

COMMITTEE REPORTS – CONSIDERATION

Committee

The Chairman of Committees (Hon J.A. Cowdell) in the Chair.

Standing Committee on Constitutional Affairs - Petition requesting the Suspension of the Joint Venture Tender Process and Community Consultation with respect to the Leighton Marshalling Yards Redevelopment – 54th Report

Hon M.D. NIXON: I move -

That the report be noted.

This report was tabled in the midst of community concern regarding the future of the Leighton redevelopment. It is one that the committee was able to deal with quickly while the concerns were still topical. The petition outlines community concerns regarding the development of the area that was previously the Leighton marshalling yards. Part of the petition states -

This area presents a once-only opportunity to create parklands which would complement the safe swimming beaches in the South Metropolitan region.

The committee was asked to investigate the concerns and make recommendations to the Premier and the Cabinet. The committee does not do that. The committee reports to this House. Committee members were asked to ensure that -

- (1) the Leighton Shores Joint Venture tender process is immediately suspended so that the Government can facilitate an open and interactive planning process to develop a sustainable vision for the Port and Leighton beach coastal zones and the Leighton marshalling yards in keeping with current best practice coastal management policies; and
- (2) no land be sold off or developed until the community have developed a shared vision.

Those are the two major points into which we were requested to inquire. The committee followed the normal process. A Ms Susan Harrington was asked to provide a submission. Ms Harrington is the principal petitioner and the spokesperson for the Leighton Action Coalition. According to the report, in the submission she stated -

"It remains unclear why coastal planning issues were not considered as part of the FRS process, however the process relating to Leighton Beach and the marshalling yards appears to have resulted in an outcome-driven concept plan rather than an integrated strategy for the area."

The letter stated that the FRS and any responsible land-use planning for coastlines should reflect these regional coastal requirements by recommending a minimum effective reserve of 100 metres, or 150 metres adjacent to the high-use beach node at the Fremantle Surf Life Saving Club and possibly also at the Old Cable Station at the northern margin of the site.

The committee followed normal practice and wrote to other interested stakeholders, including the Minister for Planning. The committee also wrote to the various local councils that are involved: The City of Fremantle, the Town of Mosman Park and the Town of Cottesloe. The committee reported on the submission from the Town of Cottesloe -

Mr Sullivan submitted that the community is demanding a say in how the government controlled land should be developed. He submitted that *"Therefore, the process to be used to develop this important and difficult site must be logical, soundly based, transparent and provides an outcome that the public can feel confident with."*

That statement represented the overall theme of the submissions.

The committee wrote to the Minister for Planning requesting specific information in respect of the Western Australian Planning Commission's policy and the requirements for retaining public open space in residential areas. It inquired about the country coastal planning policy to ascertain whether it applied to the Leighton area and asked the minister whether the appropriate setbacks and the Department of Environmental Protection requirements would be applied to any development of the Leighton area. The reply from the minister received on 10 February clearly stated that the WAPC would play a key role in statutory approvals. It would make recommendations to the minister on any proposed town planning scheme amendment. The WAPC is the approval authority for any subdivision of the land. The minister advised that, in giving him advice and in its role of determining applications for subdivisions, the WAPC would take into account a number of operational policies, including WAPC policy No 2.3. The minister also advised that the Leighton beach area requires a town

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planning scheme amendment to the City of Fremantle town planning scheme for any subdivision and development to proceed. The minister advised that all proposed town planning scheme amendments are referred to the Environmental Protection Authority for environmental assessment. It is through this mechanism that environmental requirements would be set for Leighton beach. I believe this goes a long way towards satisfying most of the concerns that have been expressed.

The Minister for Transport was also involved in the process. In reference to the second important point of the petition – that no land to be sold off or developed until the community have developed a shared vision - the committee wrote to the minister to clarify the matter. In fact, the committee wrote three letters. A letter dated 9 February advised the minister of the petition. The committee's letter outlined the petitioners' concerns and advised him that they had requested, among other things, that the tender process be suspended and no land be sold off or developed until the committee had been properly consulted. The minister's reply, set out in the report, satisfied the second part -

"In regard to the land the subject of the petition, I confirm that Cabinet decided that Regional Learning Guidelines will be prepared prior to any development of the Leighton Marshalling Yards site. Accordingly none of the subject land will be able to be developed before the guidelines have been completed and the normal statutory planning and environmental processes have been undertaken."

On 17 May the committee received a communication from the Minister for Transport in which he stated –

"The Government has made its position on this issue clear. That is, Regional Planning Guidelines will be determined, and the normal circuitry and environmental processes will be undertaken prior to any development of the former Leighton railway marshalling yard site."

As the committee did not believe that this specifically dealt with the question of sale, it again wrote to the minister stating that it intended to report to the House by 21 June and that it hoped to receive confirmation before that date. On 21 June the committee received a fax from the minister stating that the Government had no proposal before it for the sale of the land other than the Westrail joint venture redevelopment proposal that had previously been the subject of a public consultation process.

I believe that, although the Minister for Transport was prepared to answer the questions put by the committee, that was as far as he could go. He was not unwilling to go any further; however, he provided to the committee the extent of his knowledge at that time. That is purely a personal observation. The committee noted in its conclusion -

The Committee notes that State Cabinet has agreed that a formal planning process will shape the final design proposal for redevelopment of the Leighton Marshalling yard site and that this process will involve the community, local government and relevant Government agencies in extensive consultation. The Committee concludes that the petitioners' request that the Leighton Shores Joint Venture tender process be suspended so that the Government can facilitate an open and interactive planning process has been satisfied.

The committee also notes that there was a difficulty in getting information -

Despite numerous requests concerning the sale of the land, the Minister for Transport has not answered the Committee's specific question concerning this issue. The Committee concludes that this part of the petition has not been satisfied.

That statement should not be seen as a criticism of the minister, but as a statement of fact. Finally, the committee recommends -

That the Minister for Transport advise the Committee whether or not the Leighton Marshalling yards site will be sold prior to the final design proposal being approved.

Hon TOM STEPHENS: It was interesting to hear the remarks of the Chairman of the Standing Committee on Constitutional Affairs about the committee's consideration of the petition and to read the section of the report that deals with the Minister for Transport's submission to the committee. This part of the report involves highly contentious issues. It states -

... the Committee wrote to Hon Murray Criddle MLC, Minister for Transport advising him that the petition had been tabled in the Legislative Council. The Committee's letter outlined the petitioners' concerns and advised that they had requested, among other things, that the tender process be suspended and no land be sold off or developed until the community has been properly consulted ... the Committee sought confirmation from the Minister that the land the subject of the petition would not be sold off or developed until the new concept plan had been approved.

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In response to its letter to the Minister for Transport of February 9 2000 the Committee received a letter from the Minister for Planning on April 20 2000. The Minister advised that the Minister for Transport had asked him to respond to the Committee.

Presumably, the Minister for Planning was asked to respond on behalf of the Government. According to the report, the Minister for Planning stated -

"In regard to the land the subject of the petition, I confirm that Cabinet decided that Regional Planning Guidelines will be prepared prior to any development of the Leighton Marshalling Yards site. Accordingly, none of the subject land will be able to be developed before the guidelines have been completed and the normal statutory and planning and environmental processes have been undertaken."

The committee then comments on the reply from the Minister for Planning and states -

The Committee considered that this response did not answer the question regarding the sale of land asked of the Minister for Transport. Accordingly, the Committee wrote to the Minister for Transport by facsimile letter dated May 8 2000 again seeking confirmation that the land the subject of the petition would not be sold until the new concept plan had been approved. The Committee's letter was very specific in addressing the question of the sale of the land, as opposed to the development of the land.

On 17 May, almost a month later, the Committee received the following response from the Minister for Transport -

"The Government has made its position on this issue clear. That is, Regional Planning Guidelines will be determined, and the normal statutory and environmental processes will be undertaken prior to any development of the former Leighton railway marshalling yard site".

The reports states that, again, the Committee considered that this did not answer the question that had been asked.

The committee experienced a situation with which the opposition members of this House are familiar; that is, trying to get answers from ministers, especially the Minister for Transport. The report continues -

The Committee again wrote to the Minister for Transport by letter dated May 31 2000 advising that unless the Committee received confirmation by June 21 2000 as to when he would be in a position to address the issue of the sale of the land, the Committee intended to report to the Legislative Council that it had been unable to obtain an answer to the question.

The Committee received a facsimile letter from the Minister for Transport on June 21 2000. The letter stated that the Government has no proposal before it for the sale of the land other than the Westrail joint venture redevelopment proposal that had previously been the subject of a public consultation process.

The Minister stated that the future use of the land will be directed by the parameters set by the Minister for Planning which will oversee the normal statutory and environmental processes applying to any redevelopment proposal.

That letter is not contained in the report, and I do not know whether it is now a public document. Could the letter be tabled or is it a public document? I would like a copy of it.

Hon M.D. Nixon: I believe the key paragraphs are contained in the report.

Hon Ken Travers: It would be a public document now that it is in the report, but I concur that the key paragraphs are in the report.

Hon TOM STEPHENS: I thank the members. The committee then makes its conclusion, and members have already heard the editorial comment made today by the committee chairman. I quote -

The Committee notes that State Cabinet has agreed that a formal planning process will shape the final design proposal for redevelopment of the Leighton Marshalling yard site and that this process will involve the community, local government and relevant Government agencies in extensive consultation. The Committee concludes that the petitioners' request that the Leighton Shores Joint Venture tender process be suspended so that the Government can facilitate an open and interactive planning process has been satisfied.

The Committee notes the advice from the Ministers for Transport and Planning that Cabinet has decided that Regional Planning Guidelines will be prepared prior to any development of the Leighton Marshalling Yards site. The Committee concludes that the petitioners' request that "... no land be developed until the community have developed a stated vision" should be satisfied by the public consultation outlined in section 8 of this report.

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Despite numerous requests concerning the sale of the land, the Minister for Transport has not answered the Committee's specific question concerning this issue. The Committee concludes that this part of the petition has not been satisfied.

The committee chairman believes that although the Minister for Transport did not satisfy the request of the committee, he responded to the best of his ability. The minister appears to be subject to limitations that I do not fully understand. Does Hon Murray Nixon have evidence to justify the Minister for Transport's failure to answer the question, other than that he is a good bloke? I have often said to this House that he must be more than a good bloke; he must also be a good minister. Part of being a good minister is being accountable, through this House, to the people of Western Australia. Although, some people would dispute whether he is a good bloke -

Hon Ken Travers: He is definitely a good bloke.

Hon TOM STEPHENS: He is a good bloke, but I do not think he is a good minister. This report adds further fuel to that fire.

An article in *The West Australian* on 17 July, written by Michael Southwell, reports the concerns that have been expressed by the Opposition about the matters that are the subject of this petition. Michael Southwell is essentially relying on a press release and comments made by the shadow Minister for Transport. The journalist has correctly reported that the Opposition is asking the Government to reveal the terms of any agreement it has with the Multiplex-led consortium which has won the right to redevelop Westrail land at Leighton Beach. The Opposition believes that the terms of that agreement should be revealed by the Government and by the Minister for Transport.

The article states that the project was put on ice earlier this year. The committee states that this project was suspended, therefore, the petitioners' submission has been agreed to as far as the committee and the commentary are concerned. It is, however, suspended against a backdrop of an agreement between the Government and the Multiplex-led consortium without the details of that agreement being made available to the public of Western Australia. The value of any such suspension is not entirely clear. If that agreement leaves the proponent of this project with the opportunity to develop that site on the basis of development options that are different from what might come through this process of consideration by the interactive planning processes, the proponent might regrettably have a substantial claim against the Government, and, therefore, the taxpayers of Western Australia, should it not be able to proceed with the agreement it has struck with the Government. This is a substantial worry indeed. It is a substantial worry for an Opposition faced with the real prospect that it may come into office at the next state election and confront these issues and others.

Hon Ken Travers: It will.

Hon TOM STEPHENS: I share the confidence of my colleague that there seems to be growing evidence that the community has had enough of this Government. Only then will we be faced with all of the details of this agreement. There is a substantial risk that the Government - therefore, the taxpayer - will be left with obligations with regard to this matter. The people of Western Australia are entitled to the answers to these questions: What are the terms of the agreement? What claims at law does the Multiplex-led consortium have as a result of this agreement with the Government for the development of the site? Is there an opportunity at law for the Multiplex-led consortium to use its agreement to develop land at that site in conflict with the results of the interactive planning process to which the Government is currently committed? It is a reasonable question that ideally should have been answered by the Minister for Transport who has responsibility for Westrail. Even if the minister were unable to answer the question, he should have been able to pass on this correspondence from the committee, and the question should have been answered by someone on behalf of this Government so that the information is made available to the people of Western Australia. It would then simply be another piece of information that people could utilise to judge this Government in the lead-up to the next state election.

I fear that this process has been suspended to achieve one result: To get the Government through the next election with minimum damage. I fear that substantial damage will be done to this Government's chances of re-election if the terms of this agreement are exposed. In my view, there can be only one reason for the Government's wanting to hide this agreement; that is, its terms are such that it positions the Multiplex consortium with a lien over the taxpayers in reference to this future development. If that is the case, is there any wonder that this Government is hiding this agreement? I challenge the Government to release the terms of this agreement. Some government members will appreciate a couple of the advantages in coming clean on this agreement. First, it will enable the Government to deliver on its commitment to be an open and accountable government. Secondly, it will provide those with a vested interest in this development strategy the opportunity to summarily dispatch the member for Cottesloe at the next election and consign him to the political scrap heap.

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Hon Ken Travers: They tried that, but they then realised they might go; that is the problem.

Hon TOM STEPHENS: There is that risk; however, many members on the government benches would be attracted to that option, because they would be rid of the Deputy Leader of the Liberal Party and they would have the opportunity not to have him as part of the baggage they take with them into opposition.

Hon Ken Travers: The problem is that the constituents of the members for Alfred Cove and Riverton use the beach as well. That is the problem they have.

Hon TOM STEPHENS: That is right. In the absence of Hon Colin Barnett, it then becomes a problem for the members for Alfred Cove and Riverton to agree on which of them would become the Deputy Leader of the Liberal Opposition following the next state election.

I have another interest in this process; that is, the inconsistency in the way the development strategy at Leighton Beach has been handled by this Government, of which the member for Cottesloe is a member, in part, in his capacity as Minister for Energy. The Minister for Energy has told the people of Western Australia in reference to another project that it is not appropriate to interfere in the process that would enable a proponent selected and awarded the opportunity to develop a power procurement strategy for Western Power in West Kimberley. Because, as the Minister for Energy tells and threatens his Cabinet colleagues, this matter has gone through an open, due process that has arrived at its conclusions, it should not, therefore, be suspended, delayed, deferred or put off. The minister, aided and abetted by the Premier, according to today's *The West Australian*, is steamrolling his cabinet colleagues into the signing of that agreement despite the massive opposition of the constituents of the Kimberley to that strategy. That is the way the Minister for Energy responds to the views of the constituents in a section of my electorate in the Kimberley.

It is interesting to stumble across in this debate a totally different view in the electorate of the Minister for Energy of the way government tender processes should be handled when selecting proponents for major projects. In this case, when faced with his own political annihilation, the minister has apparently succeeded so far in convincing his cabinet colleagues to suspend the process to give this veneer of an interactive planning process an opportunity of proceeding in such a way that it may, in the not too distant future, satisfy the wishes and aspirations of the people of Cottesloe and surrounding areas who have an interest in this matter. If his cabinet colleagues take that to the state election, perhaps the Minister for Energy will be spared and be re-elected to State Parliament. However, in reference to the Leighton Beach matter -

Point of Order

Hon DERRICK TOMLINSON: I am pleased to hear that the member was about to refer to the Leighton Beach matter. Although his dissertation on current politics is entertaining, it is irrelevant. I request that the member do as he requested earlier in the day; that is, speak to the subject.

The CHAIRMAN: I am sure the member will be directing his comments to the report at hand.

Committee Resumed

Hon TOM STEPHENS: I thank you, Mr Chairman, and the member for ensuring that I conform with the requirements of the standing orders and deal with the motion to note this committee report. I believe it should be noted in its full context, which is that the Leighton Beach issue is being handled by the Cabinet in one way, yet a similar major development project and its proponents have been dealt with in a totally different manner by some of the same players. Essentially my point is that we have what I consider to be rank hypocrisy, double standards and dishonesty on the part of the Government in its handling of the issue to this point. I believe that in the consideration of this report, it is incumbent on the Minister for Transport at least to be in the Chamber and to make available the information which has been sought by the committee previously and which is being sought by the Opposition and, more importantly, the community of Western Australia. Before the debate to note the report concludes, I hope we will see the Minister for Transport return to the Chamber - no doubt he is away on parliamentary business - to explain that he now has the opportunity to table the information on this agreement.

Hon KEN TRAVERS: I was one of the members of this committee. Members should recall when the petition was originally tabled in this Chamber, and the chairman of the committee, Hon Murray Nixon, made reference to that. It was tabled on 10 November 1999, when there was considerable community concern and opposition to the proposal to develop the former Leighton marshalling yards. A number of my friends went to a rally there, and they said that it was one of the largest they had ever seen on the beachfront. About 10 000 people attended that rally. Much concern was expressed about the proposals that were being put in place at the time. It is fair to say that the original process for the planning of the Leighton marshalling yards redevelopment was significantly flawed. To its credit, the Government eventually responded and put in place a new process for planning, and the

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Leader of the Opposition has suggested why it may have done that. To a large degree that is picked up within the report.

There were some problems with the original process, particularly the exclusion of local authorities and the like, and then the new process was put in place. All things being equal on a greenfield site, the process that has been put in place by the Government should satisfy the need for public consultation. That is mentioned in recommendation 10.2 of the committee's report. The committee found that the processes for preparing regional planning guidelines that were outlined by the Minister for Planning should satisfy the public consultation requirement of the local community. That is right, if it is done properly and if it were a greenfield site.

That brings us to the interconnected issue - the sale of the land. It was crucial that the committee, this House and the people of Western Australia got an answer to that question. We needed to know whether there was a contract that in any way placed an obligation on the State to sell the land or whether the Government intended to sell the land prior to developing those regional guidelines, and why that became so crucial to the planning guidelines and meeting the community's requirements in that regard.

It is a simple situation and I see it all the time throughout my electorate where there is private ownership of land. It does affect what can and cannot be done with planning guidelines. A key issue in the Leighton development, which is being called for by the local community, is a 100-metre setback from the coastal reserve. I, as a local member, saw a presentation by some of the people from the Leighton Action Coalition. I urge members to look at that presentation because, if they do, they will realise that a 100-metre setback is not a significant amount. Those people have a number of photographs showing the setbacks at different beaches along the Perth coastline and where a 100-metre setback would be. In Cottesloe it would be only as far back as the shops. I think it is about 75 metres at Scarborough, but Hon Jim Scott may know more than I do.

Hon Derrick Tomlinson: From what point? From the high tide mark?

Hon KEN TRAVERS: Yes. I am not an expert on it, but I encourage members to look at the presentation. Those people can also show members where areas are not set back, particularly around the Port Beach area, which has major problems with coastal erosion. The issue of the 100-metre setback becomes a crucial one. If that were applied to the Leighton Shores development, it would have a significant impact on the amount of land available for development. I am not sure that these figures are correct and I have not been able to check them. From memory, and taking out the 20 per cent public open space that is provided for in the original Leighton Shores development plan, about 17 hectares will be available for development. If, however, the regional planning guidelines and the 100-metre setback are put in place, the amount of land available for development will decrease to about 6 or 7 hectares. Those figures may or may not be correct, but it is of that magnitude. There would be a significant reduction in the amount of land available for development.

Hon J.A. Scott: That is especially the case with the road reserve.

Hon KEN TRAVERS: Yes, and with the problems of the railway line and other issues involved. Undoubtedly, the sale or ownership of the land will have a significant bearing on the impact of the regional guidelines. One could go further and say that the ownership of the land and any contract the State Government has entered into are crucial to the issue. That is why the committee made numerous attempts, which are outlined in the report, to get the minister to answer the question. Hon Murray Nixon and Hon Tom Stephens have outlined the attempts the committee made. It is extraordinary that we could not receive a simple answer to a simple question.

I have a slight disagreement with the Chairman of the Standing Committee on Constitutional Affairs, not on the recommendations but on his interpretation of them. He said that he felt the minister went only as far as he could go, and that maybe a cabinet decision had not been made on the issue. Maybe the chairman's interpretation is correct; however, I am sceptical. I refer members to paragraph 9.7 of the report, which reads -

Again, the Committee considered that this did not answer the question that had been asked.

This was the third time it had asked. The following is the key part which causes some scepticism concerning Hon Murray Nixon's interpretation; I am sure it is his belief, but it does not ring true to me. It reads -

The Committee again wrote to the Minister for Transport by letter dated May 31 2000 advising that unless the Committee received confirmation by June 21 2000 as to when he would be in a position to address the issue of the sale of the land, . . .

At this stage the committee pulled back and asked, "If you cannot tell us whether you have sold it or whether you are going to sell it, can you at least say when you will be able to tell us whether you will sell it or will be able to sell it?" That is clear in the final letter sent to the minister. Still, we received no answer to the question. If it was still subject to cabinet deliberations and the like, the minister could have said that issues of this nature were still subject to cabinet deliberations and he would advise the committee in due course when that would occur.

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He was given that invitation in the final letter the committee sent. The committee moved from asking a straight question about when it would be sold, to ask when he might be able to tell the committee. Initially, we received no answer, then a fudged answer followed by another fudged answer. I still do not know what the following means: "The Government has no proposal before it for the sale of the land, other than the Westrail joint venture redevelopment proposal that had previously been the subject of public consultation." Until we can see the document the Government signed off with Multiplex in that joint venture proposal, the people of Western Australia will not know the situation, and cannot be assured that the suspension process will lead to a good outcome for the Leighton marshalling yard site. The Government may need to pay significant compensation to pare back the proposed development.

Hon J.A. SCOTT: The Leighton beach area is extremely important to the community, not only of Fremantle and North Fremantle, but also the wider metropolitan area. It is a regional beach. The extent of feeling in the community and the resulting petition resulted in this report being tabled today. The south metropolitan region is seeing a loss of much beach access, particularly in the Cockburn Sound area. A great deal of this area will be taken over by industrial development, leaving little access to the tiny remaining parts of Cockburn Sound. Therefore, beaches like Leighton will be utilised by people who previously headed to Cockburn Sound. Approximately 8 000 people would visit Cockburn Sound beaches on summer weekends.

If the regional plan put forward by Leighton Shores Joint Venture had been put in place, it would have become a de facto private beach. The lack of access to the community, parking et cetera would have made it very difficult for the community to access the area. This would have placed huge loads on, for instance, Cottesloe beach. I imagine that that would have caused a severe regional and city influence on some other beaches. The overcrowding would have been huge and made it very difficult for people. The community was right to put forward its concern, not only via a petition but also through a number of public campaigns. Hon Ken Travers described one of a number of events going back some time.

The plan put forward by Leighton Shores would have created a de facto private beach. It was to be built on top of the dune system, which would have been very unsound environmentally. This particularly relates to concerns about rising ocean levels and the possibility of houses dropping into the sea. The community put forward its own proposals for the area based soundly on good planning principles, and also took into account the regional influence of Leighton beach - an aspect which did not seem to be apparent to the Government in its original plan, which utilised every square inch to maximise profit from the area without regard for reasonable beach access needs. The plan was extremely flawed and would have been a great disaster for the community had it been implemented. I was very pleased when the Government announced that it would review the process, and create a more public process. I recall statements made around the time that a process had been undertaken as this development was planned as part of the Fremantle strategy long ago. However, that strategy had no detailed delineation of what was to go into the area. It provided a broad outline of the types of developments which might go into that area. Also, at the time of the preparation of that strategy, the road was different without the extension of Curtin Avenue through that area. This was considered as a four-lane road at the time.

I turn now to the issue of the minister failing to inform the committee, and through the committee, Parliament, and through Parliament, the people, of contractual arrangements it had with the developers. I believe people have been very generous, and there is no excuse for it. If a contractual arrangement has been made - Hon Ken Travers says it has not - people have a right to know about it as they are now being put through a farcical process by the Government; if that is the case, it has opened up the matter again by conducting workshops and devising a plan with community involvement. If a contractual arrangement already exists, it would be either a waste of time or a huge expense for the Government to buy back the land.

Hon Ken Travers: They should be aware of that when conducting their consultations.

Hon J.A. SCOTT: That is right. The minister therefore must let the community know, otherwise his credibility will be shot forever if an agreement is in place which infringes the ability of the community to have a proper input into the matter. The whole planning process so far involved with the Leighton area has also indicated a weakness in the system of government. Hon Tom Stephens deviated a long way when he talked about the hydro proposal for the north of the state. However, there is a similarity.

Hon Derrick Tomlinson: They both involve water.

Hon J.A. SCOTT: No, there is a larger similarity. They both involve a number of different government agencies under different ministers. Ministers look at issues relating to their own departments. There is a feeling about the Northam instance and this one that, because the Minister for Planning on one hand has a role and Westrail and the Minister for Transport have another role, there is a conflict in the expected outcomes. As has been pointed out, internal political conflicts may also be expected. The Minister for Planning said that the processes that must be gone through in his department would not be completed until about February. If that is true, that will be after

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the election. It therefore means that the community will be unaware of the final outcome of the whole process until a new Government is in place.

I return to the issue of the government system and the important social impacts on communities. There must be a more whole-of-government approach when considering areas such as Leighton, which is regionally important because of the loss of beachfront area and because so many people from around the metropolitan area use it. That approach disappears when an agency like Westrail is hell-bent on maximising its profit rather than considering good planning principles for the region, and I believe that is what has occurred in this instance.

Hon RAY HALLIGAN: Not all the peripheral issues of the petition were referred to in this report. The committee considered the petition and did a reasonable job under the circumstances. It has provided a report to this Chamber explaining the circumstances associated with the information that it could obtain and the information it was unable to obtain. I do not believe the committee could have done more.

I shall refer to a number of issues raised by previous speakers. One is about reviewing the tender process. A great number of people now accept that the original process was most definitely flawed. It has been suggested - perhaps not in a manner approved by many people - that certain steps take place prior to any development. Occasionally, a wrong question to a witness provides an answer we are not looking for. I am not suggesting that occurred in this case but we have heard a great deal about asking a simple question and getting a simple answer; often that is in the mind of members asking questions. Mention was made also of liabilities being passed on to another Government. The Leader of the Opposition mentioned, and expressed concern about, the processes. He expressed concern also that an incoming Government in later years may be encumbered with a liability. It is important that members understand the situation in which this Government was placed when it came to power. I am talking about a few tender processes that come to mind, such as the Fremantle Gas and Coke Co Ltd, the redevelopment of the old Swan Brewery and the Petrochemical Industries Co Ltd project. I wonder how many other deals were done with the likes of Connell and Dempster.

Hon Bob Thomas: Sit down, you mug!

Hon RAY HALLIGAN: Does the member disagree with all those other matters?

The CHAIRMAN: Order! Hon Ray Halligan will address the Chair and ignore the interjections.

Hon RAY HALLIGAN: The unworthy interjections, I suggest, from an honourable member.

When the Leader of the Opposition spoke about this report to the Chamber he mentioned the tender processes and the fact that an incoming Government may be encumbered with a liability, contingent or otherwise. I bring to the attention of the Chamber that this Government was saddled with other issues when it came to power. Members of this Chamber should not be hypocrites; I am sure they are not intentionally. However, it is unworthy of members, particularly on the other side of the Chamber, to take the high moral ground by suggesting that ministers and members on this side are possibly doing the wrong thing, intentionally or otherwise. It is particularly important that they look at the actions they have undertaken over the years before pointing a finger at anybody else. If there are issues associated with the Minister for Transport in the report, it is for the Minister for Transport to explain his position on those matters.

Hon KEN TRAVERS: Earlier in the debate Hon Derrick Tomlinson interjected and asked about the 100-metre setback. I said I believed it was from the high water mark but it may be from the first line of vegetation. I will check that matter and bring it back to the attention of the Chamber at a future time. However, it is an interesting issue.

I disagree with Hon Ray Halligan and, unless he knows something that I do not, I was not trying to suggest that this was a WA Inc deal. However, if Hon Ray Halligan wants to go down that path, I am more than happy to listen to his arguments for that case.

Debate adjourned, pursuant to standing orders.

Sitting suspended from 1.00 to 2.00 pm