

ELECTRICITY INDUSTRY BILL 2003
ELECTRICITY CORPORATIONS BILL 2003
ELECTRICITY LEGISLATION (AMENDMENTS AND TRANSITIONAL PROVISIONS) BILL 2003

Declaration as Urgent

MR E.S. RIPPER (Belmont - Minister for Energy) [7.50 pm]: I move -

That the Electricity Industry Bill 2003, the Electricity Corporations Bill 2003 and the Electricity Legislation (Amendments and Transitional Provisions) Bill 2003 be considered urgent Bills.

I have moved this motion so that debate on the three pieces of legislation can commence today rather than later in the week. The Government desires to have the three Bills considered and passed by this House this week so that they will reach the Legislative Council in time for consideration before Christmas. That is an ambitious timetable. However, the program for reform of our electricity system requires that Western Power's successor organisations be created with effect from 1 July 2004. It is intended that strengthened business units take effect within Western Power from 1 January next year. The creation of the independent successor organisations requires that the legislation go through both Houses of Parliament in good time for all of the arrangements to be made for these matters to take effect from 1 July 2004.

The three-week rule for the deferral of debate on legislation exists so that all members of Parliament have adequate time to consider the issues raised by the legislation. The Government went to the last election with an electricity reform policy. It established the Electricity Reform Task Force in 2001. The task force conducted a public consultation process, including a draft report and the submission of a final report. When the Government accepted the recommendations of the Electricity Reform Task Force, it established an electricity reform implementation steering committee and an electricity reform implementation unit, which established a comprehensive and systematic consultation program with industry. There has been significant public consultation and debate on this matter, and a significant airing of the issues embodied by this legislation.

Members of Parliament were offered briefings immediately after the legislation was introduced to Parliament. Prior to that, members were offered briefings on electricity reform on a number of occasions. The extensive public consultation and debate that has taken place has meant that there has been plenty of time for members to consider the overall issues related to electricity reform. There has also been plenty of time for members to receive briefings from the electricity reform implementation unit, both prior and subsequent to the introduction of the legislation. If this legislation were to proceed without this motion, it would, in any case, come on for debate later this week. The passage of the motion will simply bring forward the debate by two days. Bringing the debate forward by two days is quite justifiable given the extensive public consideration, consultation and debate on these issues and the extensive opportunities members of Parliament have had to be briefed prior and subsequent to the introduction of the legislation.

MR R.F. JOHNSON (Hillarys) [7.55 pm]: I refute all the things the Minister for Energy has just said. Quite frankly, we have had just over two-and-a-half weeks to consider the legislation. That is all the time we have had. There has been little consultation. We were offered a briefing as late as this morning, although it was not with Western Power as such, which is what the Opposition wanted. Rather, it was with the Minister for Energy's top man, Mr van de Mye, whom the minister brought in to break up Western Power. How can we have a proper briefing with that gentleman? We cannot.

Mr E.S. Ripper: He is the Managing Director of Western Power!

Mr R.F. JOHNSON: He has been in the job for five minutes and I assure the minister that he does not know everything.

The Opposition wanted a briefing with Western Power, but the minister is too afraid to let Western Power give us a briefing. The Government and the minister are showing a disgraceful attitude by ramming through this legislation just before Christmas. The minister knows he has the numbers in this House to do that. What sort of consultation is that? As I said, we have had the legislation for just over two-and-a-half weeks and we are still trying to come to grips with a lot of it.

Mr J.N. Hyde: Why? Have you been busy?

Mr R.F. JOHNSON: Look blonde - be quiet.

This is disgraceful. This is probably the most significant economic Bill to affect Western Australians during this term of government. There are many mixed views on the three Bills. Quite frankly, justice will not be done and proper scrutiny will not be given to the Bills if this Labor Government rams the legislation through. We have seen that happen in the past. The Government abuses its position. It will try to keep members here until God knows what hour of the morning until it gets its legislation through. What is the rush? Why is the Government

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afraid to have the legislation scrutinised? What is the Government afraid the Opposition will find in the legislation? The Opposition will do its best to scrutinise the legislation. We will stay all night if we have to. However, that is not the way Parliament should work. The Leader of the House and the Minister for Energy want to get this legislation through by the end of this week so that they can send it to the other place, where they hope it will be debated by the last sitting week. The Government has clots in its brain if it thinks the legislation will get through that House in that week. It will not work.

Mr J.N. Hyde: Clocks?

Mr R.F. JOHNSON: Blondie, be quiet. I do not recognise the member for Perth and would rather he did not interject on me.

The upper House may well want to send the legislation off to a committee. In fact, that is not a bad idea. To do this legislation justice, it should be sent off to a committee so that we can get input from all the players in not only Western Australia but also the other States. Certainly, there are grave concerns that the same problems that have befallen South Australia and the eastern States will also befall Western Australia. We have seen the problems that have occurred in the other States, yet this Government is hell-bent on ramming the legislation through. I say "ramming" because that is what it will be doing. It will use its numbers, as it always does, to ram this legislation through Parliament. That is not the way it should be. What is the rush? We are happy for the debate to come on tomorrow. The Government has broken all the conventions. Our lead speaker is not here tonight. He has been paired from Parliament. It is normal courtesy for a matter to be brought on the next day when the lead speaker is not present. That is why we have the normal three-week period to scrutinise Bills before they get debated. The Government is not satisfied with that, and is breaking the convention. As I say, our shadow Minister for Energy is not here tonight, so he will miss some of the debate. That is not on. This is slipshod government. However, it is what I have come to expect from the Leader of the House and the way he conducts business. He has had nothing but cooperation from me over the past 12 months. However, if the Leader of the House and the Minister for Energy abuse members on this side of the House because they want to ram this legislation through before Christmas, they are being foolish. The more they do that to members of Parliament, the more that members will take offence and the more they will take longer to scrutinise the legislation. We are concerned that the Government is trying to do something dodgy and that it is ramming the legislation through so that we will not see the fine print and the problems that will result from the Bills. These three Bills are of massive economic importance to this State and will be the most important Bills debated in this Government's four-year term.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [7.59 pm]: The motion is about whether these Bills should be declared urgent. There is no doubt that this is one of the most significant issues that will come before the State Parliament probably in this term of government. The standing orders of this House are quite clear: legislation that is introduced is to lie on the Table for three weeks. That is not unreasonable when we are talking about profound changes to the energy system in this State. Indeed, the mere fact that reports indicate that the value of Western Power will drop by at least \$500 million - some people say at least \$1 billion - is reason enough that this Parliament have time to consider the issues.

The Opposition is charged with the responsibility of scrutinising government. We had to go through a freedom of information process to get access to the reports. I will show the Parliament what we received. The Parliament should look at this. These reports arrived last week as a result of the freedom of information application. There is volume after volume of technical report on the issue of energy deregulation. The Parliament and at least the Opposition's office should be given fair opportunity to read, discuss and scrutinise that detail. This Government is denying the Parliament its proper role.

I indicated to the opposition leader of the House that we would be willing to start this debate tomorrow. The Government should give us at least 24 hours from the time of the last briefing by Western Power - this morning - to read some of the documentation before the debate starts. What reason could this Government have for rushing this legislation, other than it does not want public debate? It is true that the break-up of Western Power was part of Labor Party policy. I recognise that, and I recognise the significance of that. It has taken two and a half years for the Labor Party to bring the legislation before Parliament. It has had two and half years in which to take advice, consult and do whatever else, yet it expects the Opposition and, indeed, every member of this Parliament to digest the legislation in fewer than three weeks, and we received this information only last week. Had the Government been genuine, it would have voluntarily provided all the information. We know it fired David Eiszele. We know it changed the composition of the board to suit itself. We know it has not been forthcoming in disclosing the full financial implications of this legislation. Even *The West Australian* - not my favourite newspaper of late - has picked up that point about the Government's lack of accountability. Why is it that this Government wants to rush through the legislation?

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I remind members of the Labor Party of the 1980s. It rushed through legislation that saw hundreds of millions of dollars lost on the petrochemical project. Under this proposal we know that at least half a billion dollars will be lost off the value of Western Power. Where does that half a billion dollars go? Does it disappear? I do not think so. It does not disappear; it accrues to other players

Mr J.N. Hyde: Only if you sell it. Only if a Liberal Government sells it.

Mr C.J. BARNETT: The member may have discovered the Fountain of Youth, but he knows nothing about electricity. If half a billion dollars is taken off the value of Western Power, the total value of the energy industry does not decline; it accrues to other players. There are very strong vested interests in this debate. This is probably the most significant debate since the WA Inc issues that came before this Parliament. We as individual members of Parliament have a responsibility to understand all these issues. They are complex, but they are immensely important. This debate is not so much about whether there should be energy deregulation; rather it is about at what pace the energy industry is deregulated and how it is done. To make a half a billion-dollar decision, surely this Parliament should have time to consider the legislation and have access to the information.

There is absolutely no justification for bringing this debate on early. We recognise it is the end of the year. According to standing orders, which are there to be abided by, this debate should not start until Thursday, but in good faith we said that we would be happy to start the debate on Wednesday. The Government should give us at least 24 hours between the last briefing and the start of the debate. That is not an unreasonable request when we are talking about fundamental changes to Western Power and to the security of electricity supplies to not only business but also pensioners, country householders, aged health care facilities, schools and so on. It is totally unreasonable for this Government to try to ram through this legislation.

MR M.G. HOUSE (Stirling) [8.04 pm]: I do not think the Parliament has debated an issue of such importance as this legislation in the past 12 months, yet tonight we have been asked to make a special provision under standing orders to allow this legislation to be debated with what I call undue haste. We asked for a number of briefings prior to this legislation being brought to the Parliament. Indeed, it is fair to say that the Government signalled its intention to introduce this sort of legislation a couple of years ago. I do not know why it did not do so. I do not know why it has taken the Government so long to draft it. I suspect that if members look at the public gallery, and if they speak to a few of the people in regional and rural Western Australia, they will see a few of the reasons. I do not see the need for undue haste in debating such an enormous decision. Power is one of the issues that affects people in this State and the way they live. This legislation will have ramifications for years; yet we are expected to debate it with two weeks notice when the standing orders are very clear. There is good reason for that. The Parliament is designed to take legislation at a reasonably slow pace. That is the way the standing orders are designed. That is the way debate has always proceeded. According to history, we make fewer mistakes if we do that. If we take the time to have reasoned argument, negotiate, think things through, get further briefings and be in touch with the people we represent, we will finish up with good legislation. Almost without exception we have gotten wrong and made a mess of every example I can think of in which we have abandoned the standing orders and rushed through legislation. We cannot afford to do that in this case. This is a significant piece of legislation. The Government might want to hurry it through before Christmas for whatever reason. I and, I am sure, every other member on this side of the House agree that it is of such significance that we will sit for an extra week if that is what we have to do. We are quite prepared to do that.

Members of the National Party represent rural electorates. We have all been out in rural Western Australia in the past two weeks. Frankly, we have not had the time or the courtesy of a response to our requests for a proper briefing. In fact, we asked Western Power for a briefing and it has not replied to us at this point. It is a significant issue for us. It is a significant piece of legislation for rural Western Australia. It is right and proper that we have the appropriate briefings and time to consider the issue. The Government, in all fairness, should reconsider this motion. This legislation is not something that should be rushed through the Parliament. If the Government takes it at the right pace, we will finish up with a reasonable result. If we rush it through, the Government might find that it will lose this legislation and it will lose the key issues that it thinks are important to it. We are opposed to the legislation being rushed through the Parliament.

MR J.C. KOBELKE (Nollamara - Leader of the House) [8.08 pm]: The motion before the House means that the continuation of the second reading debate will come on two days earlier than it should. The development of this package started more than two years ago. There has been a wide-ranging community debate in that period. There was an offer of briefings for members opposite, even before the legislation came into this place, which they either did or did not take up. When the legislation was introduced to the Parliament nearly three weeks ago, members were immediately offered a briefing. There is talk that they had a briefing only yesterday. If they were told over two weeks ago when the legislation was introduced that a briefing was available and they left it to the eleventh hour, it is not the responsibility of the Government that they left it until the very last minute. The fact is that every opportunity was given to all members for briefings on the development process before the legislation was introduced. After the legislation was introduced, the Minister for Energy went out of his way to ensure that

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a letter was sent and telephone calls were made to key people indicating that a briefing would be organised at their convenience as soon as possible. They did not have to put it off until the week in which they knew the debate would come on. As Leader of the House, I wrote to the Opposition. A copy of my letter was circulated to the National Party. I normally write on a Friday, but the letter went out on the previous Tuesday or Wednesday so that the Opposition had extra time. Members opposite knew the legislation was going to be dealt with this week. When the Liberal and National Parties were in government it was not unusual to seek to declare a Bill urgent so debate could be brought forward by a few days. That is all we are doing. Instead of waiting the full 21 days we are bringing on the legislation on the nineteenth day.

Mr R.F. Johnson: What is the rush?

Mr J.C. KOBELKE: The Legislative Council has limited sitting days. The National Party suggested that we can sit for another week. That is not the issue. The Assembly is not all that pushed in dealing with its business; it will get through most of its business by the end of the session. The Legislative Council, under its current sessional order, cannot extend its sitting period. Its sitting will finish in about three weeks. If we get this legislation to the upper House expeditiously, there may be an opportunity for it to deal with it. It is in its hands. The member for Hillarys suggested that the upper House will not deal with it. We are hopeful that it will. It is a matter of conjecture; we will see what unfolds. If we do not pass the legislation through this House in the next few days, then clearly, there will not be the opportunity for the Council to consider it. We want to open that possibility. For that reason, the Government seeks to declare these Bills urgent.

MR J.L. BRADSHAW (Murray-Wellington) [8.11 pm]: I have been around this place for a while. When we try to rush things, they go wrong. Time and again urgent Bills have been rushed through this place but they have had to be brought back and corrected. The Government is anxious to get this off the agenda because, regardless of what it says about the Opposition wanting to privatise everything, this will be seen as the privatisation of Western Power. It does not matter what the Government's spin doctors try to tell the community.

Question put and a division taken with the following result -

Ayes (26)

Mr P.W. Andrews	Mr J.N. Hyde	Ms S.M. McHale	Mr E.S. Ripper
Mr J.J.M. Bowler	Mr J.C. Kobelke	Mr N.R. Marlborough	Mrs M.H. Roberts
Mr C.M. Brown	Mr R.C. Kucera	Mrs C.A. Martin	Mr P.B. Watson
Mr A.J. Carpenter	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Mr A.J. Dean	Ms A.J. MacTiernan	Mr A.P. O'Gorman	Ms M.M. Quirk (<i>Teller</i>)
Mrs D.J. Guise	Mr J.A. McGinty	Mr J.R. Quigley	
Mr S.R. Hill	Mr M. McGowan	Ms J.A. Radisich	

Noes (17)

Mr R.A. Ainsworth	Mrs C.L. Edwardes	Mr W.J. McNee	Mr T.K. Waldron
Mr C.J. Barnett	Mr J.P.D. Edwards	Mr B.K. Masters	Mr J.L. Bradshaw (<i>Teller</i>)
Mr D.F. Barron-Sullivan	Mr B.J. Grylls	Mr P.G. Pandal	
Mr M.J. Birney	Mr M.G. House	Mr R.N. Sweetman	
Dr E. Constable	Mr R.F. Johnson	Mr M.W. Trenorden	

Pairs

Dr G.I. Gallop	Mr M.F. Board
Mr D.A. Templeman	Mr J.H.D. Day
Mr J.B. D'Orazio	Mr A.D. Marshall

Independent Pair

Dr J.M. Woollard

Question thus passed.