

[Tuesday, 5 September 1989.]

HON DERRICK TOMLINSON (East Metropolitan) [5.37 pm]: I support the motion moved by Hon George Cash.

I congratulate Hon Bob Thomas on his maiden speech. He began by describing his origins and may I say that the fact he came into this place from such humble beginnings is a testament to Western Australia as a land of opportunity, it is a testament to the democratic process, but, more importantly, it is a testament to Hon Bob Thomas as a man.

I raise the matter of land use in the east metropolitan area, in particular in the Darling Ranges and the Escarpment. Together the Range and the Escarpment form a unique part of the metropolitan area. There are strongly held opinions that, while it is probably inevitable that parts of them will be developed for urban housing, every effort should be made to preserve their special qualities. Reports were commissioned by this Government, and I refer particularly to the System 6 report which confirmed that opinion. Even so, Mr President, the region is being given over to piecemeal urbanisation. There is a growing disquiet about the manner in which that is being allowed to proceed. Some who would prefer to see a balance maintained between the urban development and conservation have charged that the planning process does not take proper cognisance of that balance. Whether or not there is truth in that charge, the concern that the planning process is in some way inadequate cannot be allowed to go unheeded. For that reason I wish to discuss the matter in this House in my maiden speech. In doing so I will address complementary issues of ministerial responsibility, authority, and accountability.

Before passing to those matters, may I pause to pay tribute to you, Mr President, the Chairman of Committees, and to two of my predecessors in this House, Hon Gordon Masters and Hon Neil Oliver. I join in the congratulations that have already been conveyed to you, Sir, on your re-election as President of this House. Yours has been a long and distinguished stewardship of this House and I look forward to serving at least four years under your gavel. I congratulate Hon Jim Brown on his election as Chairman of Committees. I know Hon Jim Brown neither personally nor by reputation, but I am confident I will get to know and understand him in his new position. Finally, I pay tribute to those two men who preceded me here. They are as different as chalk and cheese: The one is a wily politician whose sense of humour enabled him always to keep politics in its proper perspective, and the other is a person who might best be described as "resolute". Hon Gordon Masters retired as Leader of the Opposition in the Legislative Council, having previously served as a Minister in both the Court and O'Connor Governments. Hon Neil Oliver never achieved such high office, but his untiring pursuit of what he perceived to be the truth established him in the credo of this Parliament. The high regard in which those men are held by people in all walks of life in the East Metropolitan Region is testament to their work in this place. Each in his own way was a "people politician", and I wish to record my respect for them and what they achieved.

Mr President, I indicated that I wished to consider the matter of ministerial responsibility. Whenever this is raised, a distinction usually is made between individual responsibility and collective responsibility. Both are founded on convention rather than incontrovertible principle and, like many conventions, they are capable of shades of meaning and shifts of interpretation. Even so, there is a general acceptance that responsible Ministers are required to report, explain and defend in Parliament what is done in the exercise of their duties. It is through Ministers that the whole Administration - departments, statutory bodies and agencies of one kind and another - is accountable to Parliament and thus, ultimately to the people.

Collective responsibility relates more directly to the functions of Cabinet Government. Again, there are different versions of what it means, and particular meanings sometimes are applied to the exigencies of the Government of the day. It is generally taken to mean that individual Ministers accept responsibility for the actions of the Cabinet as a whole. Conversely, when actions of individual Ministers are approved by Cabinet, all others are bound to support, explain and defend them. Those conventions are fundamental to the Westminster system and have evolved over many generations as a way of managing the complex and far-reaching responsibilities of Government. They underlie the relationship of trust and acquiescence which is essential to the functioning of parliamentary Government. I believe also that they are understood by all members here and there is little need for me to elaborate. However, I must observe that in the past 20 years, at least, in Australia there has been a tendency to honour those conventions more in the breach than in the observance. A little over a century ago Lord Salisbury was able to observe, "For all that passes in Cabinet, each member of it who does not resign is absolutely and irretrievably responsible." I am tempted to extrapolate from that, that if a member is unwilling or unable to accept absolute and irretrievable responsibility for all that passes in Cabinet he must resign. I refrain from doing so, however, because that would be mischievous of me.

Today there is a tendency to deny responsibility by pleading ignorance, by transferring blame to others outside the Cabinet or even outside the Parliament, by finding sacrificial scapegoats in the agencies of Government, or by sleights of semantics which accuse others of misunderstanding the deliberate construction of words. Such tendencies denigrate the institution of Parliament, and erode the trust which is fundamental to good Government. I will not canvas these arguments further because sensitive matters are now under consideration in this Parliament and elsewhere in the community which might cause some to suggest that I am being contentious. That is not my desire and, to avoid it, I turn to the question of authority.

Like responsibility, authority is a slippery subject. It can be absolute, or it can be conditional. In responsible Government, ministerial authority must always be conditional. Just as the requirements of responsibility make Ministers answerable to the Parliament and ultimately to the people, so too do those same requirements impose constraints upon ministerial authority. Ministers are capable of independent action but they must be prepared at all times to report, explain and defend their actions in Parliament. The exercise of ministerial authority without such accountability must inevitably deny the rights of the people. Most of us in this House would defend those rights vigorously, and seek to reject any legislation which threatened to override them. But, legislation has been enacted by this Parliament which intrudes rather carelessly upon those rights. Under that legislation it is possible for Ministers to act quite legitimately without ever having to explain or defend their actions. Similarly, statutory agencies have been established under such legislation and, though answerable to their Ministers, they are not required to account for specific decisions made in the exercise of their legitimate functions.

I believe that such legislation lies at the heart of the disquiet about planning decisions affecting parts of the East Metropolitan Region. I refer specifically to section 33A of the Metropolitan Region Town Planning Scheme Act. Under that section incontestable authority is granted to the Minister and, through the Minister, to a statutory agency, the State Planning Commission. Under the terms of section 33A the commission may deem that an amendment does not constitute a substantial alteration to the metropolitan region town planning scheme. Its decision need only be published and it becomes fact. Thereafter, such amendment does not require the sanction of Parliament as do others under procedures described elsewhere in the Act. Instead, if the commission deems the amendment to be "not substantial", only ministerial approval is necessary for it to proceed.

This manner of circumventing parliamentary processes is superficially attractive. It serves to protect the Parliament from "administrivia" and streamlines the planning process. The lines of authority are clear and, provided the essential checks and balances are not subverted, decision making listens to all interested parties. At every stage, however, the authority of the Minister and the delegated authority of the commission are absolute. The voices of citizens are heard, but the citizens themselves are powerless.

I now examine the application of that process to the urbanisation of the Darling Range, the escarpment and the foothills. Perth has, like all cities, grown outward from the centre along paths of least resistance. The Darling Escarpment acted as an eastern barrier to our urban sprawl, and our roads, railways, factories and dwellings are concentrated on the coastal plain north and south of the city. Our major water catchment areas are behind the escarpment. They are contained in jarrah forests, which, fortunately, were not eradicated by the colonial timber gatherers. Where the forests were razed they were replaced by orchards or pastures, and a small but important rural economy thrives in the area embraced in the Perth metropolitan planning scheme.

Because of those accidents of history and geography, Perth retains on its eastern boundary a wooded region which once was described rather poetically as "the lungs of the city". Many people have retreated there for a lifestyle protected from the environmental stress of close packed suburbia. Because of pressures of population growth and the unwillingness to pursue vigorous programs for the decentralisation of the State's population, we are now faced with the decision about whether to preserve the forests and protect the rural aspect and lifestyle of the outer metropolitan region, or to give it over to further urban development.

Members will know that there has been a plethora of reports advising successive Governments on what should or should not be done. Similarly, a gaggle of agencies has been established to supervise those doings and undoings. Local authorities have approved and amended a succession of town planning schemes, and these have been successively endorsed or invalidated by the gaggle of agencies. And when all else has failed, successive Ministers of the Crown have made unilateral decisions which have confirmed or negated earlier, but less authoritative, decisions.

Hence, planning has given way to developmental ad hocery. Little cognisance is being taken of beneficial land use, while the foothills, the escarpment and the ranges behind it are being eroded by piecemeal urbanisation. I

put it to the House that the most insidious erosion of all is that enabled through the application of section 33A of the Metropolitan Region Town Planning Scheme Act. By virtue of the decision of the State Planning Commission, areas of the Helena Valley and Jane Brook - to name two which were singled out for special attention in the System 6 report - have been deemed to be "not substantial". They are to be given over to close packed housing. Hence, where now there are open spaces, there soon will be geometrically ordered roads and houses; where now there are trees, there will be what a distant Prime Minister called "an awful lotta terracotta".

This is not an issue which serves the interests only of those who choose to live in the hills; it affects the lives of all who reside in the metropolitan area, not only through the quality of their urban environment - through water supplies, through recreational space, and through places where they can retreat, however briefly, from their daily environs - but also through the very way their lives are governed.

In the instances where decisions have already been made to rezone parts of the Helena Valley and Jane Brook from rural to urban, the objections of the substantial majority who live in the localities went unheeded. The opinions of others not directly affected, but who might want to see those parts of the metropolitan region conserved, were not sought, and their representative voice was denied because reference to Parliament was circumvented.

Those decisions, while seemingly unimportant in the order of things, illustrate my earlier point that ministerial authority has intruded into the rights and privileges of citizens. Each seemingly small decision of this kind disfranchises those with whom the authority of this Parliament ultimately resides, consolidates power in the hands of the bureaucracy, and progressively devalues democracy. That trend must be turned around, and, if we in this House are intelligent, we will enjoy the challenge of doing so.

Three things should condition the alternative: First, the requirements of ordered urban planning should not usurp the parliamentary process. Second, authority should be devolved upon the people whose lives are governed, and not focused in the hands of those who govern. Third, authoritative decision making should be upward from the people, not imposed downward from their elected representatives.

A few years ago the Minister for Planning at the time proposed the establishment of a Darling Range Development Authority. Like many other good ideas conceived in this Government, it was somehow aborted. A Press release announced it, but the idea has never surfaced again. I believe it is an idea whose time probably has come. It is an opportunity to restore rationale to the planning process, and provided that it enables the authoritative participation of all interested parties, it might well serve as a model for public sector management in the future.

I commend the motion to the House.

Opposition members: Hear, hear!

[Applause.]