

TAMALA PARK LAND TRANSFER BILL 2001

Second Reading

Resumed from an earlier stage of the sitting.

HON J.A. SCOTT (South Metropolitan) [4.34 pm]: Unlike Hon Ray Halligan, I take a very firm position on this Bill.

Hon G.T. Giffard: Only one?

Hon J.A. SCOTT: It is only one position. When the City of Perth was split not only was a referendum not held but also we had no warning of it.

Hon Ken Travers: An election promise was made that it would not happen.

Hon J.A. SCOTT: We know about election promises. Despite the election promise, it was split without warning. That matter aside, the split was similarly undemocratic. The whole process of splitting the City of Perth was flawed from the beginning. The residents of the various new towns had no say whatsoever in their new names. The new Town of Shepperton changed its name back to the Town of Victoria Park. In that initial split there was a great battle over which jurisdiction the Burswood Resort Casino would come under. When the split first occurred the casino remained within the City of Perth. The ramification of that was a severe erosion of Victoria Park's rate base, making it difficult for that town to manage financially. The Burswood Casino came within the rating jurisdiction of the Town of Victoria Park only after a very long fight.

The ownership of Tamala Park has been contentious from the day the site was acquired. Its ownership was distributed unfairly. Hon Ray Halligan has a curious way of arguing his point. He said that the original City of Perth, which comprised approximately 75 000 residents and owned the Perth City Council parking facilities, was hard done by and that it had paid for many facilities, such as Tamala Park. However, we must realise that we had the City of Perth mark 1 and we now have the City of Perth mark 2. The funding for Tamala Park did not come from the proceeds of the City of Perth mark 2; it came from the proceeds of the City of Perth mark 1, which included all the other councils. It is therefore very clear that 75 000 ratepayers in that area should have been consulted prior to the split, let alone receive some benefit from that process.

If we took Hon Ray Halligan's argument to a fair conclusion, we could almost say that the other councils are losing the parking money that floods into the coffers of the City of Perth. Perhaps they should also be getting a share of that. I will not argue to that extent because obviously the City of Perth is a place we all look to as the capital of our State. It is normal, therefore, to expect people from throughout Western Australia to enjoy its facilities. The City of Fremantle sometimes struggles to find funding because of the need to provide extra services for residents from outlying areas. Its rate base is reduced also due to the lack of rates paid on Government buildings and land that lie within the city. Those areas are rated, but the money goes back to the State. I hope that at some stage the Government will redress that. The City of Perth has a very good rate base. It receives a considerable amount of money from its parking areas and is a reasonably wealthy city council compared with other city councils.

The land originally earmarked as the waste disposal area, to which we referred earlier, will undergo a big change in the future due to the move towards putting zero waste into landfill sites. I do not believe that Tamala Park will ever be used completely for landfill; in fact, it will be used for other purposes. The material that would have gone to landfill will be used for other purposes. If in the future we expect to create a reduction in waste, at this time Tamala Park should not be seen as only a waste repository. With that in mind, I do not think there is the same requirement for the City of Perth to be concerned about having enough space to put its rubbish. It should be concerned about reducing and reusing its rubbish rather than going down that path.

Although on a number of occasions I asked Hon Ray Halligan, by interjection, what he objected to in the Bill, it seemed that he did not object to anything; yet he wanted members to refer the Bill to a committee. If Hon Ray Halligan had told me what he believed was so terribly wrong with the Bill, I might have agreed with him. If he had pointed out something that I agreed was wrong, I would have had no hesitation in saying that the Bill should be referred to a committee. However, he failed to do so. He went over the same ground time and again and not once put forward a straight argument that something was wrong with the Bill. In fact, he refused to say that anything was wrong with it. There is no point sending to a committee a Bill that has nothing wrong with it. Unless I hear more cogent arguments from the Liberal Party, or from any member of this House, I will not waste any more time debating this Bill. I support the Bill.

HON GIZ WATSON (North Metropolitan) [4.41 pm]: Because this legislation affects a number of councils within the North Metropolitan Region, I felt it was incumbent upon me to familiarise myself with the various arguments and history surrounding the Bill. Although I was not in this place when the original split took place, with the land being retained by the City of Perth, I have, as no doubt have other members, been provided with

letters and briefings, and have had meetings with the chief executive officers of at least three of the councils involved - the Town of Cambridge, the Town of Vincent and the City of Perth - all of whom have sought to persuade me of the virtues of their view of history. I have spoken with many people about the piece of history that this Bill seeks to redress. Having done that and having listened to the debate in this place, particularly the speech of Hon Ray Halligan, I am still convinced of the merits of this Bill.

When the recommendation was made in the Carr-Fardon report, no explanation, justification, mathematical model or suggestion was given for why it was decided that the City of Perth would retain the entire interest in Tamala Park. I have heard the arguments about the financial and infrastructure arrangements that were made in the establishment of the new Towns of Vincent, Cambridge and Victoria Park. However, none of those arguments has convinced me that at that time justice was done to those newly established councils, because they did not receive a fair share of that asset. The arguments about what the value of this site may be should not come into the argument. If that was not a reasonable solution when those new councils were established, this is a reasonable way to redress that.

I note that Hon Jim Scott talked about the importance of this site because it was earmarked for landfill. However, I also note that the bushland on the site has been identified under Bushplan, or Bush Forever, or whatever it is called these days. Therefore, I will throw in for good measure that I am hopeful that that area of bush on the Tamala Park site will be reserved and not used for an unlined super tip, similar to that on the Mindarie site. Nothing that the Opposition has said to date has convinced the Greens (WA) that we should not support this Bill. Therefore, we will support it.

HON KEN TRAVERS (North Metropolitan - Parliamentary Secretary) [4.46 pm]: I am pleased to be given the opportunity to speak on this Bill. It is similar to a Bill of which I gave notice in the last Parliament. This issue of how the assets of the former City of Perth were divided when the four new local government authorities were created has been around for some eight years in Western Australia. The debate goes back to 1993 when the City of Perth Restructuring Bill went through both Houses of this Parliament. I do not intend to give a complete recount of history. I urge members who are interested to read that debate. Even at that stage, the issue of how assets outside the City of Perth were to be distributed was of concern, particularly to members on this side of the House. One should never forget that that was after the City of Perth was split, following a commitment, given during an election campaign, by members of the Liberal Party that they would not split the City of Perth without a referendum. However, they strode into the House and did so. On the other hand, members on this side of the House went to the last election with a policy to do what is contained in this Bill.

Members heard the speech of the lead speaker for the Opposition, who is its shadow spokesperson for local government. The City of Perth remained in place and three new councils were created, rather than the former city being abolished and four new local government authorities being set up. The history of this matter shows that there was no consideration given to achieving equity in the arrangements for the splitting of the assets. I refer members to a question on notice in the Assembly from Mrs Roberts to the then Minister for Local Government. She asked -

- (1) Did the City of Perth Restructuring Act 1993 require the commissioners to distribute the assets of the former Perth City Council equitably?
- (2) How did the City of Perth Restructuring Act 1993 require that the assets of the former Perth City Council be distributed?

The minister at the time, Mr Omodei, replied -

- (1)-(2) Section 14(1) of the City of Perth Restructuring Act required by the commission to establish the infrastructure of the new towns so that after 6 May 1995 each new town could perform the functions imposed upon it by law.

There was not even an attempt to make it an issue of equity; it was just a matter of whether those authorities would be set up to function according to law. That is where the problem lies.

Another important issue in this debate is that the City of Perth Restructuring Act, which created those four new local authorities, at that time overrode division 4 of the Local Government Act. Division 4 would have resolved this problem. Last night, we had a lot of debate and interjections from the Leader of the Opposition indicating that we on this side of the House were making this debate political. Had the previous coalition Government, when it constructed the City of Perth Restructuring Act, not provided for an overriding of division 4, this debate would not have been necessary, because there would have been an equitable way of resolving this problem. Division 4 required that the assets of councils be divided equitably when councils were split, and that that be contestable in a court of law if people felt aggrieved. However, because that equitable way had been removed from these local governments, their only recourse was to come to this Parliament. They did the first thing that people are required to do when they feel aggrieved by an action of this Parliament - they petitioned the

Parliament. I was very proud to present that petition to this House. Unfortunately, the number of signatures on a non-conforming petition was a lot higher than the number of signatures on the petition that I was able to present to the Parliament; nonetheless, there was widespread support for that petition.

That petition then went to the Standing Committee on Constitutional Affairs, of which Hon Ray Halligan was a member. It is very telling that the report of that committee made only one recommendation; namely, that should the petitioners wish to take the matter further, the best course of action would be for them to approach the Minister for Local Government to negotiate amendments to the restructuring Act. Hear, hear, I say, because that is exactly what has happened. That is the Bill that the then Minister for Local Government, Mrs Roberts, brought into the other place and that we are now dealing with. We now have, finally, a Minister for Local Government who has done the right thing.

Hon Ray Halligan: Did you negotiate with the City of Perth?

Hon KEN TRAVERS: The committee report suggested that the petitioners who felt aggrieved should negotiate; and they did.

Another piece of evidence that is crucial and that we should never forget in this debate is what was the intention of the City of Perth Restructuring Act. We have heard a lot about the Carr-Fardon report. The reality is that the Carr-Fardon report was provided before the City of Perth Restructuring Act was passed by this Parliament. That report made a range of recommendations, and a number of those recommendations were not acted upon. If that report were to be used as the basis for that Act, all of the recommendations contained in that report should have been well and truly implemented. The important evidence that we need to refer to is a comment by the then Minister for Local Government, Mr Omodei, during the debate on the City of Perth Restructuring Bill in the other place on 10 November 1993, at pages 6744-45 of *Hansard*. As I mentioned earlier, during the debate in 1993, a range of comments were made in both Chambers about what would happen to the Tamala Park land and other land and assets outside the City of Perth. Mr Omodei said -

I mention also the Mindarie arrangement. I understand that there is tripartite ownership of the Mindarie lands by the City of Wanneroo, the City of Stirling and the Perth City Council. I expect the commissioners will divide the one-third ownership of the Perth City Council equitably amongst the towns and the city council.

That is what the then Minister for Local Government wanted. However, he could not get it through his Cabinet. Thankfully, the new Labor ministers - the former minister for Local Government, Mrs Roberts, and the new Minister for Local Government and Regional Development, Hon Tom Stephens - have finally been able to get a Cabinet to agree to do what Mr Omodei wanted to do in 1993.

I do not find that surprising, because this issue has always been very clear to me. One of the first times I came across this issue was when I attended a meeting at the Town of Cambridge, at which the councillors were rightfully campaigning, as they had been for a number of years, to get an equitable share of that Tamala Park land. They raised that issue with the then Premier, Richard Court, and the then Minister for Local Government, Mr Omodei, who were also at that meeting. I think it is fair to say that there were some fairly frank exchanges at that meeting, and the Minister for Local Government finally said - I am paraphrasing what he said, because it was some time ago, but I remember the exchange fairly vividly - "When we have the split of the City of Wanneroo later this year and a decision is made about how its one-third share will be divided between the new City of Wanneroo and the City of Joondalup, we can revisit the issue of the share of the former City of Perth in the Tamala Park land." However, we then got an interesting insight into why the minister's views in 1993 have never been implemented, because quick as a flash the Premier of the day came over the top of him and said, "No. The decision has been made, and we will not revisit it. Forget it." I do not know why, and I do not intend to surmise why, the former Premier was so adamant that these towns would not get an equitable share, despite the fact that the then Minister for Local Government clearly recognised the equity issues of this matter. That was a very telling moment.

The most fair and equitable solution is that the land be divided equally between the four new local authorities. The precedent has been set with the share of the former City of Wanneroo, which was divided equally between the new City of Wanneroo and the City of Joondalup. That is the precedent, and that is what should have occurred in this case.

I have worked on this issue for a number of years, in conjunction with a number of people from the local authorities, and I place on record my thanks to the Mayor of the Town of Cambridge, Ross Willcock, who was in the President's gallery earlier this afternoon; the then Mayor of the Town of Vincent and the now member for Perth, John Hyde; Councillor Graham Burkett and other councillors at the Town of Cambridge, who when I was considering preparing a private member's Bill to do the same thing gave me significant assistance; and the staff of those councils. I particularly note the contribution of the Chief Executive Officer of the Town of Vincent,

John Giorgi, who was in the gallery to watch some of the debate last night, and the Chief Executive Officer of the Town of Cambridge, Graham Partridge, who at all times has readily assisted me, and who was also in the gallery last night and earlier today. This matter has been strung out for some eight years. There is no doubt the intention of the Minister for Local Government in 1993 was that each of the new towns would get an equitable share. This Bill seeks to do what that minister sought to do all that time ago but could not, for whatever reason, get through the last Cabinet. I commend the Bill to the House.

Debate adjourned, on motion by Hon E.R.J. Dermer.