

CITY OF PERTH BILL 2015

Consideration in Detail

Resumed from 17 November.

New clause 15A —

The SPEAKER: We have finished with clause 15. We are now on new clause 15A. Member for Mandurah, you were going to move an amendment. I do not know whether you still want to move that amendment or whether you want to withdraw that amendment, like you did yesterday.

Mr D.A. TEMPLEMAN: You may be a little presumptuous there, Mr Speaker.

The SPEAKER: Anything to move things on, member for Mandurah.

Mr D.A. TEMPLEMAN: I move —

Page 10, after line 25 — To insert —

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

Through debate and discussion, I listened to the minister's views on the amendment that he has proposed to achieve the same outcome. One of the things that the opposition has always been concerned about—I have mentioned this in this place and publicly—is the attempt by this and subsequent governments to forcibly amalgamate or use methods that, although they may be claimed to be part of the processes associated with the Local Government Advisory Board et cetera, ultimately seek to change a boundary without due process. As outlined in the minister's second reading speech and when discussion came up about our proposal, which is reflected in this amendment, the minister said that if it is just an act of Parliament, there would be no consultation. That is not true. The intention of this amendment is very clear. If at any stage in the future a government wished to change the boundaries of the City of Perth, as it is proposed to be determined by this amendment, it would need to be changed by an act of Parliament. We believe that that is the best and most effective way of ensuring that there would not be an underhanded attempt to make changes in the future. The Premier himself has highlighted on numerous occasions that his belief has always been that the Burswood peninsula should be absorbed into the City of Perth because he holds a view that some of the key iconic elements of Perth should be within the boundaries of the City of Perth. We do not support that. We particularly do not support the annexation of Burswood and the Burswood peninsula. There are a number of reasons for it. The member for Victoria Park will obviously highlight the reasons from his perspective as the member for that area.

Any attempt to annex the Burswood peninsula would go against one of the basic criteria of boundaries that has been held for state electorates, federal electorates and local government boundaries; that is, the geographical features. The Burswood peninsula effectively lies on the other side of the Swan River. It is separated from the City of Perth via the natural boundary of the Swan River. The Swan River has been used as a clear delineation for state, federal and local boundaries; indeed, the minister's own bill extends the boundaries for the City of Perth roughly into the middle of the Swan River, which reflects that premise that the Swan River is a natural boundary. There are other arguments around why we do not support the Burswood peninsula being annexed as part of the City of Perth, which I am sure my learned colleague from Victoria Park will be able to contribute to shortly.

In terms of future consultation, the minister is right; it would be a brave government that would seek to change something without consultation. I can assure the minister and members opposite that because we are philosophically opposed to the proposal to bring Burswood into the City of Perth, a Labor government would not be doing that. Even if we did wish to make changes in the future to the City of Perth boundary, which may not necessarily relate to Burswood, we would establish a consultation process in the lead-up to any decision to amend the boundaries. We believe that a parliamentary mechanism is important for making any future boundary change absolutely clear. It may be the case in the future that councils that were proposed to come under the plan of the councils of the western suburbs known as Riversea may be re-visited in the future. One would hope so. However, in our view, this amendment is the best mechanism to ensure that any future change to the boundary is unequivocal.

Mr B.S. WYATT: I rise to support the amendment moved by the member for Mandurah. For those who are not in this place but who are listening, I want to read that out. It states —

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

The WA opposition has moved this amendment because, quite simply, minister, we just do not trust the government. I know that the minister has done his best. I have said this to him. He has consulted. I know that people from the Town of Victoria Park have spoken to him at length. He knows the position of the Town of Victoria Park. He knows the position of the people of Victoria Park, who have made their position very clear. The future of the Burswood peninsula became an issue during the recent local government elections. It is not a monstrous issue but it is my belief that the mayor, Trevor Vaughan, was re-elected as mayor for the third time because of his strong leadership in the battle for Burswood.

Mr A.J. Simpson: Correct.

Mr B.S. WYATT: The reason that we do not trust the government on this, in particular the Premier, is that he has said on a number of occasions, including recently in Victoria Park's local paper the *Southern Gazette*, that it is his intent, despite the fact that it is not in this bill, to put Burswood peninsula within the boundaries of the City of Perth within five years. He said that, say, 12 months ago.

Mr A.J. Simpson interjected.

Mr B.S. WYATT: Let me finish; I do not have a lot of time.

That undermines about 20 per cent of the rate base of the Town of Victoria Park. That will have a monstrous impact. I certainly heard the Minister for Local Government and, I think, the Premier, say, "We can come to an arrangement. The boundary is south of what was going to be the defunct City of Canning; it will get some of that industrial land." But ultimately it was not going to offset what the town lost, with the loss of Burswood peninsula. The Premier says, and everyone has heard it, that councils must plan for five, 10 to 15 years into the future in a sustainable way. We cannot have the Premier of the day saying to the Town of Victoria Park, "In five years I'm going to make a decision that takes away 20 per cent of the rate base of the Town of Victoria Park", and then expect that council to sustainably plan for the future. It is a ludicrous proposition.

As I said last night, the Metropolitan Local Government Review Panel spent a year investigating the best structural governance and legislative framework for future local government in Perth. It did not mention a capital city act and nor did the government in its reply, but here we are. My point is that we may have all these processes but ultimately it is the government of the day that will make these decisions. The people of Victoria Park do not trust that the government will not go after the peninsula by trying to put it within the City of Perth boundaries should the Liberal Party be re-elected in 2017. I think that is one of the first things that a re-elected Barnett government would do. That is why the member for Mandurah has moved this amendment. At the very least, this proposed amendment ensures that that cannot happen without parliamentary debate and without the passage through the Parliament of an amendment to this bill to flesh out all these issues. It will not just happen by way of gazettal and it will not happen through the Local Government Advisory Board. The government will do what it wants.

This protects the future for the people of Victoria Park. It protects the rate and revenue base so that the Town of Victoria Park can plan for the next five, 10 to 15 years. I hope the Minister for Local Government supports this amendment. It will not completely assuage my concerns because ultimately a re-elected Liberal government in 2017 can still move to change the act to achieve Mr Barnett's and the Liberal Party's long-stated aims of taking the Burswood peninsula away from the Town of Victoria Park ratepayers and sticking it into the boundary of the City of Perth. I strongly support this very good amendment moved by the member for Mandurah.

Mr A.J. SIMPSON: I thank both the member for Mandurah and the member for Victoria Park. I take on board their concerns about an act of Parliament. I have been in this chamber for over 10 years. I remember the 2001 state election cycle and the 2005 one vote, one value legislation. After the Labor government was re-elected in 2005, it used its numbers to push through legislation, even though the opposition fought pretty hard through the courts, which cost a fair bit of money, but the government of the day succeeded in —

Mr B.S. Wyatt: It went through the Parliament, did it not?

Mr A.J. SIMPSON: Correct.

We are having a conversation about the current government's plans to take over the Burswood peninsula. The reason I am raising this issue is that this legislation stays in force once we are gone from this Parliament and the government of the day can decide the boundaries through an act of Parliament. I have seen it happen before—once the government of the day has control of both houses, it can push through pretty much anything it wants. I agree with what the Labor Party is trying to do. The member for Warnbro was quick to point out that I appoint the Local Government Advisory Board. It may be appointed by me, but I stand here today as the minister who did not succeed with the reform process because the advisory board was pretty much robust in coming up with

the boundaries. I have a lot of faith that the current system works well. I understand the debate about using an act of Parliament to do it. I sat on the opposition side of the chamber and debated until two o'clock in the morning why we should not have one vote, one value, but we did not have the numbers when it went to the vote.

Mr D.A. Templeman: Why don't you bring it back then?

Mr A.J. SIMPSON: I think a few country members, especially the member for Eyre, would like us to bring it back. Unfortunately, through this process, I think seven seats in regional Western Australia have been lost since the 2008 election. They have vanished off the face of the earth. I am starting to worry; the last person to leave regional Western Australia can turn the lights off! It appears we will have only a couple of members left in regional Western Australia representing the whole state, but that is a conversation for another day.

I take on board the opposition's concerns about the process we have been through. The member for Mandurah referred to the government's proposal to look at the Burswood peninsula. I take that on board, but I understand what we are doing here today with this amendment. Before I sit down, can I clarify whether the member for Mandurah has moved his amendment?

Mr D.A. Templeman: Yes, indeed.

Mr B.S. Wyatt: Is the minister supporting it? I am trying to get his position.

Mr A.J. SIMPSON: No, I am not. I agree with the principles —

Mr B.S. Wyatt: Do what you are told!

Mr A.J. SIMPSON: Very good, member for Victoria Park. It is always a good thing for a minister to do that.

The act will come into effect on the day of royal assent, but the new boundaries will not take effect until 1 July 2016. This amendment therefore creates legal uncertainty as these boundary changes could be captured by this amendment. There is a contradiction between this amendment and clause 16(2) of the bill, which allows the Governor's orders to be made to change the boundary. This has not been addressed in the amendment as drafted.

Mr B.S. Wyatt: Clause 16(2)?

Mr A.J. SIMPSON: The alternative amendment can be introduced to overcome the legal issue. Clause 22(3) of the bill already prevents the district of Perth from being abolished and prevents the wards from being created. A simple amendment to clause 22 can give effect to the opposition's position. An amendment can be moved to clause 22(3) to give effect to what the opposition is trying to achieve with this amendment.

Mr D.A. TEMPLEMAN: No; our amendment stands as is. The minister is foreshadowing that in the event that this amendment is defeated, he would move an amendment to clause 22. That is the reality. The minister has introduced an argument that there is a conflict of intention. My amendment is pretty clear; it relates to any future alteration to boundaries. The boundaries of this bill are very clearly highlighted and reflected in the expanded maps that were provided by the minister. This amendment states very clearly that after this bill passes "any future alteration"—I am quoting from the amendment—"to the boundaries of the district of Perth may only be made by Act of Parliament." I do not know what conflict that creates. It is a very fairly, clearly and simply articulated amendment. It simply means that after this bill passes on 1 July 2016, the new boundaries come into effect. Any future change or alteration to those boundaries would require an act of Parliament.

Mr A.J. Simpson: Yes, correct.

Mr D.A. TEMPLEMAN: I do not see the conflict. I might be a bush lawyer. I am not a learned lawyer like my friend the member for Victoria Park, so I am interested in his comments. I cannot understand why the minister is stating my amendment to insert new clause 15A has to be struck out.

Mr A.J. SIMPSON: The member's amendment is to insert new clause 15A. We spoke about royal assent to the bill, which is given when the Governor signs it, and then the boundaries come into effect on 1 July. If we were to accept the member's amendment and passed proposed new clause 15A, as soon as the bill received royal assent, the boundaries would not be able to come into effect. New clause 15A states —

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

I refer to my proposed amendment to clause 22 that is on the notice paper and that is about changes relating to wards and boundaries in the district of Perth requiring an act of Parliament. A change to the boundary should be in clause 22(3)(b) and (c). Proposed paragraph (c) relates to changing the boundaries of the district of Perth.

Mr D.A. TEMPLEMAN: But the minister is saying that his alternative clause 22(3)(c) is what he wishes to pursue. The minister is saying, "Forget the clause number, it's in the wrong spot; I'll fix it." Quite frankly, the

opposition has said very clearly that we want an act of Parliament to be the determining factor of any future change to the boundaries. That is unequivocal. There is no change; it is game over! That is the reality.

Mr A.J. Simpson: That is what clause 22 does.

Mr D.A. TEMPLEMAN: I will sit down and listen to my learned friend the member for Victoria Park. The minister may seek to have further discussion on this as I am sure the member for Victoria Park has some comment.

Mr B.S. WYATT: I thank the member for Mandurah, who is quite right, and I encourage him to continue with his amendment, simply because I do not accept the merits of the arguments put by the minister. The minister can respond to my comments. The first point is that new clause 15A would ensure that the boundaries of the City of Perth cannot be changed without an act of Parliament, which means the moment royal assent is given, the new boundaries come into effect on that day.

Mr A.J. SIMPSON: No; they do not take effect on 1 July so the member's amendment would therefore create legal uncertainty for those boundary changes that could be captured by this amendment. I will clarify what I mean when I refer to clause 22. Clause 22(3) states —

However, an order under the *Local Government Act 1995* cannot —

- (a) abolish the district of Perth; or
- (b) divide the district of Perth into wards.

That means we would have to come back to the City of Perth Act to change anything to do with the boundaries of the City of Perth; it would have to come back into Parliament to be amended. I would not be able to make those changes with an order under the Local Government Act 1995.

Clause 22(4) states that an order under the Local Government Act cannot abolish the district of Perth or divide the district of Perth into wards. The City of Perth Act will stand alone and if an adjustment is required to those boundaries, the act would have to be brought back to Parliament to do so, which is what the opposition is trying to achieve with new clause 15A.

Mr B.S. WYATT: The minister is right and clause 22(3) states —

However, an order under the *Local Government Act 1995* cannot —

Paragraphs (a) and (b) follow, as well as the amendments proposed by the minister. We do not know what other legislation may come through that will therefore provide another opportunity; however, the member for Mandurah's amendment provides that it cannot be done without an act of Parliament and it is not subsidiary to another act of Parliament that may or not be in existence as yet. The point around the uncertainty of the boundary is crystal clear in the member for Mandurah's amendment, which states, "After the coming into effect of the Act", and part 1, clause 2, "Commencement", comes into the effect on the day it receives royal assent. The act does not come into effect until the day after that day. I cannot see why the member for Mandurah's amendment creates any doubt around that particular issue. I think the minister said he had a problem with clause 16(2) or did I mishear that?

Mr A.J. Simpson: I have been talking about clause 22.

Mr B.S. WYATT: So, the minister did not refer to clause 16(2). I do not why I have written that down.

I think that the member for Mandurah should proceed with his amendment because it makes crystal clear to everybody that only an act of Parliament can change the boundary and not subsidiary to another act. I understand the minister's argument is that clause 22(3) states that it cannot be done under the Local Government Act 1995, but my concern would be that another act comes through that allows for that to take place, which is what proposed new clause 15A moved by the member for Mandurah seeks to avoid.

Mr A.J. SIMPSON: I will clarify that for members. The member for Mandurah's proposed insertion of new clause 15A would create a legal uncertainty because the clause about the boundaries comes after proposed new clause 15A, which would mean that the new boundaries could come into effect if proposed new clause 15A is passed. It is not the right place to put it, considering what we have done on this issue. The member for Victoria Park is right, and clause 16(2) states —

However, this section does not prevent the subsequent making of an order under the *Local Government Act 1995* section 2.1 or any other order ...

Clause 22(4) again states that the Local Government Act cannot be used to amend the boundaries; the City of Perth Act would have to be used to amend the boundaries. That is stated clearly in clause 22(4). The member's concern is that we cannot excise the Burswood peninsula and put it into the City of Perth; legislation

must come back to Parliament to do that. My proposed amendment to clause 22 clearly states that in order to abolish the district of Perth or divide the district into wards or make any change to the boundaries, legislation would have to come back to Parliament. Clause 22 of the City of Perth Bill clearly states —

- (3) However, an order under the *Local Government Act 1995* cannot —
- (a) abolish the district of Perth; or
 - (b) divide the district of Perth into wards.

So, it will have to come back to Parliament.

Mr B.S. Wyatt: Can the minister explain the problem with clause 16(2)?

Mr A.J. SIMPSON: Clause 16(2) states —

However, this section does not prevent the subsequent making of an order under the *Local Government Act 1995* section 2.1 or any other order under that Act in relation to the district of Perth ...

I restate what I said before: we cannot use the Local Government Act to make an order to make any changes, without coming back to Parliament.

I note the member's sentiments about debate around the Burswood peninsula and that he wants to make sure that there are no changes to those boundaries. The City of Perth Bill sits on its own, and it is clear that I cannot use an order under the Local Government Act to exercise powers to move that boundary, as I can with other local governments. The bill states that I cannot use an order under the Local Government Act to abolish any district boundaries or ward structures in the City of Perth. If I want to do that, I have to bring this legislation holus-bolus back to Parliament. For example, if I want a new ward structure or to move the boundary by one laneway, under clause 22, I will have to come back to Parliament. Clause 22 clearly states that those changes cannot be done as an order under the Local Government Act 1995, which is clearly referring to the Local Government Advisory Board process that we have been through to get to where we are today. Is that clearer?

Mr B.S. WYATT: I thank the minister for that. I will not pretend I completely understand the minister's argument about clause 16(2), but I understand what the minister is saying about 22(3).

Mr A.J. Simpson: The member can read clause 22(4) and see whether he is happy with the wording or whether it is not clear enough. It is 22(4)—post-amendment.

Mr B.S. WYATT: I understand that the government's amendment does not create a new proposed subsection (4); it only amends proposed section 22(3). Is that right?

Mr A.J. Simpson: No.

Mr B.S. WYATT: The government's amendment is subject to proposed section 22(3); there is no proposed subsection (4) on the notice paper.

Mr A.J. Simpson: My apologies. My notes went (1), (2), (4).

Mr B.S. WYATT: We are talking about proposed subsection (3).

Mr A.J. Simpson: I apologise for that.

Mr B.S. WYATT: Otherwise, that would confirm that I need to protect the boundaries of the Town of Victoria Park from the encroachment of the City of Perth. The opposition will proceed with this amendment because, as I said, a lot has happened in the debate over five years to create great distrust in the motives of the government and its intentions for the Burswood peninsula in particular, by sticking it into the boundaries of the City of Perth and away from the Town of Victoria Park. However, I will reserve my right to comment on the government's amendment to clause 22 when we get to that.

Mr A.J. SIMPSON: I would like to clarify and apologise for the confusion. The notice paper contains the member for Mandurah's amendment that proposes new clause 15A regarding the act of Parliament. I think I have explained that that amendment needs to be included in clause 22, and the provision that the Local Government Act of 1995 cannot be used is already there. Members will see further down the notice paper the proposal to add those two lines in the amendment in my name—that is, paragraphs (b) and (c). That is where we are suggesting that there is no provision in the City of Perth Bill to move any boundaries or wards without that proposal coming here to be considered. The proposed amendment clearly states that we cannot use the Local Government Act amendment to change the boundaries.

Mr D.A. TEMPLEMAN: I am a little perplexed. The opposition's amendment and its intention is clear; that is, if the government wants to change the boundaries of the newly constituted City of Perth in the future, the proposal to do that should be brought to Parliament. It should be a decision of the Parliament. Any good

government would have a process to sell its argument. Hopefully during an election campaign it would make an election promise to sell the argument: we intend to change the boundaries of the City of Perth because of X, Y, Z; this is the view we have and this is what we will take to the election. That would be the normal procedure if it were done during an election. But at the end of the day, if the government wanted to change the boundaries, there would not be a vague vibe given to the Local Government Advisory Board, as clause 37 provides for, that the special status of the City of Perth should be taken into account. That is what clause 37 will do and why the opposition opposes it. At the end of the day, a debate in this place would be brought on by the government of the day and the amendment in the bill for a boundary change would be put to the vote. I am no lawyer, but I do not understand why our amendment is not acceptable and cannot be carried.

The minister has argued that the loophole to use an order through the Local Government Act to change the boundaries of the district of Perth or to divide it into wards will be closed. I have a problem that there may come a time when consideration would be given to deciding to have wards, so there is an argument there. The opposition has made it pretty clear to the minister over time that this is one of its sticking points and one of its requirements to support the bill. The opposition could have been absolute mongrels. In fact, a lot of people think we should simply oppose the bill for the sake of opposing it. That is what the National Party is doing even though the bill has nothing to do with its constituency.

Mr R.F. Johnson: Perhaps it's a bit of a broken promise.

Mr D.A. TEMPLEMAN: That is exactly right. The opposition has assessed the spirit of what this bill is seeking to achieve. It is interesting that the City of Perth is the only capital city of all the states that does not have legislation that enhances its status. The opposition accepts that our capital should have a status that ensures that the cultural, historical, environmental and social aspirations of the people who live in the capital city are reflected. We accept also that there are some roles that are special to the leader of that town council, in this case the Lord Mayor, and specific special elements are to be considered and therefore those elements need to be included in a bill. The opposition does not have a problem with that. It could have easily come in here and said, "Right, we don't care what you put up; you can put up what you like. You can appease us in every way", but the opposition has not done that; it has been cooperative.

Mr W.J. JOHNSTON: I am interested to hear further from the member for Mandurah.

Mr D.A. TEMPLEMAN: The opposition is willing to work cooperatively with the government to achieve what the government wants. There has been lobbying. We agree with the argument to have the University of Western Australia, that sandstone university, within one jurisdiction, even though a significant portion of land owned by UWA sits outside the proposed boundary. That is the reality. The assets on Underwood Avenue at the old Claremont teachers college site are still part of UWA but will not be within the City of Perth. Members should bear that in mind.

Mr B.S. Wyatt: We have convinced him.

Mr D.A. TEMPLEMAN: Have we?

Mr A.J. Simpson: Sit down and I will give you a good answer.

Mr D.A. TEMPLEMAN: We are waiting. The minister has not yet said yes.

The opposition has agreed to the provisions relating to Kings Park, even though there are legitimate community concerns about whether or not there will be an erosion of the autonomy of the botanic gardens. We have more questions about the boundaries and about the delineation of the Swan River boundary. Throughout this debate—I have said this to the minister personally—we have had some requirements that we believe will strengthen the bill and, indeed, address the concerns that we and a number of other stakeholders in the community have. Some people have said that the bill is so flawed that it should be ditched totally. The opposition understands their point, but it is worthwhile pursuing a bill the premise of which is the status of the City of Perth. I hope that in that time the government has come up with a way of appeasing me.

Mr A.J. Simpson: I have, member.

Mr D.A. TEMPLEMAN: Do we have peace in our time? If not, the tone of this debate could change dramatically.

Mr A.J. SIMPSON: I thank the member for Mandurah. I take on board what members of the opposition say about wanting an act of Parliament. Clause 22 quite clearly does state that, but I understand that it is not convincing for them. The member for Mandurah may be happy to amend his new clause 15A headed "Future alteration to City of Perth boundaries only to be made by Act of Parliament". I suggest in the next line the words "After the coming into effect" be deleted and instead insert "After 1 July 2016". The line would then read —

After 1 July 2016, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament”.

If the member for Mandurah is happy to amend his new clause to that effect, I will be happy to accept his amendment.

Mr D.A. TEMPLEMAN: To the barricades, brothers and sisters, to the barricades! Blow the whistle quickly! In that spirit, as long as we have that inclusion, we will agree to it. Could I just see it in writing before we finally agree to it? The minister just needs to scribble it out for me. Certainly this act of Parliament aspect is crucial to our ultimately supporting the bill. I will sit down, as I know that the member for Victoria Park has additional comments to make.

Mr B.S. WYATT: I am very pleased that the minister has accepted this amendment. I am pleased because, for those not in the chamber but listening in, it effectively introduces an amendment moved by the member for Mandurah—I understand we will get a copy of the minister’s proposed amendment—that confirms that the City of Perth boundaries after 1 July 2016 can be amended only by way of an act of Parliament. We will get to clause 17 in a tick, which refers to the boundaries of the City of Perth as at 1 July 2016 as set out in schedule 1—the big map the minister gave us.

Mr A.J. Simpson: Yes.

Mr B.S. WYATT: That map confirms that the east end of the City of Perth boundary, or at least the south east end of the boundary, effectively stops in the middle of the Swan River and does not encroach onto the Burswood peninsula or the parkland of the Town of Victoria Park. Therefore, this proposed amendment will confirm that any change to that boundary in the future can be made only by way of an act of Parliament. I am very pleased that the inspired debate of the member for Mandurah has convinced the minister of the error of his ways and that he will accept this amendment!

Mr A.J. Simpson: I have been very accommodating to the member for Mandurah!

Mr D.A. TEMPLEMAN: While we are on that point, I have a question related to the new boundaries coming into effect on 1 July 2016, which will be determined by division 4 that we are currently debating. Once this new act is passed, if of course we continue to assist the minister, who will have ownership of the proposed footbridge from East Perth to the Burswood peninsula?

Mr A.J. Simpson: It is a joint venture.

Mr D.A. TEMPLEMAN: Given that it will span one jurisdiction to another—the City of Perth to the Town of Victoria Park—who will actually own the bridge and will any council have ownership and/or requirement to maintain it? In this spirit, I would like the minister’s answer to that question.

Mr A.J. SIMPSON: I thank the member. The building of the bridge will be taken care of under a zoning of the Metropolitan Redevelopment Authority, which has planning control of the new stadium. It will therefore come under the Metropolitan Redevelopment Authority. It will also take care of the new iconic bridge that will connect Victoria Park to East Perth. It will build the footbridge and when it is finished it will return to the hands of the state government. It will be a state government asset. It is probably very similar to the Causeway in that the state government owns it; it is not owned by Victoria Park or Perth. The bridge will be in a similar situation. The member probably knows that the footpath leading up to the bridge will be the responsibility of the local government authority but the actual bridge itself will be a state government asset, as are most of those walking and crossing bridges throughout Western Australia. The Minister for Transport will have responsibility for maintenance and ongoing work on the bridge.

Mr B.S. WYATT: I am sure the member for Mandurah has been given a copy of the amendment—no, it is coming around, so procedurally I will leave that to the Acting Speaker to resolve. I will just confirm with the minister that the minister’s amendment to new clause 15A will have the same heading as on the notice paper —

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

However, it will now read —

After 1 July 2016 any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

Mr A.J. SIMPSON: That is correct. I move —

To delete the words “the coming into effect of the Act” and insert —

1 July 2016

Amendment put and passed.

New clause, as amended, put and passed.

Clause 16: Existing City of Perth boundaries to continue until 30 June 2016 —

Mr D.A. TEMPLEMAN: This clause relates to the existing boundaries continuing until 30 June 2016 as per the purpose of the bill. I think the member for Victoria Park mentioned this earlier. Will clause 16(2) need to be amended now? What will happen to that subclause after what we have just done and what we still need to do? How does the amended new clause that we have just passed affect clause 22?

Mr A.J. SIMPSON: It is confusing, yes. In division 4, clause 16(2) states —

... this section does not prevent the subsequent making of an order under the *Local Government Act 1995* section 2.1 or any other order under that Act in relation to the district of Perth or any other district.

Subclause (2) is to do with what we spoke about in the debate last night; that is, if the City of Subiaco has some assets, a debt and so forth, this subclause gives the power under the Local Government Act to transfer that asset or debt. It is that machinery of local government that allows that exchange of assets. It can be a transfer of debt or to take on an asset. It basically gives the power to transfer within the boundaries of local government. It does not in any way allow local governments to make whole changes to the boundaries. As the member knows, we have just now put that into new clause 15A. Clause 22 is also to do with boundaries but that cannot be done without changing the act.

Clause put and passed.

Clause 17: City of Perth boundaries on and after 1 July 2016 —

Mr D.A. TEMPLEMAN: This clause, of course, refers to the new boundaries on and after 1 July. The clause refers to schedule 1 of the bill, and the minister has also provided larger maps. On these maps, I want to refer the minister to the delineation of the boundary into the Swan River. I want a determination of exactly how the boundaries are drawn. If we go from the southern end, the boundary crosses, not the Causeway —

Mr A.J. Simpson: The Polly pipe—the Graham Farmer Freeway.

Mr D.A. TEMPLEMAN: Yes, sorry. It then travels roughly along the centre and around Heirisson Island, which, of course, has always been in the City of Perth. The boundary follows roughly a central line through that body of water. It then proceeds across to the Narrows Bridge where, again, the delineation is roughly in the middle and it is a straight line; I can understand how that is achieved. It crosses underneath the Narrows Bridge. Then the boundary arcs around to take in the peninsula known as the Crawley finger and then goes across to the new boundary area that takes in the University of Western Australia. I want a bit of clarification about how the boundaries were ultimately come to because clause 17(2) states they are —

... indicative only and subsection (1) prevails if there is any inconsistency.

I want some comment about how that is arrived at. Did the minister just say, “Okay; we’re roughly going to go half” or was there a particular reason—maybe a hydrological or geographical reason—to determine where he put the boundary? I do not know. Then I have a question related to a question that I asked last night.

Mr A.J. SIMPSON: Yes, member for Mandurah, defining the boundaries was by reference to a deposit plan that is held by Landgate. Basically, it is shared on its land information platform. The boundaries are mentioned in clause 17(2) because it refers to a map and maps are not the final boundary. The member will have to go online to see the larger maps and go through to the information outlined on the Landgate information platform to get the exact GPS coordinates and so forth. Clause 17(2) states that it is indicative because it refers to the map that is in the bill and it is not completely all there. I will restate to members that they can have a look at the map and see the little blue dotted line along the river where the current boundary is.

Mr C.J. Tallentire: It is along the foreshore.

Mr A.J. SIMPSON: Yes, pretty much. Members can see a little bit where the boundary kicks in on the foreshore before the old brewery site, along Mounts Bay Road coming into Perth, and goes out again for whatever reason. I reckon that back in the 1950s or 60s, there might have been a bit of government land there for a Water Corporation pumping station or something like that. It is more than likely that that was where the boats came in so that Nedlands could get its supplies at the turn of the century. These boundaries are for those situations. The City of Perth, like a lot of local governments, has river frontage. The idea here, moving forward, is to give it the power to work on its riverfront to do recreation work. It is obviously still controlled by the Department of Parks and Wildlife through the old Swan River Trust and we also acknowledge that this reflects the current situation whereby we have seen a lot more activation of waterfronts throughout the metropolitan area. As I said last night, the Town of East Fremantle has had the river to halfway in the middle as its local

government boundary for just over 50 years now, since 1965. That has had no impact on it. As the boundary goes on, especially around the Crawley finger, there is a sailing club and a number of jetty pens and so forth. As members can imagine, there are compliance issues there in giving responsibility back to the local government.

Mr D.A. TEMPLEMAN: Okay; I accept that. Effectively, by putting the boundaries into the Swan River we create an interesting situation with any impending climate change effects to land inundation. The minister will quite happily be able to say to the City of South Perth and the City of Perth that, if there is land inundation, the government is absolved of any responsibility to commit to any walls or strengthening of walls. Essentially, determination of these boundaries puts that responsibility into local government hands, does it not? Yes, I know that there is the Swan River Trust and the Swan Canning Riverpark, but, effectively, taking these new boundaries into the Swan River shifts responsibility for foreshore management, particularly for any future erosion, inundation or climate change effects et cetera. I hope that the local governments are aware of this because when I was Minister for the Environment the walls along the foreshore were a big issue—South Perth was very strong on it—and I know work is being done, particularly along the freeway. The responsibility for future maintenance and protection of the riverbanks from erosion and potential inundation is an issue and will be a future issue for councils that have river frontage. As we know, the City of Perth will now take on that responsibility. In other words, the City of Perth Bill 2015 does not create an extension of the boundary of the City of South Perth or the Town of Victoria Park, for example, onto the other side, does it? Under this bill, Victoria Park and the City of South Perth will still be able to come to the government and say that their boundaries are still up to the —

Mr A.J. Simpson: High and low-tide mark.

Mr D.A. TEMPLEMAN: Yes, and they can therefore say that they want some money because rising sea levels of up to a metre are predicted and they are not going to pay for it; the government is. In accepting these new boundaries, the City of Perth's responsibilities, including river frontage responsibility, is enhanced in this bill. Under the current boundary, the only section of river that the City of Perth has encroaching into the Swan is the boundary line that traverses parallel with the foreshore.

Mr A.J. Simpson: Yes.

Mr D.A. TEMPLEMAN: It then goes to the boundary of Heirisson Island and around to the other side. By expanding the boundary of the City of Perth into the Swan River, the responsibility of the City of Perth for its interface with the Swan River will be increased. That is true, is it not?

Mr A.J. SIMPSON: I want to clarify a couple of points. The Swan River is still the responsibility of the Department of Parks and Wildlife. The member is right. The Minister for Environment still has responsibility for river walls and things like that. The Swan River is still controlled by the Department of Transport. It is also regulated by the Minister for Environment through the Department of Parks and Wildlife. Those issues are still there, and the government will still be part of that process. I will give the member an analogy. If someone takes their kids to the South Perth foreshore on a hot day and they are swimming in the water and a dog jumps into the water and bites one of the kids, the ranger has no power to deal with that, because it does not come within the jurisdiction of the local government. Local governments have no jurisdiction over the Swan River. Restaurants that are located on a jetty that goes out into the water operate under licence from the Department of Parks and Wildlife and the local government laws are not applicable. The issue of river walls will still be there. We are not taking away from that process. What we are trying to do here is give the City of Perth the power to enact local laws to deal with things such as the Dog Act and planning approvals for jetties and boat pens. It is about trying to get consistency around the boundaries, because wherever we draw a line in the sand, they cannot cross it. The current boundary of the City of Perth is at the edge of the Swan River. That means that it currently cannot regulate things that occur outside its boundary. It is similar to what is happening at Elizabeth Quay, where the City of Perth has to work closely with the Department of Parks and Wildlife, because Elizabeth Quay is not within the boundary of the City of Perth.

Mr B.S. WYATT: Clause 17(4) states —

This section is subject to section 22.

That means that clause 22 will override clause 17. Can the minister explain, not just for my benefit but for the benefit of the house, how clauses 17 and 22 will operate together?

Mr A.J. SIMPSON: The changes made to the City of Perth boundary, and the establishment of the City of Perth Council, will be treated as though they were made an order under section 2.1 of the Local Government Act 1995. By treating the boundary changes in the council constitution as though it were made by an order, it will enable provisions within the Local Government Act 1995 to apply to these changes. For example, section 2.1 provides for the transitional arrangements relating to matters affecting the transfer of property, and rights and liabilities between local governments. It also provides for an employment guarantee for employees who are directly

affected by the section 2.1 order. The Local Government (Constitution) Regulations 1988 provide that the local government planning schemes and local laws will continue to apply to the area that becomes part of the City of Perth until the City of Perth formally amends the local government planning scheme and local laws, and this will be done only after consultation has taken place. It will allow for a section 2.1 order to be made in relation to the City of Perth or any other district.

Mr C.J. TALLENTIRE: Subclause (1) states in part —

... the district of Perth consists of the land delineated in red and coloured purple on Deposited Plan 404450.

I repeat my complaint about the poor quality of the maps provided. There has been some improvement, because we have now been given the map on an A3-sheet of paper rather than the poor reproduction that appears at page 26 of the bill. Nevertheless, I do not know whether the area that is delineated as being the district of Perth, which is shown in blue, corresponds with what is on deposited plan 404450. I am happy to take the minister's word for the fact that what is shown here in blue is the same as what appears in red on the deposited plan.

Mr A.J. SIMPSON: Yes. The member is right. This is as close I can get it. We have to go to the platform, as I spoke about before, to get it perfect. This plan has been taken from Landgate, and it is within millimetres of what it should look like. This map, which was tabled yesterday, shows the boundary, and it is the same as what is in the bill.

Mr C.J. TALLENTIRE: The boundary of the City of Perth will now extend well into the Swan River. I think that will lead to great inconsistency across all the local governments—I think there are about 36 or 37—that abut the Swan River.

Mr A.J. SIMPSON: In the metropolitan area there are about 17.

Mr C.J. TALLENTIRE: For some reason I had the figure of 36 or 37.

Mr A.J. SIMPSON: There are 30 local governments in the metropolitan area, of which I think 17 touch on a river frontage and 12 touch on a coastal frontage.

Mr C.J. TALLENTIRE: We are now creating a local government that will have additional river frontage. In fact, it is not just frontage; its boundary will go into the river. The minister has mentioned that the boundary of the Town of East Fremantle extends into the Swan River. It is interesting that the minister used that example. The minister would be aware that there have been problems with some of the development approvals and some of the establishments at East Fremantle that extend into the Swan River. One example is the Red Herring restaurant, which I gather is now a Dome Cafe. There have been problems with the ability to regulate the operations of those types of premises. That is precisely because the jurisdiction of local government does not extend to the river. What the government is proposing to do with the boundary of the City of Perth may replicate that problem. Dining establishments, boating facilities and yacht clubs that extend into the river could get some sort of development approval, and they would then be regulated, we would hope, by the Department of Environment Regulation. However, in reality I think there will be a case for them to say that their regulatory guide comes from the local government authority. That means that we may have the same problem that we have in East Fremantle, where the discharge of cooking fats and other things associated with hospitality premises is unchecked and unregulated. Therefore, before we describe the model of East Fremantle as a successful one that we want to replicate in the City of Perth, we need to know more about where things have proved to be defective when it comes to the operation of premises in East Fremantle.

Mr A.J. SIMPSON: I thank the member for Gosnells for his comments. I want to clarify a couple of points. One of the recommendations in the Robson report was that the boundaries of local governments that abut the Swan River be put into the middle of the river, in an attempt to fix a number of those issues. A restaurant that is located on a pier operates under a lease from the Department of Parks and Wildlife. That means it cannot be made to comply with local government regulations. We are trying to get some uniformity around our local laws. As I said earlier, local government regulations currently stop at the shoreline, and that is not an ideal situation. The reason for that recommendation in the Robson report was to ensure that the whole of the metropolitan area was covered by some sort of local government jurisdiction, and that would enable the local laws to come into play. One example is parking on foreshores, which is controlled not by a local government but by a lease through the Department of Parks and Wildlife. The ultimate result would be to get the regulations equalised across the river. The issue at East Fremantle is not that the local government does not own the asset. It is more to do with the regulations and how they operate within the Town of East Fremantle.

Debate interrupted, pursuant to standing orders.

[Continued on page 8520.]