

APPROVALS AND RELATED REFORMS (NO. 4) (PLANNING) BILL 2009

Consideration in Detail

Resumed from an earlier stage of the sitting.

Clause 43: Part 11A inserted —

Debate was adjourned after the clause had been amended.

Mr M. McGOWAN: I move —

Page 34, after line 26 — To insert —

- (4) Notwithstanding anything contained in this Part, the cost of staffing facilities and services of a DAP will be met by the State.

The reason I move the amendment is to remove all doubt. As members will be aware from the huge amount of correspondence and the large number of representations from local governments throughout Western Australia, local governments are very concerned that the cost of the development assessment panels will be forced upon them. This is a state initiative; it is not an initiative of local government. They are saying that if the state is forcing this on local ratepayers, the state should ensure that the costs of this new methodology of determining development applications should be met by the state itself. I think that is a fair thing for the local governments around Western Australia to say. Until now, of course, local governments have had internal control over development assessment and, therefore, it would be fair to say that because they have had that internal control, ratepayers have had that more direct control over development assessment and local government and ratepayers themselves meet the cost. However, because of this change that the state has forced upon local government, local ratepayers should not have to meet those costs. We listened to local governments around Western Australia; indeed, most of the amendments put forward by the government have been as a consequence of the opposition listening and the issues it has raised in briefings, in the Parliament and in public. This is another one of them. We will proceed with this amendment to ensure that the minister provides a full and proper explanation of how the costs of staffing facilities, services, travel, correspondence, stationery, phone use, petrol and all of those important aspects, such as the intellectual consideration and time, the cost of coffee and tea, and all of those things that will be used by development assessment panels will be met by the state, considering that the state has forced this upon the ratepayers of individual local governments. That is the intent behind the amendment. I look forward to an explanation in due course from the minister of why he will not support this amendment—I assume that he will not—and what mechanisms are currently in place to ensure that local governments do not have this cost imposed upon them.

Mr P. PAPALIA: I just want to support the amendment but also to ask the minister if he can provide details of his estimate of costs that might be swept up with this particular amendment; and, if so, how has he determined those costs and how has he predicted what the costs of DAPs will be where there are two elected officials from each council involved in and impacted upon by the development in question when he does not even know how many councils there will be in Western Australia. Has he taken into account the position if all or some of the 40 or so councils in the Wheatbelt, for instance, are amalgamated into larger councils and those two individuals might have to travel several hundred kilometres on each occasion when they have to participate in a DAP? Has he taken into account all the costs associated with that? Has he taken into account any potential costs that might be incurred in the future should further amalgamations or further structural changes be foisted on the local governments of Western Australia? If so, how did he do that and how did he come to the conclusion that he has any potential to fund these costs? How is he going to do it? Where will it appear in the budget? If his proposal goes through and the legislation is enacted and DAPs come into force, is he completely comfortable that the budget has adequately identified funds for all the potential costs associated with this task or is it his intention to refuse to support this amendment and foist onto the ratepayers of Western Australia all of the costs associated with this new imposition and latest assault on the local governments of Western Australia, in much the same way as has been done in Queensland, where it has been demonstrated and concluded that it has cost ratepayers something like \$220 million as a result of the amalgamation process that has taken place there? He cannot look at this process and the costs and demands that he is placing on local governments across Western Australia through the DAPs that he is imposing upon them in complete exclusion of what else he is doing to local governments. We have now sat through 14 months of uncertainty and anxiety within the local government sector as a result of the incompetent and inept Minister for Local Government. The minister has said that his department, and he and the Minister for Local Government are consulting closely on this process. However, I have seen no demonstration by the Minister for Local Government of any capacity to foresee what is happening at the end of next week, let alone at the end of the process. He does not know what his targets are and he is still

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waiting to be told by local government whether he can achieve what he is trying to achieve. How does this minister know what the Minister for Local Government is going to achieve, and how does he know he is going to be able to implement DAPs in an efficient fashion without undue and unfair impost on the ratepayers of Western Australia when he cannot foresee what the ultimate shape, size and scale of local governments around the state will be?

Mr J.H.D. DAY: I agree with the point that local government should have no unreasonable additional impost forced upon it as a result of putting in place this new system of development assessment panels. In relation to any additional costs that we expect will be incurred, modelling has been done and consideration given to what the final outcome will be. But it is intended, as I explained earlier in the debate, that there would be a relatively small—all things considered—additional application fee paid by proponents when a development assessment panel is to be used. It is estimated at the moment, for the metropolitan area at least, that where a development assessment panel is to be used, the additional cost would be about \$2 300. That will be covered by the additional application fee and will be paid by proponents.

It also needs to be remembered that local governments are incurring costs at the moment in relation to applications that are made to them for approval for projects. They have planning staff and other staff and all of their council processes and so on that are currently involved in assessing and then making decisions on development applications. Obviously there is a cost involved in that process. That aspect is reflected in the existing fees that are payable by applicants for approval. The maximum fee that applies at the moment for a \$3 million project is \$7 300; for a \$5 million project, the current fee is a maximum of \$11 300; and for a \$20 million project, the maximum fee currently payable is \$29 300. The reality is that local governments are incurring expenditure at the moment in relation to development applications, but they are also being paid fees by applicants to cover those costs. That is not going to change. There will be a relatively small—in proportionate terms—additional cost in relation to DAPs, and those costs will be covered.

Mr B.S. WYATT: I note the minister says that at the moment local governments are charging fees for that process, and he went through the fee structure for a number of different developments. I note also that the minister said his estimation for a DAP in the metropolitan area will be approximately \$2 300 for each DAP. From memory when the minister spoke during the second reading debate, he increased the value of those developments, particularly in the City of Perth, from \$7 million, and at \$5 million there would be an opt-in option.

Mr J.H.D. Day: In the City of Perth, it is mandatory above \$15 million and optional between \$10 million and \$15 million.

Mr B.S. WYATT: Between \$10 million and \$15 million, the applicant can make the choice whether he wants the DAP process or the normal process. I have a number of questions and I will rattle them off now. Does the minister anticipate that there would be a different opt-in fee being paid by the applicant choosing to opt in? Secondly, the minister referred only to metropolitan DAPs and estimated a cost of \$2 300. In light of the keen focus of the government on forcefully amalgamating regional councils in particular, what would be the cost for regional governments? I assume that because of those issues, and also those raised by the member for Warnbro and member for Rockingham outlining that the cost would probably be higher due to the travel requirements, the costs on a regional government with a lower rates base would have a much more dire impact on those ratepayers. I note the minister also said that at the moment local government gets fees, and he ran through those fee structures in metropolitan local government areas. At the moment, local governments budget accordingly and have those fees; therefore, an extra add-on cost, which is what this DAP process is imposing on local government, will have to be passed on in any event. Although it may be a small portion of fees currently charged by local governments, those fees are budgeted for and no doubt are being allocated on the expenditure side of the yearly budget by local governments. Those extra DAP fees will be borne by ratepayers and, as I said a minute ago, ratepayers in regional Western Australia will have a much higher burden as a result of the DAP process because of the failure of the amalgamation process; that is, they still have a lower number of ratepayers in regional areas and that \$2 300 will have a much heavier burden on people living in regional Western Australia.

My final question on this point is: in light of that, has the minister spoken with the Minister for Regional Development, with his significant funds, seeking some sort of recompense to ease the burden imposed on local governments in regional Western Australia by a decision of the state government?

Ms J.M. FREEMAN: I also support this amendment. I raised in the second reading debate my concern about the industrial implications of staff members who were employed by local government but directed by DAPs and the situation that that would place people in. I notice that this amendment seeks to delete section 171E(2)(c). In some ways, that will ensure that the provisions of subsection 2(b) are quite clear. Currently paragraph (b) requires local governments to provide staff, facilities and services to a DAP as directed by the minister. That

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places staff and local governments in a very difficult situation in terms of resources and facilities. It would draw those facilities away from other areas of local government and may place staff in the position of serving two masters. If paragraph (c) were deleted and replaced with the amendment that has been moved so that the cost of staffing facilities and services of the DAP will be met by the state, that will ensure that those people are very clear that they are servicing the DAP for that period of time when those costs are being paid. That would take away some of the industrial concerns I have of serving two masters. It is clear that they are receiving payment from the state government, even though that is contracted through the local government to service the DAPs, and, therefore, the DAPs can place requirements upon them in terms of how they will be serviced. It needs to be considered in those terms, as does the issue raised by previous speakers, which is the cost. The amendments will ensure more propriety and will make the line of direction in terms of who is responsible for the staff much clearer and fairer.

Mr C.J. TALLENTIRE: I rise to support the amendment. Any member of this place who has been involved in anything that resembles the development approval assessment process knows that an enormous amount of secretariat work goes into ensuring that members of panels and local government councils have the background information and paperwork that is required. They must have the documentation that clearly lays out the proposal before them, paints the various scenarios and enables them to see what the implications may be for a region. That documentation must enable them to see what the consequences could be and what risks a particular development may be exposed to. Assembling such information is a complex task, as is knowing which experts to approach for special briefings. The process involved in ensuring that people are properly briefed and provided with adequate information is very lengthy. The idea that that responsibility could be handed over to a particular local government and that a particular local government could provide that secretariat work is one that should be properly costed and considered. We must consider the scale of the projects that the DAPs will be dealing with. They will be big projects with big implications. We must ensure that the best material relating to those projects is presented to those who will be on the panel. It is essential that we ensure that the quality of secretariat support, the funding that goes with it and the facilities that will be made available are 100 per cent up to the task. In that way, people will be able to make the best decisions.

Mr M.P. MURRAY: I concur with the previous speakers. I have received representations from the shires of Collie, Capel, Dardanup and Donnybrook along the same lines. They feel that their powers are being usurped in some ways. They are mainly concerned about costings. Also they are concerned about what happens if they have limited space and they do not want to do an extension. They want to be able to manage the issues. They may have to put in extra capital for day-to-day costings, such as housing staff, which may be needed in the high growth areas where more than one project could be going on at one time.

Mr J.H.D. DAY: A couple of points should be made. Firstly, the establishment of DAPs will not be occurring on an excessively frequent basis. DAPs will be much more the exception rather than the rule in any development application, bearing in mind that we are dealing with projects that have a minimum value of \$7 million across the state or a minimum value of \$3 million in a case in which an applicant seeks to use the DAP process. Figures indicate that in the last calendar year approximately 156 applications would have been considered by DAPs using the criteria that we are planning to put in place. That is on an assumption that five per cent of applicants will choose to use the opt-in process. Of course, the use of DAPs will be mandatory for those above the threshold of \$7 million in most of the state, or above \$15 million in the case of the City of Perth. We are talking about three a week or something of that order. As the state grows, the number will increase somewhat. We are not talking about huge numbers; we are talking about more complex, higher value projects that involve a lot more consideration.

In relation to the member for Victoria Park's question, it is intended that there will be an additional fee for DAPs payable by applicants, including those who opt in. The development sector has indicated that it is accepting and supportive of that. It understands the need for it and the rationale behind it. It is quite happy to go along with that.

Mr B.S. Wyatt: What is the size of that fee?

Mr J.H.D. DAY: It is still being finalised. The expectation in the metropolitan area for a \$3 million project is about \$1 874. In regional parts of the state it will be somewhat higher, up to a maximum of \$5 415 for the Kimberley region, given that greater travel and accommodation costs will be involved.

Mr B.S. Wyatt: That fee is payable to the local government, not to the state.

Mr J.H.D. DAY: That is correct. The fees will be payable to local governments. They will collect them and administer the system for their particular area. The Department of Planning will provide a secretariat for the establishment and the operation of DAPs. The Department of Planning will certainly have a major role to play.

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Mr B.S. Wyatt: Will the Department of Planning be taking a fee from that fee; will it get a slice of the pie?

Mr J.H.D. DAY: No. That is not intended. It is also the case that it is not expected that there will be any additional costs to ratepayers, because the costs will be covered by the project applicants. It is not intended that there be additional costs in the rates that people pay for the general operation of local governments. The costs are intended to be covered by the fees paid by applicants—that is, those wanting to undertake projects. Under the current system they already pay, as I said earlier, a fee of varying amounts depending on the value of the project. It is also important to note that there will be an annual review of the fees charged. There will be an assessment of the fees collected and costs incurred, and adjustments will be made either up or down, whatever the case may be. I hope that explains what is intended a little more fully. I do not accept the amendment that is being moved by the opposition. From what I have said, it is not the government's intention that local governments incur additional costs that will not be covered by the fees paid by applicants. Therefore, I do not agree with the amendment. I will move an amendment at the end of the consideration in detail stage.

Mr B.S. WYATT: I want to understand what the minister just said. He does not expect any ratepayer to bear any cost from this because the total cost will come from the fees being paid by the applicant. I refer to the part of the bill that the member for Rockingham is seeking to delete. Proposed section 171E(2)(c) reads —

requiring local governments to pay for —

- (i) the remuneration and allowances of DAP members; and
- (ii) any costs and expenses incurred by a DAP in the exercise of its functions;

It would seem to me that the only way the minister can guarantee that this will be cost reflective, and that local government will not bear any burden above and beyond the applicant's fee, is if the minister sets the remuneration and allowances that will be paid by local government to DAP members, and if the government also sets a limit on any costs and any expenses that may be incurred by DAP members and that may be charged to local government. As I understand it, local governments will effectively find themselves in a cost-neutral position, because they will get a \$5 000 fee from the developer if they are in the Kimberley, and all that the DAP will be able to charge those local governments will be \$5 000. The only way the minister can ensure that is the case is if he regulates the maximum amount that DAP members can charge. I assume that the DAP members will come from far and wide and be experts in their fields, and that they will, I dare say, charge an hourly rate and expenses. Therefore, I can only assume that the state will not be limiting those costs.

It seems to me that regardless of the fact that last year the minister said that if those limits had been in place, only 156 applications would have been considered by the DAP process, there is great potential for the costs that will be paid for by the applicant to be much less than the costs that will be borne by local government in administering the DAP process; therefore, the ratepayers will have to bear that cost. Therefore, unless the minister can get up now, when I sit down, and say that the state will be capping what DAP members and DAPs can charge local governments, the minister cannot possibly say that ratepayers will not have to bear that additional burden.

The reason I am interested in this matter is the very reason that we had yesterday's debate in private members' time. We have seen from this government a range of fees and charges—the waste levy comes, obviously, immediately to mind for opposition members—imposed on the people of Western Australia. What we are seeing now in this DAP process, despite the minister's assurances, is that unless the minister intends to cap the total amount that a DAP can charge a local government, people in my electorate, and people in the electorates of all members, can look forward to paying higher rates to pay for this process. In saying that, I am not taking a huge leap of faith, because, as the member for Gosnells has said, a significant amount of secretariat support will be required by the local government authorities to support each DAP. The minister has made the point that these fees will not be significant—\$2 300 for each DAP in the metropolitan area, rising to a maximum of just over \$5 000 in the Kimberley. Those are low fees. However, I guarantee that the cost to local government will be significantly higher than that. Therefore, unless the minister can say now that he intends to cap DAP costs, I certainly will be letting my local governments know that they should strenuously oppose this DAP process being imposed on them by the state government because they will then have to look to the ratepayers within their local government authorities to bear that extra burden.

Mr P. PAPALIA: I join the member for Victoria Park in highlighting to the minister the significant concerns within the local government sector about this specific issue. Unlike the Minister for Local Government, we have consulted local governments. We have talked to local governments. The government has abandoned the state local government partnership agreement. It has refused to talk in an organised fashion to the local government sector. So, we have received directly the concerns of the local government sector about this matter. It is not as though the DAP process is being imposed on the local government sector in complete isolation of anything else.

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The minister knows full well that there has been an assault—an attack—on the local government sector by the minister responsible, for over a year now.

Mr J.H.D. Day: Do you know what your federal government colleagues want? They want local government reform in Western Australia. They want it to happen now. That is what your federal Labor colleagues want.

Mr P. PAPALIA: Is the minister talking about the Premier's good friend Kevin?

Mr J.H.D. Day: Evidently so, and his colleague Anthony.

Mr P. PAPALIA: So the minister should remember who has warm, cosy dinners with them when he is considering whether or not to interject on me in that regard!

I have received from the local government sector a direct indication of its serious concern—its suspicion; its expectation—that this process, among others, will result in local government having to bear this added cost. That cost—like the cost of the waste levy—will subsequently be borne by the ratepayers, and those local governments will have to wear the odium that will be associated with that additional burden on the households of Western Australia. Local governments are very concerned about this matter. As the member for Collie–Preston said, we went to Collie and met with six local governments. Those six local governments have two major concerns about the DAP legislation. They all oppose it, I suspect to varying degrees. Their first concern was about the initial thresholds that the minister announced. I am glad the minister has acknowledged those concerns and has responded by changing the thresholds that will be applicable to DAPs. Their other major concern was about the costs that will be associated with the DAPs. Proposed section 171E(2)(c)(ii) refers to “any costs and expenses incurred by a DAP in the exercise of its functions”. That sounds like a grab bag to ensure that the state government will be able to avoid any additional costs that have not been foreseen, because costs will be imposed on local governments.

Mr B.S. Wyatt: And ultimately on the ratepayers.

Mr P. PAPALIA: Yes, who also pay taxes; so they will be slugged twice.

This proposed amendment would, I am sure, put to rest any concerns that local governments might have. Local governments would still resent the fact that the state government is imposing so many things upon the local government sector, without any consultation and discussion, and with very little notice. But, apart from that, they would, I am sure, be very happy if the government were to accept our amendment, because our amendment will ensure that the costs of staffing, facilities and services of the DAPs will ultimately be met by the state. Any alternative outcome will be to the detriment of the local governments. Local governments are only the representatives of their ratepayers. There is no dedicated revenue stream available to the local governments of this or any other state. They have to rely on grants and other assigned funds that may come to them from the state. Ultimately, they have to rely on the rates that are paid by ratepayers to fund unexpected and unforeseen costs that the minister and his department may not have foreseen; therefore, they will pass on these costs to their ratepayers.

The minister does not know the structure of the local governments and regional groups to which he will be applying this process. The minister cannot foresee what the potential costs will be. The words “any costs and expenses incurred by a DAP in the exercise of its functions” may include, for instance, the costs incurred by individuals from other towns in having to familiarise themselves with a town in which they do not live and the people whom they are supposed to be representing with regard to a particular development.

Mr J.H.D. DAY: As I have explained, it is not intended or expected that any additional costs will be imposed on ratepayers or local governments as a result of this process. It is intended and expected that any additional costs that are incurred will be covered by the additional fees that will be payable by applicants. I am also advised that if this amendment is agreed to, it will probably have the effect of preventing local governments being paid the fees that are intended to be collected by them to cover their additional costs. What this amendment is suggesting is that the state should operate all the DAPs and cover all the costs of the DAPs.

Mr P. Papalia: It is to pay the cost.

Mr J.H.D. DAY: That will probably be the effect of it. Whatever the case, it would make the system much more difficult to operate. Local governments are now assessing development applications and making decisions about them. That is a process that is well underway at the moment. We are talking about essentially having a different decision-making body that involves two local government councils from the relevant local government and three people with professional expertise to replace the decision-making role of the council, or the delegated authority in some cases, of the particular local government. All the reports of the assessment process will be prepared by councils' planning officers, as they are at the moment. Obviously, they incur a cost in doing that, but, as I explained previously, the cost is covered at the moment, as I understand it, by the existing development

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application fee. Any additional cost in relation to the time involved with the panel meeting and having cups of tea, payment to the members of the panel et cetera, will be covered by the additional fee payable by applicants. I do not think there is any reasonable basis for concern about the impact on what people pay through their rates or on local governments as a whole.

Mr B.S. WYATT: The minister says there is no reasonable basis to worry that additional costs will be passed on to the ratepayer. I do not accept that. The minister said it is neither expected nor intended that there will be any extra costs; therefore, the question arises: how did the minister's department arrive at a fee of \$2 300 for each DAP in the metropolitan area, increasing to a maximum fee of \$5 700, I think, for DAPs in the Kimberley? The department must have gone through a process that has provided the confidence that those fees are appropriate. The amount of \$2 300 to sit on a DAP in the metropolitan area seems to me to be a low figure, bearing in mind one of the reasons the state has chosen to impose DAPs on local government is to use experts et cetera in this process.

Prior to entering Parliament, I worked in the private legal world, so I know that the sorts of hourly rates some of those experts will charge will be significant. Even one expert getting across the detail and spending time on the DAP process itself will rapidly work up a bill well in excess of \$2 300. On top of that is the fact that local governments themselves are expected to pick up "any costs and expenses incurred by a DAP in the exercise of its functions", which, as I think the member for Rockingham has outlined, will include stationery costs, travel costs, phone costs et cetera. I am curious about how this fee of \$2 300 was arrived at, because it seems to me when a different decision-making body is imposed on local governments, with great resistance from them, the local government costs will be considerably more than \$2 300 in the metropolitan area. I have no doubt about that. Local government finances are not awash with excess revenue. Like state and federal levels of government, they have a lot of call upon their finances. They will therefore seek to impose on ratepayers those extra costs above and beyond the application fee. That will happen as a result of this different decision-making body, to quote the minister, being imposed on local government bodies.

Will the minister please explain to the house how the state has come up with its cost structure for DAPs of \$2 300, capped at \$5 000 in the Kimberley? Exactly how has that been assessed? I want to have confidence that the Town of Victoria Park, in which I live; the City of South Perth, another part of my electorate; and the City of Canning, another part of my electorate, will not be forced to pass on those extra costs to ratepayers. The member for South Perth is just as concerned about this issue. The member for South Perth has had exactly the same meetings with the Mayor of South Perth as I have regarding his views concerning DAPs.

Mr J.E. McGrath interjected.

Mr B.S. WYATT: Has the member for South Perth not met with the Mayor of South Perth?

It is extraordinary that he has not met with Mayor James Best, a particularly active mayor on these issues. I know he has some concerns. The mayor will be forced to impose on the member for South Perth's ratepayers the extra costs DAP will impose on that local government.

Mr C.J. TALLENTIRE: I would like to put to the minister that, in situations in which three local government bodies involved in a DAP process see that the rate of reimbursement for their costs is a reasonable figure, they will want to be the local government that provides those support services. If, on the other hand, they find the amounts being offered are not adequate, none of them will want to do it. We must have the guarantees in place to ensure that financial provisions to reimburse councils for their work are adequate. If they are adequate, we must be sure that there is an appropriate selection process to work out which local government gets the task. That will be quite a challenging thing to work out. It leads us to think that perhaps a simpler solution may be for the Department of Planning to provide the whole service. Then, of course, it would be moving further away from enabling local governments to be involved. That is something that needs to be reconsidered at this point—namely, whether we need to ensure it is to be the department that provides the whole of the service.

Mr J.H.D. DAY: Local governments will not be competing to be involved in this process, as the member for Gosnells is suggesting. They will be involved in this process if there is an application for a project within their boundaries. As is the case at the moment, if someone wants to build a house or factory, or whatever the case may be, in a local government area, whether it be the City of Gosnells, the City of Perth or the Shire of Meekatharra, they will make an application for approval to that specific local government. That will be the case and it will not be a matter of some other local government competing for the work. I hope that situation is now well understood.

In relation to the issue raised by the member for Victoria Park about costs potentially blowing out due to the involvement of professionals on panels and so on, the fees that will be payable will be capped. It will not be a case of people being paid an hourly rate for some sort of extended period.

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Mr B.S. Wyatt: If I find myself on a DAP as “Mr Joe Public”, and, say, my fee is \$200 an hour, will the local government state, “No, your fee is \$500 flat” and that will be it?

Mr J.H.D. Day: Fees will be established in regulations on a sessional basis. They will not be paid on an hourly basis. It will not be possible for someone to charge an hourly rate.

Mr P. PAPALIA: The minister addressed one part of the member for Victoria Park’s question, but he overlooked another part, which I am very interested in on behalf of local governments.

Mr J.H.D. Day: Are you really?

Mr P. PAPALIA: I am really very interested.

Mr J.H.D. Day: Can you say that with a straight face?

Mr P. PAPALIA: I cannot look at the minister with a straight face, so it is difficult to say!

Mr M. McGowan: I have a lot more interest since question time!

Mr J.H.D. Day: I discern that.

Mr P. PAPALIA: Since question time my motivation level has increased through the roof.

On behalf of the local governments of Western Australian, because I am the shadow minister for local government, I am interested in the question that the member for Victoria Park asked. In fact he gave the minister the opportunity to provide the detail of how he came to draw these estimated costs of development assessment panels at \$2 300 for the metro area and \$5 000 for the Kimberley. I add to that a breakdown of costings estimates for other regions in the state, such as the South West, the Wheatbelt, the eastern Wheatbelt, the Goldfields, the Pilbara and the Mid West. I would like to know how the minister came to those conclusions. I am sure that the Department of Planning, in a professional fashion, would have undertaken a thorough analysis so that it would be absolutely certain that the ratepayers of Western Australia will not receive an extra impost through the establishment of DAPs.

The minister has confidently stated that he does not believe there will be an additional cost beyond fees provided to the developers. The developers have said that they are comfortable with those fees. I will do the minister a favour. As I have the email addresses of every chief executive officer in every local government in this state, as a courtesy I will provide those CEOs with that confirmation to assure them that they will not receive any additional costs as a result of this process. I am sure the minister is keen to pass that information on and reassure the constituencies of the National Party seats and the constituencies of Liberal Party seats, particularly in the country, who are all very concerned, but also in the metropolitan area. I understand there are many metropolitan councils, like South Perth, that have concerns about the entire process.

Mr B.S. WYATT: In part, the minister answered my question. Certainly the member for Warnbro has highlighted the part that the minister did not answer. Something was said that brought fear to my heart. A former minister, when he was sitting where the Minister for Planning is now seated, brought similar fear to my heart when I asked the same question. That fear arose when the Minister for Planning said that those fees will be dealt with “by way of regulation”. That is what worries me. I get the impression the Deputy Speaker wants to sit me down and bring everything to a close, so I will refer to the section. That seems to be the theme today. At proposed section 171E, titled “Administration and costs of DAPs”, proposed subsection (1) states —

The Governor may make regulations about —

...

- (i) the remuneration and allowances of DAP members; and
- (ii) any costs and expenses incurred by a DAP in the exercise of its functions;

The last time I saw that was when the state departments and agencies were given the power to recoup credit card costs. The then Treasurer, the member for Vasse, said in his second reading speech that would occur on a cost-recovery basis. It did not appear in the legislation, so the opposition moved the appropriate amendment to limit that cost recovery. The government refused to agree to the amendment, and we divided. The opposition lost. I have some suspicion about the limits and regulations that will be developed to protect local governments to ensure that metropolitan local government authorities do not have to spend more than \$2 300 on each DAP. Therefore, I have some concerns about protecting the ratepayers in my electorate. My electorate encompasses three different local government areas. I note the member for South Perth has left the chamber. Perhaps he is out speaking to the Mayor of South Perth right this minute about his views on DAPs. I know the Mayor of South Perth will give his views quite keenly. What worries me is that this one little part here—proposed section 171E(2)(c)—becomes another tax slug on the ratepayers of Western Australia. What worries me in

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particular is that people in regional Western Australia will not get that amount of money disbursed amongst a large rate base. It will simply be disbursed among a very small concentration of ratepayers; therefore, the impact on regional Western Australians will be much greater than on Western Australians who live in city areas.

I know the member for Geraldton is suddenly interested. I know the member for Geraldton is perhaps also being listened to by the Premier after the little time bomb he dropped today by way of this wonderful Education and Health Standing Committee! I looked around for the minority report, member. I thought it was there somewhere. Then I realised that the member for Geraldton agreed with everything in it. Good on you, member! I appreciate members of the government party standing up; although I was not here. I heard that the member rapidly got to his feet to say that perhaps what he had signed off on was not what he wanted to sign off on! There might be some more to come on that yet. Sorry; I digress, Mr Deputy Speaker. I know you're about to sit me down and shut the Parliament down; send us all home! I will quickly get back to the relevant section.

I want to know whether the minister can guarantee to members here, who represent ratepayers across Western Australia—not just in metropolitan Perth but also in regional Western Australia—that their rates will not go up. If the minister cannot give that guarantee, then we will all know that this is a local government tax slug. This is another slug on local governments, and therefore on ratepayers, who have been slugged with a waste levy, and, as we saw the other night, the tax slug on small business. Again, it is a never-ending supply of little drip-feed revenue streams that the government is desperate to get to ensure that the \$51 million surplus for the year is maintained and that the deficit predicted for next year is wound back.

Mr M. McGOWAN: As the person who moved this amendment, I have been spellbound by the quality of debate.

Mr M.J. Cowper: Dumbfounded or spellbound?

Mr M. McGOWAN: Dumbfounded! I have been dumbfounded; although it is a temporary condition for me, member for Murray–Wellington! I have been dumbfounded, temporarily.

Mr M.J. Cowper: I could debate that point!

Mr M. McGOWAN: I recognise that the amendment that I drafted is a quality amendment. Other members, surprisingly, on this side of the house have also recognised that fact. I am pleased that we have attempted to protect local government from some of the pernicious activities this government has put in place over time. We will ensure that local government and ratepayers are protected from some of the tax grabs this government has been putting in place. If we go to page 34, line 9 of the bill, we see that there is provision for local governments to be made to pay for all these costs. I heard the minister argue moments ago that my clause would have the opposite effect of what is intended. It is apparent from the earlier provision in lines 9 to 13 that local governments can be made to pay for all the costs of a DAP. I am trying to protect those hardworking, decent, salt-of-the-earth Western Australians—mums and dads—who have already suffered from the payroll tax increase, the stamp duty increase, all the fees and charges, and the waste levy. They have suffered from a massive rise in electricity charges and the Perth parking levy; the list goes on. And, despite having to spend all this money, they are still in danger of this government driving this state into deficit. I am pleased that once again we are the protectors of good, honest, open, accountable and affordable government here in Western Australia, as we were during our time in office when we delivered surpluses and five rounds of tax cuts. I am pleased that once again I am at the vanguard of protecting Western Australian ratepayers from what has the potential to be a pernicious assault upon their hard-earned cash. I am pleased that since question time the realisation has come to me like a thunderbolt that these matters are of such significance. I realise that with the sanguine manner in which I dealt with the minister's explanations before question time, I was misguided. I was seduced by his dulcet tones and the hypnotic way in which the minister weaves his magic in this place. I was hypnotised.

Mr B.S. Wyatt: He would have been a very good dentist.

Mr M. McGOWAN: I do have a sore tooth, if the minister would like to look at it.

Mr J.H.D. Day: If you trust me with it, that is good.

Mr M. McGOWAN: Actually, no, I do not.

Mr J.H.D. Day: I am sure that we can come to some understanding about mutually reducing the pain involved.

Mr M. McGOWAN: I am sure the minister is enjoying my address.

I will no longer be seduced, hypnotised or dumbfounded by the minister's arguments. From this point forward I promise the minister that we will be scrutinising every provision of this bill to the extent that it deserves.

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This amendment deserves support. Once again, it is an amendment designed to protect Western Australian ratepayers from the evil genius who sits at the table and who could very well have all sorts of things planned for local governments were it not for the attention that we are devoting to this matter.

Mr C.J. TALLENTIRE: The minister previously was quite right to dismiss an aspect of what I had raised previously about this notion that local governments might be competing with one another to provide this service if the remuneration is of such a level that it is a reasonable rate. Perhaps I neglected to give the minister a little bit of detail that is essential. I am not sure how many of the 150-odd developments that we have seen in the past 12 months or so would actually be located in two local government areas. That gets to the issue of how we would make decisions on providing necessary support for projects that might be partly in the Town of Vincent and partly in the City of Perth. That is a question on which we need some clarification. Often these developments will be some of the biggest projects that the state has to look at and we need to know what the solution would be.

Mr B.S. WYATT: That was a very good question by the member for Gosnells. I had not considered where there might be more than one local government concerned with a development. Do they bang the fees together and double it up?

Ms J.M. Freeman interjected.

Mr B.S. WYATT: The member for Nollamara might be able to shed some light on that when I resume my seat.

In looking at the member for Rockingham's amendment, perhaps it does not go quite far enough. I note that the amendment deletes lines 9 to 14 on page 34, but for some reason the member has chosen to keep lines 6 to 8, which is proposed section 171E(2)(b), which reads —

Requiring local governments to provide staff, facilities and services or any of these to a DAP as directed by the Minister;

I can only assume that that has actually been excluded from the consideration of the fees. The fee the minister talked about a short time ago is obviously only with respect to the remuneration of DAP members and their expenses. It is not looking at the costs that have been imposed on local government at all. In my electorate of Victoria Park it may well involve a development on a river frontage. The minister is very familiar with my electorate because he has made a decision to pull an application out of the State Administrative Tribunal to make his own decision on it behind closed doors and without the full democratic scrutiny of local government. As we have seen the government has form on lack of democratic scrutiny, and that is what this minister is doing with a development in my electorate. SAT had knocked it on the head before and was looking set to knock it on the head again, because of the outrageous density requests in an area that certainly is not yet prepared for those sorts of requests.

The minister has excluded the actual cost to the local government authority from the applicant's fee. The fee attempts to cover only the DAP members. The time that local government staff members are required to provide services to any DAP, along with all those things the member for Rockingham previously outlined—photocopying, travel, mobile phones et cetera—are not included in that fee.

I fear that the member for Rockingham's amendment did not go far enough and should have deleted those lines 6 to 8 on page 34. We need to protect the member for South Perth's ratepayers as well as my ratepayers. I am sick and tired of my rates continually going up, as they have done in the past 18 months. It is a result of this government passing on its incompetence to local government authorities to fill in its fiscal holes.

Proposed section 171E(2)(b) is a tax slug on the local government sector. Local governments will have to wear this burden of, to quote the minister, a different decision-making body being imposed on local governments across this state; imposed without requests, with the barest of consultation and against vehement opposition. I now know why. It is because local governments will have to wear a significant extra fee burden to support this government's gaffes. The minister can say that last year there were only 156 DAPs based on those applications made. However, last year, as the previous Treasurer said, and as the minister said in debate yesterday, applications slowed down during the global financial crisis. Next year and this year those applications will increase considerably, which will add a much larger burden on local governments such as the Town of Victoria Park, the City of South Perth, the City of Perth and surrounding local authorities that have high-density development. Expensive developments will take place. It is a tax slug on the ratepayers of those local government authorities.

Ms J.M. FREEMAN: I concur with the member for Victoria Park. It has always been my concern that, in not deleting lines 6 to 8 on page 34, this amendment does not go far enough. The industrial issue remains in requiring local governments to provide staff and facilities, the direction they will be under and the issue of serving two masters. I have said repeatedly that this amendment at least gives some avenue to those staff to

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know whom they will be serving. If the costs of services and facilities are met by the state, then the state can impose requirements on them that they must meet. They must make it clear to their employer that they must be able to do these tasks to meet the requirements of DAP and not be placed in a situation where they have their performance questioned because they have two masters. I think it is worthy on that basis to consider this amendment.

Mr J.H.D. DAY: Some of the points that have been raised were raised earlier. I have responded to one or two that are possibly new. I make it clear that the Department of Planning will be providing secretariat to support this whole process. That will take a large part of the responsibility of establishing the new system. The Department of Planning will be providing advice and assistance to local governments in that way. In relation to the additional fees that are proposed to be charged, a process has been underway involving Ernst and Young. That modelling has been undertaken based on the expectation of the actual costs to be incurred. The department is taking advice from Ernst and Young. Once that process has been finished, the additional fees will be payable—some of which I have referred to previously by way of example. They are not finalised; I emphasise that. Once that whole process is completed, obviously the fees will be finalised in regulations. As I explained earlier, there will be a review.

Ms J.M. Freeman: Just by way of interjection, I am not sure that I heard before, but are those fees and costs for the DAP members just for their sitting fees or is there cost recovery for other things within those fees?

Mr J.H.D. DAY: The travel costs, accommodation and so on will also be covered by the cost of the additional fees. They will also include hospitality if there is much involved, although local governments are pretty experienced at organising a degree of hospitality, I think, so I would not have thought that would be a major issue. But if it is, then those costs will be covered as well. Also, in response to the comments of the member for Victoria Park, the additional costs involved have nothing to do with the number of ratepayers in a particular local government area, as I think he was suggesting. I do not think he really believes that that will be the case; I think it was probably for the purpose of the argument at that point that was being made. The additional costs will be covered by the fees payable; they will not be covered by ratepayers generally. That is clearly the expectation. In relation to one of the other points that was made, where a project covers a couple of local government boundaries, although separate applications will be made to each respective local government, it will be possible for the local governments involved to share the sitting fees of those specialist members involved.

I think that provides a pretty good degree of information in response to the various points that have been raised. The government does not agree with the amendment that is being moved. We do not think it is necessary. We think that the system that we are putting in place will ensure that local governments are adequately protected in relation to any costs that are incurred through the process. It is going to be a better process for decisions about development applications for major projects in Western Australia. I think that it is time we got on with voting on this amendment.

Mr P. PAPALIA: The problem with the minister's response is that he is talking about satisfying himself, and his responses refer to the satisfaction of the government and obviously himself.

[Interruption.]

The DEPUTY SPEAKER: I should formally warn myself!

Mr P. PAPALIA: May I reflect on the fact that the Chair's phone just went off!

The DEPUTY SPEAKER: It is a serious misdemeanour!

Mr P. PAPALIA: The minister knows full well that most of the responses to the public consultation process on DAPs opposed the introduction of DAPs, and the vast majority of those—something like 84 per cent—were received from local governments. Local governments were not doing that for frivolous reasons; they were not doing it because they resist change; and they were not even doing it because they had been tormented by the Minister for Local Government for 14 months and had their lives made hell because they do not know where they are going and how secure their employees' jobs are. That was not the reason. The reason they objected and had concerns primarily lay in their beliefs and their expectation that the state government will end up dumping the costs on to them. As the member for Victoria Park correctly identified, as did the member for Nollamara and others in the chamber, this will be another tax slug and another tax by sleight of hand by the Barnett government, which has done nothing in its 18 months with the exception of increasing taxes and imposts on households around the state.

Mr J.H.D. Day: You had some credibility earlier on. You are just wasting time now. You have got no credibility in your argument now. You are simply wasting time, wasting money and dragging things out unnecessarily. You are demeaning your own position.

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Mr P. PAPALIA: I asked the minister before to give an indication of the modelling that led him to believe that he has adequate funding in the fees that he is going to charge to cover the costs imposed. He said that there is an Ernst and Young report that he cannot tell me about because it has not been finished yet. He has no idea what it is going to say, and he will not table it here because it is not finished. Therefore, how are we to know that he has adequate money in the fees that he will impose on developers to ensure that local governments do not get sluggish in the future with money additional to the amount the minister referred to?

Mr J.H.D. Day: Do you want a briefing?

Mr P. PAPALIA: I want a briefing, yes. I have had a briefing.

Mr J.H.D. Day: No; do you want a briefing at the right time when more consideration —

Mr P. PAPALIA: I would very much like to. My suggestion was going to be, though, that surely the minister has done some modelling.

Mr J.H.D. Day: I have given you some figures. If you want a detailed briefing —

Mr P. PAPALIA: The minister has given us \$2 300 for the metropolitan area rising up to \$5 000 in the Kimberley, with no indication of how those figures were arrived at, and a reference to an Ernst and Young report that the minister cannot table because it is not finished. It is fair to ask on behalf of local governments of Western Australia what degree of analysis has been done, and how robust has the planning been, prior to imposing yet another impost, another significant charge and another significant series of demands on the local governments of the state. It is not that outrageous and not that much without credibility to be asking that question in this place by the time that the minister has presented this legislation, clause 44(2) of which reads —

(c) requiring local governments to pay for —

...

(ii) any costs and expenses incurred by a DAP in the exercise of its functions;

The minister does not even know what those costs might be. He does not know what sort of spectrum of costs we are talking about. He does not know how much additional cost we will incur through this process. It has been pointed out to him that the costs of the DAPs are not the only costs that may be incurred by local governments; they will also incur costs for facilities and services in support of the DAPs. I do not believe that it is unfair and I do not believe that I am costing the people of Western Australia money. I am trying to save money. I am trying to save money for local governments in Western Australia and consequently the ratepayers of Western Australia and prevent them from being sluggish yet again by the Barnett government.

Mr B.S. WYATT: The member for Warnbro raises a very good point. I had not realised that the Ernst and Young modelling was not complete. When I look at clause 43, which introduces proposed section 171E, it reads —

(2) Without limiting subsection (1), regulations may be made —

(a) about the staffing, facilities and services that are to be provided to DAPs by local governments;

I dare say that the reason the modelling has not been concluded is that we do not yet know the limit to which the state can direct local governments to provide the services. If we do not know the extent to which state governments are going to be directing local government authorities to provide services, which flow into proposed paragraph (b), and we do not then know the extent of the staff, facilities and services that are necessary in support of a DAP, and which therefore flow into proposed paragraph (c), it is then not fair to ask local government authorities to pay for the remuneration and ongoing costs. If the minister does not have the modelling because he does not know the extent to which these services are going to be directed by the state, and as the minister said, he wants a briefing at the appropriate time on that Ernst and Young modelling, the appropriate time would have been well before the bill was dealt with at second reading and well before the questions that are being put to the minister now by the opposition. Does the minister see the services that will be provided to DAPs by local government changing over time? If so, the fee of \$2 300 that the applicants will have to pay to local government authorities in the metropolitan area may rise to over \$5 000 for applicants in the Kimberley seeking a development of significance. What capacity is there for local governments in particular to come to the minister and say that those fees are not enough because they are finding they are not covering the costs referred to in proposed section 171E(2)(b) to provide staffing, facilities and services to that DAP? What capacity is there for local governments to avoid passing on that cost to ratepayers and instead to come to the minister to say that those applicant fees are not enough? As the minister has already pointed out, this decision-making body is being imposed on local governments but all control over that process has been taken away from

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local government, yet all costs are expected to be worn by local government. Regardless of questioning the merits or how fair such an imposition is on local governments, particularly those local governments in regional Western Australia with a much lower rate base and capacity to take on directions from the minister to provide more and more staffing and services to DAPs, what capacity is there for the minister to make those amendments so that ratepayers are not being slugged with further rate increases to pay for this DAP process? It seems to me from the answers the minister has given this afternoon that local governments are not being recompensed appropriately. That \$2 300 for metropolitan DAPs only considers the remuneration and allowances of DAP members, and does not take into consideration the staffing, facilities and services that that local governments will be required to provide for those DAPs at the increasing direction of the minister. Those fees and costs to local government could grow over time, while I dare say the \$2 300 will grow at CPI to allow those DAP members their hotel accommodation and hospitality when they fly up to the Kimberley to deal with those DAPs. I notice that the minister did not jump to his feet to respond. The question again is: what capacity does the minister have —

The DEPUTY SPEAKER: The member's time is up.

Mr B.S. WYATT: I thought there was another call.

Mr M. McGOWAN: Someone has to speak in the middle before the member can speak again. If someone stands up and speaks and that person sits down then someone else can stand up.

Mr B.S. WYATT: I notice that the minister did not jump to his feet, probably because I beat him to the punch. I apologise for that. I have only been here four years and I have not quite worked out the process of consideration in detail! I have genuine questions, and I note the minister's comments earlier that the opposition is delaying this issue. That is not quite fair because as we have placed this section under more and more scrutiny we can see that the City of Kalgoorlie, for example, will be forced to pass increased costs on to the ratepayers of Kalgoorlie.

Mr J.H.D. Day: Absolute rubbish! I have explained that to you. What is your specific question?

Mr B.S. WYATT: The minister can get cranky.

Mr J.H.D. Day: I am not getting cranky. I am trying to get a message through. I know your powers of analysis are better than this.

Mr B.S. WYATT: The minister has attempted to answer one of the questions that I have put to him, but the question that is still outstanding is what capacity does the minister have —

Mr J.H.D. Day: What is it?

Mr B.S. WYATT: Anger does not sit well with the minister.

Mr J.H.D. Day: Get to the point.

Mr B.S. WYATT: I have never seen the minister so fired up before. I am somewhat taken aback by this response from the minister, bearing in mind what happened in question time today. Perhaps that is why the minister is so angry. The performance by the Speaker at question time today has made the minister angry. I can understand that. That is fair enough. I am angry about the minister's and the Speaker's performance today as well. The question I have relates to proposed section 171E(2), paragraphs (a), (b) and (c). The member for Rockingham's deletion did not go far enough. There will need to be a capacity for the minister to effectively provide over time more resources to allow these fees—currently set at \$2 300 in metropolitan Perth—to rise. Those fees will not take into consideration the ongoing staffing requirements of the local governments, as directed by the minister. Those directions can change on a daily basis. The minister makes his direction and the local government has to provide those services and support. What capacity is there for those struggling regional local government authorities to come to the minister saying that the DAPs are imposing an unreasonable cost on them and as a result they need to pass those costs on to the ratepayers? What capacity does the minister have to protect those local governments—now that we know they will still exist—and importantly to protect those ratepayers from a burden being imposed on them by a decision of the state government?

Mr J.H.D. Day: I have told the member that there will be a review of the fees periodically and they will be able to be adjusted if necessary.

Mr B.S. WYATT: Can I take that as the minister's response, and I can jump up or do I need somebody else to speak?

Mr M. McGOWAN: The member for Victoria Park did not have to sit down in the first place, because the minister was interjecting and the rule is that whilst the member is on his feet the minister can interject and he can retain the time available to speak.

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I am referring to the wily old dog—the snapping turtle over there! I was watching Bear Grylls on television the other night as he was reaching into those holes after catfish in the Everglades and he said, “A snapping turtle could very well snap my arm completely off!” We have found the snapping turtle. We have the rare Western Australian snapping turtle over there. We all thought the minister was just a calm mild-mannered dentist.

Mr C.J. Barnett: Have you ever seen a turtle bite? They are frightening.

Mr M. McGOWAN: I have.

Mr C.J. Barnett: I was quite scared when I saw a turtle bite.

Mr M. McGOWAN: Which part of the Premier was it trying to bite?

Back to the wily old dog. Perhaps we should go back to the beginning on this amendment.

Mr B.S. Wyatt: More needs to be deleted.

Mr M. McGOWAN: I will summarise what the member for Victoria Park is trying to say. He thinks I should have been attempting to delete more of that provision because it could impose greater costs on ratepayers. The amendment I moved was to deliberately say that the state should meet all of the costs. I think there was a bit of a mix-up in debate on this legislation and we bypassed one of my earlier amendments; we also bypassed one of the minister’s amendments. I think the minister was not concentrating.

Mr J.H.D. Day: I thought we were still on your earlier amendment.

Mr M. McGOWAN: We are now on a later amendment, and the minister has another amendment before that one that he needs to move. We will have to go back to that later.

Mr J.H.D. Day: It is not essential.

Mr M. McGOWAN: I would not like to think that we were not giving this legislation proper scrutiny. Perhaps we need to come back another week and deal with this appropriately.

Mr P. Papalia: It may be that that would be appropriate.

Mr M. McGOWAN: It may be, because the wily old dog —

The DEPUTY SPEAKER: Member for Rockingham, you have made your point about wily old dogs and turtles and whatnot, so let us get back to the minister.

Mr J.H.D. Day: We’ve got plenty of time; I hope you have, too!

Mr M. McGOWAN: I am keen to stop the wild animal analogies and I will move on to other analogies.

Mr P. Papalia: Will they be as evocative, though?

Mr M. McGOWAN: It would be hard for them to be as evocative as the wild animal analogies!

Mr J.H.D. Day: Just put the question!

Mr M. McGOWAN: The member for Victoria Park has something to say, and I will let him say it.

Mr B.S. WYATT: I must admit that I am a bit nervous as I rise after the minister’s last go at me, but I have legitimate lines of inquiry to pursue with the minister. When the minister snapped at me a minute ago—without rising—he said that the legislation will be subject to periodic review. I would like to know when that first review will be carried out, because, to use the minister’s words, the state government is attempting to impose a significantly different decision-making body on local government authorities. I think it will be necessary to have a review process fairly early on that will look at not only the success of development assessment panels in streamlining the development process but also the success of this particular clause that the opposition has sought to amend to ensure that local governments are not passing on to ratepayers unreasonable amounts of fee increases. That is something that will need to be done sooner rather than later. I note that proposed section 171E(2)(e) reads —

about reporting requirements in relation to —

- (i) directions under the regulations; and
- (ii) expenditure in relation to DAPs; and
- ...
- (iv) any other matters specified in the regulations.

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There is the capacity for the minister to gather all that information, the purpose of which, I assume, is that the review can take place and local governments can therefore provide feedback on the impact on their bottom line and, therefore, how much of the fees they are passing on to ratepayers.

Mr J.H.D. Day: There will be a review after six months initially.

Mr B.S. WYATT: Will the first review be after six months?

Mr J.H.D. Day: Correct.

Mr B.S. WYATT: It is very, very good to hear that the first review will be after six months. Does the minister think six months will be long enough to gather enough information? As the minister has said, only 156 applications were considered by DAPs last year, but we all expect that this year and next year there will be more applications as the economy returns to quite considerable growth. Is six months an adequate time to gather that information, minister?

Mr J.H.D. Day: Yes.

Mr B.S. WYATT: I hope it is, because, as I have said time and again, my worry is that it will become a revenue-raising source for local governments because this imposition by the state government will cause significant costs to various local government authorities.

Amendment put and a division taken with the following result —

Ayes (25)

Ms L.L. Baker	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Ms A.S. Carles	Ms A.J.G. MacTiernan	Mr E.S. Ripper	Mr M.P. Whitely
Mr R.H. Cook	Mr M. McGowan	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms J.M. Freeman	Mrs C.A. Martin	Mr T.G. Stephens	Ms R. Saffioti (<i>Teller</i>)
Mr J.N. Hyde	Mr M.P. Murray	Mr C.J. Tallentire	
Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley	
Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell	

Noes (26)

Mr P. Abetz	Dr E. Constable	Mr A.P. Jacob	Mr D.T. Redman
Mr F.A. Alban	Mr M.J. Cowper	Dr G.G. Jacobs	Mr A.J. Simpson
Mr C.J. Barnett	Mr J.H.D. Day	Mr R.F. Johnson	Mr M.W. Sutherland
Mr I.C. Blayney	Mr J.M. Francis	Mr A. Krsticevic	Mr T.K. Waldron
Mr J.J.M. Bowler	Mr B.J. Grylls	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr G.M. Castrilli	Dr K.D. Hames	Ms A.R. Mitchell	
Mr V.A. Catania	Mrs L.M. Harvey	Dr M.D. Nahan	

Pair

Mr D.A. Templeman

Mr I.M. Britza

Amendment thus negated.

Ms J.M. FREEMAN: I refer the minister to page 34, clause 43(e), the reporting requirements.

Mr J.H.D. Day: For the benefit of Hansard, it is proposed section 171E(2)(e) that the member is referring to.

Ms J.M. FREEMAN: Yes, I am. Sorry. I appreciate the minister's assistance.

The reporting requirements listed in paragraph (e) relate to directions under the regulations, expenditure in relation to DAPs, determinations by DAPs, and any other matters specified in the regulations. I have outlined my concern about regulations on previous occasions. I would like the minister to put on the record what the time frame will be for determinations by DAP; for example, whether it will be 14 days or 21 days. I would also like the minister to put on the record how determinations by DAP will be made public; for example, whether they will be made public on a particular appeals panel website. If the purpose of these changes is to expedite the planning process, the time frame is very important. I have looked at the acts in other states that apply to these sorts of development application panels. The panels in South Australia are actually called commissions; they have various other names in other states. Those panels do not place as much reliance on regulation but rather deal with aspects of the application process and the determinations. We know what the expenditure of the DAPs will be, because the minister has outlined that. I would also like the minister to clarify whether the reporting requirements will be published in the annual reports of the DAPs.

Mr J.H.D. Day: The answer is that is yes.

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Ms J.M. FREEMAN: I also seek some clarification about the meaning of “any other matter specified in the regulations”.

Mr J.H.D. DAY: The decisions will certainly be made public, as is the case at the moment for local governments, because it is important that people know the decision. I understand that the decisions would normally be made public within 24 hours of the decision being made. The time frames will be the same as they are at the moment. The maximum time period allowed will be 60 days from the date of the application. If advertising of a proposal is required under a particular planning scheme, it will be 90 days.

Ms J.M. Freeman: Is that 60 days before the DAP sits or 60 days from the determination?

Mr J.H.D. DAY: It will be 60 days as a maximum. We want the process to be expedited wherever possible. However, some of these projects may be more complex and higher value projects, and in some cases they may need a detailed assessment. I expect that the maximum period will be 60 days, as is specified at the moment. It is not proposed to change that period, except where public advertising is required, in which case the period will be 90 days. If a decision is not made within that period, the applicants will have the right to appeal to the State Administrative Tribunal. That is the system that applies at the moment and that system will remain in place.

Clause, as amended, put and passed.

Clause 44: Section 266 amended —

Ms J.M. FREEMAN: Subclause (2) of clause 44 seeks to amend section 266(6) by deleting the word “Commission” and inserting the words “Commission or any other person”. Can the minister outline why that amendment is required? What is meant by the words “or any other person”? That seems to me to be a very broad term. Perhaps I should have gone to the principal act, but unfortunately I could not find it in time. I am interested to know what that pertains to.

Mr J.H.D. DAY: I am advised that “any other person” may also mean a local government.

Ms J.M. Freeman: I did not see that in the definitions.

Mr J.H.D. DAY: That is what I am advised. Under the Interpretation Act of this state, “any other person” may also mean a local government. I do not have a copy of the Interpretation Act in front of me, of course, but I can read out the notes from the explanatory memorandum. The notes on this clause state that “This clause amends section 266 which sets out the duties and liabilities of persons performing functions under this Act”. It goes on to say “so that a member cannot use information acquired in the performance of their duty to cause detriment not only to the Western Australian Planning Commission but to any other person.” That is self-evident, obviously. My advice is that “any other person” may also mean a local government. Obviously we want to ensure that neither the Planning Commission nor a local government, nor, I think, any individual, is caused any detriment by the conduct of a member of a DAP.

Clause put and passed.

Clause 45 put and passed.

Clause 46: Section 77A inserted —

Mr C.J. TALLENTIRE: I support much of what is in clause 46 but I have an amendment. I move —

Page 36, after line 16 — To insert —

- (b) If the Minister receives a recommendation from the Commission to issue a direction and the Minister elects not to follow that recommendation, the Minister must publish in the *Gazette* the reasonS for not issuing such direction.

This amendment is to provide recognition of the importance of state planning policies. As I mentioned in my second reading contribution, the WA Planning Commission goes to enormous effort to develop good quality state planning policies. It goes through a very intensive and exhaustive consultation process. I believe those policies deliver many benefits to the state. We need simply look at the range of state planning policies we have in Western Australia that relate to specific areas—for example, Peel–Harvey. The state planning policy puts the responsibility for the management of that estuary on the bodies that were responsible for the creation of the Dawesville Cut. That is just one example. There is also a state planning policy for the protection of the Leeuwin–Naturaliste ridge. All the work that went into developing that policy is something that people who live in that part of the world appreciate as it makes a difference to the quality of planning across the local government areas in that region.

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It is important that our local governments pick up on all the good quality content in the state planning policies. It is for that reason that I am suggesting that if a local government does not pick up on the content of a state planning policy and does not put it into its planning scheme, the minister should direct the local government to include it in the planning scheme. In doing that, we will get the quality of planning that can be delivered through these very important planning tools.

The actual detail of my amendment anticipates perhaps an unusual set of circumstances in which the commission may have asked the minister to include the content of a state planning policy in a town planning scheme or in an improvement scheme, but, for some reason, the minister decides not to force that inclusion. In those exceptional circumstances, I think we should have the utmost transparency and that it should be clearly documented. It should be available for all Western Australians to see why the minister has declined to make that inclusion. It is important that we have that level of transparency. It is very reasonable if, for some reason, the minister has decided to not follow the advice of the WAPC to include that information, a statement of reasons be published in the *Government Gazette*.

Mr J.H.D. DAY: It is debatable whether a minister should be required to give reasons for a decision not to do something rather than for a decision to do something.

Ms J.M. Freeman: It would be very transparent though.

Mr J.H.D. DAY: Indeed. Given the resumption of the cooperative and reasonable approach that existed prior to question time today, I am prepared to take a reasonable approach as well.

Mr M. McGowan: Are you ascribing blame there?

Mr J.H.D. DAY: No, not at all. I am simply expressing an observation.

Mr M. McGowan: Maybe it is just you.

Mr J.H.D. DAY: I would not have thought so. I know the member for Rockingham was trying to stir me up earlier. It was probably more than me; indeed, I think it was many more than me.

Mr M. McGowan: I was trying to rouse you.

Mr J.H.D. DAY: There is no need to try very hard.

Mr P. Papalia: Did you say “arouse”?

Mr M. McGowan: No; I said “rouse”.

The DEPUTY SPEAKER: Members!

Mr J.H.D. DAY: The point needs to be made that it is an unusual situation for a minister, whoever it may be or whatever party he or she may be a member of, to be required to give reasons not to do something rather than to do something. Having said that, I am not averse to the sentiment expressed by the member for Gosnells. It would probably be an unusual situation if a minister did not take the advice of the Planning Commission on this issue, although I guess it is always possible. In some cases, it would probably be more contentious to take the commission’s advice because, as we heard from the member for Alfred Cove, from time to time some people do not like the decisions or the recommendations of the Planning Commission. Rather than requiring notice to be published in the *Government Gazette*, it would be more consistent with existing practice on other matters for the information to be laid before each house of Parliament, as is the case with a range of decisions at the moment. Under the redevelopment authority acts a number of decisions need to be notified to both houses of Parliament. That is probably a good precedent. I will therefore not accept the member’s amendment exactly as he has prepared it. We have advice from parliamentary counsel for an alternative amendment that will achieve the same thing but will require the reasons to be provided to both houses of Parliament as soon as practicable. I foreshadow that amendment after this one has been considered.

The DEPUTY SPEAKER: Member for Gosnells, do you want to withdraw your amendment and move an amendment encompassing those terms?

Mr C.J. TALLENTIRE: In view of the amendment foreshadowed by the minister, I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr J.H.D. DAY: I will therefore move —

Page 37, after line 4 — To insert —

(5) If —

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- (a) the Commission makes a recommendation for the purposes of subsection (1); and
- (b) the Minister decides not to make an order pursuant to the recommendation, the Minister must, as soon as is practicable —
- (c) give the Commission written reasons for the Minister’s decision; and
- (d) cause a copy of the reasons to be laid before each House of Parliament or dealt with under section 268A.

There would then need to be an amendment to clause 50 as well. We will move that separately.

Mr C.J. TALLENTIRE: I welcome the amendment that the minister has proposed. I note again the benefits that will come from this change. It will mean that those very important things that are covered by state planning policies will be protected—for example, we have a state planning policy that addresses protection of public drinking water sources, a policy that protects other water resources and a policy that protects the Swan–Canning river system. There are a range of things that we will be able to use this planning tool for to achieve important community, social, economic and environmental benefits. There are some other advantages that come with this, including transparency. We can move away from our present situation that involves the preparation of improvement schemes and town planning schemes that have simply been required to have due regard to state planning policies. We are moving beyond that to something that is much more rigorous. It will enable better community awareness. I think exceptional circumstances will be very few and far between. When the minister decides to ignore the advice of the commission on the implementation of state planning policy, the community will be made well aware. There will of course be the opportunity for the community to hold the government of the day to account through the political process. I welcome this improvement in transparency. I believe that the publishing of the reasons and the laying down of the reasons in each house of the Western Australian Parliament will enable that to happen. I will be very pleased to see that.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 47 to 49 put and passed.

Clause 50: Section 268A inserted —

Mr J.H.D. DAY: To deal with the amendment that we have just agreed to at clause 46, it is also necessary for proposed new section 268A to refer to the new subsection. I move —

Page 38, line 6 — To insert after “77A(4)” —
or (5)

Amendment put and passed.

Clause, as amended, put and passed.

The ACTING SPEAKER (Mrs L.M. Harvey): Are there any further amendments?

Mr M. McGOWAN: I am a little unsure of the process. As I understand it, there are two further amendments to be dealt with that were not dealt with in the original discussion relating to those clauses. We need a bit of guidance on when we will deal with those.

The ACTING SPEAKER: I am advised that when we complete the remainder of these clauses, we will revisit those areas in question, member for Rockingham.

Mr J.H.D. DAY: I am happy to move an amendment at the end of consideration in detail stage to deal to a large extent with the issue that was raised by the opposition on the potential costs, as they saw it, to local governments and to ensure that the state is able to take an appropriate role in the administration of development assessment panels. Unfortunately, we had moved past that point before we realised we had moved past formally moving an amendment. I make the assumption that a reasonable approach will be taken, and, at the end of the consideration in detail stage, I will move that the bill be reconsidered in relation to clause 43. That is just an explanation. I think a copy of the amendment has been distributed.

Clauses 51 to 70 put and passed.

Title put and passed.

Reconsideration in Detail — Motion

Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
Mr Mick Murray; Acting Speaker; Dr Janet Woollard; Mr Rob Johnson; Deputy Speaker

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

That the bill be reconsidered in detail for the purpose of further consideration of clause 43 only.

Reconsideration in Detail

Clause 43: Part 11A inserted —

Mr J.H.D. DAY: I move —

Page 34, line 4 — To insert after “DAPs by” —

the chief executive officer or by

That means that proposed new section 171E(2)(a) of the bill will read —

about the staffing, facilities and services that are to be provided to DAPs by the chief executive officer or by local governments; and

This amendment will simply make it clear that there is the power for regulations to be prepared about the administration and operation of DAPs, by not only local governments but also the Department of Planning. “Chief executive officer” refers to the CEO of the Department of Planning. Although that was always intended, this amendment will make it absolutely clear that there is the power to prepare regulations that will cover the role of the Department of Planning in the operation of DAPs.

Mr C.J. TALLENTIRE: I note the intent of the amendment the minister outlined. However, I would seek some clarification that there could not be a confusion between the CEO of the Department of Planning and the CEO of a local government authority.

Mr J.H.D. DAY: In section 4 of the Planning and Development Act there is a definition of “chief executive officer”, which states —

Means the chief executive officer of the department principally assisting in the administration of this Act;

In other words, it is the Director General of the Department of Planning, as it currently is.

Mr M. McGOWAN: I assume from what the minister said that in the definition section there is a description of “chief executive officer” and that that CEO is the CEO of the Department of Planning. Is there any proposal for that responsibility to be delegated to another person?

Mr J.H.D. Day: No.

Mr M. McGOWAN: Considering that the Department of Planning has been through various permeations, is the minister directly referring to the Department of Planning or the agency that deals with planning matters more generally?

Mr J.H.D. DAY: Currently it is the Department of Planning, but the definition in the Planning and Development Act refers to the department principally assisting in the administration of this act. It means whatever name the department might have at the appropriate time. Previously it was the Department for Planning and Infrastructure. Now it is the Department of Planning. The CEO referred to will be the CEO of whatever department administers this act in the future.

Amendment put and passed.

Mr M. McGOWAN: I move —

Page 34, lines 9 to 14 — To delete the lines.

My amendment would delete proposed section 171E(2)(c), thereby removing any suggestion that local government should be responsible for the cost of the DAPs. In large part that was the crux of what we were talking about before. The member for Victoria Park dealt with it at length when we were not actually dealing with the relevant clause. However, he decided to deal with it and nobody picked him up on it and I was impressed. Nobody appeared to be listening.

Mr B.S. Wyatt: Now I know why the minister was getting snappy.

Mr M. McGOWAN: He was.

I would like the minister to explain the reason for proposed paragraph (c) if there is no expectation on local governments to meet any of those costs.

Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
Mr Mick Murray; Acting Speaker; Dr Janet Woollard; Mr Rob Johnson; Deputy Speaker

Mr J.H.D. DAY: We had this debate earlier. I was listening to the member for Victoria Park as well as a number of members of the opposition when we debated the amendment that is at the top of page 16 of the notice paper, which relates to the same issue. I was listening and it covers the same subject.

For the reasons I gave earlier on the amendment that was previously disallowed, I oppose this amendment. I do not think it is necessary. I explained that it is not expected that there will be additional costs to local government that will not be covered by the fees put in place for DAPs.

Mr B.S. WYATT: The minister will be delighted to know that I will not ask those questions again. I thank the minister for having the patience, up to a certain point, to allow me to pursue it last time round. He was very patient until a certain point, when the fuse came to its end.

Several members interjected.

The ACTING SPEAKER (Mrs L.M. Harvey): Order, members!

Mr B.S. WYATT: I will rise only once to talk on this amendment because the minister managed to successfully evade all the questions I asked. All the concerns I had regarding the tax slug on the ratepayers of Western Australia still exist. However, we divided on that issue some time ago and, of course, the opposition lost that division and the government again allowed itself to pass legislation that will result in more increases in fees, charges and rates for the people of Western Australia. That is the concern.

Mr R.F. Johnson: You said you support this legislation.

Mr B.S. WYATT: We do support the legislation and that is the reason we are talking to the amendment moved by the member for Rockingham, the shadow Minister for Planning. We support it, but we think that the legislation could be better.

Mr J.H.D. DAY: That title might be taken away from him.

Mr M. McGowan: Another nasty streak.

Mr B.S. WYATT: That is a nasty one. This is out of control. Just because we are in a position in which we have gone past five o'clock on a Thursday, the Minister for Planning is getting a bit cranky. He is interjecting on members of the opposition who are raising legitimate concerns about the impact that this legislation will have on rates in Western Australia, particularly in regional parts of Western Australia, which I know the member for Geraldton, who has strolled into the chamber, would be concerned about. He is very concerned about rates in Geraldton. Actually, he is not concerned about rates in Geraldton, but we know that he is very concerned about the health system of Western Australia. He thinks it is destined to fail.

The ACTING SPEAKER: Member for Victoria Park!

Mr B.S. WYATT: I know the member for Geraldton said to his local rag that the Premier will not listen to him. I am pretty sure he is listening to him now. I have made a note that whenever the member asks me a question, I will answer it. If the member for Geraldton does what he did to the Premier, God knows what he would do to the opposition! He deserted the City of Geraldton.

The ACTING SPEAKER: Order, member for Victoria Park!

Mr B.S. WYATT: I am sorry, Madam Acting Speaker, where was I?

The ACTING SPEAKER: I believe the member was speaking to —

Mr B.S. WYATT: I digressed.

Several members interjected.

The ACTING SPEAKER: Order!

Mr B.S. WYATT: Member for Geraldton, I shudder to think that he has to put up —

The ACTING SPEAKER: Order, member for Victoria Park! Am I standing?

Mr B.S. WYATT: Madam Acting Speaker, my apologies.

The ACTING SPEAKER: I draw the member for Victoria Park's attention to standing order 179, "Relevancy of debate". We are debating an amendment to clause 43 of the Approvals and Related Reforms (No. 4) (Planning) Bill 2009. I request the member for Victoria Park to confine his comments to the amendment before the chamber.

Mr B.S. WYATT: Thank you, madam Acting Speaker. I was simply responding to an interjection from the member for Geraldton, who is not apparently particularly happy representing the people of Geraldton. That is

Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
Mr Mick Murray; Acting Speaker; Dr Janet Woollard; Mr Rob Johnson; Deputy Speaker

okay, because I am sure it will be for only a short period of time. I think he said that he has to put up with the people of Geraldton.

The point that I want to make, which I made previously, is that obviously I am concerned and the opposition is concerned that without this amendment, which was moved by the member for Rockingham, the bill will force local governments to pass on to ratepayers the extra costs incurred by way of the DAP process—the different decision-making body that is being imposed on the local government sector. That is my concern about the impact of this clause, and that is what the member for Rockingham’s amendment is seeking to correct. I know that we have discussed this at length and that the minister will agree to disagree with me, I dare say. However, I also know that local governments all over Western Australia are very aware of the likely impact that this will have on their bottom line. It will see, particularly in regional Western Australia, rates increasing beyond respectable levels. That is an issue that local governments have raised with me, particularly the City of South Perth. I know that the member for South Perth has not spoken to the mayor about this issue, apparently, but I know that the City of South Perth is very concerned about this issue because it will result in increased rates for ratepayers in all local government authorities.

Mr P. PAPALIA: I feel absolutely compelled to rise again in relation to this matter of the potential sleight of hand tax slug—yet another one by the Barnett government—on local governments and thereby on the ratepayers of Western Australia. I know that we discussed this earlier and I know there was a division earlier, but I want to support the member for Rockingham’s amendment. It is essential that local governments in Western Australia are shielded from another money-hungry minister. I know that backbench members on the other side of the house would dearly love to stand and have their voices heard on behalf of the ratepayers and on behalf of their constituents. Unfortunately, they cannot on this occasion because of the iron will of the emperor of Cottesloe preventing them from doing so—or perhaps it is the member for Geraldton they are afraid of! Whoever it is, there appears to be a serious reluctance on the part of government backbenchers, and in the pseudo government in the form of the member for Alfred Cove, to stand up and speak on behalf of their local governments.

Dr J.M. Woollard: You have just taken away their rights.

Mr P. PAPALIA: I have taken them away! The member voted for the government to curtail question time.

The ACTING SPEAKER (Mrs L.M. Harvey): Order, members! Member for Warnbro, please!

Mr P. PAPALIA: I was only joking with the member for Alfred Cove. She should not get too touchy. I know that she cares about her constituents and I also know that she cannot stand up to attack this legislation. I understand why. Nevertheless, I can and I will attack the legislation on behalf of her constituents and on behalf of her local governments. I put it to the minister that there can only be —

Dr J.M. Woollard: You are a hypocrite.

Withdrawal of Remark

Mr M. McGOWAN: I distinctly heard the member for Alfred Cove refer to the member for Warnbro as a hypocrite. I think that is outside standing orders. I asked that she be called upon to withdraw. I am outraged!

The ACTING SPEAKER: There is no point of order.

Mr P. PAPALIA: Madam Acting Speaker, what are you suggesting?

The ACTING SPEAKER: I did not hear the comment of the member for Alfred Cove.

Several members interjected.

The ACTING SPEAKER: I draw to members’ attention that my difficulty in hearing what members of the house have to say is because members are shouting in a completely disorderly fashion across the chamber. I would draw your attention, member for Warnbro, back to clause 43 and the amendment to delete the lines, as per the amendment moved by the member for Rockingham. Could you please conclude your remarks.

Dr J.M. WOOLLARD: Madam Acting Speaker, I withdraw my comment.

The ACTING SPEAKER: Your honesty is refreshing.

Debate Resumed

Mr P. PAPALIA: In support of the amendment, I must point out yet again to the minister that there can be only one reason for his requiring these words to be placed in this part of the legislation, and I quote —

Mr R.F. Johnson: They are your words.

Mr P. PAPALIA: No, we are trying to move that they be deleted. This is a different amendment.

Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
Mr Mick Murray; Acting Speaker; Dr Janet Woollard; Mr Rob Johnson; Deputy Speaker

Mr R.F. Johnson: It is your amendment.

Mr P. PAPALIA: That was the other amendment. This amendment calls for these words to be deleted.

Mr R.F. Johnson: You are just filibustering.

Mr P. PAPALIA: Is the Leader of the House up to what we are talking about?

Mr R.F. Johnson: Yes, I know exactly. It is your amendment and you are filibustering.

Mr P. PAPALIA: No, our amendment calls for these words to be deleted. The words to be deleted are “requiring local governments to pay”. Why else would this be put into the bill if all the costs have been calculated, modelled, ascertained accurately and prepared for in the fees that the government intends to impose on the developers? Why on earth would it include in the legislation that local governments should have to pay for the costs that have already been covered and have already been so accurately assessed by Ernst and Young. We have not seen the report, but we have been guaranteed that they have been assessed. If that process has been conducted in a robust, fair and appropriate fashion, there can be no justification for this part of the legislation.

Mr F.A. Alban: Local government is very touched with your sincerity and concern.

Mr P. PAPALIA: I agree. Is the member for Swan Hills concerned on their behalf?

Mr F.A. Alban: I am happy that you are so concerned that they can obviously see a fool from a long way off.

Mr P. PAPALIA: That is an interesting comment.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr P. PAPALIA: I was giving the member for Swan Hills the opportunity to stand up on behalf of his local governments, which could be slugged as a result of these particular words remaining in the legislation. They can potentially be slugged with unforeseen costs.

Mr F.A. Alban: You would know, of course.

The DEPUTY SPEAKER: Members!

Mr P. PAPALIA: If there are costs that the minister has not identified in the Ernst and Young report that he cannot table, then they will be slugged because it says right here that they will be. That is the whole point; we are trying to protect local governments because the member will not do it.

Mr B.S. WYATT: I would like to hear what the member for Warnbro has to say because I think he is raising a very good point. On the one hand, we have the member for Swan Hills raising an argument, and on the other hand we have the member for Warnbro. I think it is time for all of us here to settle in and focus on this amendment. This amendment is very important.

Several members interjected.

Mr B.S. WYATT: We have the member for Rockingham ensuring that the cost of the DAPs will be met by the state. At the moment that is not the case.

Mr P. PAPALIA: For some reason I am reminded that the member for Riverton is absent from the chamber. I would like to speak on his behalf as well as on behalf of the member for Swan Hills, because they are clearly incapable—or do not wish to—of standing up for the ratepayers in the local governments that lie within their electorates, which are without a voice here today because, yet again, as I anticipate, this amendment will be voted down in much the same way as we saw with the bullying behaviour during question time, which meant that question time, which is the key opportunity for the people of Western Australia —

Point of Order

Mr R.F. JOHNSON: The member for Warnbro is straying way off the item before the chamber, which is the amendment. He is filibustering and I ask that he brought back into line.

The DEPUTY SPEAKER: Member for Warnbro, come back to the point.

Debate Resumed

Mr P. PAPALIA: The point of this amendment is to proffer on behalf of the people of Western Australia whom we represent, and whom apparently the member for Swan Hills represents as well, the opportunity to be protected from this minister, or any other Minister for Planning in the future, who has failed to identify all the potential costs associated with these panels and wishes to impose the cost on local government and consequently

Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
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on their ratepayers. That is the purpose of this amendment. It is also appropriate that we point out that the amendment will be opposed by the government, which has the numbers, in much the same way as it shut down question time today. Question time is an opportunity, like this, for the people of Western Australia to be represented in the Parliament of Western Australia in an appropriate fashion where they could have questions asked on their behalf of government ministers.

Mr R.F. Johnson: Are you proud of what you are doing? Never mind the members, but you are keeping public servants and the staff of this chamber here while you bluster on about nothing.

Mr P. PAPALIA: I am very proud, unlike the member for Geraldton, who declared that he was not at all proud of representing the people of Geraldton. Unlike the member Geraldton, who wished the responsibility on the member for Victoria Park, I am proud of being the member for Warnbro and of representing the people of Warnbro and I am proud of representing the local governments of Western Australia as the shadow local government minister.

The DEPUTY SPEAKER: Let us get back to the point, please.

Mr P. PAPALIA: The point is that requiring local governments to pay for the remuneration and allowances of DAP members and any costs and expenses incurred by DAP in the exercise of its functions is clearly backside covering by the minister and the state government to ensure that should their assessments of the costs that will be imposed as a result of DAPs being implemented exceed the estimates in their modelling, those costs will be foisted upon local governments, and ultimately upon ratepayers, rather than be met by the state government.

I understand that the minister is a genuine individual. Most of the time we respect his honesty and integrity. He does get a little snappy under pressure, as we have witnessed today, but beyond that he is a good bloke and we would trust him. Nevertheless, he may not always be the Minister for Planning. Heaven knows; he may be elevated and moved from the portfolio, and he may become the Premier! Who knows? No-one knows the future. We cannot rely on the integrity of the individual who is introducing this legislation; it needs to be encapsulated in the legislation so that there is no potential for a future minister who may have more questionable integrity than the current minister to take advantage of the opportunity to foist the costs upon local government and ultimately the ratepayers. We need to remove any likelihood or any potential for some nefarious activity by any future minister. I trust this minister. If the legislation said John Day would be the minister in perpetuity —

Mr J.H.D. Day: Do you want to move an amendment to that effect?

Mr P. PAPALIA: Would the minister support it? Would he vote with us on it?

I must support the amendment moved by the member for Rockingham and ask that this chamber reject this future trap for local governments which will ultimately wear any additional expenses that have not yet been identified by Ernst and Young or the minister.

Amendment put and a division taken with the following result —

Ayes (23)

Ms L.L. Baker	Mr F.M. Logan	Mr J.R. Quigley	Mr A.J. Waddell
Ms A.S. Carles	Ms A.J.G. MacTiernan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mr M. McGowan	Mr E.S. Ripper	Mr M.P. Whitely
Mr J.N. Hyde	Mrs C.A. Martin	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr W.J. Johnston	Mr M.P. Murray	Mr C.J. Tallentire	Ms R. Saffioti (<i>Teller</i>)
Mr J.C. Kobelke	Mr P. Papalia	Mr P.C. Tinley	

Noes (26)

Mr P. Abetz	Mr V.A. Catania	Mr A.P. Jacob	Mr D.T. Redman
Mr F.A. Alban	Dr E. Constable	Dr G.G. Jacobs	Mr A.J. Simpson
Mr C.J. Barnett	Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Sutherland
Mr I.C. Blayney	Mr J.H.D. Day	Mr A. Krsticevic	Mr T.K. Waldron
Mr J.J.M. Bowler	Mr J.M. Francis	Mr P.T. Miles	Mr J.E. McGrath (<i>Teller</i>)
Mr T.R. Buswell	Dr K.D. Hames	Ms A.R. Mitchell	
Mr G.M. Castrilli	Mrs L.M. Harvey	Dr M.D. Nahan	

Pair

Mr D.A. Templeman

Mr I.M. Britza

Amendment thus negated.

Extract from *Hansard*

[ASSEMBLY - Thursday, 6 May 2010]

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Mr Mark McGowan; Mr Paul Papalia; Mr John Day; Mr Ben Wyatt; Ms Janine Freeman; Mr Chris Tallentire;
Mr Mick Murray; Acting Speaker; Dr Janet Woollard; Mr Rob Johnson; Deputy Speaker

Clause, as amended, put and passed.