perspective, being aloof from the spats in this Chamber, it is particularly informative, I suppose, to witness some of the exchanges that take place. However, I must get involved in what Hon Norm Kelly said, because his comments just now were quite scurrilous. I did not suggest that there was adequate land in the metropolitan area for industrial development.

Hon Norm Kelly: I said in the next few years.

Hon MARK NEVILL: Hon Norm Kelly did not make that qualification.

Hon Norm Kelly: I did say in the next few years.

Hon MARK NEVILL: No, he did not make that qualification. He should read the *Hansard*.

Hon Norm Kelly: Now you are being scurrilous.

Hon MARK NEVILL: I said that people could probably find enough industrial land in the metropolitan area - it may not be where they want it - in the next five years. However, we must look further ahead than that. To turn that around and try to suggest that I said there will be no need for any industrial land in the next five years, as though this can be put off for another five years, is scurrilous. If Hon Norm Kelly quotes me, he should quote from *Hansard* and not paraphrase what I said.

Members in this Chamber have not focused on solutions to the problem. Hon Jim Scott has focused more on exploiting the misery of people who are caught up in this difficult situation. He has not focused on any attempt to reach a solution. At the end of the day, the Democrats, the Greens (WA) and I do not have to find the money. We can say that people should be given whatever they want, but we do not have to find the money. I do not take the view that people should be given whatever they want. I ask myself what I would do if I were in a position in government in which I had to make decisions and choices about what people should be paid by way of compensation.

I visited Denham recently. It has two teachers' houses for eight teachers. A couple with four children live in one of those teachers' houses, which is a two-bedroom house; yet over the road a single police officer resides in a police house that has four bedrooms. A bit further down the road a single Department of Conservation and Land Management officer lives in a four-bedroom house. Even if the houses were swapped around, there would still be massive shortages of housing for teachers and nurses in country Western Australia. At the end of the day, one must be responsible about where the money is spent. Hon Norm Kelly can laugh.

Hon Norm Kelly: No, I am not.

Hon MARK NEVILL: I hope he is not laughing at what I am saying .

Hon Norm Kelly: No, I am just thinking about the debate we are having on the referral of the Bill.

Hon MARK NEVILL: This goes to the issue, because difficult choices must be made about compensating people and where budget money is spent. It is easy for people like me: I can ignore it every day. I have the luxury of being able to ignore it, as do the Democrats and the Greens. However, we should not indulge in that luxury because we could prolong the misery of those people. I could cast all sorts of aspersions. However, the point I make to Hon Jim Scott is that this Bill has been in the Parliament since early April this year - that is seven months - and Hon Jim Scott does not have an amendment on the Notice Paper.

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Hon J.A. Scott: There is now.

Hon MARK NEVILL: It must have come in at the eleventh hour. We have before us a motion to refer this Bill to the Standing Committee on Public Administration for consideration and report. It does not even focus on the compensation issue or something else. We have a couple of weeks to deal with this Bill, yet the whole breadth of the Bill is the subject of a motion that it be referred to the Public Administration Committee for consideration and report. If Hon Jim Scott were focused on a solution to this matter, he would target the referral at compensation, or make it as narrow as possible, to solve the problem. The compensation problem is probably beyond the wit of the committee, and it will come down to a political solution at the end of the day. I have racked my brain - not that that is any great challenge sometimes, I suppose - to find a solution to this compensation problem, because that is central to the issue. I have discussed it at length with Hon John Cowdell; I have wrestled with it. It is a very difficult issue. I do not think the amendment that Hon John Cowdell has on the Notice Paper is perfect either - there are major problems with it. That is why I do not support it. However, I have turned my mind to that compensation issue and have not been successful in finding a solution. I do not think a committee, with its diversity of opinion, will be able to resolve that sort of issue. One of the things I have always avoided in committees - one might say it is an indication of cowardice - is taking on terms of reference that cannot be resolved. The Standing Committee on Ecologically Sustainable Development has been a failure because of that and the diversity of opinion and the polarising views of members.

Hon Norm Kelly: It is more to do with the issues inquired into, rather than the diversity of the committee.

Hon MARK NEVILL: I am not talking about the role of the committee. There is no point inquiring into issues that cannot be resolved. This issue of compensation is difficult to resolve. Anyone who thinks it is not should put an amendment on a Supplementary Notice Paper that resolves the issue for the current residents and the people who sold their properties in the past year and is a precedent for future resumptions. It is not easy. I have explored the issue and I cannot see a solution, nor can I see anything on the Supplementary Notice Paper to resolve it. The Bill has been on the Notice Paper for seven months and the challenge has been before every one of us. Personally, I have not been able to come up with anything that does not have major flaws and weaknesses. Referring this matter to the committee will not achieve much. It will prolong the misery of many people in that area. I believe that, whether or not members accept it. I will vote against this referral motion in good faith.

HON DERRICK TOMLINSON (East Metropolitan) [3.11 pm]: I could rise on a point of order and ask you, Mr President, to rule this out of order. The functions of the Standing Committee on Public Administration are specified in schedule 1 of the standing orders, and clause 3(b) states -

to consider and report on any bill referred to it by the House providing for the creation, alteration or abolition of an agency, including abolition or alteration by reason of privatization.

The Bill does not establish an agency, it refers to the authority. Clause 3 of the Bill states -

“Authority” means the Western Australian Land Authority established by section 5(1) of the *Western Australian Land Authority Act 1992*;

Furthermore, clause 3(c) of schedule 1 of the standing orders states -

Except as provided in SO 339 (c), the committee shall not proceed to an inquiry whose sole or principal object would involve consideration of matters that fall within the purview, or are a function, of another committee.

It could be argued that this matter cannot be referred to the Standing Committee on Public Administration. I do not want to ask the President to rule on that as a point of order, because I know what would happen if it was ruled out of order: Another member opposite would move that it be referred to a committee such as the Standing Committee on Legislation, which does have the authority. We would go through the debate all over again, so it would be a futile exercise.

It is time we used some commonsense in this debate. At this time of the year members' tolerance is frayed. Members take offence in situations they would normally accept as part of the cut and thrust of debate. We try not to pursue personal arguments; we resolve them in other ways. In this instance things have been said which have caused offence. Because of that offence, a position has been taken. That position is permissible under the standing orders, and the process must proceed if members wish to persist. This is a case in which commonsense must prevail. I assume Hon Jim Scott's referral speech contained the terms of reference for the committee, because he has given no terms of reference, nor has he suggested when the committee should report. Many of the matters Hon Jim Scott wants to refer to the committee have been subject to examination and public scrutiny.

In any public debate, when a report is released and action is proposed, many people argue that they were not consulted. They are not aware of it until such time as they are forced to focus on the issue because they

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recognise the direct effect it may have upon them. They have not participated in the public debate until that time. That happens time and again. Although people will say they were not consulted and that these matters were not adequately debated before the legislation was introduced, the record will show that many of those matters had been debated and examined. Eventually this House is required to make a decision; a choice among options. That is our responsibility every time.

We apply all types of value, political and economic judgments, but we try to do it rationally. Yes, our partisan affiliations apply. Yes, we vote as partisan blocs, but most members in this House use rational argument. The opportunity for rational argument can continue for as long as members of this House desire, in the Committee of the Whole. There is no limit to the debate of a Committee of the Whole. All those matters may be canvassed in this place and all evidence that has been accumulated can be debated at the committee stage. Members can debate clause 1 for a year if that is a member's wont but, of course, the member will not do that because he knows the consequence of that for the people who are affected by this Bill. Instead of playing political games and parliamentary tactics at this stage, commonsense should prevail. We should proceed according to the anticipated directions of the debate and allow the Bill to go to the Committee of the Whole, rather than refer it to a standing committee, which will inadequately repeat all the work that was done before the Bill ever saw the light of the day.

The PRESIDENT: Hon Derrick Tomlinson indicated that he is not seeking a ruling on whether the Standing Committee on Public Administration is an appropriate committee to which to refer this Bill. In that case, I will not give a ruling. However, I invite the House to consider clause 3(a) of schedule 1 of the standing orders with respect to the references to the Standing Committee on Public Administration, and clauses 3 and 9 of the Bill. That question will answer itself if that occurs. I take the member's point.

HON N.F. MOORE (Mining and Pastoral - Leader of the House) [3.19 pm]: The Government does not support the motion for referral. Members will be pleased to know that the comments of Hon Mark Nevill and Hon Derrick Tomlinson have covered the issue I wanted to raise, so I will not repeat them. The only thing that caused me concern was the comment by Hon Derrick Tomlinson that unlimited time is available in committee. I know unlimited time is available but I hope we do not use it.

Hon Derrick Tomlinson: Rules of the House, minister.

Hon N.F. MOORE: The committee stage is the appropriate time to debate the issues that have been raised. It is time to make a decision. I trust that this agony will not be prolonged and that a conclusion will be reached.

Question put and a division taken with the following result -

Ayes (13)

Hon J.A. Cowdell	Hon Helen Hodgson	Hon Christine Sharp	Hon Giz Watson
Hon Cheryl Davenport	Hon Norm Kelly	Hon Tom Stephens	Hon E.R.J. Dermer (<i>Teller</i>)
Hon G.T. Giffard	Hon Ljiljanna Ravlich	Hon Ken Travers	
Hon N.D. Griffiths	Hon J.A. Scott		

Noes (14)

Hon Dexter Davies	Hon Barry House	Hon M.D. Nixon	Hon Greg Smith
Hon B.K. Donaldson	Hon Murray Montgomery	Hon Simon O'Brien	Hon Derrick Tomlinson
Hon Max Evans	Hon N.F. Moore	Hon B.M. Scott	Hon Muriel Patterson
(<i>Teller</i>)			
Hon Ray Halligan	Hon Mark Nevill		

Pairs

Hon Tom Helm	Hon M.J. Criddle
Hon Bob Thomas	Hon Peter Foss
Hon Kim Chance	Hon W.N. Stretch

Question thus negatived.