

MEMBER FOR MIDLAND

The Cliffe — Removal from Register of Heritage Places — Personal Explanation

MRS M.H. ROBERTS (Midland) [12.17 pm]: I would like to make a personal explanation, Mr Speaker.

The SPEAKER: Permission granted.

Mrs M.H. ROBERTS: Mr Speaker, I wish to make a personal explanation with respect to the correspondence that you tabled yesterday from the Corruption and Crime Commission concerning the removal of The Cliffe from the Register of Heritage Places. First and foremost, Mr Speaker, I reject any notion of impropriety with respect to my handling of the removal of The Cliffe from the heritage register of Western Australia. In doing so, I recognise that many people in the community did not like the decision to remove The Cliffe from the Register of Heritage Places. Clearly the complainant in this instance, Mr Waldron, did not support the removal of The Cliffe from this register. He also notes that the Heritage Council did not support the removal of The Cliffe from the Register of Heritage Places. That is correct: it did not. The Heritage Council had recommended that The Cliffe be listed some 12 years earlier. During that time the real protection of that building had not been achieved by successive state governments, successive ministers or, indeed, the Heritage Council. During that the time the building deteriorated significantly.

Mr Speaker, I stand by the integrity of the comments that I made in this place on 14 May last year in response to the motion to remove The Cliffe from the Register of Heritage Places. I commented then —

I did hope, when I first looked at this issue, that we could find a solution. People have been trying to find a solution to this situation for some 12 years now. It has gone on for a very long time.

I further stated —

It is not every day that places are removed from the heritage register. I think I have probably added a couple of hundred places to the register in the year or so that I have been Minister for Heritage. This will be the first occasion on which we have moved to take something off the register. It is not a step that I have taken lightly. I did look through the house in some detail. I was expecting to form a contrary view—that this was a place that should be conserved or that we should make other arrangements for. I have now satisfied myself that that is not practical in the circumstances and that, on balance, this is a place that should be removed from the heritage register.

I think I made it quite clear then that this was not a cut and dried issue or an easy decision to make. I further went on to say —

I know that people who are proud supporters of heritage in our state will be disappointed to see this heritage listing removed.

This decision has been made after much consideration has been given to a whole range of issues. If it were practical to do so, I would have liked to find another location to transport and relocate The Cliffe and re-establish it to its former glory. That would have been good to do, but it is neither practical to do nor would it be a cost-effective use of heritage dollars.

I am disappointed that this matter was referred to the Corruption and Crime Commission because I am absolutely confident that the allegations of “misconduct”, as they are now described by the Corruption and Crime Commission, are completely without foundation. It is a huge leap to draw the conclusion that because The Cliffe was removed from the state Register of Heritage Places against the advice of the Heritage Council, something improper had therefore occurred and that because, as minister, I did not strictly follow the advice of the Heritage Council, something improper had occurred. I certainly was not the first heritage minister in this state to not take the advice of the Heritage Council on a matter, and nor will I be the last. The Minister for Heritage has responsibilities under the Heritage of Western Australia Act to look at the advice of the Heritage Council and to then form a view, and that is exactly what I did. As I explained at the time, it was not a decision that I took lightly. I informed myself by speaking to the local member of Parliament, which I believe was appropriate. The member for Cottesloe is elected to represent the views of the people in his electorate. I am not overly familiar with the member for Cottesloe’s electorate and I thought that it was appropriate to speak to the elected member on this issue and for him to speak to me as the heritage minister about an issue that had gone on for 12 years.

I note that the complainant has drawn the conclusion that something must be corrupt if the minister did not accept the advice of the Heritage Council. That is a notion that I reject entirely. I believe that a minister has an obligation to form a view on behalf of the whole community. I looked at the correspondence that was tabled yesterday in which Mr Waldron outlined what he thinks I should have done and what the government should

have done in response to this issue. He believes that I should have informed the house of section 73 of the Heritage of Western Australia Act. I will quote from that correspondence so that it is fully in context —

The Heritage Act of Western Australia 1990 foresees the possibility that places of heritage significance may be jeopardised by neglect. Section 73 makes provision for the compulsory acquisition of property if such a place is being “*deliberately allowed to fall in disrepair for the purpose of justifying its demolition and redevelopment ...*” In such a case, any cost of restoration of the property can be deducted from any compensation the State chooses to pay. The terms of this compulsory acquisition is set by the State and would therefore be most favourable to the community, not dictated by the owner ...

That provision of the Heritage of Western Australia Act has not been used in this state. I think it would need to be a very special circumstance for the state to determine that it should buy a private heritage property and then compulsorily acquire it. The implication here, I can only assume, is that the state should consider compulsorily acquiring the property from the owners and that the state should then incur the expense of restoring the property and deduct that amount of money from what was paid to the owners as part of the compulsory acquisition. It may be appropriate to do that in some other circumstance in the future. I certainly did not think that was an appropriate action in this circumstance.

When I made my comments to the house, I said that the heritage grant in Western Australia totalled \$1 million per year. I think that is a paltry amount of money. It is spread out across two and a half million square kilometres in Western Australia and is paid in very small grants each year. To find the money to acquire and restore the property would have been well in excess of the Heritage Council’s budget and would have required a special submission to be made to cabinet. I probably formed the view that my colleagues would not have supported that proposition. I also question what the strength of the government’s position for doing that would have been, given that there are so many government-owned buildings in disrepair. I think that the public would find it very strange if the government suddenly went into the business of buying and restoring private properties when there are so many government-owned buildings, such as the old Treasury building to name just one startling example, that are in somewhat of a state of disrepair. That has occurred over a period of successive governments, which says something about the priority that successive governments have given to heritage matters. It certainly indicates to me that it would have been an extraordinary circumstance to compulsorily acquire a property that I did not consider to be of extreme merit. As I said at the time, I expected to see something very special. I read in detail the reports of the Heritage Council and the heritage experts. When I viewed that property—because I was not prepared to make an arbitrary decision—I formed the view for myself that I did not think it lived up to the critique that was provided to me as minister, and I made my decision accordingly.

It has been suggested that I should have tabled the Heritage Council’s advice on this matter or that I should have mentioned that advice in my response to the motion moved in Parliament last year. Frankly, if anyone had entered the debate and asked me what the Heritage Council’s position was on this matter, I would have gladly told them, but no-one did that. A motion was put to remove the place from the register and I argued in support of its removal. I acknowledged at the time that it was a difficult decision to make and that I would have preferred it if the building were relocated elsewhere, at the very least. In the circumstances, I supported the motion. I do not think it is general practice in this house for a member to canvass the arguments that disagree with a motion with which the member agrees. That would have been nonsensical. Perhaps I could have noted it, and maybe I should have noted it, but I do not see how it was in any way improper to not make those comments, or that I was in any way obliged to provide that information to the house. I certainly would have done so had I been asked.

In conclusion, I note that it is appropriate that the Procedure and Privileges Committee look at this matter. I have absolutely nothing to hide. I would welcome the scrutiny because I believe that when matters like this are raised, people assume that where there is smoke there is fire. Until this matter is subjected to appropriate scrutiny, I think it does leave doubt and I would much prefer that that doubt be removed by the scrutiny of the committee.