METROPOLITAN REDEVELOPMENT AUTHORITY BILL 2011

Returned

Bill returned from the Council with amendments.

On motion by **Mr J.H.D. Day (Minister for Planning)**, resolved —

That the Council's amendments be considered in detail forthwith.

Council's Amendments — Consideration in Detail

The amendments made by the Council were as follows —

No 1

Page 26, line 11 — To delete "development" and insert —

redevelopment

No 2

Page 42, line 9 — To delete "prepared from time to time by the Authority," and insert —

prescribed by the regulations,

No 3

Page 42, line 17 — To delete "Authority must" and insert —

Authority —

(a) must

No 4

Page 42, line 27 — To delete "operations are" and insert —

operations appear to the Authority to be

No 5

Page 42, after line 28 — To insert —

and

(d) may give written notice of the particulars of the application, its determination under section 63 and of the effect of section 65(1) to any other person it thinks fit.

No 6

Page 45, after line 25 — To insert —

(2) For the purposes of the PAD Act Part 14, an approved redevelopment scheme is taken to be a planning scheme within the meaning of that Act.

Mr J.H.D. DAY: I move —

That amendment 1 made by the Council be agreed to.

The reason for this amendment is to simply correct a typographical error that was identified after the bill was debated in the Assembly. It changes an incorrect reference in clause 36(6) from "draft development scheme" to "draft redevelopment scheme" for consistency with the rest of the clause.

Mr J.N. HYDE: Are we are just dealing with amendment 1? Is that correct?

Mr J.H.D. Day: Yes.

Mr J.N. HYDE: Again, what is the reason for this amendment? Where was this picked up?

Mr J.H.D. DAY: I just gave some wrong information. I said that the amendment was to clause 36(6); I should have said clause 38(6). The amendment is to line 11. Subclause (6) on page 26 currently states —

In preparing a draft development scheme for all or part of a redevelopment area,

It should say "draft redevelopment scheme" instead of "draft development scheme". It is a typographical error. The amendment seeks to add the letters "re" in front of "development".

Mr J.N. HYDE: I thank the minister for that but I am further confused. The minister started off by saying the amendment pertains to clause 38 and then he finished by saying it relates to clause 36.

Mr J.H.D. Day: It is actually clause 38(6) on page 26.

Question put and passed; the Council's amendment agreed to.

Mr J.H.D. DAY: I move —

That amendment 2 made by the Council be agreed to.

Under the bill a standard development application must be determined by the authority within 90 days and a major development application must be determined within 120 days. This amendment enables the criteria for what constitutes a standard application and a major application to be prescribed in the regulations rather than being determined by the authority from time to time. This was the subject of some debate when the bill was going through this chamber. A view was expressed—I think it might have been by the member for Midland—that it would be preferable to have greater clarity about what will be defined as a standard development and a major development. The advice at the time, based on how the bill was drafted, was that the authority would make a determination about what the criteria are, but we have accepted the view that it would be desirable to have prescribed in regulations the criteria about what constitutes a standard or a major development. That provides a greater degree of transparency and clarity for everybody who is involved in this process.

Dr A.D. BUTI: I thank the minister for his explanation. Does that amendment not take away from the overall power of or intention for this authority? The Metropolitan Redevelopment Authority, as we discussed when it was before this house previously, will have major powers, and I presume that the government's intention was that this should be the major body that determines issues with regard to planning. If they are prescribed by regulations, is the minister conceding that maybe the initial intention for the powers of the authority was too wide; and, does this not change the overall effect of the authority?

Mr J.H.D. DAY: The effect of this amendment is simply to change the way in which the criteria for an application is determined as a major or a standard development application, as opposed to making a decision about the application itself. The authority will still have that responsibility. This is really a fairly minor aspect of the whole but it makes it clearer what the criteria will be when deciding whether an application is a major or standard application.

Mr J.N. HYDE: It is being replaced with "prescribed" by the regulations, not "proscribed". Is that correct?

Mr J.H.D. Day: That is correct.

Mr J.N. HYDE: What is the difference in the terminology? I think the minister was using "proscribed" during his speech. I want to make sure that we are getting it right.

Mr J.H.D. DAY: I always said "prescribed". The effect of this amendment is to ensure that the criteria for determining whether an application is a major or standard application are outlined in regulations that will be tabled in Parliament, as opposed to the authority itself determining what those criteria are without any oversight by Parliament, I guess. I was never using the word "proscribed"—I am sorry if it sounded like I did. The word is "prescribed" by the regulations.

Mr J.N. HYDE: Again, this was an issue that the member for Midland raised at the time. We had a lengthy debate on the Metropolitan Redevelopment Authority Bill 2011, and it was perhaps appropriate that we fixed this in the Assembly. Can I determine whether the minister had agreed to do this before it got to the Council, or was this change agreed to during debate in the Council?

Mr J.H.D. DAY: I cannot recall that, to be precise. I do not recall agreeing, as such, when the debate was on in the Assembly, but I think it may have been raised in debate in the Council or we had a further look at the matter before it was debated in the Council—I think that was the situation. We took into account what was said in this place, and then made a decision to either agree to an amendment or introduce an amendment from the government in the Legislative Council.

Mr J.N. HYDE: I have further issues with putting an extra load on in terms of the regulations. Is it still the government's intention that this new authority will come into effect on 1 January?

Mr J.H.D. Day: Yes.

Mr J.N. HYDE: We have concerns on this side, after pointing out so many deficiencies and errors in the bill during the original debate, and now that we also have this number of amendments coming back from the Council, that it really does need to be looked at. The key issue is that, again, the minister came in with all guns blazing, saying that the Western Australian Local Government Association had been consulted and was part of this and was in agreement but, as the minister knows, we now have correspondence from WALGA calling on the minister to withdraw the legislation so that it can be consulted properly. We have key stakeholders—not only the

individual local councils that are directly affected, but also the peak body that was originally the main third party endorser, allegedly—saying that it should be pulled back. My big concern, having looked at the annual reports—I think the East Perth Redevelopment Authority's annual report shows some $917 000 being spent on publicity—is that the government is undertaking a huge publicity campaign about EPRA taking over and is beefing up EPRA to be the new Metropolitan Redevelopment Authority, without actually having the mechanics right. This second amendment is another example of that and I am not convinced that we have it right. I would like the minister's view about whether he is rock solid and has absolutely no qualms that this amendment fixes the problem, and that this will make for a dream run on 1 January.

Mr J.H.D. DAY: I do not accept that there are a lot of errors in the bill; there was one typographical error that we have just agreed to amend by way of Council amendment 1. However, this change is as a result of the government taking into account issues that were raised, looking at them in good faith, and making a minor change. What was there previously was not wrong, as such; it was just a different way of doing things. We have shown our good faith and the fact that we are very reasonable, and agreed to make the change that I have already explained. There is certainly no reason to not proceed with this legislation on the basis that the member for Perth just suggested.

Mr J.N. HYDE: But, minister, there is a huge difference, surely, between "prepared from time to time by the Authority", which means there is total delegation to the authority, as compared with the minister of the day having to prescribe the regulations. There is a huge difference between the operation of these activities and who is actually taking responsibility. I think this is a very strong difference in not only the opinion, but also the operation. Surely there will be an impact on resources, if we are looking again at the activities of the authority being able to do things behind closed doors or whether those activities will now be prescribed by regulations. If they are prescribed by regulations, does that mean that they would be subject to disallowance in both houses of Parliament?

Mr J.H.D. Day: Yes.

Mr J.N. HYDE: Again, minister, this is a pretty big change from the MRA being able to do things behind closed doors. The minister has now agreed—in his long march to transparency—that it will be subject to regulations, which will be subject to disallowance. I would really like to get some examples of particular areas of the authority's activity that the minister thinks will be particularly affected, because the initial assessment will impact on virtually every activity of the MRA in its planning responsibilities. I would be interested to know what the minister's advice is on the number of development applications that he thinks the authority will receive in its first year.

Mr J.H.D. DAY: I think the member for Perth is now just getting a bit silly. I have explained the purpose of this amendment. It is limited in its effect and is reasonable and sensible. It makes a greater degree of oversight available to Parliament via the greater degree of transparency of the decisions about whether an application is a standard or major one. I have explained it to the member for Armadale and he seems to have accepted the explanation. This will not have any effect on making decisions about whether applications are approved, and I think everybody understands the purpose of it.

Mr J.N. HYDE: The minister is again using nebulous explanations. He is saying "limited application". Is it limited? Is it 1 000, or is it one? My reading of this is that every application has to be determined, whether it is going to be standard or major—every application. So, if 1 000 applications are put in in a year, that means 1 000 have to be assessed. It may be that it is very obvious, if it is for a carport or something, that it is a rudimentary assessment because it is not a major application, but there will be a workload involved. So, again, I would really like to know from the minister exactly what his assessment is of the workload involved in this.

Mr J.H.D. DAY: We have had the debate on the bill as a whole. I have no idea what the particular workload will be; I do not expect there will be 1 000 applications a year, or anything of that order. This amendment is about making clear how the criteria for deciding whether an application is a major one or a standard one will be determined. It does not do anything more than that.

Mr J.N. HYDE: But, minister, again, we have WALGA—the minister's previous chief cheer squad for this legislation—saying, "Stop; go back; consult with us; review it." All the affected councils in the areas are saying a similar thing. During the debate we also expressed the view to the minister that this bill needed to be looked at in a much more concentrated way and that those issues needed to be explored. I am still none the wiser on what effect this change will have. It seems to me, again, that a huge workload will be transferred through the more bureaucratic situation of having regulations in place and being subject to challenge, rather than allowing the authority to do it internally. I think it is fair to ask what the workload will be. Again, the government is trying to rush through the legislation so that it can be in operation by 1 January. I think we have a duty to not only the

existing authorities, because it is their staff who will be dealing with the new world order on 2 January, but also this Parliament that when we pass legislation we are fully cognisant of the cost and workload implications.

Mr B.S. WYATT: The member for Perth has raised a very good point. I daresay that the minister is not obliging the member for Perth with answers simply because this amendment was suggested by the opposition when this legislation first came through this chamber.

Mr J.H.D. Day: And I gave credit for that; I referred to the fact that the member for Midland raised the issue.

Mr B.S. WYATT: I note that the minister does recognise that fact. As the member for Perth has pointed out, the Western Australian Local Government Association was a vocal cheer squad for this legislation, but it is now publicly saying that it is perhaps time for the government to do a bit more consultation on this legislation. Certainly, those councils that will be directly affected by this legislation are calling for similar consultation. It seems to me that an overall pattern is emerging in the way in which the government is going about its legislation. We saw that with the Cat Bill 2011. Quite a significant number of amendments were dealt with by the government here before the Cat Bill headed up to the other place. I would not be surprised if the Cat Bill comes back with further amendments, once our colleagues in the other place have dealt with it. This is a fundamental problem when legislation is forced through this place. The leader of government business accused the opposition simply of filibustering, but he then undermines his own argument when legislation has to come back to this place so that we can deal with amendments made by the upper house. That suggests to me that there is a problem with the way the government is managing its legislation.

We are dealing with some significant issues of transparency. The member for Perth has highlighted the fact that a direct light of transparency is shone on regulations, as they are subject to disallowance motions by the chambers of the Parliament. We do not debate too many disallowance motions in this place; we certainly have not done so in the last three years. However, the fact that that power is there and that we have a parliamentary committee to deal specifically with delegated legislation highlights the fact that the people who put us here, our constituents, expect us to take that role seriously and to not simply delegate our authority and our decision-making capacity to outside experts, which seems to be the push that is being made by Westminster Parliaments in democracies around the world. I, for one, hesitate before granting such power, as the member for Perth has quite correctly identified. If the minister is going to make amendments which delegate significant authority but which he says will have limited impact or limited use, then the minister needs to explain to the Parliament exactly why he is of the view that they will be of limited use or limited power.

Mr J.H.D. Day: I didn't say limited use; I just said of limited effect.

Mr J.N. Hyde: Define "limited".

Mr J.H.D. Day: It is about the criteria for determining whether an application is standard or major. Can't you understand that?

Mr B.S. WYATT: I understand that, minister.

Mr J.H.D. Day: You're a lawyer; do you understand the word "criteria"?

Mr B.S. WYATT: I do, but we need to know what those criteria will be. If we are to delegate that power away from the chambers of Parliament, we need to have a more thorough understanding of what those criteria will be. The member for Perth has quite correctly raised a very legitimate concern about this, before we simply, on a Thursday morning before a two-week recess, rush through and agree to providing the MRA with such powers. I know that the people of Victoria Park would want to know why, if we did not question this issue at some length in this chamber. No doubt the member for Perth has other questions. I am intrigued with the answers that the minister might put to the member for Perth, as the representative for the opposition, on what is a very important issue of transparency; that is, whether we, as a Parliament, should simply delegate our responsibility to outside interests.

Mr J.H.D. DAY: I think I made it very clear what the effect of this amendment will be. I raised the fact that it was the member for Midland who expressed some concerns about the authority having the sole role of determining the criteria for this purpose. Rather than delegating it away from Parliament, as the member for Victoria Park seems to misunderstand is the case, we are actually bringing it further back into the Parliament. The criteria will be prescribed in regulations that can be overseen by Parliament and can be made available to everybody. They will be clear and transparent. This amendment is actually giving Parliament a greater role than is currently in the bill. The argument that the member for Victoria Park is putting is actually against that which the opposition itself raised during the debate on this bill. I think a degree of consistency would be desirable. I suspect that the member for Victoria Park is trying to provide a degree of support to his neighbour, the member for Perth, without probably having his heart in the argument he is putting.

Mr B.S. WYATT: Mr Deputy Speaker, one must respond to such outrageous claims by the minister about my interest in this debate! But I do thank the minister for clarifying that point. The point is that when amendments are made in the other place and come back to this chamber, we all scurry around trying to get our heads around the detail of those last-minute amendments to correct what is clearly flawed legislation from the government. The government made these amendments in the other place and has brought them back to us here. It seems to me that the member for Perth, and I daresay the member for Warnbro, would perhaps have an interest in a briefing from the relevant departmental officers who were responsible for the drafting of these amendments and who are ultimately responsible for their implementation. The minister correctly pointed out that this is not my jurisdiction as a shadow spokesperson. He will hopefully give me some leniency in my questions. When will the regulations be ready and in place?

Mr J.H.D. DAY: My understanding is that the regulations are currently being worked on in a very initial form. I would expect them to be completed between now and the end of the year. I think I am right in saying that; I might stand corrected on that. In relation to the issue that was raised earlier, I have given an undertaking that there will be consultation with WALGA on the development of the regulations. Some of that work is underway in a very early form now. A lot more work will be done between now and the end of the year.

Question put and passed; the Council's amendment agreed to.

Mr J.H.D. DAY: I seek leave for amendments 3, 4 and 5 to be considered together

Leave denied for amendments 3, 4 and 5 to be considered together.

Mr J.H.D. DAY: In that case, I move —

> That amendment 3 made by the Council be agreed to.

The reason I sought leave to move these three amendments together is that they concern the one clause and are all related to the same purpose; therefore, I need to foreshadow amendments 4 and 5 in the explanation I am about to give.

To provide further information: the amendments to clause 64 will enable the MRA to give notice of a development application to any person it sees fit, and will afford such a person an opportunity to make submissions within 42 days. "Person" takes its wide legal meaning and includes corporations, groups and entities other than individual people. The amendment will allow the MRA, when it receives a development application, to consult with local interest groups if it sees a reason to. The existing clause already requires notification to be given to relevant local governments and other public authorities. Notification of other persons will be at the discretion of the MRA rather than being a requirement.

This issue was raised during the consideration in detail debate and if I recall correctly the opposition expressed some concern that the requirement to notify other authorities or other interested parties was excessively limited in the bill's current form. At the moment, there is a requirement to notify local government or any public authority of a proposed development application. The effect of these three amendments will be to enable the authority to seek input from a wider range of people or organisations; it is, therefore, opening up the process further and is in accordance with the issues and the degree of concern expressed by the opposition. Again, this is an example of the government being reasonable, listening to good argument, and putting it into effect. I trust these three amendments will have the support of the opposition.

Mr J.N. HYDE: Again, this was an area that we believed needed amendment and the government did not agree to that during consideration in detail. However, I want to look at the technical aspect of this amendment because I am not sure that the government has it right. The amendment to line 17 seeks to delete "Authority must" and insert —

> Authority —
>
> (a) must

However, we are then left with existing paragraph (a) at line 20. Surely there will have to be further amendments because we cannot have two paragraphs the same, and paragraphs (a), (b) and (c) as they appear in the bill now will become subsidiary to new paragraph (a).

Mr J.H.D. DAY: I am working from the amendment given to me that was agreed to in the other place. If there is a drafting issue, I seek the Clerk's advice. I agree with the member for Perth; it does seem a little mysterious. However, I am working off a copy of the paper signed by the Clerk of the Legislative Council confirming this is what the other place has agreed to. The first of these amendments amendment, number 3, is simply a mechanical device to ensure the wording of the clause is correct. It would be helpful to see a revised clause as agreed to by

the other place rather than the one that appears in the version we considered in the Assembly. I now seek the Clerk's advice in relation to an assurance that this wording is correct.

Dr A.D. BUTI: While the Clerk is considering this matter, and further to the member for Perth's statement, this drafting error is quite significant because the way the amendment reads now, at line 17, after we delete the words "Authority must" and insert paragraph "(a) must", the paragraphs after line 19 cannot simply be renamed (b), (c) and (d) because paragraphs (a), (b) and (c) in the current bill are paragraphs of subclause (1). This amendment proposes to insert paragraph (a) at line 17, making the current paragraphs (a), (b) and (c) subparagraphs of the new paragraph (a). In other words, they would be subparagraphs (i), (ii) and (iii) to distinguish them from the new paragraph (a).

The way the bill reads now is nonsensical and cannot be held to be in proper accordance with legislative drafting. I repeat: current paragraphs (a), (b) and (c) will become subparagraphs of new paragraph (a) and will therefore more than likely be designated (i), (ii) and (iii); and thus proposed amendment 5 will not insert a paragraph (d) but a paragraph (b)—or, perhaps (iv).

Mr P. PAPALIA: I think that this is an interesting issue. The amendments received from the other place appear to effectively render the entire clause unworkable, or at least complicated. They are not reflective of normal writing practice and the question has to be asked: what now? In the event that the clause is unworkable, we cannot pass it. I understand the minister is making the reasonable assertion that the amendment is in response to an opposition proposal, but we cannot allow it to pass on the understanding that it will be fixed later. I would suggest that we obviously have to create an entirely new amendment—and what then? I am a bit of a novice when it comes to parliamentary practice, but does it mean the clause will have to be transmitted to the other place and then returned to the Assembly.

Mr J.N. Hyde: Yes.

Mr P. PAPALIA: Are we confronted with an entirely new situation? I might yield to the member for Perth because he seems to want to make a contribution.

Mr J.N. HYDE: Again, I saw these amendments only this morning and this one stood out like the proverbial as soon as I read it.

Mr W.J. Johnston: Red dog!

Mr J.N. HYDE: Red dog—yes!

If there is not a simple explanation, Mr Acting Speaker (Mr P.B. Watson)—perhaps some advice from the Clerk—I think we should adjourn discussion of this until another time because the clause will need to be redrafted and sent back to the other place. We are not going to save two weeks on this. In terms of wasting or not wasting our time, I think it is better that in the case of "a blue", we call stumps now and have it fixed.

Mr J.H.D. DAY: As I said, it would be helpful to have a printed version of the clause as amended by the Legislative Council. However, the advice I have from the Clerk is that this is workable and is the way in which parliamentary counsel generally drafts things these days. Members need to look at the effect of the amendments as a whole—that is, amendment 3 together with amendments 4 and 5. The effect will be that clause 64, will read —

> (1) After assessing a development application under section 63, the Authority —
>
> (a) must give written notice of the particulars of the application, its determination under section 63 and of the effect of section 65(1), to —

And the three existing paragraphs (a), (b) and (c), will become subparagraphs. Members need to look at the total —

Mr J.N. Hyde: You can't have two paragraphs (a); again, it changes the whole meaning.

Mr J.H.D. DAY: I wondered about that as well; however, this is a mechanical drafting issue, which, as I understand it, can be dealt with, and under the existing standing orders it is normally dealt with in the final printing of the bill.

Dr A.D. BUTI: I hear what the minister is saying, but I really do not think it is as simple as that. The effect of a subparagraph is much different from that of a paragraph. We cannot just come to this chamber today without even an amendment before us and say that paragraphs (a), (b), (c) of clause 64(1) now become subparagraphs (i), (ii) and (iii), when there is also Council amendment 5, which refers to a subparagraph (d) that cannot remain subparagraph (d). Therefore, the concern is not only about amendment 3, because it also has a major effect on amendment 5. It may be considered in some respects to be just a simple drafting error, but actually, the whole

clause will read differently from how it is currently proposed. I do not think that the drafters can come back with an amendment that just changes the paragraphs to subparagraphs. I think, as was mentioned by the members for Warnbro and Perth, it might be a good idea if we adjourned this debate and the amendments are brought before us another day properly drafted. It really is absurd, and very sloppy of the government, to come back with an amendment that the minister wants us to pass that has not even been drafted properly.

Mr P. PAPALIA: Following on from the comments by the member for Armadale, I note that the minister's explanation a moment ago suggested that this was some new drafting practice that had been adopted; I think the words he used were that this is the current practice. That suggests that there was a previous practice and somehow the practice has changed and there is now a new practice by the people who draft these amendments in the other place. If that is the case, I would like to know whether the minister can give us another recent example of a similar matter, in which legislation was poorly or incorrectly drafted in the other place and returned to this place, whereupon we discovered that flaw in the drafting and continued to proceed with the debate, rather than doing the entire process correctly, whereby we had a draft to consider, we debated it and the legislation was returned to the other place, and was subsequently returned to this place again. If there is another practice, could the minister please give us a recent example of that occurring, so we might be able to consider whether this is some new practice or an accepted procedure that must have slipped by us, because I cannot recall one.

Mr D.A. TEMPLEMAN: The minister for Planning has a reputation for having safe hands and I would hate him to be known as "fumbles" after today. But really, I think the opposition has exposed a major problem and unfortunately for the minister, he has to handle the embarrassment of what has occurred with the drafting aspect of amendments that has been highlighted. So that the minister can avoid being known from this point onward as "fumbles", I would really strongly urge him to take the advice of the member for Perth that we adjourn this particular debate about these amendments. What the member for Armadale has said is absolutely right and that is that we are making a new law or a new bill and we have to get it right. Unfortunately, during the second reading debate the opposition raised a whole raft of pertinent —

Mr P. Papalia: Stonewalled.

Mr D.A. TEMPLEMAN: Yes, they were pertinent amendments and issues and they were batted back by the Chris Tavarez of the Parliament. He has now been found wanting; we were right! And now we have a list of amendments —

Mr P. Papalia: I would have thought Colin Cowdrey might have been better!

Mr D.A. TEMPLEMAN: Colin Cowdrey!

Now we have a list of amendments that have come back before this house and they are flawed in how they have been presented. I think to save face, let us adjourn; let us get some very solid advice about why we are now dealing with a dill pickle of amendments, and then come back with the amendments presented properly, appropriately and accurately, so that we can then see the safe passage of these particular amendments.

Mr M.P. WHITELY: I have come to this debate late, but I am very concerned, as are the other members, about this matter. I am actually trying to make sense of Council amendment 5, which deals with paragraph (d). As I understand it, the minister has tried to explain that —

The ACTING SPEAKER (Mr P.B. Watson): Member, we are on amendment 3 at the moment; we are only talking about amendment 3.

Mr M.P. WHITELY: Amendment 5 is actually consequential, because it flows off amendment 3. If amendment 3 is passed, as I understand it, the minister has argued that paragraphs (a), (b) and (c) of clause 64(1) would become subparagraphs (i), (ii) and (iii). Therefore amendment 5, if it is consequently passed, cannot deal with paragraph (d), because there would be no paragraphs (b) and (c). Amendment 5 could in fact deal with paragraph (e), if the minister is wrong and subparagraphs (i), (ii) and (iii) remain paragraphs and paragraphs (a), (b) and (c) subsequently become paragraphs (b), (c) and (d), but amendment 5 certainly cannot deal with paragraph (d). Amendment 5 could deal with paragraph (b) if it is not consequential to the new subparagraphs (i), (ii) and (iii), or it could deal with paragraph (e) if paragraphs (a), (b) and (c) become (b), (c) and (d). I think the minister needs to clarify that because —

Dr A.D. Buti: The minister needs to get his ABCs right!

Mr M.P. WHITELY: Am I right, member for Armadale?

Dr A.D. Buti: He needs to get his ABCs right!

Mr M.P. WHITELY: Yes, the minister needs to get his ABCs right, because amendment 5, which deals with paragraph (d), cannot possibly deal with that paragraph (d). Perhaps I need to go over this again. Paragraph (d) could be (b) if paragraphs (a), (b) and (c) become subparagraphs (i), (ii) and (iii), or it could deal with paragraph (e) if (a) becomes (b), (b) becomes (c) and (c) becomes (d). Or amendment 5 could even deal with subparagraph (v), if it hangs off the previous subparagraph and does not sit separately.

The ACTING SPEAKER: Member, could you get back to amendment 3, please?

Mr M.P. WHITELY: Therefore, depending what happens with amendment 3, we have further problems with the bill, and I am very concerned about the numbering. Could the minister please give us an indication of the consequences of amendment 3 and whether proposed paragraph (d) dealt with in amendment 5—because it cannot be paragraph (d)—will be paragraph (b), (e) or subparagraph (v)?

Mr J.H.D. DAY: I understand. I agree that things are a little confusing when looking at the amendments as written, however, I am assured that they are correct. I am indebted to the Clerk and I appreciate his advice. He has just consulted with parliamentary counsel, and as I foreshadowed earlier, there will be some clarifications made in the final recording of the bill. Those clerical amendments will be made prior to the printing of the bill and that happens in the normal course of events to provide clarity about the structure of this clause.

Mr M. McGowan: What other bills has this happened with?

Mr J.H.D. DAY: I cannot say that off the top my head, but when I used to be Acting Speaker quite some years ago, this was not an uncommon situation in which the numbering of clauses or subclauses —

Mr M. McGowan: Was Charles Court in this place then?

Mr J.H.D. DAY: I was elected not all that long before the member.

Several members interjected.

The ACTING SPEAKER: Members, let the minister explain, because it is rather complex.

Mr J.H.D. DAY: It is not an unusual situation in which the numbering of clauses or the lettering of paragraphs is changed in the final printing of the bill so that it all makes sense. Parliament gives authority to the content of the amendments and the purpose of the amendments, and the sequential numbering and lettering is sorted out in the final printing of the bill. That will be undertaken, I have been advised, by the Clerk of the Council. That is the process prior to the bill being printed.

I turn to what will actually happen. As I explained earlier, it would have been desirable if we could have considered amendments 3, 4 and 5 together, because they are all about the same thing. The effect of those three amendments will be that, after the appropriate lettering and numbering is applied, clause 64 will read —

> (1) After assessing a development application under section 63, the Authority —
>
> (a) must give written notice of the particulars of the application, its determination under section 63 and of the effect of section 65(1), to —

Paragraphs (a), (b) and (c), as they appear at the moment, will become subparagraphs (i), (ii) and (iii). After we, hopefully, agree to amendment 5, paragraph (b) will be inserted under clause 64(1). Clause 64(1) will include paragraphs (a) and (b). Paragraph (a) will include three further subparagraphs, (i), (ii) and (iii), which currently appear as paragraphs (a), (b) and (c). Amendment 5 will insert clause 64(1)(b). I hope that makes it clear.

Mr J.N. HYDE: No, it does not. The minister started this whole discussion by saying that he had agreed to the intent of Labor's original complaint about this clause, which was that the notification being given to stakeholders is limited, and he said that these amendments would improve that.

Mr J.H.D. Day: Your colleagues in the Legislative Council have agreed to the amendments.

Mr J.N. HYDE: What happens in the other place does not matter here, as Hon Norman Moore reminds us.

Mr J.H.D. Day: We also need to agree. If we can get past this first one, we can get on to the substance of the issue.

Mr J.N. HYDE: I split this so that the minister could not do it together, because of the problems here. The minister claims that this will lead to greater transparency and greater consultation. Our original complaint about this was that it would not, and that all it meant was that one or two local councils would get notification, but direct stakeholders would not. In amendment 5 the minister proposes the insertion of clause 64(1)(d)—it may become a (b) or a (v) in the Ukrainian alphabet or something else!—which reads "may give written notice". That

is not worth anything. I give the minister notice that I intend to move an amendment so that it will become "must", not "may". The minister cannot claim in good faith that amendment 3—which we are still not clear about and which I still believe legally changes the meaning of that provision—does give greater transparency and does guarantee that stakeholders will be consulted. Let us get back to the core of the issue. Let us forget about how it is expressed. This Parliament is saying that we want affected stakeholders to be consulted in a transparent way. The existing wording of clause 64 does not give that. The amendments, starting with amendment 3, do not give that and do not guarantee that. I am perplexed at how the minister can claim that these amendments, starting with amendment 3, increase transparency and consultation for stakeholders.

Mr J.H.D. Day: I have already explained it.

Mr J.N. HYDE: The minister did not. He said that it would provide those things, but it clearly does not. He has not been able to justify how.

Mr J.H.D. DAY: To explain once more for the member for Perth, the effect of these three amendments is to enable the authority to provide information about a proposed development to other potential stakeholders, community groups, residents, agencies, organisations or whatever. The effect of these amendments is to increase the ability of the authority to do that. I would have thought that would be supported by the opposition. I do not think it is possible to say "must give notice" to a range of other stakeholders as the member for Perth, I think, suggested, because it would be impossible to be precise about who the other stakeholders are in any particular case.

Mr J.N. Hyde: The local government does that already.

Mr J.H.D. DAY: Local governments will be required to be consulted; that is already the case in the bill before us. The effect of these amendments is to increase the degree of public consultation to enable a more consultative process than may otherwise occur. I would have thought that would be supported by the opposition.

I commend these amendments to the house. I think I have now explained the effect fairly clearly.

Dr A.D. BUTI: A couple of things have come to light from this discussion. One thing is that one should never rely or depend on the Legislative Council!

Even if we take the drafting changes, which really agree with what we suggest needs to happen, the minister just mentioned that we cannot include "must", but amendment 3 would amend clause 64(1)(a) to read "must give written notice". A minute ago the minister said we cannot say "must"; it must be "may". If we look at clause 64(1)(c), which will become subparagraph (iii), we see that it reads —

> (c) any other public authority that appears to the Authority to have functions relevant to —

Amendment 4 also refers to "appears". Therefore, how can we know with any certainty which public authorities appear to the authority to have functions relevant to or are likely to affect the proposed development? The argument that the minister will use to include the imperative "must" in new paragraph (a) counteracts his answer to the member for Perth about not including "must" in new paragraph (b) inserted under amendment 5 as paragraph (d). Either both paragraphs should read "must" or they should both read "may". Our argument is that both must read "must" because under current paragraph (c), which will become subparagraph (iii), there is incredible discretion, because what criteria are we using to judge what "appears to the Authority to have functions relevant to, or whose operations are likely to be affected by, the proposed development"? That is an incredibly broad discretion for a subparagraph that commences with an imperative in the sense that it contains "must". Therefore, the questions to be asked are: If we have paragraph (c), which will become subparagraph (iii), which has a wide discretion, what happens if a certain public authority was not contacted and did not receive written notice? What recourse would they have? My reading of that is that they have no recourse because we are leaving it to the complete discretion of the authority to determine which public authority has to receive written notice even though that is a mandatory command that we have instigated by using "must". There is a philosophical and legislative inconsistency with "must" at the beginning of new paragraph (a) and "may" in new paragraph (b), which is paragraph (d) under amendment 5, but which will become paragraph (b) when the drafting is corrected.

Mr J.H.D. DAY: I understand what the member for Armadale is saying. Given that the authority will need to make a determination about consulting other persons, however they may be defined, on a development application, and that a degree of discretion and options are available, it is more appropriate to have the word "may" rather than "must". It is more logical, as far as I am concerned. This has been drafted by professional drafters, and based on their advice—they are not here now to provide direct advice to me—it is more logical to provide an option through the use of the word "may" rather than "must", given that discretion.

Mr J.N. HYDE: Again, the minister has admitted it is an option, so there is no requirement on the authority. The minister started the discussion on these amendments by saying they would provide more transparency and would agree with Labor's amendment. The minister is verballing us. We were praising the minister for having agreed to amendments that Labor was emphatic about during the original debate. Again, the issue that has been raised by members on the wording of this amendment is that there is no requirement on this body to consult people living next door if there is suddenly a boundary-to-boundary eight-storey development happening there. Even with the minister's insertion of later amendment 5, there would still be no requirement for the MRA to consult them. The minister is incorrect to be saying that it is too difficult and they cannot do it. The Local Government Act already does this with development applications in which there is a requirement in town planning schemes that if neighbours are within 100 metres, it must be advertised. That is a "must"; it is not a "may". It does not give the local council the discretion about telling the neighbour who lives directly next to a new piggery or a new eight-storey building. In some town planning schemes there is a requirement to advise anyone within 100 metres or directly affected neighbours, which in the planning sense are those who are alongside a lot, those behind or those directly opposite. It is a very simple amendment to change that word "may" to "must". If we get to amendment 5, I will be proposing that amendment. Again, I cannot see how amendment 3 will guarantee us the greater consultation that was our original intent and that resulted in our original objection to this clause of the bill.

Mr M.P. WHITELY: Following on the comments from the members for Bassendean and Armadale on proposed clause 64(d), which I believe will now be paragraph (b) and (e) and subparagraph (iv), the incorporation of the word "may" seems extraordinarily lax given there is already discretion in the clause to inform any other person that it thinks fit. The way it reads is the MRA may give notice to any person if it thinks fit, but it is not obliged to do so. It can think it is fit to give notice to someone and not give it to them! In other words, it can have any excuse for not taking what it deems to be appropriate action. There is discretion, as I said, to give it to any other person it thinks fit, but the word "may" means that even if it thinks that it would be appropriate to give written notice, there is no obligation on it to give written notice. If it cannot be bothered, it is not required to happen. I would have thought there is enough discretion in the words "to any other person it thinks fit". Under what possible circumstances would it not give notice to people that it thinks it is fit to give notice to? It seems absurd there is discretion in that. If it is fit to give notice to another person, surely that notice should be given—and the discretion that is implicit in "may" should be replaced with "must" so that any other person who is fit to get the notice actually gets the notice, given there is discretion already in the clause.

Mr J.H.D. DAY: Certainly any relevant person that the authority considers appropriate to be consulted will obviously get a notice of the application. That is the purpose of this amendment. There seems to be coming through a degree of suspicion about how this authority is going to work; that it is going to be operating on a secretive basis and doing what it can not to consult people. Anybody who has any real knowledge of how the existing authorities have operated—East Perth Redevelopment Authority, Subiaco Redevelopment Authority, Midland Redevelopment Authority or the Armadale Redevelopment Authority—will know there is a substantial amount of consultation involved with communities and local governments in their areas, and that the outcomes of developments that have been undertaken are generally of a very high standard. People want to see that replicated elsewhere or made more possible to occur in other parts of the metropolitan area. I think the suspicion that is coming through about the authority being secretive and not acting in good faith is completely unjustified. These amendments will enable a greater degree of consultation as was the case in the bill as originally drafted. I think that the opposition supports that intent, and the government supports that intent. We have agreed to a reasonable idea and these three amendments simply have that effect. Amendment 3, which we are considering at the moment, has no substantive effect in itself; it is simply a mechanical change that is necessary to accommodate the other two amendments that appear below it.

Dr A.D. BUTI: I am not sure whether we can vote on that because we have not seen the drafting changes. I am not prepared to vote on something I do not see in front of me. It is not the minister's fault; it is the Legislative Council's fault. Surely, if we are going to agree to a drafting change—I do not think we necessarily have agreed—we need to see it. Voting on what is before us is nonsensical and I would query the constitutionality of it.

Mr J.H.D. DAY: As I was explaining previously, all the amendments that the Assembly is being asked to agree to are listed here on the notice paper. The only changes that will occur when the bill is finally printed are clerical amendments to ensure the correct numbering and lettering so that it makes sense. That process is a normal one under the standing orders of both houses of Parliament. It is the way that it has always been done, as I understand it. The only changes in what is printed here will be numbering and lettering. There is no change to the effect of the amendments in the final printing of the bill. As I said, this process has been used, as far as I know, since Parliament has been operating.

Mr W.J. JOHNSTON: I want to take up the point that the minister made. This goes to the question of the management of the house. We received these amendments from the other place that none of us knew would be debated now, and the shadow minister does not get any chance to properly examine them. In the past on other bills, the government has been able to provide what I think is called a blue copy of the legislation so that we can see the effect of the amendments. The minister has come to us today with this amendment, but we are not convinced that the drafting is in proper order. Maybe when the minister puts the drafting together, he can convince us of that.

Mr J.H.D. Day: I have checked with the Clerk and it is in order.

Mr W.J. JOHNSTON: The minister is missing the point here. Even if, technically, it is in order, that does not mean it is in order, because we can still not agree, as the member for Perth made clear, with the effect of the changes that are being proposed. This goes to the heart of the management of the house. We had a number of bills on the notice paper that we were prepared to look at.

Mr P. Papalia: Now you have hit the nail on the head.

Mr W.J. JOHNSTON: Instead we get to debate this issue. It would be much more efficient for the management of the house if we had a better process. It is very difficult for the opposition when it is put in this position of having to deal with matters in the way they have been presented to us by the government, given the choices it makes. I am not quite sure that the words on the paper here about a bill that has been returned to us by the other house do what the minister says they will do or do what the opposition would like to see with this legislation. I do not think these are small issues; they go to the heart of the efficient time management of the house. I know what will happen. At some later time today or on another day, the Leader of the House will complain to the opposition that legislation is not passing through the chamber with speed, yet that is due to the government's decision on the way it manages the house and we have to cope with that.

Mr J.N. HYDE: Let us get back to the basis of this. I cannot see how inserting paragraph (a) in line 17 will change the meaning of clause 64. I do not think the minister has justified that, so why are we doing it?

Mr J.H.D. Day: I hoped you would understand. In itself it does not change the meaning at all. You need to look also at amendments 4 and 5. I have explained that about four times. I would have thought you had the ability to understand.

Mr J.N. HYDE: I have got the ability to understand. The minister was going to slice this through very quickly. There was the minister off to the statue unveiling, or whatever he was doing down the terrace today.

Mr J.H.D. Day: Not me.

Mr J.N. HYDE: If as proposed in amendment 5, it is a matter of adding a new paragraph (d), why do we need a new paragraph (a) in the preamble of subclause (1)? It seems to be complicating it.

Mr J.H.D. Day: Paragraph (d) will become paragraph (b) later on. There will be paragraph (a) with subparagraphs (i), (ii) and (iii) under that and what is on the notice paper as paragraph (d) will become (b).

Mr J.N. HYDE: Correct. We are saying the original intent we wanted out of clause 64 was to guarantee more consultation. We wanted the wording for stakeholders in particular—direct neighbours—to be "must be consulted" in the same way the local council must be consulted. By quarantining the compulsory nature of clause 64 and then sticking out by itself a little (v) saying they "may", clearly Parliament is saying to the new authority that we are not putting a new priority on this, "It is just a may; it is something you might want to do to cover your backsides if you're under a bit of pressure." Again, I have great concern with the way the planning authorities are operating under this government. An amount of $917 000 was spent by the East Perth Redevelopment Authority on public relations.

Mr M. McGowan: Really?

Mr J.N. HYDE: It is a huge amount that I have discovered in the annual report, and we will be taking that further.

Mr J.H.D. Day: I think you need to tell the full story of what it is being used for. What do you think it's being used for?

Mr J.N. HYDE: A lot of money is going to some of the elite public relations companies in WA. In comparison, the Planning Commission and the land authorities that are also involved in the selling and marketing of land, with a much bigger workload, spent a total of only about $300 000. It is very easy to run a few ads and invite

people to champagne and strawberries to launch a new subdivision, but to spend almost $1 million under one tiny authority —

Mr J.H.D. Day: Don't you like what EPRA has done in your electorate?

Mr J.N. HYDE: Some very good things are there, particularly when the previous minister, Alannah MacTiernan enforced that EPRA should deliver a social dividend not just a profit to the government, such as affordable housing and disability housing in East Perth.

The ACTING SPEAKER (**Mr P.B. Watson**): Member for Perth, can we get back to amendment 3, please?

Mr J.N. HYDE: I apologise for taking an interjection from a serial interjector!

It is our wont to not support this amendment because it will delete the strength of the amendment we are seeking to move under amendment 5, so the opposition will not support this amendment.

Amendment put and a division taken with the following result —

Ayes (26)

Mr P. Abetz	Mr V.A. Catania	Dr G.G. Jacobs	Dr M.D. Nahan
Mr F.A. Alban	Dr E. Constable	Mr R.F. Johnson	Mr D.T. Redman
Mr I.C. Blayney	Mr J.H.D. Day	Mr A. Krsticevic	Mr M.W. Sutherland
Mr J.J.M. Bowler	Mr J.M. Francis	Mr J.E. McGrath	Dr J.M. Woollard
Mr I.M. Britza	Mr B.J. Grylls	Mr W.R. Marmion	Mr A.J. Simpson *(Teller)*
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	
Mr G.M. Castrilli	Mr A.P. Jacob	Ms A.R. Mitchell	

Noes (22)

Ms L.L. Baker	Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell
Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mr E.S. Ripper	Mr B.S. Wyatt
Ms J.M. Freeman	Mr M.P. Murray	Ms R. Saffioti	Mr D.A. Templeman *(Teller)*
Mr J.N. Hyde	Mr A.P. O'Gorman	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley	

Pairs

Mrs L.M. Harvey	Mrs C.A. Martin
Mr C.C. Porter	Mrs M.H. Roberts
Mr T.K. Waldron	Mr M.P. Whitely
Mr M.J. Cowper	Mr T.G. Stephens

Question thus passed; the Council's amendment agreed to.

Mr J.H.D. DAY: I move —

That amendment 4 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Mr J.H.D. DAY: I move —

That amendment 5 made by the Council be agreed to.

Mr J.N. HYDE: I move —

Amendment 5 made by the Council — To delete "may" and substitute —

must

We do not want to take up too much more time of the house that the government's mismanagement of this bill has ensured. Clearly, we believe that deception is underway. By proclaiming that we will agree to Labor's original amendment—our original complaint was that we needed more consultation and more involvement of stakeholders—we have ended up with amendment 5, which currently states —

may give written notice of the particulars … to any other person it thinks fit.

We can drive trucks through a phrase like that. As we have discussed previously, by deleting the word "may" and inserting "must", stakeholders and others who are vitally concerned will be given some guarantee that a monolithic redevelopment authority, one that the minister has not been able to describe, will not go from EPRA light to EPRA super. We have had no confirmation of that. We will have an impersonal giant authority. A

heritage area in Peppermint Grove, where the Cliffe is located, could suddenly be declared a redevelopment authority district and it will be able to undertake a number of planning activities. It is certainly our view that through this amendment, which deletes "may" and substitutes "must", the original intent of the Parliament will be preserved and the minister's claims that his original amendments to this section will be determined.

Dr A.D. BUTI: I heard the minister's explanation when we were discussing the terms "may" and "must". Even if the amendment moved by the member for Perth is successful, it will not really impose any greater obligation on the authority. All it will do is make the authority think a bit more clearly about to whom it needs to give written notice. In the end, from my reading of the legislation, there is no sanction if the authority fails to give notice to any other person it thinks fit. As mentioned by the member for Bassendean, why would the authority not give notification to someone that it thinks will be affected or should be notified of the development application? Surely the authority should put its mind to the fact that it must notify everybody who will be affected. As the minister said, the current redevelopment authorities—I can speak only for the Armadale Redevelopment Authority of which I was a member for a number of years, which is a great authority—operate well, and one would hope that this new authority will operate well also. I do not see that any greater burden will be placed on the authority by inserting the mandatory and imperative command of "must" rather than "may". Even by inserting those words, there is no sanction to the authority if it does not comply with that provision.

Mr M.P. WHITELY: As mentioned by the member for Armadale, there is sufficient discretion in the words "to any other person it thinks fit". As I said previously, surely it is reasonable to expect notice to be given to people to whom it is fit to give notice. Surely notice must be given to those people who are fit to be given notice.

I think the effect of the amendment moved by the member for Perth still gives the authority enormous discretion. It gives it an opportunity to set a precedent and to set a standard about who should be consulted so there is some way that the decision maker can be held accountable for its decision to either provide particulars of the application or not to provide them. When carrying out tests such as proximity, environmental effects and economic effects, a pattern of who is included and who is not included would be established over time. Surely the decision maker would look back and say, "This is the standard we set." If we leave the words of the government's amendment unchanged, and leave the word "may", there is no capacity to set a standard. The reasons for not providing particulars of the application can be entirely arbitrary. It can be a case of "We were too busy. We just couldn't be bothered because under the bill we don't have to. If you are fit to get it and should reasonably get the notice, we can give it to you if we feel like it but if we don't feel it, we don't have to." That seems to me to be totally unacceptable. We want to see consistent practice whereby judgements are made about who is reasonable to be consulted and who is reasonable to be informed and for those standards to evolve over time and be consistently applied. Leaving the word "may" in the amendment would mean that it would not matter whether a standard was developed and it would not matter whether the 100 previous cases were determined in this way because when it comes to case 101, the decision maker has an excuse if it cannot be bothered, saying, "We don't have to. We may give notice. Even though you are fit to be given notice, we don't have to give you notice because we 'may' do that rather than 'must'." I think there is sufficient discretion. It does not become overly burdensome to change the word "may" to "must" but it does impose the obligation for a standard to be developed over time and for that standard to be consistently applied. As the member for Perth suggested, unless this is just some sort of attempt to fob us off with some Clayton's amendment that really does not achieve much, there can be no reasonable argument against changing the word "may" to "must".

Mr J.H.D. DAY: For the reasons I outlined earlier, the government does not support this amendment. As I said, we are potentially dealing with an organisation that is on the record of the existing redevelopment authorities as operating in a professional and consultative manner. The drafting of the amendment, where the word "may" is used, reflects the fact that there will necessarily have to be some discretion about other organisations, persons or whoever is consulted in this process. The use of the word "may" is really more appropriate than the use of the word "must" in that context. Therefore, we do not support the amendment.

Mr M.P. WHITELY: I want to make a brief comment. The minister understands the argument that has been put forward by the member for Perth. He probably agrees with it but he realised that he will have to send it to the upper house. Because it failed to do its job properly in the first place, it has sent back a poorly-worded amendment. Either the minister does not want to have broad consultation powers or he thinks we should have this mickey mouse Clayton's amendment. They can be the only two reasons why the minister will not accept the amendment. It is entirely unreasonable to leave the clause as it stands. I am a fan of the bicameral system, but when they fail to do their work properly, it is our work to pass it back up to them and get them to do it properly. That is what needs to be done in this case. Unless the minister's motivation is that he really does not want this to have any effect, the only reason he could have for not passing it to the upper house is that it is inconvenient and involves work. The upper house has been complaining about not having enough to do, so I would not have thought that passing this back to them and getting them to actually do a little work would do them any harm.

I think the minister should come clean. What is his reason? Does he really not want to have consultation, does he really not want to have an obligation to consult under reasonable circumstances, or is it simply that the minister just cannot be bothered because it creates a bit of extra work? I suspect that is the real reason.

Mr J.N. HYDE: Again, I urge the government to consider this amendment. If the minister was dinkum about what he claimed he wanted the original amendments to do, he would be supporting this amendment. I again draw the minister's attention to the Western Australian Local Government Association having taken its bat and ball and saying—after he verballed it originally, saying it was supportive of this—that it wants the minister to withdraw this and go back and consult, and not just about the regulations later on in the year when he gets around to them. WALGA has just put out a press release, after the minister's claim about the new development assessment panels being you-beaut and everybody is happy. Mayor Troy Pickard from WALGA put out a press release stating —

> **Claims that new Development Assessment Panels will provide more efficient planning decisions are premature, with the stated benefits yet to be demonstrated.**

This seems to be becoming a bit of a habit—that is, the minister verballing WALGA, getting it on board as his cheer squad and it now having second thoughts about the DAPs. We urge the minister to agree to this amendment and send the legislation back to the upper house, so that we actually get a chance to engage in genuine consultation. I am a little bit concerned that after the minister became aware of WALGA's withdrawal of support and its demand to be consulted, he has actually indicated that he has not consulted with it yet on the regulations, but he will in the future.

Mr J.H.D. Day: We did consult them earlier on; I am just saying there will be further consultation on the regulations.

Mr J.N. HYDE: Again, minister, WALGA is disputing that. Having a minimal number of administrative people involved, and people in WALGA being sworn to secrecy and told that they could not tell anybody about what they were being told regarding this bill, is not WALGA's view of what consultation really is. For the minister to still be proclaiming that it was consulted flies in the face of that. Again, without trying to drag things out, we are very, very concerned, given the operation of a huge Metropolitan Redevelopment Authority, that it is not going to be required to consult with stakeholders. It is a very simple amendment, changing "may" to "must", and it will greatly improve this bill.

Let us not go back to being in a baby and bathwater situation. The thrust of the Metropolitan Redevelopment Authority Bill 2011 is something that Labor has supported because of the benefits that a properly thought out, enacted bill would bring. We are in agreement in a macro-global sense. What we are trying to do, as we have done all the way along, is to help the minister be a better minister and the government to be a better government.

Mr J.H.D. Day: You're so kind!

Mr J.N. HYDE: I have a bit of a track record in that regard, and I am always happy to oblige here. I really do believe that this amendment, minister, will make for better legislation.

Amendment on the amendment put and negatived.

Question put and passed; the Council's amendment agreed to.

Mr J.H.D. DAY: I move —

> That amendment 6 made by the Council be agreed to.

To explain, this amendment has the effect that certain discretionary decisions that may be made under redevelopment schemes will be reviewable by the State Administrative Tribunal. Decisions of the Metropolitan Redevelopment Authority on development applications or deemed refusals of development applications are already reviewable by SAT because of the way clause 69 of the bill and section 263 of the Planning and Development Act 2005 work together. However, other kinds of decisions arising under redevelopment schemes, rather than under the bill, may not be reviewable without this amendment because of the specific wording of section 252 of the Planning and Development Act. The sorts of decisions involved will depend on the specific redevelopment scheme, but may include matters such as classification of uses, and decisions as to the permissibility of uses that are not directly dealt with in a scheme.

Mr R.F. Johnson: Are we going to vote on this one?

Mr M. McGOWAN: Do you want to vote on this?

Mr J.H.D. Day: Yes, just to finish.

Mr M. McGOWAN: We are cooperative.

Question put and passed; the Council's amendment agreed to.

The Council acquainted accordingly.