

PERTH-BUNBURY HIGHWAY - FEDERAL GOVERNMENT FUNDING

Motion

HON SIMON O'BRIEN (South Metropolitan) [10.04 am] - without notice: I move -

That this house notes the accusations made against the federal government by the Minister for Planning and Infrastructure on 22 June regarding the federal government's involvement in funding the Perth-Bunbury highway, including the specific accusations that the federal government has created a "huge new hurdle" in the form of a "last-minute demand" and is threatening to withdraw a \$170 million contribution to the construction of the proposed Perth-Bunbury highway, and demands that the government retract these accusations and apologise for seeking to misrepresent the situation.

Before I proceed, it is necessary for members to note that this motion has a narrow scope. The motion is not about roads in general. In a sense, it is not even about whether we build the Perth-Bunbury highway. It is not about whether federal governments should make the funding of state infrastructure projects dependent on their own conditions, an issue that has been around since Whitlam's day, more than 30 years ago. It is not about whether there are environmental assessments at the state level. It is not about whether there are or should be environmental assessment procedures at the federal level that are applied as a second layer over state assessments. It is not about whether such environmental assessments are appropriate to have in this or any other case. Those are the things, among others, that this motion is not about. The motion is about the remarks of the Minister for Planning and Infrastructure made last Thursday, 22 June in a media statement headed "Senator Campbell harpoons Perth-Bunbury Highway". The tone, tenor and motivation of the statement by the minister seems to be, as judged from the title, to send out a message that somehow the federal government is seeking to delay or frustrate the building of the Perth-Bunbury highway, an issue that has been the subject of attention in this place before and no doubt will be again. The Perth-Bunbury highway is an infrastructure project that is strongly supported by the opposition. However, as I said in my opening remarks, whether we or other members in this house support the building of the highway is not what this motion is about. The media statement reads -

An unprecedented, last minute Federal Government demand could scuttle hopes that the Perth-to-Bunbury Highway will be started this year.

Planning and Infrastructure Minister Alannah MacTiernan said the Federal Government had added an absurd requirement never previously made for a Western Australian road project.

"The Federal Environment Minister is playing ducks and drakes with WA taxpayers and South-West road users," Ms MacTiernan said.

"First, the Federal Government said it would make a contribution to the \$500million project, conditional on construction starting this year and we agreed to meet this requirement.

"Now, they have erected a huge new hurdle to us meeting that deadline.

"This may be designed to create an excuse for them to withdraw funding from the project.

"For every other WA road project, the environmental assessment required by the Commonwealth concerned only the impact of constructing the road.

"However, they have advised us that funding now depends on a massively expanded environmental assessment of the impact of residential and industrial development which may occur around the highway, both in the Peel and around Bunbury, once the highway is completed.

"In other words, we have to assess the impact of potential developments which may never occur, or which would have happened, regardless of whether the road was built.

"Bunbury and Mandurah are already growing rapidly and this new highway will cater for that growth - not create it.

"Indeed, both the chair of the WA Planning Commission and I have warned speculators not to presume that land zoned rural on the route will be rezoned for urban development.

"Big picture environmental assessments have already been undertaken as part of the Peel and Greater Bunbury region scheme processes and WA already has stringent environmental approval processes for all development.

"It appears the Commonwealth is now trying to use the highway project as a Trojan horse to interfere in these processes.

"The State Government is rushing to meet this latest Federal demand, but taxpayers should be aware that a rejection of our submission could see major delays in the project."

Ms MacTiernan urged South-West residents and other road users to lobby Coalition Members of Parliament and Senators vigorously to change the requirement.

That is, in its entirety, the minister's statement of 22 June this year. I noted also the response to that statement. It was a further press statement from the office of Australian Minister for the Environment and Heritage, Senator Hon Ian Campbell, dated 23 June 2006 and headed "MacTiernan bottleneck on Perth-Bunbury highway". It reads as follows -

Western Australia's Planning and Infrastructure Minister, Alannah MacTiernan, has consistently held up the progress of the Perth-Bunbury Highway.

The Western Australia Labor Government has taken nearly 12 months to get its documentation to the Australian Government.

The Australian Government has had it less than two weeks.

Ms MacTiernan's department referred the project to my department for environmental assessment and we have been expecting that documentation for 12 months.

It is a matter of public record that the State Minister did not want to commence this project until 2009 and she will do anything to delay it.

This latest excuse comes after her comments to me that she desired federal funding not to be contingent on an early start to the project.

When the Australian Government was first considering funding the project, Ms MacTiernan told me at a Transport Minister's meeting that it would not be acceptable "for us to offer the funding contingent on construction commencing this year as WA wouldn't fund it until the end of the decade."

It is little wonder that Ms MacTiernan is having funding problems with the massive cost blowouts on her beleaguered Mandurah rail project.

This is a Minister who has proven to be incompetent at managing major projects and if Premier Carpenter does not sack her, the Bunbury road project will go the same way as the Mandurah rail project.

That is the federal minister's response in its entirety. Members can imagine that that exchange drew my attention. I want to know what is happening with this important project in Western Australia, which is potentially the recipient of \$170 million of federal money. I indicated in my opening remarks that the question of federal conditions on grants for money is not something that we should entertain today. It is accepted that if we want to build the Perth-Bunbury highway - and we do - and if the federal government is prepared to contribute \$170 million, subject to us meeting reasonable conditions, we should take advantage of the availability of that very large sum of money.

I was concerned when I read the call from the Minister for Planning and Infrastructure that somehow this money was at risk. I was also concerned by the tone of her release, which indicated that somehow the federal government had shifted the goalposts; that is, after the state had met all sorts of requirements - some of us may say that some of those requirements were an unnecessary second layer of environmental assessment - the federal government said that it had a few further hurdles, as the minister calls them, for the state government to jump before the federal government will honour its side of the bargain. I was concerned to receive that message. That is the message contained in the Minister for Planning and Infrastructure's media statement. It was backed up by some other remarks she made in another place. In the other place they have a technique that we in this place are not familiar with; it is called the dorothy dixer. The Leader of the House is shaking his head because, like me, he is not familiar with such things.

Hon Ken Travers: Tell us more about dorothy dixer; we might think about them.

Hon SIMON O'BRIEN: I think Hon Ken Travers may well be interested and some of his finer speeches are phrased around asking dorothy dixer, if not actually responding to them. A dorothy dixer was asked in the other place and these allegations, with variations, were made in response. There are a couple of steps to place this argument of the minister's into the public domain. I mention that because it shows that they were not remarks made on the run or in the heat of the moment. They were premeditated and rehearsed. A media statement and a dorothy dixer asked to initiate an informal minister's statement somewhere else were obviously part of the plan. It was preconceived, thought through and deliberate. I wanted to find out whether it is true. First, I had regard for the media statement - which was in response to the Minister for Planning and Infrastructure's media statement - from Senator Hon Ian Campbell, whom, I note, has in the past also had ministerial responsibility for a portfolio dealing with the federal contribution of funds to this road. We all know it, but I remind the house that it is about a \$150 million contribution, together with a further \$20 million, which brings the total to \$170 million - the final \$20 million is being offered on the basis that the commencement of construction of the

road occurs in this calendar year. Now we find that Senator Campbell, as a minister at a federal level, is now also responsible for environmental matters. Again, even though he has moved out of the road funding portfolio, he is now in the environmental assessment portfolio. He knows this project. He is a senator from Western Australia, so he knows how important this project is to Western Australia.

I made further inquiries and discovered that Main Roads Western Australia, which is responsible for the construction of the road at an operational level, referred the project to the Australian government. It is required to do that under the federal Environment Protection and Biodiversity Conservation Act 1999, to which I will refer as the federal act. Main Roads referred the project for assessment, as required by that law, on 28 June 2005 - a year ago yesterday. We have a federal act that requires a project such as this be referred to the federal government. Again, as I said in my opening remarks, it is not for us today to consider whether that federal act should exist or the referral requirement should be in that act; it is there and it has been there for some time. Main Roads knows that and that is the reason it referred the project. It is not a discretionary thing. Indeed, it is not even up to the federal government to say, "Do not worry about it." It is actually the law of the land. Therefore, it was done.

The federal act provides, among other things, for the protection of certain defined matters of natural environmental significance. The matters of environmental significance include world and national heritage properties, wetlands of national importance, migratory species, nationally threatened species and ecological communities, nuclear actions and the commonwealth area. The Australian government's involvement in any development proposal, including this one, is limited to those specific matters. That is laid down in the federal act. When a development proposal is likely to have a significant impact on any of those matters, it must be assessed and approved by the Australian government under that federal act. That is not an option. Again, it is the law. Those development proposals that are not likely to impact upon any of those matters do not require approval. Federal funding of the resurfacing of my suburban street would be a very clear example of when the federal act would not come into play, because it would not impact upon any of those matters that I referred to.

On 28 July 2005, one calendar month from having received the referral of the project from Main Roads, it was decided at a federal level that the Perth-Bunbury highway proposal was a controlled action; that is, it required assessment and approval under the federal act. Again, that is hardly surprising, given the location and scale of the highway. It is a colossal exercise involving a road that runs for a long distance. The matters of national environmental significance that would be required to be addressed are impacts on internationally important wetlands, listed threatened species and ecological communities. Main Roads WA is responsible for submitting preliminary documentation on the project so that a decision can be made under the federal act about the level of assessment that will be required. Therefore, in the first instance, the federal government needs to be given some information about the project so that it can make that decision. I understand that there are three general levels of assessment. This is from a layman's point of view. One is no assessment, one is an intermediate level of assessment, and one is a high level of assessment. For our purposes today I do not need to go into any of those, except to note that a level of assessment is required.

I understand that that information was sought in July last year, after the initial referral of the project on 28 June. About 11 months after that information had been sought, Main Roads submitted some information to the federal department. I am advised, having asked the federal minister's office, that the information provided was not adequate to meet the requirements of the legislation; therefore, some further information was required. The federal act requires that both the direct and indirect impacts of the proposal be considered. I understand that what is required at this time from Main Roads is information about the indirect impacts of the highway and any future actions associated with it. This seems to be what gave rise to the minister's outburst last Thursday. I wanted to find out what these indirect impacts are, because that was not immediately clear to me. However, I am not Main Roads, and I am not the state government. Therefore, I could not be expected to know immediately these particular intricacies of a federal act. However, one would think that a major agency of state such as Main Roads - and, indeed, the government itself - would have no difficulty in working its way through these things, because that is bread and butter to it. Main Roads is a very competent authority staffed by some very competent and experienced people. Incidentally, Leader of the House, I finally got my briefing!

Hon Kim Chance: Good!

Hon SIMON O'BRIEN: I got a message from the office about an hour after I had raised the matter in the house - an extraordinary coincidence!

Hon Kim Chance: That shows how effective the Parliament is!

Hon SIMON O'BRIEN: Indeed it does. I thank the honourable Leader of the House.

I wanted to find out what these indirect impacts are. The minister alleged in her several announcements on Thursday, 22 June that this request from the federal minister imposes some impossibly onerous and unprecedented burden that will effectively be impossible to meet. I am advised by the office of Senator Hon Ian

Campbell that that is not the case. I had a discussion with that office about the exact nature of the difference between direct impacts and indirect impacts. It occurs to me that if I can do that, the minister's office should certainly be able to do that. The minister can seek advice from Main Roads. The minister can communicate with her federal counterpart. They have summit meetings from time to time. It is not as though the minister has to suddenly throw her arms up in despair and say she does not know what to do, and it is all the federal government's fault. The word "impact" literally means what it says. That is, where there is currently just some vacant piece of land that may have some vegetation on it, or whatever, the direct impact will be that we will go from not having a road on that land to having a bit of bitumen and concrete on that land. We all understand what "impact" means when it comes to assessing the direct environmental impact. The indirect environmental impact seems to be the issue that is problematic. This issue was tested in a court case some years ago on a proposal to construct a particular dam in Queensland. Therefore, it is not as though we have a blank page on this issue and we are trying to discover for the first time the effect of this particular aspect of the federal act. In that case in Queensland, the court ruled that it was not sufficient to consider only the direct impacts of building the dam; the indirect impacts, such as the effects arising from the use of the water, also had to be considered. In the situation that I am talking about today, a requirement under the federal act must be met, because it is the law. We all understand that. Regardless of whether we agree with it or would like it to be changed, that is the law, and that is the reality that we are dealing with. That law has been interpreted by a court to mean that not only the direct but also the indirect impacts need to be assessed. I mention that specifically to rebut the minister's view that the requirements of the federal department - which were targeted by the minister - are capricious, whimsical or intended to be difficult; they are just the pre-existing conditions that must be met to obtain this funding.

It is reasonable to expect that the Perth-Bunbury highway will produce some impacts, such as reduced travelling times and improved accessibility. Indeed, that is why we building the thing. The question that then arises is whether that will lead to increased pressure to develop the eastern shores of the Peel-Harvey estuary, for example. That is the sort of thing that is a consequential or indirect impact of this highway project. The government should understand that. What the federal government is asking, in effect, is: are any impacts associated with this road beyond the development of the road itself; and, if so, is a satisfactory process in place to manage those impacts? I would hope - indeed, I would expect, as would everyone in this Parliament - that processes are in place to manage the impacts of that development, just as processes are available to manage any project that occurs in this state, regardless of whether there is federal involvement. The federal minister's office has taken the view that surely those processes are already in place. It wants to ensure that those processes are adequate; therefore, that is the information it requires.

I remind the house of some of the dates in this process. Main Roads referred the project, as it is required to do, on 28 June last year. In July, about one month later, having looked at that preliminary information, the federal government came to the conclusion that this project required assessment under the federal act; therefore, it sought that further information. When was that information provided? It was provided a couple of weeks ago, 11 months after July 2005. However, we are told that the federal government could not make a full assessment of that information because it was not complete. Therefore, it sought more information about, specifically, the indirect impacts and reassurance that satisfactory processes were in place to deal with some of those indirect impacts. That hurdle, to use the minister's term, should be very easy for Western Australian government to jump and, importantly, the government should have known about it. Fortunately, we have the presence in this chamber of a former Minister for Transport. I am hoping that when Hon Murray Criddle makes a contribution to this debate shortly he will reflect on whether Main Roads knows what it is doing when it comes to managing this sort of project and obtaining those sorts of approvals. I have always indicated that my assessment is that Main Roads is a competent authority that is staffed by competent, efficient and professional people. I am anticipating what Hon Murray Criddle will tell us. The point is that in this vitally important project, the state government prevaricated for 11 months in providing the information to get the environmental approvals. So much for the claims of the Minister for Planning and Infrastructure over the years, particularly in the lead-up to the last election, that the government is going ahead full bore to obtain all the approvals, environmental and otherwise, that are necessary before this project can go ahead. That is the sort of remark that stands at variance with the other attitude that has reportedly been displayed by the minister in connection with this matter when she has insisted that what the government really wants to do is to build the highway at the end of this decade and not commence it in 2006. Since July last year the government has had the opportunity to go ahead full bore to deal with this pre-existing environmental hurdle - it was not a new hurdle or a last-minute demand - and get on and do the business that it knew it had to do. After 11 months it finally provided some information; however, that information was not complete and that has led to further inquiries by the federal government. On the basis of that, the Minister for Planning and Infrastructure has issued a press release and made statements in the other place that Senator Campbell has harpooned the Perth-Bunbury highway. She said that the federal government is threatening to withdraw the \$170 million it has committed to the project if construction of the road is not under way by 2006. That is false; we all know it is false. The federal government is not threatening to withdraw \$170 million worth of funding. The federal government is saying that once the state government has met the

requirements as laid out by federal law - they are not requirements that have been set by the federal minister on a whim - it will participate by providing \$150 million towards the project. Indeed, it wants to contribute \$170 million. A few years ago the Prime Minister himself announced the federal government would commit an extra \$20 million - a dangled carrot - if construction commenced in this calendar year. This calendar year has a full six months to run. If this government were going ahead full bore, I would have thought that that would have been possible. However, the Minister for Planning and Infrastructure is conditioning the public of Western Australia to expect that that project will not get under way any time soon and that it will not get under way any time soon because the federal government has shifted the goalposts and put new hurdles in the state government's way. It may well be that it is not convenient for the state government to commence construction according to that time line. We know that because the state government has said that again and again. Rather than just admit that, the Minister for Planning and Infrastructure has chosen to say that the situation is awful and that everything is at risk because of the fault of the federal government. Palpably, that is nonsense.

I ask members to consider this: it does not take 11 months - it should not take 11 months - to comply with a request for information. If the feds had received the information six months ago - again, that seems like an awfully long time considering the amount of work that has gone into the planning of the Perth-Bunbury highway - it would have been assessed by now and the state government could have commenced construction this calendar year, which still has six months to go. The state government did not do that. It provided the information just a couple of weeks ago, 11 months after it was requested. When that information was found to be inadequate, the feds, not surprisingly, asked for more information. I put to the house that, rather than just getting on and providing that information, the Minister for Planning and Infrastructure attacked the federal government and alleged things that, frankly, do not gel with the truth. With that in mind, I suggest, with respect, to all members of this house that when we recognise such a thing, we should call the government to account. We should examine the impasse which apparently exists and which threatens an important project. Whether or not members like the project, when we are examining such an impasse, we should search for the truth. When we find, as I believe we have in this case, that a state minister has been economical with the truth to a standard of frugality that I sometimes wish she would display on other occasions - the frugality that is, not the economy of truth - it is incumbent on all members in this house to stand and say, "Sorry, that is not the case. You have misrepresented it. We will not swallow it and our constituents will not swallow it. Accordingly, we call on you to withdraw it." Those are my remarks in support of this motion.

HON MURRAY CRIDDLE (Agricultural) [10.38 am]: I am not surprised that the Minister for Planning and Infrastructure has issued this type of media statement. When I was Minister for Transport, I bore the brunt of copious media statements about how she would manage the situation. At the time she believed that she would have had this whole matter under control. The issue is the way in which the minister has handled the situation.

There is no doubt that the Perth-Bunbury highway is a good and necessary project for Western Australia. Anybody who travels to Mandurah knows about the traffic pressures in that area. The fact that we have waited so long for the Perth-Bunbury highway has made it an expensive exercise. We are looking at something like \$500 million to complete the project. In working up that project, Main Roads has done a very good job. When I was minister, Main Roads put forward projects in a well thought through and professional manner. There was certainly a keen understanding between my office and Main Roads that it did its job very well. The original commitment from the federal government was \$150 million; I listened to that announcement. The Prime Minister added a further \$20 million to the figure on the understanding that the project would start in 2006.

The issue that really concerns me is that, now that it is the middle of the year, the Minister for Planning and Infrastructure has only just woken up to the fact that there is problem. If the government wants to get things up and running, it has to call for tenders and get contracts written before it can start. That takes some time, particularly with a contract of this size. It takes an enormous amount of work to prepare the contract. Even if this project is ticked off today, I wonder how long it will be before construction can get under way. Maybe the Parliamentary Secretary to the Minister for Planning and Infrastructure can explain to me what the position will be and whether it is possible to get construction under way in time or whether we have lost the \$20 million.

As Hon Simon O'Brien has said, the requirement from the federal government concerns the Environment Protection and Biodiversity Conservation Act 1999. That act came in at the end of my term as minister. The last government did not have to consider this act all that much with some of the projects that it undertook. Thank God, we got on with the job. The act looks at direct and indirect impacts such as clearance of land, the movement of equipment and drainage. One such indirect impact could be on the shores of the Peel-Harvey estuary, which requires very serious consideration by the federal government under the Environment Protection and Biodiversity Conservation Act. I would have thought that the state government would have worked through all those issues not only at this stage, but also in its approaches to the construction of the road. The Peel region scheme was debated in this Parliament and we discussed all the options of where the road should go and all the issues that arose from that. They were well and truly discussed. I would have thought that the minister would

Hon Simon O'Brien; Hon Murray Criddle; Hon Paul Llewellyn; Hon Kim Chance; President; Hon Adele Farina

have known exactly what was going on with the proposed route. There were some options; the previous government had made some decisions. The requirement under the federal act is not for a very detailed plan; however, there is a need for a management and development plan as the project gets near to construction. The state government should be aware of what the process should be. I would like to know where the process has gone wrong because we should be getting on with this. If the process was not adequate 11 months ago, why did not someone get on the phone and explain what the problem was? Obviously, there is a communication problem. Every time something goes wrong, this government comes out and blames somebody. It never blames itself. It wants to blame everybody else, whether it be the federal government or the previous government. I have been canned a million times for the problems that I have created, including by building the Graham Farmer Freeway, extending the Mitchell Freeway and building the second Narrows Bridge. All those decisions were wrong at the time. In fact, the Graham Farmer Freeway was going to cost \$500 million according to the minister. The original quote was \$335 million and we built the freeway for \$374 million. The difference is well and truly explainable because the then government bought some land, and so forth.

Look out for the blow-out in funding that we have under this government. My mind goes quickly to the development in Geraldton, which was put off for a couple of years. The cost blew out and the government now does not have enough money to build the second stage of the Geraldton southern transport corridor. That is all about management. Environmental issues are also involved with the Lancelin-Cervantes Road. It has blown out from \$30 million in our day to about \$66 million. Having said that, when the current minister took over, she complained that the previous government had borrowed money to build roads in an environment that was very conducive to saving money. She was complaining that we were going to pay an additional six per cent or something like that. For goodness sake! Anybody who knows anything about business would realise that that was the best investment we ever made. We built some of the best infrastructure in the state. The minister is picking up on issues that she could have well and truly managed; otherwise, she is not on top of her portfolio. It is one or the other. She either knows what is going on or she does not. She has a good department. I know jolly well that the department operates well. The department has done very well in previous times. The government was given \$150 million for the highway project, and \$20 million was added to encourage the government to get on with the job. I wonder whether that money has now been put at risk. Is construction going to get under way? The people of Western Australia would like to know that. The process should have been put in place to have that commitment covered. I understand that the minister is not within range so I say to the parliamentary secretary that this is nothing more than a beat-up. It is the way the minister handles things whenever she gets into trouble. She has done it repeatedly. It is time that we got on with the construction rather than blame other people for what seems to be a situation in which the minister has not been on top of the issue.

HON PAUL LLEWELLYN (South West) [10.45 am]: I have a few things to say about this. I am watching this emerging brawl between the state government and the federal government play itself out in this house. We are dealing with the important issue of whether we should pay attention to the unintended consequences of building a major highway. It is called the Perth-Bunbury highway. Everybody else calls it the Peel deviation. It is called the Peel deviation because it is a major highway that will run - as I said in this house before - along the eastern side of the Peel-Harvey estuary system. As Hon Simon O'Brien said, this is not about the traffic management impacts, community concerns or a litany of other things. This is about the environmental concerns and the unintended impacts of such a major proposal. It should not come as a surprise to anybody that this proposal must be referred to the federal Department of the Environment and Heritage under the Environment Protection and Biodiversity Conservation Act. That is because the project has massive physical and direct impacts and significant unintended flow-on impacts. We talked about this in the house some time ago. There can be no surprises that we have got to this impasse. Is there some mismanagement on the part of Main Roads and the Department for Planning and Infrastructure in preparing for this development? I would say that there has to be some mismanagement. Blind Freddy could have told us that there would be a federal government referral to look at the total suite of impacts of this development. Is it a surprise that it would be a requirement for a major assessment of the Peel deviation at the federal level? Absolutely not. Have people been saying this for some time? Absolutely yes. People in the community have been drawing attention to the impacts that will result from the Peel deviation. I have a copy of a letter that goes back to 26 March 2001. The Peel Preservation Group wrote to Dr Judy Edwards, the then Minister for the Environment and Heritage, and Hon Alannah MacTiernan, the Minister for Planning and Infrastructure, about the threat to the Peel-Harvey remnant native bushland as a result of the proposed Peel deviation. That letter should have been an indicator that the project needed to be referred to the federal government. The letter was written in 2001. It was not just that people were concerned about the furry animals -

Hon Simon O'Brien: Who was the letter from again?

Hon Simon O'Brien; Hon Murray Criddle; Hon Paul Llewellyn; Hon Kim Chance; President; Hon Adele Farina

Hon PAUL LLEWELLYN: This is a letter from the Peel Preservation Group to the Minister for the Environment and the Minister for Planning and Infrastructure. It raises a number of issues relating to the bushlands, waterways and agriculture.

Hon Simon O'Brien: What is the date on that letter?

Hon PAUL LLEWELLYN: 2001.

Hon Simon O'Brien: So not only have they known about it for two weeks, they have known about it for five years.

Hon PAUL LLEWELLYN: We have known about this for a very long time. As I have said in this house before, a whole range of social and environmental concerns need to be addressed in the development of the Peel deviation. I will not go on about this, but the letter mentions impacts on semirural and residential developments and the impact of the freeway between Ravenswood and Lake Clifton. In fact, the letter lays out all the direct concerns and some of the projected impacts of sprawling urban development that will occur along the new highway. It lays the issues out very clearly and expresses concern about them. That must have been a flag to anyone considering development of a major road across that area.

I will turn my attention to the well-known views of the federal Minister for the Environment and Heritage on community concern about projects, and his very sensitive concern for rare species, particularly orange-bellied parrots, which might have been put at risk as a result of the construction of a wind farm in Victoria. Consider that against the impact that this highway will have on a major coastal wetland system, which I understand is protected by international protocols under the Ramsar Convention for the protection of wetlands. The federal minister himself has said that if there is community concern or opposition to a project such as a wind farm, where an orange-bellied parrot might be hit, that project should not go ahead, with or without an assessment of the environmental impact. However, here we have a major impact and major community concern and the minister is guaranteeing that the highway can go ahead if the boxes are all ticked in time. I have no sympathy for either the federal or the state government in this matter. I agree with Hon Simon O'Brien that the Minister for Planning and Infrastructure and her department should have predicted this issue and managed it a long time ago. It is too easy for us to say that this is not about the environment or about community traffic needs, but rather it is just about administrative failings; it is not.

Hon Murray Criddle: People think that if there were an environmental problem, it would have been dealt with.

Hon PAUL LLEWELLYN: There is no question of "if" there is an environmental problem.

Hon Murray Criddle: That is true, but the issue is whether it has been dealt with.

Hon PAUL LLEWELLYN: The Peel deviation was dealt with in the most simplistic way. It was decided that a road would be built through an area from one point to another, and it was thought that the impact would be on a few thousand hectares of land that was actually cleared. However, we have already drawn attention to the fact that there are acid sulfate soils in that area. That single issue should have been a trigger for a more extensive environmental assessment, which has not taken place. The Peel deviation has been dealt with in a very simplistic way; almost entirely from an engineering point of view. The realigning and siting of the road was very well thought through from an engineering point of view, but it failed to consider the unintended large-scale impacts on the Peel-Harvey system. I am talking here about the urbanisation of the land on the eastern side of the Peel Inlet that will result from putting a major transit route through that area. Those unintended consequences will be investigated as a result of the matter being referred to the federal Department of the Environment and Heritage.

I have absolutely no sympathy for either the government, the opposition or the federal government on the matter of the mismanagement of the Perth-Bunbury Highway or the Peel deviation. The project has been mismanaged from day one. We talked in this house about whether this was a decision about building a highway or traffic management. We looked at alternative systems for managing the traffic. I know some people had some issues about that, but we could manage the traffic flow between Perth and Bunbury without necessarily building another deviation through a very important wetland, sentencing that entire wetland system to an inevitable decline.

We talked in this place about the cost blow-outs in the Peel deviation project. I do not have any notes with me because this matter came up at very short notice, but I have a recollection of the Peel deviation, as a straight engineering exercise, being costed at about \$240 million. That was not too long ago; maybe four years. I also have a recollection that, once the acid sulfate soils along the route of the Peel deviation were discovered, the cost blew out by \$80 million to \$100 million; that was just to mitigate the acid sulfate soils. Blind Freddy could have said that there were acid sulfate soils in that system, but there was no geotechnical investigation to ascertain whether acid sulfate soils were present before the proposal was put up. I was not a member at the time, but

members in this chamber were saying that Mandurah is here and Bunbury is there, and the Peel-Harvey system is in between, but it is a bit of a nuisance and a highway will have to be built around it.

Point of Order

Hon KIM CHANCE: I am reluctant to raise this point of order, because I value the comments of Hon Paul Llewellyn on the project. As he has pointed out, these points have been covered quite extensively in the house before. However, as the mover of the motion quite rightly said, there is a range of issues that this motion is not about. The motion is about statements made by the Minister for Planning and Infrastructure in response to a particular action by the federal minister. It is, as the mover of the motion has said, a very narrowly constructed debate that should not provide an opportunity to deal with the merits of the Peel deviation, and the very interesting issues associated with it. It is a very narrow motion. As I have said, as much as I value Hon Paul Llewellyn's comments, I think he is straying from the issues raised in the motion.

Hon PAUL LLEWELLYN: I will address Minister MacTiernan's press release.

The PRESIDENT: Before Hon Paul Llewellyn does so, I ask him to keep his comments relevant to the motion that is before the house. I uphold the Leader of the House's point of order.

Debate Resumed

Hon PAUL LLEWELLYN: I will address the press release put out by Alannah MacTiernan on 22 June, which is the subject of this controversy. It is headed "Senator Campbell harpoons Perth-Bunbury Highway" and states -

"However, they have advised us that funding now depends on a massively expanded environmental assessment of the impact of residential and industrial development which may occur around the highway, both in the Peel and around Bunbury, once the highway is completed.

If that is not relevant to this debate, what is? We can sit in this house, take a blank canvas and, as I have said previously, say that we will put the deviation through this area without regard for the detailed environmental consequences, the geotechnical issues that underpin the decision to draw a line on a map and the long-term consequential impacts of expanded urban development that may occur around the highway, both in the Peel area and around Bunbury, once it is completed. I think this is entirely relevant to the issue of whether a decision should be made about the Peel deviation, or the Perth-Bunbury highway to use the euphemism, without responsible regard to all the issues that could arise as a result of building the highway. I will continue to quote Minister Alannah MacTiernan's press release. It states -

"In other words, we have to assess the impact of potential developments which may never occur, or which would have happened, regardless of whether the road was built.

That is a contentious statement: these developments would never have happened if the highway had never been built. Massive subdivisions cannot be built throughout the Peel region if the primary infrastructure is not put in place. Consequential development will happen because the road is being built. Full regard must be given to the flow-on impacts of constructing a major highway in one of our regional icons, the Peel-Harvey wetland system. This is very informative, so I will continue to read the minister's press release. It states -

"Bunbury and Mandurah are already growing rapidly and this new highway will cater for that growth . . .

I think that is contradictory: growth will not happen, but now it will happen -

"Indeed, both the chair of the WA Planning Commission and I have warned speculators not to presume that land zoned rural on the route will be rezoned for urban development.

Get real. Once the highway is built, there will be pressure for strip development. In fact, last week I spoke on a disallowance motion about the sprawling urban development along the west coast and in the Alkimos-Eglinton area. There is extraordinary pressure to continue urban development. Do members not think that as soon as the highway is built, developers will be asking the government to rezone this bit of land? Of course that will happen. The Peel-Harvey system will be surrounded by urban development, and then another wetland system will collapse. That is why the matter should be referred to the federal government for a full and thorough assessment, and it should come as no surprise that the federal government's triggers for a full assessment are met. Alannah MacTiernan's press release continues -

"Big picture environmental assessments have already been undertaken as part of the Peel and Greater Bunbury region scheme processes and WA already has stringent environmental approval processes for all development.

The Peel Preservation Group does not think that the environmental approvals are sufficient. It has referred them to the federal government. In fact, it referred them to the federal government months ago. It has requested that

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these issues be assessed more thoroughly. The group is not satisfied that the stringent environmental provisions of the Western Australian Environmental Protection Act are good enough to take account of the massive impacts that will occur in the Peel area when the deviation is built - not the Perth-Bunbury highway, but the deviation on the eastern side of Mandurah around the Peel area. All those people who are gloating about the potential to save 15 minutes in travel time need to measure that saving against the massive capital cost required - it is \$500 million now - and the massive environmental costs for which there is no dollar value. Perhaps a surrogate value for the environmental impact could be calculated by using the value of the real estate along the highway that is sold. Let us see how much real estate can be developed along the eastern side of the Peel deviation and then we can add up the cost of the capital works and the real estate values and say that that is what the environment was worth in the beginning. However, no-one will do that, and that is not the intention of the motion.

I do not believe that any government that is planning to build a major highway through an icon wetland system in the south west region should be surprised that the project will be assessed by the federal government. I will hold the federal Minister for the Environment and Heritage to his word on a number of matters; that is, if there is community opposition to a particular project, it should not go ahead. I will put on the table the letter from the Peel Preservation Group about the threat to the Peel-Harvey remnant bushland. I am not surprised that we will have a brawl about this issue. I look forward to the state and federal governments brawling further in the future about matters that they have not fully assessed. I thank Hon Simon O'Brien for raising this important issue.

HON ADELE FARINA (South West - Parliamentary Secretary) [11.09 am]: I thank Hon Simon O'Brien for raising this issue. It provides an opportunity for the government to set the record straight on this matter. It is true that the federal government has done everything in its power to put one hurdle after another in front of the state government in proceeding with this project and delivering to the south west and Peel communities a much needed, important piece of infrastructure.

I will run through the background and approval process so that members are clear about and understand the time lines. The Perth-Bunbury highway was first assessed by the Environmental Protection Authority under the state environmental assessment process in 2002. It was assessed on the basis of the road itself and also as part of the Peel deviation environmental assessment. Therefore, it received a very full environmental assessment at both those levels. The road was environmentally approved subject to some conditions. The condition of significance was that a management plan be developed, and the department is in the process of complying with that condition. In relation to the environmental approval, Main Roads is required to refer the matter to the federal environment department to determine whether it is a controlled action. It did that in June 2005. About a month later, on 28 July 2005, the federal Minister for the Environment and Heritage decided that the project was a controlled action and, as a result, it would be assessed through the federal environmental approvals process. However, he then required that we jump a new hurdle which has never been required previously in any other road program. He required that an assessment be done of the impact not only of the road, but also of any possible development that may occur along the route of that road. We all know that there has been a huge population and development boom in the Peel and south west corridor, particularly along the coast, and that development is happening regardless of the road program. Therefore, to suggest that there may be some link between the residential development that is happening and the road is an absurd proposition to put in the first place. Also, under the state environmental approval processes, rezoning applications and also subdivision applications for large-scale residential developments would be assessed. Through those processes the issues will be fully assessed and the opportunity will be given for any environmental comment to be made and for conditions to be placed on the developments.

Once the federal environment minister made that decision on 28 July 2005, a further process took place between August and October 2005, which involved Main Roads scoping the work that needed to be done, developing the strategy and also obtaining some legal advice on the process because of the new issues that had been brought into play. There was also a question about whether the bilateral agreement between the federal government and the state government on environmental approval processes came into play in this instance. In case members are not aware, the bilateral agreement is an agreement between the states and the feds which says, fundamentally, that rather than duplicating environmental assessment processes at both the state and federal levels, as much as is possible the commonwealth will accept the state environmental assessment process rather than do a separate assessment. That was looked at in some detail. However, the view was formed that, because the state environmental process had concluded and the feds had not had an opportunity to have some input into the terms of reference of that environmental assessment, the bilateral agreement did not apply. It required some discussion and legal advice to get to that stage.

In October 2005, Main Roads met with Department of the Environment and Heritage representatives in Canberra to talk about the process, particularly whether they would challenge the controlled action decision or whether they would proceed with the process on the understanding that the level of assessment would be set at a

preliminary documentation level. By the end of that meeting, Main Roads agreed to supply the additional information that was being sought by the feds. That took a couple of months longer than Main Roads had anticipated. The reason for that was that, at the moment, as I have explained already, we are experiencing an enormous economic and development boom in this state. As a result, consultants are working flat out and anyone in the development industry will tell members that it is very difficult in the current climate to get consultants to prepare these assessments. Main Roads had a few problems in getting consultants who were able to get onto the job straightaway. However, by April-May this year, Main Roads provided two substantial draft reports to the DEH officers for their review, one on threatened fauna and the associated major study, and the other on the consequential impacts. It is interesting that it was not until this meeting that the federal environment officers chose to inform Main Roads that it was required to provide the reports in a preliminary information documentation format, which placed an additional requirement on Main Roads. It seems to me that information would have been known to the federal environmental officers when they met with Main Roads in October and, had they chosen to make Main Roads officers aware of that requirement in October, some time could have been saved. Nevertheless, Main Roads has attended to the additional requirement and the information was sent by Main Roads to the Department of the Environment and Heritage in Canberra on 6 June 2006. The federal department then replied to Main Roads on 9 June indicating that it felt that most of the information was sufficient and adequate for the assessment. However, it felt that insufficient information on consequential impacts had been provided. Main Roads has attended to that, and that information was provided to the federal officers late yesterday evening.

It is not right for honourable members to suggest that people have been sitting doing nothing for 12 months. The reality is that the work has been ongoing. As members of the house know from first-hand experience in dealing with developers in their electorates, the environmental approval processes are complex processes. They require complex assessments. In some cases it can take longer than 24 months just to obtain the sort of data that is necessary to do the assessments and prepare the reports. The reality is that Main Roads should be congratulated for getting the work done as quickly as it has, particularly in the current development environment. The reality is that we are dealing with a very heated market and it is very difficult to get hold of consultants who can do the work.

The interesting thing in all of this is that the federal government is requiring Main Roads to delve into the realm of speculation by providing an environmental assessment on speculation. That is absurd. The Nathan Dam decision was very different. There was a direct connection with nutrient runoff that would impact on the dam. There was a causal link. The reality is that the causal link in this instance does not exist. The federal government is requiring the state government to speculate, which is unreasonable. In this state we have region schemes, which determine the level of development and the location of development. That is clearly set out in the Peel region scheme and it is available for the federal government to look at. Of course, we also have town planning schemes and both the region schemes and town planning schemes can be amended during the course of their operation. Each of the rezoning or subdivision applications is independently assessed at the time that it is lodged. The information that the federal government is seeking the state government to provide is assessed through a state environmental process should those events occur. The minister has clearly stated that both she and the Chairman of the Western Australian Planning Commission have on numerous occasions publicly advised speculators not to assume that because their land is near the proposed highway they will automatically be able to redevelop that land. We have very clear guidelines and strategies in place for development in this state, and not all land in this area will be rezoned to urban deferred. It is absolutely absurd to assume that the state can predict where that will or will not go and make environmental assessments on that basis.

It is also interesting that the dams decision was made in 2003. One would think that if the federal government had really intended that the implications of that decision be applied in this instance and to all road development, it would have issued the state governments with guidelines advising them of the decision and the impact of that decision on any environmental assessments that would be required for future road developments. Did it do that? No, it did not. It had ample time between 2003 and 2005 to provide that information to the states, if that was its intention. It raises a very important legal question; that is, is the application of the dams decision on roads actually appropriate and is the federal government misapplying that decision? No doubt this will be a matter for the courts to determine.

It is also very interesting to consider the reason that the federal government is taking the steps it is taking. On this project the federal government has, at every single turn, placed a hurdle in front of this government. For example, it imposed the requirement of the commencement of the road by the end of 2006. That was arbitrarily plucked out of thin air by the feds. There was no assessment of the normal approval processes that should be complied with, how long they would take and what would be a reasonable commencement date. There was none of that assessment. The commencement date was plucked out of the air, because the truth is that the feds do not want to make a contribution towards this road. The federal government deliberately chose a date that it knew the state would have difficulty complying with. However, the state has risen to the challenge and Main Roads

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Western Australia has delivered the information that was requested. On every single occasion the feds have come back to the state with a new hurdle - a little more information that needs to be provided. The latest advice from the feds is that it is concerned about the consequential impacts of the highway not only on the Peel region, but also now on the greater Bunbury region scheme. The construction of the highway actually terminates ahead of the greater Bunbury region scheme boundary. It is interesting that the feds have only recently added this requirement. A new hurdle has been placed in front of the state government regarding the delivery of the information that is required.

Hon Kim Chance: Have these rules never been applied to a road before?

Hon ADELE FARINA: No, they have never been applied to a road in this state. The decision was made in 2003 and the question is: why has it taken so long? We know that other roads have been built in this state since 2003. It is very curious.

Another thing of great interest to me is that the federal government does not have jurisdiction to assess town planning or region schemes under its legislation or its Constitution. It is the jurisdiction of the state governments. By this action, the federal government is attempting, through the back door, to assess state region and town planning schemes. The reality is that it does not have the jurisdiction to do this.

Hon Murray Criddle: Why don't you get on with it and do it?

Hon ADELE FARINA: These matters need to be tested in the courts. We do not want this highway deferred while there is a two-year legal debate in the courts to resolve the issue. We have considered the option of doing that and determined that it is in the best interests of the residents in the Peel region and south west to deliver what the federal government asks so that we can get on with building that road. The issue now is the level of assessment that the federal environment minister will place on this road. That determination is yet to be made by the federal minister. The level of assessment that is imposed by the minister will determine whether the state can meet the end of 2006 deadline. The lowest level of assessment normally takes five months; it can take as little as one month. It places us in a very difficult position to be able to start construction by the end of 2006. Main Roads officers have advised me that they are making sure that processes are running concurrently. To answer Hon Murray Criddle, yes, work is being done on the tender process - it can be done concurrently - to ensure that we have done everything within our power to meet the federal government's arbitrarily imposed restriction of commencement by the end of 2006. However, our ability to achieve that will depend on the level of assessment that is placed on the project by the federal minister. It will be interesting to see whether the federal minister imposes the minimum level of assessment in recognition that the state Environmental Protection Authority has fully assessed this project and that processes are in place within this state to ensure that any future potential land development along the highway will be fully assessed at the appropriate time. The federal minister can either take that into consideration or take the opportunity to yet again place a ridiculous hurdle in front of the state government to make it even more difficult for it to meet the end of 2006 compliance date that has been arbitrarily imposed by the federal government. It is very disappointing that the members of the opposition have chosen to support their federal members in this little game that they are playing rather than do what they are elected to do; that is, to represent the people of Western Australia and their interests. The reality is that this road is very important to the people in the Peel region and the south west.

Several members interjected.

The PRESIDENT: Order, members! Cross-chamber interjections are just not on.

Hon ADELE FARINA: The time and energy of members opposite would be better spent on lobbying their federal counterparts to help facilitate the process to ensure that unreasonable hurdles are not placed in the path of the state government and that everything that can be done is done to meet the commencement date of the end of 2006. It is very disappointing that the members of the state opposition have chosen not to do that. I call on members opposite to reconsider the position they have taken and to work in the best interests of the Western Australian community, which they are elected to represent. With respect to the minister withdrawing, or apologising for, any of the comments that she has made, that is not likely, because they have been made on very clear and firm grounds. It is members opposite who should be apologising to the residents of the south west and the Peel region.

HON SIMON O'BRIEN (South Metropolitan) [11.30 am]: I will exercise a brief right of reply. One of the interesting aspects of this morning's debate, coming as it does on the last sitting day before we go into the winter recess, is that it demonstrates that we can have a debate that does not necessarily take up all the time that is available. I thank members for their contributions. I will conclude in that same spirit very shortly.

I commence my closing remarks by going back to where we started; that is, what this debate is not about. This debate is not about roads in general. In a sense, this debate is not even about whether we want the Perth-Bunbury highway to be built, although I did note Hon Paul Llewellyn's remarks - and very thoughtful remarks

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they were, too. This debate is not about whether we have environmental approvals at a federal or state level and whether they correspond, overlap, contradict or anything else. I think there is general agreement about that. If the Leader of the House wanted to go back to before nine o'clock and, in the time that is available, put another motion on the table to say that sometimes the feds ought to butt out of state affairs, perhaps that would give us the opportunity, on due reflection, to rise for the winter recess with a degree of unanimity in this place. However, that is not what this motion is about. As I said in my earlier remarks, the question of whether federal money that is made available to this state for infrastructure projects should be subject to conditions is a global debate for another time. Indeed, that debate has been raging since the days of the Whitlam government, and on many occasions under successive federal governments.

This motion is about how the state Minister for Planning and Infrastructure presents information to the people of Western Australia, and whether that information misleads or, as I suggested this morning, is calculated to mislead. That is the narrow basis of this motion. I believe that case has been made. I have to say I have a lot of time for the parliamentary secretary. Some people say that the Leader of the Opposition's job is the hardest one in politics. I say that being Parliamentary Secretary to the Minister for Planning and Infrastructure -

Hon Adele Farina: Is a real pleasure.

Hon Ken Travers: A true delight. I share that comment.

Hon Adele Farina: The minister has achieved more than the opposition ever achieved when it was in government.

Hon SIMON O'BRIEN: Mr President, you see what I mean when I say I have great admiration for the parliamentary secretary! What bravery to interject to say it is a real pleasure to be parliamentary secretary to Hon Alannah MacTiernan!

Hon Ken Travers interjected.

Hon SIMON O'BRIEN: I am not talking to Hon Ken Travers. I am talking to the President.

Hon Ken Travers: I know what a pleasure it is as well. I have shared it as well.

Hon Norman Moore: You got a long way as a result!

The PRESIDENT: Order! Hon Simon O'Brien has indicated that he would like to finish his reply before four minutes past 12.

Hon SIMON O'BRIEN: I would.

The PRESIDENT: However, some comments do invite interjections.

Hon SIMON O'BRIEN: The parliamentary secretary, being the intrepid character that she is, is fighting a losing battle for a minister who is so pig-headed and arrogant that she can never admit when she is wrong. However, on this occasion the minister wants to go further, as she has done on other occasions, and misrepresent the truth. The challenge confronting the parliamentary secretary this morning is to argue, in the terms of this motion, that the minister's statements of last Thursday, 22 June, were not misrepresenting the situation. The parliamentary secretary has done her duty faithfully. Armed with the facts, the parliamentary secretary was always going to be defeated; nonetheless, she has had a go. The parliamentary secretary commenced by saying to us: thanks for bringing this matter up so that I can set the record straight. Let the record show this. It was the Minister for Planning and Infrastructure who last week brought this matter up. We did not bring this matter up. The minister brought this matter up by making some statements that, as I said earlier, were so economical with the truth, so full of hyperbole, so lacking in factual basis and so improperly motivated that they appeared calculated to deceive and misrepresent.

Hon Ken Travers: Come on! Now you are starting to get into a breach of standing orders. You are impugning improper motives to the minister -

The PRESIDENT: Order! Hon Simon O'Brien is in the course of concluding his speech.

Hon SIMON O'BRIEN: That is how they appeared. I did not bring this matter up. The minister raised this matter in that way last week. When we consider the statements of the minister in the terms of the motion, the minister is suggesting that some huge new hurdles have now been put in place. The government has today persisted in that "new hurdles" allegation. If any hurdles - if we want to call them that - exist, they are part and parcel of the federal environment act that I talked about in my opening remarks, and we all know that. They have been in that act -

Several members interjected.

Hon SIMON O'BRIEN: Who has the call, Mr President?

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The PRESIDENT: Order, members! Hon Simon O'Brien is in the process of concluding his reply. I understand the Leader of the House wants this motion to finish earlier than four minutes past 12. The interjections of those members to my right are not assisting the Leader of the House in getting his way.

Hon SIMON O'BRIEN: Those hurdles - and there are some; whether or not they should be there is not the subject of this debate - are part and parcel of the federal environment act. The government knows all about that process. We know that the government knows all about it, because the former Minister for Transport, Hon Murray Criddle, told us so during this debate. Hon Murray Criddle was the Minister for Transport in this state when the federal act - rightly or wrongly, helpfully or not - came into being in 1999.

Hon Adele Farina interjected.

Hon SIMON O'BRIEN: The parliamentary secretary did not want to take interjections; now she wants to make some. Hon Murray Criddle was the minister with responsibility for Main Roads at that time. Fortunately, we have the benefit of his advice today, and we have received it. Hon Murray Criddle knows that there are requirements under that federal act. Main Roads knows that it has responsibilities under that federal act, whether we like it or not. That is why Main Roads referred the project to the feds in June 2005. Main Roads knows about that federal act. To suggest that these are new hurdles is at best -

Hon Adele Farina: Absolutely accurate.

Hon SIMON O'BRIEN: It is at best an economy of the truth. To say that these are last-minute hurdles aimed at scuttling any hope that the construction of this highway will commence this year is also a bit over the top, at best; in fact, I suggest it is deliberately constructed to be misleading. These are not last-minute demands. When did this process start? Perhaps it started with the act in 1999. Perhaps it started with the letter that Hon Paul Llewellyn wanted to table, which was written in 2001 and drew certain things to the attention of the government. However, certainly in June 2005 these things were known. They are not last-minute demands. We know they were known, because Main Roads itself referred the matter. We know that they were not last-minute demands because in July 2005, 11 months ago, the federal government requested further information. The last-minute demand claim in the motion -

Hon Adele Farina interjected.

Hon SIMON O'BRIEN: We heard what the parliamentary secretary had to say on this issue.

Hon Adele Farina: I am helping you along.

Hon SIMON O'BRIEN: The parliamentary secretary is of no assistance.

The huge new hurdle and the last-minute demand aspects of this motion have now been addressed by both sides of the house. I do not propose to drag out this debate any more. The opposition believes that the government has misrepresented the situation. However, the government chooses to persist in saying that its view is legitimate. I can assert my view - I am on my feet at the moment - in the same way that the government can assert its view. I believe the case on the two aspects of the motion has been made. Certainly the business about threatening to withdraw the \$170 million contribution to the construction of the proposed Perth-Bunbury highway is most definitely false. That claim was made twice - it was not a throwaway line that was misconceived or a slip of the tongue - in the course of prepared statements on 22 June, when the minister said that the situation was a scam because the federal government was not going to contribute \$170 million towards the road. She also said on the same day that the federal government is threatening to withdraw \$170 million from the state government if construction of the road does not commence in 2006. We all know that that is not true.

Hon Adele Farina: That is true.

Hon SIMON O'BRIEN: It is not true. The \$20 million is the extra consideration that was offered by the federal government should construction commence in 2006. We all know that that is the case. The government can pretend that black is white. However, what I and the opposition are here to say is that we do not believe that that is the case and we want to pull the government up on it. It has been 11 months since the information was requested. If the government had got on with things, any problems would have been ironed out by now. The government says that it cannot get consultants. It did not have trouble finding a consultant the other day when it needed to fix the land availability mess.

Hon Norman Moore: They're all working for the government.

Hon SIMON O'BRIEN: Yes, all the consultants are working for the government.

Finally, the government cannot have it both ways. One the hand it says that it is impossible for it to speculate, as it puts it, on future developments. On the other hand it says that it has all the information and that all the state

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planning is in place. Those points are contradictory. The government either has the information to provide to the feds to get the money out of it, because that is the only thing that it is good for, or it does not. The government cannot have it both ways.

Hon Adele Farina interjected.

Hon SIMON O'BRIEN: Hon Adele Farina has missed the bus. She has had her say. I ask the parliamentary secretary to stop bleating because I am trying to conclude my remarks.

The PRESIDENT: Order, members! I think Hon Simon O'Brien is trying to conclude his remarks. As I have said before, the Leader of the House wishes Hon Simon O'Brien to conclude his remarks. Unfortunately, interjections from those to my right have probably prolonged Hon Simon O'Brien's speech by about 10 minutes.

Hon SIMON O'BRIEN: They have indeed; however, they will not prolong it anymore.

The opposition has heard the concerns that were raised on 22 June and has found them wanting. It has proposed this motion and commends it to the house. It is time that the Minister for Planning and Infrastructure is called to account for the extravagant claims she has been making in this respect.

Question put and a division taken with the following result -

Ayes (13)

Hon Peter Collier	Hon Nigel Hallett	Hon Helen Morton	Hon Ken Baston (<i>Teller</i>)
Hon Murray Criddle	Hon Ray Halligan	Hon Simon O'Brien	
Hon Donna Faragher	Hon Barry House	Hon Margaret Rowe	
Hon Anthony Fels	Hon Norman Moore	Hon Barbara Scott	

Noes (12)

Hon Shelley Archer	Hon Kim Chance	Hon Adele Farina	Hon Sally Talbot
Hon Matt Benson-Lidholm	Hon Kate Doust	Hon Graham Giffard	Hon Ken Travers
Hon Vincent Catania	Hon Sue Ellery	Hon Sheila Mills	Hon Ed Dermer (<i>Teller</i>)

Pairs

Hon Bruce Donaldson	Hon Jon Ford
Hon George Cash	Hon Louise Pratt
Hon Robyn McSweeney	Hon Ljiljana Ravlich

Question thus passed.