

**RAILWAY (JANDAKOT TO PERTH) BILL 2002**

*Discharge of Order of the Day and Referral to Standing Committee on Public Administration and Finance*

Resumed from 12 November on the following motion moved by Hon Simon O'Brien -

That the order of the day for the second reading of the Bill be discharged and the Bill be referred to the Standing Committee on Public Administration and Finance.

**HON DERRICK TOMLINSON** (East Metropolitan) [9.43 pm]: I state at the outset that I was somewhat surprised that only one member who was present last night picked up the deliberately spurious mathematics that I presented to the House. Quite clearly, to travel 12 kilometres in 10 minutes requires an average speed of only 72 kilometres an hour, not 120 kilometres an hour, which members blithely accepted.

Several members interjected.

Hon DERRICK TOMLINSON: I know that all members knew that. Of course, to travel that distance in seven minutes requires an average speed of 103 kilometres an hour, not 300 kilometres an hour as I suggested. To travel that distance in one minute would take an average speed of 720 kilometres an hour. However, I am talking about average speeds, not velocity; therefore, it is highly likely that one would enter the Mount Henry Bridge decline at a considerably faster rate than the average speed. However, that is another point.

The important point about the report by BSD Consultants Pty Ltd with regard to the Mount Henry Bridge was its assessment that in engineering terms it is structurally inadequate as a railway bridge. Page 19 of its report states -

Advice from Main Roads WA indicates that the Mount Henry Bridge was designed to the NAASRA 1976 Bridge Design Specifications for Standard Highway Loading T44 in standard design lanes plus a 204 tonne standard abnormal vehicle placed in the most favourable practical transverse location.

The upshot is that although the bridge is designed to accommodate six lanes of traffic, it was not designed and would not accommodate railway traffic. Page 19 of the report on this section concludes in these terms -

The bridge piers are taking their maximum loading under the current bridge loading. They would not be able to carry an additional railway loading unless the road traffic load were reduced. Similarly, the piled foundations of the bridge are also designed to the limit and could not safely carry additional loading.

The alternative was a separate rail bridge or, as BSD Consultants proposed, a tunnel under the Mount Henry Bridge. The important point is that the 10-minute saving that is so important to the decision announced by the minister that the railway would go along the South Perth-Como foreshore is predicated upon, firstly, that there would be no railway stations beyond Leach Highway - in other words, there would be a continuous transit from Leach Highway to the Perth central station; and, secondly, that there would be a tunnel under the Mount Henry Bridge.

Unfortunately, the report of BSD Consultants is silent on the inadequacy of the Narrows Bridge. At the time BSD Consultants undertook the feasibility study of the Kwinana Freeway option for the Perth-Mandurah railway, the second span of the freeway bridge had not been constructed; in fact, it had not even been conceived at that stage. Hence BSD Consultants did not consider the Narrows Bridge. However, it considered the problem of exiting from the Narrows Bridge into the spaghetti junction of road infrastructure on the northern side of the bridge. It anticipated that a second bridge would be necessary for the railway given the single span of the Narrows Bridge at the time. It was concerned about not whether the Narrows Bridge had the structural capacity to accommodate a railway, but how a railway line would be accommodated in the road complex on the northern side of the Narrows Bridge. It is a pity that BSD Consultants, which looked at the structural adequacy of the Mount Henry Bridge and demonstrated its structural inadequacy to accommodate a railway line, did not look also at the adequacy of the Narrows Bridge to structurally accommodate a railway line. The second span is merely a duplication of the first span, so any inadequacy in the structure of the Narrows Bridge to accommodate, or to bear the load of, a railway was not considered. The second span has exactly the same capacity as the first span. That leaves the following questions that are being asked in the community: are the first and second spans of the Narrows Bridge irrelevant; and is the Narrows Bridge structurally capable of sustaining railway traffic? We do not know.

BSD Consultants Pty Ltd demonstrated that the Mount Henry Bridge could not accommodate a railway; it did not engage in an assessment of the capacity of the Narrows Bridge. Instead, BSD looked at the possibility, probability and feasibility of a second tunnel. That second tunnel would be from the freeway and under Perth

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waters to William Street. However, since that time a report has been released by the City of South Perth on the Perth to Mandurah railway proposed single railway bridge between the two existing railway bridges. That report makes an observation on the effect of putting a railway across the existing two-span Narrows Bridge. Under the heading "Sub-standard widths" the report reads -

In order to accommodate the additional railway infrastructure, the car lanes on the existing north-bound bridge will be slightly reduced in width from 3.5m to 3.4m and existing shoulders will be reduced in width to 440mm instead of the recommended 1000mm. The Manager Engineering Design advises that this is below Main Roads WA own standards and should not be supported by the Council. By comparison, the original (south-bound bridge) has shoulders of 600mm width, which, although already sub-standard, are not proposed to change as part of this application.

Although the BSD Consultants' report of 1996 was silent on the structural capacity of the Narrows Bridge, a 2002 report from the city engineer of the City of South Perth demonstrates an inadequacy in the admixture of the railway and motor vehicular traffic on the bridge at a cost to the safety of road traffic. We now have a railway engineer imposing his requirements on what was essentially a traffic bridge. The second span of the traffic bridge was designed to undo a bottleneck on the Kwinana Freeway. Having undone that bottleneck and added to the bridge the capacity for a bus lane, the railway engineer now imposes a requirement for a railway that will simply undo all of the advantages of the second span of the Narrows Bridge. Were these questions considered by the minister when shortly after the election she jumped up and said, "We'll save 10 minutes travelling time for the residents of the city of Mandurah", but at what cost?

Hon Jim Scott interjected.

Hon DERRICK TOMLINSON: Hon Jim Scott said that an advantage would be more passengers. Attracting more passengers depends on not having a semicircular catchment area. The western part of the current rail route has no residents other than brown jellyfish. That is very interesting. The sensible way to design a railway is to maximise its catchment. The Government has said that it will save 10 minutes on the journey from Mandurah, and it designed the rail according to the idea that for \$10 million it could circumvent parliamentary scrutiny of this Bill. It should have considered the central principle of public transport; that is, maximise capacity. Under that principle, the rail should not be taken down the freeway.

Hon Ken Travers: No, it should go down an existing line in an area already serviced by rail. That is a smart move.

Hon DERRICK TOMLINSON: I acknowledge that the Government does not accept the Kenwick option. However, if the railway engineer who had his hooks on the BSD report had really looked at the BSD report, he would have found that it considered other options, which are outlined on page 7 -

- 1) Perth CBD to Mandurah, via the Kwinana Freeway:
  - 1.1) Via a tunnel under "Perth Water"
  - 1.2) Via a tunnel under West Perth and Kings Park
- 2) Perth CBD to Mandurah, via West Perth (in tunnel) / QEII Medical Centre (in tunnel) / University of Western Australia (in tunnel) / Swan River crossing (in tunnel) / Booragoon sub-regional centre (in tunnel) / Murdoch University (in tunnel) / then via the Kwinana Freeway (on surface).
- 3) Perth CBD to Mandurah, via East Perth (in tunnel) and Swan River crossing (in tunnel):
  - 3.1) Via Canning Highway (in tunnel) / Canning Highway Interchange (in tunnel) / then via the Kwinana Freeway (on surface)
  - 3.2) Via Kensington (in tunnel) / Curtin University (in tunnel) / Canning River crossing (in tunnel) / Leach Highway / Kwinana Freeway (on surface)
- 4) Perth CBD to Mandurah, via central South Perth (in tunnel):
  - 4.1) Via "Perth Water" and Mends Street (in tunnel) / Mill Point Road (in tunnel) / Coode Street (in tunnel) / Canning Highway Interchange (in tunnel) / then via Kwinana Freeway (on surface)
  - 4.2) Via "Perth Water" and Mends Street (in tunnel) / Mill Point Road (in tunnel) / Douglas Avenue (in tunnel) / Curtin University (in tunnel) / Canning River crossing (in tunnel) / Leach Highway / Kwinana Freeway (on surface)
  - 4.3) Via "Perth Water" and Coode Street (in tunnel) / Canning Highway Interchange (in tunnel) / then via Kwinana Freeway (on surface)

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If we were to consider the principle that Hon Jim Scott suggested - maximise passenger catchment - the optimal choice would be the in-tunnel option that would take the railway via Curtin University, Kensington, Perth water and either Coode or Mends Streets. That would have three advantages. First, we would obviate the error of town planning that is committed in the collocation of the road and rail reserves. Modern town planning dictates that we should not collocate two forms of transport; we should maximise the catchment by separating the different infrastructure and minimise the urban impediment by not having them collocated. The second advantage is that we would maximise passenger transport options. Instead of servicing a river, in which nobody lives, the railway would go through the centre of South Perth. The third is that by putting the infrastructure underground we would obviate the problem of putting new infrastructure into an established urban area. Clearly the disadvantage is the cost. However, what BSD Consultants came up with is an alternative route via the freeway, underground from Richardson Street, and then under Mends Street, with the possibility of a rail station at Mends Street. That is where, Hon Jim Scott will find the very desirable location for a South Perth station - not at Royal Perth Golf Club, but at Mends Street. It would then go under the river to William Street, and under William street, as intended, to Perth central station. That could have been done, according to BSD Consultants, at a total cost of \$866.2 million, without any rolling stock. These costs are 1996 costs. We have had cost escalation since that time, and certainly the rolling stock is not included in that figure. It was an expensive option.

Hon Jim Scott: What was the end point of that?

Hon DERRICK TOMLINSON: Perth central.

Hon Jim Scott: No - the other end?

Hon DERRICK TOMLINSON: Mandurah. It would follow the freeway route, except that there would be a tunnel under the Mount Henry Bridge and a tunnel from Richardson Street. There was the 10-minute saving! Hon Jim Scott is now interposing by his grubby little deal a railway station on land that does not have the capacity to accommodate it and for which there will be minimal passenger traffic.

**HON MURRAY CRIDDLE** (Agricultural) [10.02 pm]: I welcome the opportunity to make a few comments about the motion to refer this Bill to a committee. When we are looking at what will be the biggest piece of infrastructure that this Government will take on, and in fact the biggest piece of infrastructure that will be built in this State for some time, we need to have close scrutiny of what we will have to pay for in the many years to come and how that payment will be brought about. The first thing that needs to be understood is that the decision to take the Kwinana Freeway option into Perth city was made very quickly. That decision was obviously made, as has been mentioned, for the benefit of a 10-minute or 12-minute saving for the passengers. This will be an inter-modal transport system. Therefore, some of the passengers who will be using the train will lose some time, because they will have to get off other forms of transport. It will be interesting to see whether people will choose to get on the train rather than a bus.

The Premier and the Minister for Planning and Infrastructure have made comments about the way in which the Opposition and other members are handling this Bill. They have given no detail of the costings and of the engineering that will be required to put this infrastructure in place, particularly when we come to north of the Narrows Bridge. Hon Derrick Tomlinson has just made some comments about the Narrows Bridge, and I will be making some comments also, because it would have been very wise had they looked at the comparison. The report of the Perth City Rail Advisory Committee, which was chaired by Mr Stuart Hicks, indicates clearly that that option, or the original decision by the previous Government, was not canvassed at all. There were three options north of the river going into Perth central: the western, eastern and central options. Clearly the eastern option was a very expensive one that was not taken up. Finally, after some consideration, the Government chose what was probably the third option; that is, the one going under William Street and up into Perth central station. A lot of issues were involved in that option as it was finalised.

It was said when the Perth City Rail Advisory Committee went into its deliberations that there would be absolutely no cost blow-out. That was a condition that the Government put on the committee in bold print. It has been clearly demonstrated already that there will be a blow-out. For a start, there is a blow-out on the cost of the railcars. In our estimation 117 railcars would have cost a maximum of \$398 million. There will now be, in fact, 91 railcars at a cost of \$437 million; that is a substantial blow-out. There has been a lot of talk about efficiencies and so on but that is no efficiency. The purchase of the railcars will cost an enormous amount more than was originally budgeted for. To lay the foundation for my concerns about this Bill, members must understand that those comparisons should have been done but were not done. At this stage the preferred option is to put the rail under William Street, which is what this legislation is dealing with.

At the northern end of the line are some classic problems and a raft of issues to do with the old Myer building. The estimated cost of acquiring the Myer site was \$40 million. The landowners in that area were not given any

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indication of what was happening there until they were contacted in March this year. I see the parliamentary secretary shuffling his papers. If there is any question about that fact, he should go down there and talk to those people.

Hon Graham Giffard: I am checking the facts.

Hon MURRAY CRIDDLE: I am giving him the facts. The real issue was brought forward in September when the National Party discovered there were difficulties at that site when people were consulted by the group that was put in charge of the site. I think Richard Mann is handling it at the present time. Incidentally, he is from Geraldton and worked there with Main Roads. There is an indication now that about \$5 million will be expended on removing asbestos from the Myer site. That asbestos removal has serious implications for the project, which it is estimated will take a minimum of 18 months. That will have to be removed before demolition of the Myer site, if in fact that is what will happen. It has been suggested that half the Myer site and the whole of the building will go; there will, therefore, need to be a clearing-up of that site. An estimated \$20 million to \$25 million is required for compensation relating to the acquisition of that site. That indicates that there could be a substantial blow-out. These are the sorts of matters that it would have been handy to refer to a committee to get a clear indication of those costs.

I want to outline my concerns. When I get to my real speech - the one that I will make if the Bill is not referred to a committee - I will make a few suggestions to Hon Jim Scott, who has an arrangement with the minister on the way in which the Bill should be handled and taken forward. I understand that Hon Jim Scott has agreed to allow the Bill to pass through the Parliament. However, I believe my arguments may well convince him that this is a serious issue and that we should refer the Bill to a committee to get some real answers. There are a couple of other issues as well. The cost for this section, with tunnelling from the Narrows Bridge to the city, is about \$195 million. I have already indicated there may be some cost blow-outs. We must be told that that is not going to happen. The stability of the sand and silt is suspect. It was put in place as a result of the reclamation work, and that indicates it is very unstable. Tunnelling and boring in that will prove very difficult. I would like some assurances from the minister, through the parliamentary secretary, that there will be no difficulty. I am advised that drilling will take place at least 15 metres under the surface up William Street. The platforms will be 16 metres underground near Perth central station. There will be some real issues there unless there is stability in that area. I have had many conversations and clashes with the minister about some of the work done for the Northbridge tunnel. Some of the discussion was about buildings that were 400 metres from the tunnel. The tunnel will go up William Street, pass the BankWest tower and other major buildings. I would like to know whether there has been any requirement for risk assessment for the people required to construct this part of the tunnel and this infrastructure. If no risk factor is assessed - bearing in mind the charade we went through when I, as minister, built the Northbridge tunnel - large cost factors will come into play from the people who will construct it and the people who own the buildings. There must be a clear understanding that the risk factor is taken into account well before construction commences.

At the point of the William Street ramp, the limestone base is only accessible 25 metres under the surface. The William Street ramp was constructed using caissons, which are large pylons. They are long pylons driven into the limestone base and anchored. There is a great requirement to stabilise construction in that area. I believe the original construction goes back to 1955. Information about the area has been available for a long time. If that is not going to be done, I would like a guarantee that the tunnel - which will have two separate passageways - will be stabilised from the point at which trains enter the tunnel and go along the base of William Street. There must be no doubt whatsoever that it will be stable. If caissons are needed to build a William Street ramp that will take vehicles, surely a tunnel that has trains racing into it will need a great deal of stability to maintain its position and ensure that it does not cause any problems in the future.

Hon Derrick Tomlinson touched on the new Narrows Bridge, which was one of the first pieces of infrastructure that I dealt with when I became the minister. The new bridge has a train passageway that was built for light rail; it was not built for heavy rail. The old Narrows Bridge does not have the capacity to take the railway line. A new bridge will need to be constructed for the southbound railway line. The centre of the bridge has a width of about only six metres. It has already been pointed out that there is some question whether it is wide enough for a heavy rail to traverse safely. This would mean that the bus lane on the old bridge would remain in place but there would need to be capacity for a bus lane on the new bridge, so a traffic lane would be lost to allow for a bus lane across the bridge.

The two peak hour times consist of 120 minutes in the morning and 120 minutes in the afternoon, during which there will be something like 73 bus services. That will impose added pressure on the traffic. We are looking 10, 15 and 20 years into the future. We have just got away from the shemozzle that was caused by the slowing traffic and the snarl-up that occurred on the Narrows Bridge. In a few years time, as a result of the building of

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roads from the north and the completion of roads such as the Cervantes-Lancelin Road, more traffic will pass through the centre of the city. This will result in a much greater requirement to clear traffic. I can see that in peak hours it will become a real issue, not to mention the snarl-up that will occur when work commences on the construction of the railway line. There are issues with traffic flows. I would like to know from the parliamentary secretary just what studies have been done on traffic flows into the future and what work will have to be done if extra laneways are taken. It will mean that the freeway will be laden with bus traffic, so there will be some real issues.

I want to touch on the South Perth facility that Hon Jim Scott seems to be satisfied with. It is an interesting thought that a station should be built in that area of South Perth. As I recall, a golf club and sporting facility are on one side and the river is on the other side. One wonders why people who can travel by bus, car or ferry or cycle or walk would want a railway station at that particular spot, especially if the station is to cost the sort of figure that has been mentioned of \$70 million. I cannot imagine how that is possible. I do not know what the figure is. Perhaps somebody can tell me. If it is to cost in the region of that figure, the cost will be enormous. I want a clear indication of why the Government would want a station built there. I notice in the report that has been produced that even the minister says that she does not think it is necessary for it to be built in the near future. One wonders why it is necessary to build it at all. I do not think the letter that has been sent to Hon Jim Scott contains any guarantee whatsoever that anything will happen.

Hon Jim Scott: I just asked for a time line rather than merely having a design.

Hon MURRAY CRIDDLE: The letter reads -

I support the notion of a South Perth Station being built in a 2010 timeframe, subject to further work on patronage demand to support the project, and the medium-long term transport plan . . .

It then refers to the transport forum 20-year plan. There is no guarantee whatsoever.

Hon Jim Scott: Exactly.

Hon MURRAY CRIDDLE: I wonder why Hon Jim Scott has the letter if that is the case. This other business about -

Hon Jim Scott: The first thing was something that I wanted to achieve.

Hon Graham Giffard interjected.

Hon Jim Scott: I have said that all the way through. Your side has been too busy yelling to hear.

Hon MURRAY CRIDDLE: I am pleased that the member has put that on the record.

The other two issues involve the idea of strengthening the subregional centres and the rail network and hybrid rail linkages. Quite frankly, based on my assessment of the changes around the State to the transport network over the past six months, we need to take a solid look at what we are trying to achieve. Changes have occurred in Fremantle. This Bill deals with a major change to the rail network, which will not service the people who live in Canning Vale, Jandakot or Nicholson Road. Major issues are cropping up all over the place.

Hon Jim Scott: That is why I wanted to have that analysis.

Hon MURRAY CRIDDLE: I cannot see any sense in conducting a survey and analysis after the rail system has been built and something like \$1.5 billion or \$1.7 billion has been spent. Why on earth conduct a survey after it has been built? Why not come to the conclusion that this Bill should go to a committee, where it can be thoroughly studied, which would enable us to know exactly where we stand and say either that it is nonsense or that it meets some sort of reality and can go ahead? It would be far better to do it that way, which would be to do it properly, given that no analysis was undertaken in the lead-up to the decision to build the railway down the Kwinana Freeway.

Hon Jim Scott: Or the decision on the Kenwick route. That was made out of the blue.

Hon MURRAY CRIDDLE: Consultation with just about everybody that one could possibly think of occurred before the decision on the Kenwick route was made.

Hon Jim Scott: You announced it first and then conducted consultation.

Hon MURRAY CRIDDLE: Consultation occurred over a long period. The project was announced in 1994. Consultation occurred for six years before the Government made a decision. This Government is now telling me that a decision like this can be made in six months without consultation. That is nonsense.

Hon Graham Giffard interjected.

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Hon MURRAY CRIDDLE: There was plenty of consultation. The Minister for Planning and Infrastructure asked why it took us six years to make a decision. If Hon Graham Giffard followed his own logic, he would find out how far from the truth he is.

Hon Jim Scott: Your shadow minister said it was a political decision.

Hon MURRAY CRIDDLE: It had to be, because there was no other reason to make it.

The issues I have raised are serious. As we travel further south towards Canning Bridge, there will be a real change in the way the exercise is carried out. Once again I return to the point of bringing people to an interchange where they will have to get off a bus and onto a train. That will cause another delay for those people. It is not known whether people will decide to travel on a bus from Melville to an interchange station to get onto a train to travel into Perth. From my point of view, no new passengers would access the public transport system by doing that. We have some very efficient and good buses nowadays. The decision to try to shift those people onto a train surprises me.

Mount Henry Bridge presents another interesting challenge to those who will construct this railway. I will seek several assurances about that bridge. The construction outlined in the plan, so much as it is, certainly needs further scrutiny. There is no doubt in my mind that that bridge is fully taxed at the moment. It was built for cars. It will be interesting to see whether modifications will support a railway. We will question the advisers who will assist the parliamentary secretary if this Bill does not go to a committee, so that we can get some realistic answers. It will be interesting to see what engineering and costing advice we receive. Those issues will be interesting. There are other issues such as the curves between Mount Henry Bridge and South Street, and the amount of line of sight. At one place there is 780 metres of sight, so further survey work will need to be done to see whether the rail can fit within the central median and do the job at the speed required by this plan.

I have some serious concerns with this Bill. It should be further scrutinised by a committee, so that we can sit down and do the work. I would welcome the opportunity for the Bill to come before the Public Administration and Finance Committee of which I am a member. There have been suggestions that the Bill go to other committees, but the Public Administration and Finance Committee would be a good one, because the Bill falls into that area. I would look forward to it being referred to that committee. It could be expedited through that committee and a realistic result would be obtained from the scrutiny the legislation would be put under. I will be supporting a move to have it referred to a committee.

**HON GRAHAM GIFFARD** (North Metropolitan - Parliamentary Secretary) [10.27 pm]: I have taken the call at this point so that I can table some documents tonight.

Hon Peter Foss: I would like the opportunity to respond.

Hon GRAHAM GIFFARD: I do not anticipate taking up much time.

The Government is opposed to this motion to refer the Railway (Jandakot to Perth) Bill 2002 to a committee. A number of members who have spoken during more than four hours of debate thus far have made the point that they do not wish this to be viewed as a delaying tactic. This referral motion has no report date in it.

Hon Derrick Tomlinson: If you had agreed four weeks ago the committee would have reported back by now.

Hon GRAHAM GIFFARD: The Government simply does not believe that there is any intention for the committee to report back quickly. Members opposite are opposed to this Bill, and to the direct route. There is one point I do agree with, and that is that this is not an attempt to delay construction; the ambition of members opposite is far grander than that. They want to sabotage this project. They are determined to see the Kenwick route taken up, and this is another device by which they seek to achieve that end. It is time for the Government to move forward and construct the railway line to Mandurah. The previous Government failed the people of the southern suburbs for eight years by not moving forward with this project, and this Government is determined to press ahead with it. It is interesting to note that in 1997, when the Kenwick route was being dealt with by this Parliament, Hon Alannah MacTiernan made a plea to the Government - because then was the right time, and because strong opposition to the Kenwick route remained - that it was desirable and necessary, if at all possible, to have bipartisan support for the route. That proposition was refused by the previous Government in 1997. As I indicated, we are determined to press ahead with this project and, as Hon Alannah MacTiernan noted recently when an attempt was made in the other place to refer the Bill to a committee, this project is now time critical. Tenders have to be called for so they can be let on time next year. We cannot allow members opposite to put the project and the people of Western Australia on hold for another eight years.

Several members interjected.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members! Hon Graham Giffard has the call.

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Hon GRAHAM GIFFARD: A range of issues were canvassed during the debate on this referral motion. I have listened carefully to all of them and the good points made by members have been few and far between. All of those issues can be dealt with during the second reading stage.

Hon Derrick Tomlinson: Okay, but do not expect it to be brief.

Hon GRAHAM GIFFARD: I do not expect the second reading debate to be brief. Members have made their intentions very clear.

Hon Derrick Tomlinson: You said all of those issues could be dealt with.

Hon GRAHAM GIFFARD: They can.

Hon Derrick Tomlinson: If you want all the issues dealt with during the second reading debate, it must be a thorough debate.

Hon GRAHAM GIFFARD: Members opposite have made their intentions very clear. They intend to debate this matter for as long as they can; they intend to hold this Bill up for as long as they can. The Leader of the Opposition made that very clear when he addressed this referral motion.

Hon Norman Moore interjected.

Hon GRAHAM GIFFARD: No, but if the Opposition did take time to persuade us, it would take a very long time.

Hon Ray Halligan: It will not take a long time.

Hon GRAHAM GIFFARD: That is the usual contribution from Hon Ray Halligan.

Hon Ray Halligan: I will give my contribution.

Hon GRAHAM GIFFARD: And it will be as spectacular as it normally is, I am sure!

Hon Simon O'Brien: What are these documents that the parliamentary secretary is talking about?

Hon GRAHAM GIFFARD: I will get to those in a moment. It is not my intention to try to do a forerunner to the second reading debate, so I will not canvass all of the issues that have been raised. As I say, I think those matters can be raised during the second reading debate, and I encourage members to do so. That is within their rights.

I now turn to the documents I indicated I would table today. During the debate, Hon Peter Foss raised an issue about questions that were not dealt with to his satisfaction during the estimates hearings. He indicated that a motion on the Notice Paper related to the matter, and I think he has foreshadowed that he intends to bring on that matter, or a procedural motion to the same effect, when the procedural matter is dealt with, if it is decided in the negative.

Many of the responses that were given in the estimates committee hearings essentially referred to the supplementary master plan. The responses basically were that we were not able to provide that information; it would be provided in the supplementary master plan. We have gone through all the questions and answers that were provided during that estimates committee period, and I have a document that I will table. For the first document, the exercise was quite simply to write out the question and to provide a full answer, which has been taken from the supplementary master plan, when previously the answer given was that it would be referred to in the supplementary master plan. Essentially, the answer has been lifted from the supplementary master plan and put into a document that relates directly to the question. On my understanding, that deals with most of the questions that Hon Peter Foss raised.

Hon Bruce Donaldson asked that a number of documents be tabled. One of those documents appears to be from 2000, some are from 2001 and many are from 2002. They relate to a variety of things, such as minutes of meetings. I believe a couple of them refer to the North Metropolitan Region. There is a variety of documents. I seek leave to table those documents, and the document in which the questions are answered.

Leave granted. [See papers Nos 459 and 460.]

Hon GRAHAM GIFFARD: To my mind, the only other question that is not addressed in those documents is a question that was asked in the name of Hon Peter Foss. In particular, part 4 of that question relates to travel times and timetables. There is no doubt that Hon Peter Foss has asked for studies in relation to those travel times to be tabled. That question is not addressed in any of the documents that I have tabled, nor in the answers. However, I am advised that the document that contains the calculations that Hon Peter Foss is seeking is a document that deals with the modelling of patronage forecasts for the south west metropolitan railway master plan. I understand that was tabled during the estimates committee hearings, but I am not able to confirm that. If

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it was tabled during the estimates committee hearings, I will be able to obtain copies of it tomorrow. If it was not tabled during the estimates committee hearings, I should be in a position to table that further document tomorrow.

I do not propose to go on any further, because I believe the four hours that the Parliament has spent on this referral motion are more than enough. Most of the issues that have been raised are second reading debate issues. They have largely been put by members in the form of questions requesting further information about what is contained in documents. I think those questions can be addressed during the second reading debate. The Government is opposed to this referral motion.

**HON RAY HALLIGAN** (North Metropolitan) [10.39 pm]: I support the motion to refer the Bill to a committee. Members in this place will be aware that I have lauded the committee system for some considerable time. I think committees do a wonderful job. They are an integral part of this Chamber and should be utilised far more. I also think the reason the Bill needs to be referred to a committee is that many speakers have, to my mind at least, created some doubts about some areas, some of it technical and not necessarily policy. I believe that the information required by those members is best obtained using the committee system.

Any number of things have been said in this Chamber over the past number of years about the Leader of the Opposition, Hon Norman Moore, and his approach to committee systems. I will selectively quote some comments. Members will be in a position to read the whole lot of it at some stage to see whether I have taken any of this out of context. I will quote from a speech made by Hon Norman Moore on 11 June 1997 when he moved that a select committee be set up to review the standing committee system. He said that the first committee system of this House was set up in 1982 on the motion of Hon Bob Pike. He went on to say -

Also, a committee chaired by Hon Vic Ferry considered a proposed committee system of this House in addition to the then established committee. His report made a number of recommendations about a system of standing committees. I will not go through the report; however, I recommend that it be read by members as it indicates what can be achieved when a committee looks at these issues. I regret that the then Government was not fussed about establishing a committee system in this House. I am not sure why, but I believe it was more about money than any philosophical view. One will never know the reasons. Anyone who wanted to know the reasons should ask Hon Joe Berinson, who was the Leader of the House at that time, who could probably say why there was no great enthusiasm and why no great amount of money was provided for the committee system. However, the views of most members eventually prevailed . . .

That is why we have the system we have now. Hon Norman Moore went on to say -

I think I can say fairly, without attracting a great deal of criticism, that the standing committee system has worked quite well. Most of the members of standing committees of this House would agree that the relationship between members has been cordial, and most of the issues have been addressed with a great deal of cooperation and bipartisan support. Some of the work that has been done by those committees has been first class.

I totally agree with that. He further says -

Therefore, I have moved for a select committee of seven members, to comprise three members from each side of the House, and to be chaired by you, Mr President, in a non-voting capacity. It is very important that we get this right. We need a chairman who will not vote but can guide the committee's deliberations. Mr President, you have been a member of Parliament for a long time, you understand the committee system, and you were an active member of the government agencies committee. In your now very impartial position of President of this Chamber, you would be the ideal person to chair this committee and ensure that it carried out its deliberations in a mature and sensible way. I am not seeking to have a government majority on the committee, but simply to reflect the membership of this House, where the Government does have half of the members.

Hon Norman Moore further stated -

Paragraph (4) proposes that the President shall be the chairman and not vote, but because the President is the final arbiter on matters affecting committees, I have included the statement that "Procedural rulings of the President as Chairman are final and not open to dissent". In other words, if the committee were to dissent from the chairman's ruling, it would have to go back to the House and ask him to rule again, and this is an attempt to avoid that situation where Caesar would appeal to Caesar.

. . .



Hon Derrick Tomlinson; Hon Murray Criddle; Hon Graham Giffard; Deputy President; Hon Ray Halligan; Hon Kim Chance

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The committee system in this House is very important for the future of the House. I have always recognised that, both in and out of government. I have not changed my view. I am firmly of the view that we need a committee system that works really well; not just a system which enables one side of politics to be able to screw the other, if I may put it in that crude way, but a system which allows the House to do its job better.

...

I hope we will be in a position to re-establish the committee system on the basis of well thought out and well reasoned plans and propositions, so that we can then go ahead with a committee system which in one way or another caters for every member's interests.

Hon Norman Moore said that over five years ago. I know that he has not changed his view. I agree with that view, having been involved in the committee system for over five years. It was interesting to note also that he spoke about the impartial role of the non-voting President in that situation.

I will also selectively quote from the report of the select committee established to review the Legislative Council standing committee system. Hon George Cash, who was then President of the Legislative Council, chaired that committee. This is a minority report and it states -

... I would like to place on record my views on a number of the issues that are not adequately dealt with in the main report and to offer the House some alternative approaches which will enhance the review and scrutiny role of the Legislative Council and its committees.

#### **Committee system and the Legislative Process**

The Council's Committee system ought to be viewed as an integral part of the Council's major role which, as the Commission on Government recommended, is "that of a house of review" for the people of Western Australia. While a Government has a right to have its business considered, this right should not be a right that pre-empts or prevents the House from performing its major review role. In fulfilling that role, non-government Members of the House and of the committees are entitled to a fair share of the House's time for consideration of business they wish to propose.

#### **Public Involvement and participation**

I believe that for too long the Legislative Council has allowed its processes and procedures to guarantee that a cloak of unnecessary incomprehensibility and secretiveness has been the way the House operates. It operates in a way that is largely inexplicable and impenetrable for most Western Australians.

I believe there is an urgent need to improve the processes of the House and its committees to make the Legislative Council accessible and its workings understandable to the wider community of Western Australia, who - after all - elect us and pick up the tab for our costly operation.

It goes on to say-

There is wide scope for greater participation and awareness by the public in the processes of the Committee system of the House. Currently, apart from the occasional controversial inquiry or the appearance of a "high profile" witness, the public, the media, the public service and community and industry interest groups have little awareness of the existence or operations of Parliamentary committees in this state.

It then goes on to say under the heading "The Legislative Council as House of Review" -

As previously stated, the major role of the Legislative Council is that of a house of review. The Senate has a similar role, which Odgers describes as including:

to act as a House of review with responsibility for expressing second opinions in relation to legislative and other proposals initiated in the House of Representatives. In every walk of life, be it medicine, science or day-to-day family problems, the second opinion is sought and valued. So is it in government, where a second House acts so as to ensure proper consideration of all legislation, imposes a period for reflection and provides an opportunity for anyone to voice an opinion, support or protest regarding proposed legislation, after which the second House may make or suggest amendments to proposed laws. Development of the Senate's committee system has established a formal channel of communication between the Senate and interested organisations and individuals -

*Point of Order*

Hon Derrick Tomlinson; Hon Murray Criddle; Hon Graham Giffard; Deputy President; Hon Ray Halligan; Hon Kim Chance

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Hon KIM CHANCE: The point is relevance, Madam Deputy President. There is nothing in this argument that has anything to do with the motion before the House.

The DEPUTY PRESIDENT (Hon Adele Farina): I believe that the member is making an argument as to why previous Bills have been referred to committees. It would help, however, if the member drew that argument towards this Bill.

*Debate Resumed*

Hon RAY HALLIGAN: I am trying to explain that the Bill should go to a committee. A wider community is the ideal forum for this Bill.

Hon Kim Chance: You have just been talking about the Senate. What has that got to do with the Senate? Are you going to refer it to a committee of the Senate?

Hon RAY HALLIGAN: It is a House of Review.

Hon Ken Travers: Your best speeches are when you extensively quote other people's work.

Hon RAY HALLIGAN: This happens to be the view of Hon Tom Stephens. He is the person who is advocating that these types of things go to a committee. I will continue, if I may, Madam Deputy President, because I believe it is relevant to the argument that this Bill be reviewed by a committee.

To continue -

In my view the main report has shown no commensurate concern or pre-occupation with the rights and indeed obligations of members wanting to insist on full review and scrutiny of Government activity.

That is exactly what this side of the House wants -

Nor is there any matching pre-occupation of the main report with the rights and obligations of members to put in place proper and appropriate methods of ensuring Government accountability.

Again, I am quoting Hon Tom Stephens -

Nor is there any commensurate pre-occupation with the rights and obligations of non-Government Members to have their issues considered by the House and its committees, and for these issues to be brought to resolution.

...

The people of Western Australia have legitimate and high expectations of the Legislative Council. After all they elect it and pay for it. They have a right to ensuring that it is not a mere tool of the Executive. The House will only meet its destiny when the Standing Orders balance the rights of Government and non-Government members to have issues brought forward for consideration and brought to resolution.

I will read one last comment. The quote continues -

I find it inconceivable that I would step back from the task of convincing the House to move in the direction expected of us by the Royal Commission, the Commission on Government and by the people of Western Australia: we must function as an effective House of Review.

I say again that that is a quotation of Hon Tom Stephens. It is a great pity that he is not in the House tonight because of urgent parliamentary business.

Hon Graham Giffard interjected.

Hon RAY HALLIGAN: That is the first I have heard it mentioned by the members of the Government.

Hon Ken Travers: It was raised earlier today when the Leader of the House responded to members on your side.

Hon RAY HALLIGAN: I repeat: it is the first time I have heard it.

Several members interjected.

Hon RAY HALLIGAN: I support the motion.

Question put and a division taken with the following result -

**Extract from *Hansard***

[COUNCIL - Wednesday, 13 November 2002]

p3048b-3057a

Hon Derrick Tomlinson; Hon Murray Criddle; Hon Graham Giffard; Deputy President; Hon Ray Halligan; Hon Kim Chance

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Ayes (12)

Hon George Cash	Hon John Fischer	Hon Frank Hough	Hon Simon O'Brien
Hon Murray Criddle	Hon Peter Foss	Hon Barry House	Hon Bill Stretch
Hon Paddy Embry	Hon Ray Halligan	Hon Norman Moore	Hon Alan Cadby ( <i>Teller</i> )

Noes (13)

Hon Kim Chance	Hon Graham Giffard	Hon Ljiljanna Ravlich	Hon Ed Dermer ( <i>Teller</i> )
Hon Sue Ellery	Hon Nick Griffiths	Hon Jim Scott	
Hon Adele Farina	Hon Dee Margetts	Hon Ken Travers	
Hon Jon Ford	Hon Louise Pratt	Hon Giz Watson	

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Pairs

Hon Barbara Scott	Hon Robin Chapple
Hon Derrick Tomlinson	Hon Kate Doust
Hon Robyn McSweeney	Hon Tom Stephens
Hon Bruce Donaldson	Hon Christine Sharp

Question thus negatived.