

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
Mr Mike Board; Ms Alannah MacTiernan; Speaker

PUBLIC TRANSPORT AUTHORITY BILL 2003

Second Reading

Resumed from 26 February.

MS K. HODSON-THOMAS (Carine) [4.28 pm]: The genesis of this Bill was in the Machinery of Government Taskforce report, which was a review of public sector structures. The report was released in June 2001 and contained a number of recommendations.

Ms A.J. MacTiernan: Will the member please speak up as I cannot hear her? Is her microphone on?

The ACTING SPEAKER (Mr A.D. McRae): Perhaps if the member for Carine moved both microphones towards her it might assist.

Ms K. HODSON-THOMAS: I agree, minister. I can hear that my voice is not being amplified. If the minister wants me to start again, I am quite happy to do that. I will try to throw my voice. The minister knows that I am softly spoken.

Mr D.A. Templeman: You need some theatre lessons.

Ms K. HODSON-THOMAS: Yes, one day the member for Mandurah will give me some theatre lessons. We know that his voice carries far and wide.

The genesis of this Bill can be found in the Machinery of Government Taskforce report "Government Structures for Better Results". This task force was chaired by the former Chief Executive Officer of the Department of Transport, Mr Stuart Hicks. The Labor Government established the Machinery of Government Taskforce soon after it assumed office in February 2001. The report was published in June 2001. The other members of that task force were John Langoulant, the Under Treasurer; Mal Wauchope, the Chief Executive Officer of the Department of the Premier and Cabinet; and Dr Ruth Shean, the Chief Executive Officer of the Disability Services Commission. Mr Langoulant and Mr Wauchope were members of the coalition Government's task force that considered issues involving machinery of government opportunities during the former Government's period in office. It is interesting to note that page 166 of the "Government Structures for Better Results" report briefly states that -

The Taskforce believes there are considerable benefits in bringing the WA Government Railways and Transperth together into a consolidated passenger transit agency. This will achieve operational efficiency and better co-ordination.

The minister alluded to that in her recent second reading speech and the Premier referred to it in a media statement on 21 June 2001 as follows -

"This is not an attack on the public sector - it is an attack on waste, duplication and inefficiency. We are determined to put in place a better structure of Government in order to deliver better services to the people."

I support anything that provides better public transport to the community. However, I am still not convinced that the new Public Transport Authority will deliver better services and that it is not just window-dressing. However, we will examine the Bill in greater detail during the consideration in detail stage and I will seek further explanations and clarification of a number of issues.

The Bill provides a new framework for the provision of public passenger transport services under the umbrella of the Public Transport Authority. There appears to be no reason for going down this path. I have not been able to establish whether there are any guarantees that it will be a cost-effective move and, as I said, it appears to be nothing more than window-dressing. It is important to determine if a feasibility study has been undertaken to verify the financial benefits of the merger of the operating organisations. Has an economic impact statement been provided to justify the establishment of the new organisation? How much is it anticipated will be saved in the first full year of operation and in subsequent years? How much will it cost to effect the merger? How many staff will be transferred from the existing organisations to the PTA? How many staff, if any, will be made redundant? Who will be the CEO of the PTA? Will it be the Commissioner of the Western Australian Government Railways Commission? Will that position be advertised or will the current acting commissioner, Mr Reece Waldock, automatically become the CEO? Will an advisory committee or board advise the CEO or who will direct him? What will be the budget for the new authority and what assets will it acquire? Who will be responsible for policy and planning and will that come under the umbrella of the Department for Planning and Infrastructure or will policy formulation be part of the PTA?

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I am interested to find out more about the new MetroRail. The minister issued a media statement on 20 March advising that the Perth urban rail development would now be called MetroRail. It stated that a new information centre had been opened and MetroRail was launched for the urban rail expansion project, obviously in an endeavour to provide information to the community and businesses in Wellington Street about the south west metropolitan railway project. I wonder whether that will come under the umbrella of the new PTA? When will the SmartCard technology be up and running? I understand that the minister issued a media statement some time ago that said it would be online by December 2003. I am not certain that it is still running to schedule. Will it come under the responsibility of the new PTA? Will the Public Transport Authority support the TravelSmart program and its initiatives or will they be part and parcel of the Department for Planning and Infrastructure? Those are some of the questions on which I will seek further clarification.

The delivery of the south west metropolitan railway is another issue that will fall within the ambit of the new PTA. The Opposition still has concerns about the minister's rubbery estimates of the cost to construct the railway and its figures on patronage potential. I am still not convinced that better outcomes will be delivered in terms of getting more new commuters on the south west metropolitan railway.

I will also raise a couple of matters about other public transport areas that will come under the umbrella of the new Public Transport Authority, particularly those related to the ongoing issue of school bus operators. School bus operators have been in touch with me over a lengthy period. I will briefly go over the history of the matter. The member for Wanneroo chaired the Guise task force that reviewed school bus operators, their contracts and the new composite rate. That happened some two years ago and school bus operators are still in a state of flux. They are still uncertain about the likelihood of their contracts being maintained by this Government and they have not had a positive outcome on the composite rate. I understand that the school bus division in the Department for Planning and Infrastructure is up to its twelfth draft for a new school bus contract for school bus operators. It is concerned that those issues have still not been resolved. I know that they will come under the umbrella of the new Public Transport Authority. When we were in government, school bus drivers were given the opportunity to have contracts in perpetuity. The then Minister for Education, Hon Norman Moore, and the then Minister for Transport, Hon Eric Charlton, signed a memorandum of agreement which provided those drivers with an opportunity to have those contracts in perpetuity. The former Minister Assisting the Minister for Planning and Infrastructure addressed a meeting some time last year and spoke about providing school bus contractors with a positive outcome on their contracts. That issue has still not been resolved. A resolution is a long time in coming for those school bus operators. Although the new authority is being established, it is unfortunate that issues such as this have not been resolved. I urge the minister to resolve this matter posthaste so that these school bus operators can get on with the task of delivering school children to their local school communities.

It is interesting that on 4 March the *Bunbury Herald* published an article headed "Bus drivers, supporters take protest to Cabinet". I understand that Cabinet met in the south west at that time. The article states -

MEADOW Brook Estate at Boyanup was the venue not only for a recent State Government Cabinet luncheon but also a protest by school bus contractors and drivers who say they are not getting a fair deal with pay and contracts.

The article goes on to say -

At the moment some existing contractors feel they are in a state of limbo.

I alluded to that point before. The article continues -

They have still not seen the promised draft of their new contracts but have been told it is a lengthy document with many unfair conditions.

It further states -

The contractors are concerned that these extensions may delay the replacement of buses which have reached the end of their normal service life.

The contractors claim they will not be able to run safe and sustainable businesses and are concerned for the safety of the children.

That is an important issue; that is, the buses have gone beyond the term of their life. That needs to be addressed posthaste.

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While I am on the issue of contracts, I was sent a copy of an article published in the *Bus Telegraph* headed "Minister kills contract before it reaches you". I understand that the minister may not have seen the contract, so I was surprised to hear that she had killed it. The article states -

64 pages of unworkable irrelevant insulting drivel that would have undermined the security and safety of the bus services . . .

After five years of bureaucratic bungling -

That goes to show that this issue has been going on way too long. It was an issue the Liberal Party grappled with when it was in government. It is an issue on which we should now show some bipartisan support to try to deal with it as quickly as possible. The article continues -

and wasting taxpayers money on worthless fact-finding missions the fat cats finally produced a contract -

Ms A.J. MacTiernan: You can't let a billion dollars worth of contracts and have some facts behind it! Do you realise this is a billion dollars worth of contracts?

Ms K. HODSON-THOMAS: I realise that. I think the minister did those figures over a period of 25 years. The minister is delivering a \$1.43 billion railway to Mandurah. That is the big-ticket item she is promoting, yet she does not give a toss about school bus operators who are trying to provide a community service.

Ms A.J. MacTiernan: Unlike your ministers who went around writing ill-considered letters to give people contracts in perpetuity, and not for one moment taking any legal advice on what they were doing or undertaking any consultation -

Ms K. HODSON-THOMAS: The minister has not tabled the legal advice.

Ms A.J. MacTiernan: We are now cleaning up your mess. I do not apologise for finding out a few facts.

The ACTING SPEAKER (Mr A.D. McRae): Order, members!

Ms K. HODSON-THOMAS: The minister might think that I am making up some garbage, but I am actually quite concerned about these issues in terms of the delivery of public transport, which will come under the Public Transport Authority. The minister will have an opportunity to tell us how much this is costing, but I am talking about a contract at the moment. I am not sure whether the minister heard what I said. I am talking about a contract that was referred to in this article as insulting, mischievous and stacked against contractors and communities. The article states -

The minister gave Glenn -

That is, Glenn Sterle from the Transport Workers Union of Australia -

her assurance that the insulting contract would not see the light of day.

I do not know whether the minister in fact provided Glenn Sterle with a response. I am concerned that the contract will require operators to pass a psychological test. If we are to start asking school bus operators to sit psychological tests, we may as well ask members of Parliament to sit psychological tests.

Ms A.J. MacTiernan: As I have explained to bus operators, from time to time complaints are made by parents about certain operators. Those complaints may or may not have substance. That provision has been included to provide us with a mechanism for dealing with that issue. I can imagine you or perhaps the person sitting next to you coming into this Parliament and jumping up and down saying that we are allowing paedophiles or whatever to drive buses. We need a mechanism to deal with complaints, so that we can assure ourselves that the person in charge of those young people, some of whom are as young as four, is a fit and proper person. It is not something that we intend to use other than in exceptional circumstances. There is nothing wrong with the powers, but perhaps the contract can be written more clearly to set out under what circumstances those provisions would be used.

Ms K. HODSON-THOMAS: That is plausible. Will you require that same statement to be made in the employment of any bus operator within the State?

Ms A.J. MacTiernan: School operators tell us that they have a special relationship. If you listen to their argument, it is predicated on the very high level of pastoral care that they provide. They are saying that these contracts should not go out to tender and that they need to be dealt with as a special case because they have this special relationship. We have said that we will take them at face value. We are not proposing to do this unless there is a need to do so. Young children travel on buses, often with no adult on those buses other than the driver.

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There are many complaints. Some of those complaints are unfounded. I feel sorry for those drivers who are sometimes the subject of what I would have to say are vexatious or hysterical complaints. Nevertheless, we have an obligation to investigate those complaints.

Ms K. HODSON-THOMAS: I understand that. The minister has said that there have been many complaints. I would be interested to know how many complaints there have been.

Ms A.J. MacTiernan: There have been a number of complaints. I was made aware of those sorts of complaints even when I was in opposition.

Ms K. HODSON-THOMAS: What is the current process? If a parent makes a complaint to the minister's agency that a school bus driver -

Ms A.J. MacTiernan: There is a mechanism. There has not been an appeals mechanism. That is one thing we said we would look at. This is the joke. You cannot win with these people. First they wanted to see the contract. Then the leadership of the group told us not to send out the contract because there were problems with it, even though it had been signed off by the industry working group. We went back to the drawing board and did some more work on the contract. It was signed off by the industry group and sent out as a draft. All bus drivers can write in and tell us what bits concern them. It has been sent out as a draft. We could not have adopted a more inclusive approach than the one we have adopted on this issue. No matter what you do, you cannot win. We are going through the steps. We will come out with a decision in the end. We want to take as many drivers along with us as we can. How can we get to the stage of sending out a draft document if we are not allowed to send out a document until everyone is 100 per cent happy with it? How do we find out everyone is 100 per cent happy with it until we send it out?

Ms K. HODSON-THOMAS: I understand the process the minister is embarking upon. She is trying to gain some support from that industry, but I ask that it be done as quickly as possible so the issue can be resolved.

I also want to talk about buses and the planning for the delivery of bus services in the metropolitan area. Regional members might like to talk about the situations in their own electorates. I recently visited the electorate of the Deputy Leader of the Opposition, the member for Mitchell, and met with a group of his constituents who are concerned about the cuts to bus services in and around Eaton. I will refer to some concerns that have been raised with me by a number of people in the community. The Acting Speaker (Mr A.D. McRae) might be familiar with this issue, because he is sitting on a committee dealing with it. In a media statement on 24 October 2002 the minister referred to a study of southern suburbs and communities. I understand that you, Mr Acting Speaker, the member for Southern River, and the member for the South Metropolitan Region, Hon Kate Doust, were appointed to a steering committee to look at the current and future needs of public transport from the Armadale railway line to the future Perth-Mandurah railway and beyond to Fremantle. It is interesting that people should write to me and make contact about the provision of bus service and train service integration.

One of the minister's constituents who wrote to me lives just south of Armadale. When the coalition was in government it did not resolve this issue either, because it stems from a cut to that service three years ago. This issue is still fairly important and hopefully we can get it resolved.

Ms A.J. MacTiernan: Which issue was this?

Ms K. HODSON-THOMAS: It concerned a bus service cut south of Armadale in the minister's electorate. I have been contacted by one of the minister's constituents. He said that the issue involved a cut to a service three years ago when we were in government, and I have acknowledged that we did not get it right. I was hoping that we could somehow get some of these things right.

Ms A.J. MacTiernan: What service has been cut?

Ms K. HODSON-THOMAS: It is a service that delivered people to Success Park'n'Ride. I do not have the number, but apparently it is approximately 12 minutes away. The bus service was taken over by Swan Transit and that route was cut. There was one service only on a weekday at 9.30 am, making it impossible for working people to use it.

Ms A.J. MacTiernan: Success Park'n'Ride is not in my electorate, but are you saying it is somewhere south of Armadale?

Ms K. HODSON-THOMAS: I am not familiar with that area. I assumed it was in your electorate.

Ms A.J. MacTiernan: Success Park'n'Ride is not in my electorate.

Ms K. HODSON-THOMAS: I do not know the boundaries of the minister's electorate.

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Ms A.J. MacTiernan: Can you tell me the suburb where the gentleman is from?

Ms K. HODSON-THOMAS: Brookdale. Is Brookdale in the minister's electorate?

Ms A.J. MacTiernan: Some of it.

Ms K. HODSON-THOMAS: He told me that the residents have no way of getting to Success Park'n'Ride, which meant they could not connect with one of the 40-odd links to Fremantle and the surrounding areas daily. To get to Fremantle they now need to get a bus to the Armadale line, a train to the city and another train to Fremantle, and then catch a connecting bus. He talked about a two-hour one-way trip. He was given an undertaking that the bus route would be reinstated and has now been told that the route link is not likely to be reinstated until the Perth-Mandurah rail goes through, so he is looking at waiting until 2007.

Ms A.J. MacTiernan: The member for Southern River, the member for Riverton and Hon Kate Doust are in charge of an east-west activity study.

Ms K. HODSON-THOMAS: I referred to that and made reference to the minister's media statement. The member for Riverton is in the Chair and he might take on board some of the issues that I raised about the integration of those bus services. It is all very well for a group to be examining these matters, but it has to be seen to be more than just a warm, fuzzy feeling. Will the minister deliver outcomes to people in those communities? Will she deliver bus services so that people can access the train service? At the end of the day, that is what those people want.

I now refer to another issue involving a constituent from the Premier's electorate of Victoria Park. He made contact with my office and said it took him three hours to get to the Royal Perth Hospital by bus.

Ms A.J. MacTiernan: How could that be?

Ms K. HODSON-THOMAS: He advised my office that on 24 January 2003 it took him three hours to get to RPH.

Ms A.J. MacTiernan: Does the member know there is a train direct from Victoria Park to RPH? It stops right outside RPH.

Ms K. HODSON-THOMAS: It depends on what part of Victoria Park he lives in. He may be elderly, he may be in a walking frame; I do not know. I do not have that detail. He may have been required to get a bus to the train station. Quite frankly, it is not good enough.

I refer to another incident involving bus route 234. I wrote to the minister on 18 March about this constituent, so I cannot expect the minister to have responded that quickly. This woman lives in Thornlie in the electorate of the Minister for Community Development. She stated -

... bus route 234 is not in operation on Sundays or Public Holidays. This is very inconvenient for the many residents in the area who wish to utilise ... public transport ...

She further stated that whilst there is a bus that provides a service to local residents on these days, she and other commuters are required to walk to Spencer Road, a distance of approximately three quarters of a kilometre. At 80 years of age she is unable to make use of the Spencer Road service as the distance is too far for her to walk. She also brought to my attention the fact that when catching bus service 234 to the rail station on weekdays, the timetables are such that as the bus arrives at the station the train is just leaving. That issue is also common in the northern suburbs. Many of my constituents constantly touch base with me about the fact that they will actually get to the station and find that there is no subsequent connection or they are waiting some time, certainly in the off-peak periods. Timetabling needs to be examined.

I have another letter from a chap who lives in Gooseberry Hill. He refers to routes 291 and 295 from the Kalamunda bus station as being fairly dangerous. I have written to the minister about that and I hope she will take it on board. I will raise another concern as well because I am interested in the TravelSmart scheme that was embarked upon in and around Marangaroo. This constituent from the electorate of the member for Girrawheen wrote to me concerning her son who was going to Leederville College of Technical and Further Education and was trying to get a bus to connect to the train station. He found it very difficult. He had to go from Marangaroo to Mirrabooka by bus, and then by bus from Mirrabooka to Warwick train station to connect to the train service. He ultimately found that he could not get the timetabling to suit his TAFE studies. I wonder how the timetabling is done and whether organisations such as tertiary institutions and TAFE colleges are included in that process. My son attends a technical and further education institution at Beaconsfield. His study block on a Monday morning has a big gap between 12 noon and 5.00 pm. He studies there from 5.00 pm until 9.00 pm. He was hoping to use public transport to get to TAFE but has found that particularly difficult because the necessary

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transport connections do not exist. I hope the minister will be able to advise us whether the TravelSmart program will come under the responsibility of the new Public Transport Authority.

I refer to the new transit guards. I understand that the Public Transport Authority Bill will provide for transit guards to travel on bus services. As the minister is aware, problems on the buses have been ongoing. The Opposition raised this matter with the Minister for Planning and Infrastructure and the then Minister Assisting the Minister for Planning and Infrastructure in Parliament some 18 months ago. At that stage, if my memory serves me correctly, the minister was not keen on doing more than providing a mobile transit service whereby two security guards could be called to the hot spots in the southern and northern suburbs.

Ms A.J. MacTiernan: Most of those incidents involve rock throwing; therefore, having a transit guard on the bus would not help. Guards who are not on the bus are needed.

Ms K. HODSON-THOMAS: I understand that. I ask the minister to clarify how transit guards will work with regard to buses. Will the Bill allow transit guards to travel on buses and have the same power of arrest that transit guards on the rail network currently have?

Ms A.J. MacTiernan: It will make that possible.

Ms K. HODSON-THOMAS: That is not the current arrangement.

Ms A.J. MacTiernan: Currently no-one with those sorts of powers travels on the buses. The Government does not intend to place a security guard on every bus. Our focus is on getting the transit security system right on the trains, but the Bill will provide that capacity for the buses.

Ms K. HODSON-THOMAS: I ask the minister to clarify the policy of transit guards. Several media statements have been released about rail security and the number of transit guards that the Government will employ. On 22 March 2002, the Minister Assisting the Minister for Planning and Infrastructure issued a media statement, which stated -

It was an election commitment by our Government to recruit an additional 250 officers, with 50 of those officers -

Ms A.J. MacTiernan: She is talking about police officers.

Ms K. HODSON-THOMAS: Yes, she is. Some 50 officers would patrol our rail system.

Ms A.J. MacTiernan: That is happening. We are getting a lot of positive feedback from the police who are on the rail conducting undercover activities etc.

Ms K. HODSON-THOMAS: On 9 September 2001, Ms A.J. MacTiernan and Mrs M.H. Roberts issued a joint media statement regarding transit guards replacing the current security force on Perth's trains. It was said that the initiative would result in the number of security personnel being increased from 180 to approximately 235. I am trying to establish how many transit guards there are currently. I am a little confused because a media release issued by the Minister for Planning and Infrastructure on 23 September 2002 refers to a new team of 115 transit guards for Perth's rail system having been recruited who would commence training in earnest on that day. The minister has provided a subsequent media statement that that training has been completed.

Ms A.J. MacTiernan: Yes.

Ms K. HODSON-THOMAS: I am trying to establish the total number of transit guards who operate on our railway system. Given that the minister will now provide a wider-ranging ability for transit guards to travel on rail and bus services, does the Government intend to increase the number of transit guards? How will that work? If the number of transit guards will not be increased, will it make the current transit guards less able to police and service the railways? Will the minister provide some further detail in her summation? I will raise a number of issues with the minister during consideration in detail.

MR B.K. MASTERS (Vasse) [5.06 pm]: As the member for Carine pointed out, the Opposition will neither support nor oppose this legislation. We remain unconvinced of the absolute need for this Bill. However, we admit that its enactment will not be likely to create any significant problems. We will sit on the fence and wait and see.

Ms A.J. MacTiernan: How unusual!

Mr B.K. MASTERS: We usually commit ourselves. As the member for Carine pointed out, a number of questions arise from this Bill. Like the member for Carine, I look forward to hearing the minister's response to the issues that have been raised.

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The Bill has been neatly summarised in one paragraph of the minister's second reading speech in which she says -

The functions of the authority -
include -

... the provision and operation of safe and reliable public transport services throughout Western Australia. These services will include metropolitan rail, bus and ferry passenger services; public transport services in regional centres; country bus and rail passenger services; and school bus services.

From that list of activities for which the authority will be responsible, I wish to highlight four significant issues that are important to me in various ways, primarily with regard to the electors of Vasse. Over the next few minutes, my speech will include brickbats and bouquets.

I will firstly refer to the *Australind* train service, which operates between Bunbury and Perth. I almost made a Freudian slip then because Mr Alfred Bussell, who is well known to members in this House, regularly telephones me to suggest that the Government should be pressured into extending the rail line to Busselton. Presumably he wants that to happen so he can return to Busselton to live in the town to which his family name, or part thereof, is appended. He could then travel to Perth in some comfort without having to change services or whatever. Nonetheless, the *Australind* is an important service. The last study I saw showed that every day between 50 and 60 people travel from Bunbury to Perth using the *Australind* as a commuter train. The biggest problem I have heard of in the operation of the *Australind* is that the equipment is getting old and unreliable, and breakdowns are not uncommon. I have not raised this with the shadow minister responsible for transport. I note that the member for Bunbury has made statements in support of a new or upgraded link between Bunbury and Perth incorporating one of several options, including linking up with the new southern rail line at Mandurah. The bottom line is that people would prefer money to be spent on making the current service efficient so that it runs on time. I am not suggesting that the train breaks down once a week, but it certainly happens reasonably frequently, and when it arrives an hour or half an hour late due to breakdown, it seriously curtails the opportunity for a passenger to carry out a day's work or shopping in Perth. This is neither a brickbat nor a bouquet, but the minister should get her department to look at ways of eliminating breakdowns on the *Australind*. People of the south west would be grateful for that, small bickies though it might appear in the face of a \$1.43 billion southern rail line.

The second issue relates to the town bus service in Busselton. There was a three-day-a week town bus service that received funding from the State Government. That funding went to the South West Coach Lines, operated by Dave and Lenita Adams, whom I wish to thank for the great cooperation they have shown to me and the Busselton community over the years. That town bus service operated almost to over-capacity, so in January I wrote to the minister and asked whether it was possible to extend the service for an extra three days a week in summer and two days in winter. I now publicly and sincerely thank the minister for having acted, at least in part, on the recommendation I made. A trial is under way lasting for three to six months of an extra two town bus services a week in Busselton. A large number of people - mainly pensioners - were finding that, because they no longer drove cars and did not wish to spend significant dollars on taxis, they were limited in their access to doctors, dentists, shops and a whole range of other services because the buses ran only three days a week. One of those three days was Monday, and 10 Monday public holidays a year meant that for 42 weeks each year there were only two services a week. I thank the minister on behalf of the community of Busselton for those bus services on two additional days of the week, and express my hope that the trial will continue into the future.

The third issue relates to school buses, which should come as no surprise to the minister. Before I raise three different aspects of school buses in my area, I advise the minister and other members that, very early in my term as the member for Vasse, in late 1996, I was approached by a continual stream of parents, school bus operators, drivers, principals, and others associated with school buses in Busselton, saying that there were many little problems, and asking me to solve them in some way. The solution I put in place was, I am happy to say, stolen from my upper House colleague, Hon Barry House. Following the example he set, I convened a Busselton school bus committee, which meets every three months. It is totally informal and has no power or authority, but it is attended by almost all the school principals in the Busselton town, almost all the school bus operators, some of the drivers, and on occasions some of the parents. Police and representatives of the transport section of the Department for Planning and Infrastructure also attend as required. This committee has been outstandingly successful, because it has brought together people who have the power to resolve, by negotiation, common problems. The end result is that, every three months for the past five years or so, this school bus committee has met and resolved many small but important issues. I commend two of the minister's departmental staff. Ken Monkhouse was incredibly helpful in the early years of the operation of the committee. He could not do enough

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to make sure the committee worked properly. That mantle has been taken over in more recent times by Sonia Mancini, who is also doing a very commendable job. We have been able to resolve quite a number of small but important and complicated issues involving school buses in Busselton, not by coercion but by sitting around a table and talking.

The three issues I will briefly touch upon in brickbat mode are long-term contracts for school buses, the contract rate and congestion around the Busselton Senior High School. I will not go into any detail about the long-term contracts issue, but I was at the meeting at the Ascot Inn not quite two years ago, at which the Minister for Police, acting on behalf of the Minister for Planning and Infrastructure, stood in front of 400 or 500 school bus contractors and others, including quite a number of members of Parliament. She offered contractors renewal contracts that would not be in perpetuity, but would last for the life of the existing contracts- which could be up to 15 years - plus a renewal of 10 or 15 years, depending on the size of the bus.

Ms A.J. MacTiernan: The contracts do not have any term, so you have got that wrong. Currently the contracts are for indeterminate periods.

Mr B.K. MASTERS: I did not bring any notes with me, because I did not realise this Bill would be debated this week. However, I can guarantee that 450 school bus contractors understood that the Minister for Police, on behalf of the Government, was effectively offering two full renewals of contract, which they understood to be for 10 or 15 years, each, depending on whether they were operating a small or large bus, plus the remainder of their contracts, which again could be for 10 or 15 years. Again, if my memory serves me correctly, the Minister for Police said at that time that the Government was in effect guaranteeing the contractors 25 years of contract, after which it would be the end of the story, and the contract would be put out for public tender. I thought that solution had some merit.

Ms A.J. MacTiernan: That offer still stands. Basically, the member has some of the detail wrong, but the offer of a 10-year or a 20 to 25-year contract to these drivers does remain. The offer of the composite rate also remains, but after the agreement had been reached the contractors changed their minds about what they wanted in the composite rate, so the Government had to go back to the drawing board.

Mr B.K. MASTERS: Talking about long-term contracts, I could see some merit in the 25-year-plus offer being made at the time. I am sorry that this matter is still unresolved two years later. I have been happy not to get involved in this issue on a day-to-day basis, because the member for Carine has been doing a good job of listening to the school bus contractors and their representatives, and trying to make sure that the Government is providing a contract arrangement that is as fair and as reasonable as possible. In many cases, these contractors have paid \$300 000 or \$400 000 for goodwill for those contracts. I appreciate that any payments for goodwill may in the Government's view be seen as a risk that the contractor takes because there is no guarantee of continuity of the contract. However, whether the minister agrees with it, the fact remains that a very large number of school bus contractors expended sums of money of that order. It is beholden on the Government, hopefully with the support of the Opposition, to make sure that those people get a fair deal; one that does not send them bankrupt or cause them to go into debt when the contract is put to public tender or is lost for whatever reason.

Ms A.J. MacTiernan: Do you share the view of the member for Carine that we should not have a sophisticated contract to deal with a billion dollars worth of service?

Mr B.K. MASTERS: I said a minute ago that I have not been involved in this matter for the past 18 months or so. I have been happy to leave it to the shadow spokesperson for planning and infrastructure. I have great confidence in her. I am simply using the debate on this Bill to advise the minister that there is a desperate need for fairness to be applied in the Government's - the taxpayers' - dealings with the school bus contractors.

I must say that, like many people in this place, I was disappointed that the issue of school bus rates was not resolved in the final year or two of the previous Government.

Ms A.J. MacTiernan: Don't worry, we do not mind fixing your messes.

Mr B.K. MASTERS: It is important on occasion to have a change of government so that new minds can think of new solutions. The bottom line is that the contract rate that ultimately will be paid to school bus contractors must be reasonable and not only cover their costs but also give them some sort of living wage. The money should be sufficient to allow the operators to make a decent living from the operation of the school buses.

The final issue relating to school bus services is that 37 buses service Busselton Senior High School every morning and afternoon that the school is in session. Queen Elizabeth Avenue is the only road those buses can use to access Busselton Senior High School. To call it congestion is an understatement. Mayhem is a better

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description. The police visited the school, and they were absolutely flabbergasted at how potentially dangerous the situation is. I guess the only good point is that it is so congested that no vehicle can go faster than 10 kilometres an hour. Hence, there have been no injuries that I am aware of, although there has been the odd mild contact between buses, bikes, cars, students and anything else that might be on the road during those periods. It would be fantastic if the Department for Planning and Infrastructure, the Department of Education and Training and the Shire of Busselton could get together and come up with a solution to resolve the problem of school bus congestion at the high school twice a day. A solution has been proposed that I believe will cost about \$30 000. It involves laying bitumen on an area of land to the south west of the swimming pool at the high school. I hope that when I write to the minister about this issue she will provide me with a positive and constructive response.

The final issue I briefly raise relates to the need to integrate the planning for the southern rail line with land-use planning and development. I have stood in this place three or four times and pointed out that in a submission to the previous Parliament's Select Committee on Perth's Air Quality, Professor Peter Newman made the point that there is a great opportunity when building new rail line to integrate land-use planning and public transport planning. For example, higher urban densities around the railway stations could be encouraged and financial payments could be made by the developers -

Ms A.J. MacTiernan: What a new idea! Why didn't we think of integrating transport and land-use planning?

Mr B.K. MASTERS: The minister has not yet done that with the southern rail line. If she wants me to stop being reasonably friendly towards her and start being a bit more forthright, I am happy to do so.

A member interjected.

Mr B.K. MASTERS: It is not in my nature.

Ms A.J. MacTiernan: Do you have any shares in a train company?

Mr B.K. MASTERS: I have no shares in that respect.

Opportunities will be provided for the integration of public transport planning and land-use planning and development but this Government seems not to have taken that opportunity. Why the Government would want to take the rail line along some eight or 10 kilometres of freeway when there is a river on one side and therefore no ability to increase urban densities escapes me. Nonetheless, this Public Transport Authority must have the gumption to tell the minister she has got it half right, and that she could get it completely right by taking up all the various opportunities that could be provided as a result of the new southern rail line.

DR J.M. WOOLLARD (Alfred Cove) [5.26 pm]: The aim of the Bill is to provide improved public transport services throughout Western Australia. I think it is appropriate to raise with the minister some of the concerns within the community about the current public transport system, which hopefully will be addressed by the merging of the various departments. My electorate in many ways has a very poor public bus service. The service along the main roads is fairly adequate; however, the services along other routes within the suburbs run only once an hour in the evenings and on weekends. This particularly affects the younger people in the community who wish to go to Fremantle or town. That is a concern for their parents, as those young people may wait long times for the bus service.

Ms A.J. MacTiernan: That is why we need to sell buildings like Duncraig House - so we have the money to provide services.

Dr J.M. WOOLLARD: The minister has raised the issue of Duncraig House. This Government said that it would not sell community assets. It is doing that. If the minister wants to bring Duncraig House into this -

Ms A.J. MacTiernan: Are you seriously suggesting that we should not sell any of our landholdings?

Dr J.M. WOOLLARD: The minister is saying that the Government is selling Duncraig House to put money into the health budget. This Government owes the City of Melville \$6 million. The value of Canning House equates to \$1.5 million and the value of Murray House, which has been given to the Government for a peppercorn rent, equates to another \$1.5 million. The Government has already recovered \$1 million to \$2 million through the sale of community assets. There is no reason that Duncraig House could not be given to the community, with the Government either vesting it in the City of Melville or making the entire Heathcote area a class A reserve. It could be kept as a community asset. This Government said that it would not sell community assets. It could get rid of the debt it owes to the City of Melville by giving Duncraig House back to the community.

Ms A.J. MacTiernan: Where will we get the \$6 million? How will we get the \$6 million back?

Extract from Hansard
[ASSEMBLY - Tuesday, 1 April 2003]
p5847c-5889a

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
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Dr J.M. WOOLLARD: One and a half million dollars will come from the sale of Murray House, which will become a restaurant. Almost \$2 million has been raised through the sale of different assets.

Ms A.J. MacTiernan: This is about selling off the public open space that belongs to all the people of the City of Melville.

Dr J.M. WOOLLARD: I have never supported the sale of public open space, parks and reserves. I have been told that it has been agreed some assets valued at approximately \$2 million be sold; therefore, the balance of the money owed to the City of Melville could be paid by giving Duncraig House back to the community. The City of Melville could be vested with a covenant that Duncraig House cannot be sold and must remain a community asset.

The ACTING SPEAKER (Ms K. Hodson-Thomas): Member for Alfred Cove, I have allowed you a great deal of latitude because of the minister's interjections. I remind you that we are dealing with the Public Transport Authority Bill. Perhaps the member will keep her remarks relevant to the Bill before the House.

Dr J.M. WOOLLARD: I have asked to meet with someone from the minister's department to determine how the Government intends to improve the transport services within my electorate. During the evenings and on weekends the buses in my electorate run only hourly, and the timetables are poor. Further, the bus shelters are in disrepair and do not display timetables. Although the younger members of the community can access the Internet to see what time a particular service is running, the more elderly members of our community are not able to do that. It would be a big help to them if the timetables were displayed in the bus shelters.

I am pleased that the Government is making the move from diesel to gas. The Bill states that bus, rail and ferry services will be improved. I will touch on ferry services, because over the past few years some entrepreneurs have tried unsuccessfully to establish ferry services. One of the areas in my electorate that has been identified as a good port of call for a ferry service is the site at Canning Bridge that is adjacent to the Raffles Hotel. As the minister knows, a development application currently exists for the Raffles Hotel. All the different government departments have looked at the redevelopment of that site independently. The Swan River Trust recommends that any development near the river should have at least 10 metres of reserve land. I refer to the current jetty that would be used for the ferry service at the Raffles Hotel site. The proposal approved by the WA Planning Commission does not include a 10-metre verge even though the Swan River Trust states that a 30-metre verge is preferable and that a 10-metre verge should be the minimum. The area for the ferry service, which has been on the maps for many years, is not protected under the agreement signed off by the WA Planning Commission and there is no future planning.

Ms A.J. MacTiernan: Are you saying that the jetties should be inland?

Dr J.M. WOOLLARD: The Swan River Trust's report on the development application stated that the foreshore land will become private foreshore for the people who live in the residences, because the setback will be only four metres. For 10 years the Swan River Trust has stated that any setback from the river should be a minimum of 10 metres and many of its documents recommend a setback of up to 30 metres.

Ms A.J. MacTiernan: It is a bit like when we made our policy statement that, generally, we would want a 100-metre setback from the coast. We did not mean for that to apply to ports and marinas, because we could not work out how we would do that. Likewise with jetties on the river, we had not conceived of the requirement that they be set back from the coast.

Dr J.M. WOOLLARD: Is this Government not meant to be planning for the future? Does this Bill not refer to bus, rail and ferry services in both the metropolitan and regional areas?

Ms A.J. MacTiernan: If people are going to get on a ferry, they have to go to the foreshore. Therefore, there must be activity on the foreshore.

Dr J.M. WOOLLARD: That is a good point, and that is why the Raffles Hotel site has been deemed a regionally significant area for many years. Although the community supports some development on this site, it does not want the site to be occupied by a 15-storey apartment block. The community wants the setback that is meant to apply all along our river foreshore so that it is owned by the community and is a community asset, rather than being an asset for the few people who will be able to buy apartments in the tower blocks.

Mr A.D. McRae: As the minister is trying to suggest, do you not see that this is very much like the Coode Street jetty or the Mends St jetty in South Perth? In Mends Street, a restaurant-cafe is 20 or 30 metres back from the high-water mark, yet the development connects with the jetty that operates the ferry service and that acts as a public access jetty. There is a relationship between getting to the water and getting onto the water.

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Dr J.M. WOOLLARD: How many metres of foreshore reserve are there between the water and the road?

Mr A.D. McRae: If you build a jetty, the reality is -

Dr J.M. WOOLLARD: How many metres are there between the river and the road?

Mr A.D. McRae: Which road?

Dr J.M. WOOLLARD: The main road.

Mr A.D. McRae: I understand it is less than 20 metres. Is that correct?

Dr J.M. WOOLLARD: It is probably more in some areas and less in others. Since 1998, the Swan River Trust has tried to keep down the height of developments along the river. It has also tried to increase the width of the foreshore reserve to protect the river. In some areas, the Raffles Hotel development that has been ticked off on is four metres from the river. That is completely contrary to all the Swan River Trust policies -

Mr A.D. McRae: Isn't that four metres a high-tide wall -

Dr J.M. WOOLLARD: No, that is four metres from the river, and it should be a minimum of 10 metres. Many of the documents recommend 30 metres.

Mr A.D. McRae: What is the development that is four metres from the seawall?

Dr J.M. WOOLLARD: The 15-storey high apartment block. A car park is one metre above the ground. If land is near the river, the Swan River Trust asks for land to be ceded back to the Government as part of an amalgamation of properties. No request has been made for land to be ceded and made part of the foreshore reserve. In addition, the tick of approval has been given for a development that is four metres from the river rather than the 10-metre minimum and the 30-metre recommendation, which is contained in much of the documentation of the past few years. The documentation between the City of Melville and the developer shows that the developer does not wish to retain a road to the ferry service. That road is part of the public reserve. The developer is stating what it will not have, but the land belongs to the community. This Bill is important; however, when the word "ferry" is used, why do the government departments appear to work very much in isolation? One department does not seem to know what the other department is doing. The Government should form a body to oversee developments, not just in my electorate but also in other areas, when an issue involves more than one government department. The Government should have a body working with those departments to ensure that the community, not the developers, wins from any deals.

The member for Vasse raised the issue of the railway. Today's debate is not about heavy rail. The minister knows I disagree with having heavy rail down the freeway. The Bill allows for the future development of light rail. The Government is already looking at where light rail may be situated. However, it is not discussing the issue with the community. This Government came to office with a platform of community consultation. It should be putting these issues to the community and explaining what is light rail so that in three or five years there will be no large uproar from the community claiming it did not know about it. The Government should explain its plans for light rail now. I have heard that the Government is considering using light rail along Marmion Street. My electorate contains a primary school that borders on Marmion Street. The Government is thinking of selling land - another public asset - to rebuild the primary school. It may be adjacent to the development of a light rail line. The suburb in which the school is situated has less than two per cent public open space. The Local Government Act stipulates that all suburbs are to have a minimum of 10 per cent public open space. I have written to the Department for Planning and Infrastructure about this and I hope to receive a reply shortly. During the 1960s the site was crown land. I have heard that some deals went on between the Government of the day and the City of Melville. The crown land is now to be sold to put money into the Government's coffers to build a new school. Although I would like all the suburbs in my electorate to have new schools, it should not be at the expense of further public open space. Some of the suburbs have less than two per cent public open space. The suburb in question will have even less when it loses its school oval. That is why I am concerned that different government departments appear to be working independently rather than looking at projects and suburbs as a whole.

I would like to see transport services for constituents in my community improved. I would also like to see more frequent bus services. Timetables must be more readily displayed so people know when buses are running. Bus shelters should have signs so that when they are smashed or vandalised commuters know whether to telephone the City of Melville or a private company. The community has a right to know these things. The Government should be straight about its plans for light rail in the area.

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Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
Mr Mike Board; Ms Alannah MacTiernan; Speaker

MR D.F. BARRON-SULLIVAN (Mitchell - Deputy Leader of the Opposition) [5.46 pm]: This Bill proposes to establish a Public Transport Authority. What is this Government going to do about the *Australind* train service and, more broadly, what is it going to do about improving the quality of train services between Bunbury and Perth? What is it going to do to ensure a good quality standard of service for towns in the hinterland between those cities?

This matter is not new; it raised its head some time after this Government was elected. On 17 April 2002, one of Bunbury's leading newspapers, the *Bunbury Mail*, carried the headline "Commuter anger at rail timetable". The reason was that the Western Australian Government Railways was going to change the timetable for the *Australind* to the disadvantage of many people who use the service between Bunbury and Perth. It opened up a Pandora's box for this Government because it was the first time that people in the south west started to focus on the Government's election commitments for the train service. In the article, a community representative, Dr Samar Aoun, commented on the Government's commitment. She stated -

The Government committed to reducing travelling time to 90 minutes but they have done nothing to tackle that.

The article carries a picture of Dr Aoun at the train station. Most of the article relates to the question of the new timetable. This is important because it was the first time the local community started to scrutinise in detail what the Government was going to do to meet its election commitments. The Government's election commitments were very specific. Under "policy commitment: transport in Bunbury" - I do not know how it could be read any other way - the Labor Party stated that -

Improved technology, reassessment of timetables and limited stopping locations could see the trip time reduced to 90 minutes.

That is not the only occasion the 90-minute target was mentioned, but it is perhaps the most prominent. Then it made a firm commitment -

A Gallop Labor Government will:

- make the reduction of the journey time of the *Australind* between Perth and Bunbury a priority . . .

It talks about the reduction of the journey time between Perth and Bunbury as a priority. Well, lo and behold, on 17 April the *Bunbury Mail* edition that I referred to earlier carried an editorial, which read in part -

Many of the commitments made by Geoff Gallop prior to his election last year have already fallen by the wayside -

Of course, that is no news to people on this side of the House -

and the promise to get Perth-Bunbury train travel time down to 90 minutes is one of them.

I have news for members in this Chamber; that promise is not even on the horizon, and we will see why in a moment.

On 24 April that same year the current minister reiterated the Labor Party's commitment in this regard. Again, I quote from the *Bunbury Mail* of 24 April. Under the heading, "Time-out for fast *Australind* train" it states -

Planning and Infrastructure Minister Alannah MacTiernan said yesterday the Government was committed to its pledge of a 90 minute Perth-Bunbury service.

It was a pretty plain commitment: the Government would reduce the travel time to 90 minutes. We all know that once upon a time the *Australind* did the trip in two hours and 20 minutes if it made all the stops along the way. Today I am advised by the people involved with the service that it rarely does the trip in under two and a half hours but, rather, takes 180 minutes. One of the reasons is that this Government has not spent any money on improvements -

Mr A.J. Carpenter: One hundred and eighty minutes is three hours.

Mr D.F. BARRON-SULLIVAN: The minister is quite correct. The journey is regularly taking two and a half hours and, at times, it is taking three hours - an hour more than it used to.

Mr A.D. McRae: When did you last travel on the service?

Mr D.F. BARRON-SULLIVAN: I have spent a whole day on the *Australind* and I travel on it occasionally, as does my wife.

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
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The ACTING SPEAKER (Ms K. Hodson-Thomas): Order, members! A number of interjections appear to be conducted by certain members in the Chamber. I ask that they limit their interjections and perhaps the Deputy Leader of the Opposition might like to address his remarks through the Chair.

Ms A.J. MacTiernan: Could you clarify something for me? When was the train service running at two hours? Are you saying that it has happened only since we have been in government?

Mr D.F. BARRON-SULLIVAN: In the past couple of years this Government has spent insufficient money on the maintenance of the track. So much so that only a week ago a Westrail worker told me that there were 21 temporary speed restrictions on the *Australind* route.

Ms A.J. MacTiernan interjected.

The ACTING SPEAKER: I call the Minister for Planning and Infrastructure to order for the first time.

Mr D.F. BARRON-SULLIVAN: Those restrictions on the *Australind* route mean that the train travels at 20 kilometres an hour - if that - through those areas. As a result, the minister released a report today. I might add that it was prepared in December 2002 but the public could get its hands on it only today because local media have been pushing the minister and her office for weeks to get a copy. That is how this Government operates. So much for accountability. However, the minister's own report says that the *Australind* is capable of travelling at 120 kilometres an hour. But guess what? It is doing only an average of 80 kilometres an hour and it slows down to 60 kilometres an hour in Perth. The simple fact is that the *Australind* service is in need of replacement, which is acknowledged in the minister's own report. People working in the rail service have told me that there are now 21 temporary speed reductions along that route, and all because this Government will not do anything to improve the infrastructure of that track.

Let us go back to the minister's commitment to reduce the time taken for the train trip to 90 minutes. The report she released today is interesting because it provides options on how the rail service could be improved. The report put out by the minister today - with an accompanying press release - states that it will cost up to \$200 million to achieve the Labor Party's pre-election commitment to reduce the journey time to 90 minutes. It will cost up to \$500 million to reduce the time to 60 minutes. This raises some interesting questions for the Government. It went to an election promising the people in Bunbury and the south west that reducing to 90 minutes the time taken for the *Australind* to travel from Perth to Bunbury would be a priority. It was not something that it would think about getting around to in about 10 years time - write a report and then worry about it later if it had to - but, rather, it would be a priority and the journey time would be 90 minutes.

On 24 April 2002 the minister confirmed that the Labor Government was committed to its pledge of a 90-minute Perth-Bunbury service. However, this report states that \$200 million has to be spent to meet that commitment. That is not all: if \$200 million is spent on the particular option identified in the minister's report, there will be some problems. People in some country areas in the south west will no longer have a train service. Simply put, to make the train meet that timetable it will have to bypass some small country towns. Is this not typical of the city-centric Labor Gallop Government? It does not care about small country towns like Cookernup or the bigger towns like Harvey, Yarloop and Waroona. They can look forward to waving at this fast train as it zooms past in its attempt to meet the Government's pre-election commitment. However, those towns need not worry because that \$200 million is not in the budget. It is not even in the forward estimates. I reckon that that \$200 million is not even on the horizon, but members should not take my word for it. Let us look at the minister's report and its reference to reducing the train trip to 90 minutes to meet the Labor Party's commitment. Guess what it says? The Government cannot even do this until post-2007 because it would then link into the Mandurah railway that this Government wants to build in 400 years time at a cost blow-out of \$300 million plus. In other words, nothing can be done to bring the *Australind* travel time down to 90 minutes until the Mandurah railway is built and extended to Pinjarra, with a new station and everything out of Lakelands. The money is not in the budget. Nothing can be done about the journey time until at least post-2007. In other words, not until 2008 plus. Yet, according to the minister and the now Premier, this was meant to be a priority! Gawd! I am glad it is not something the Government said it would get around to dealing with some day, otherwise, I would be pushing up daisies before it even contemplated the idea.

Yet another problem is identified by the minister's report that was released today. One of the advantages of the *Australind* is that parents can put their child on the train in Bunbury and their grandparents, friends or whoever can take the child off the train at Australind. It has a great reputation for that service. Seniors also use the train. They take their baggage onto the train and stay on it all the way to Perth, where they then leave it to go to their final destination. Under the proposal put forward by the minister today, they will have to take the train to just north of Mandurah, get off the train with their baggage, wait for another train, get on that one and travel the rest

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of the way to Perth. It is beyond me how the minister can say that that will be an improvement in the quality of service, even if the money was in the budget, the matter had been treated as a priority and a rail line had been built into Mandurah so that this thing could be done in the foreseeable future. This demonstrates that the Government went into the last election making a promise it knew it could not keep. It has not allocated the money in the budget to keep that promise. This amounts to nothing short of a gross con on the people in the south west and in particular Bunbury. The fact that this report was hidden in a cloak of secrecy for three months and it took numerous phone calls from the media and others to winkle it out of the minister's office demonstrates the Government was not too proud of it. In other words, the Government is heading towards breaking one of its major commitments to the people of Bunbury and the south west. It is a major commitment that this Government has not funded and is prepared to break because all it wanted to do at the last election was buy votes and worry about what on earth it would do to appease the people in the south west. I have news for this Government: the people in Bunbury and the south west are wiser than that. I can assure this Government that come the next election, this is one of the promises that this Government will regret breaking.

Sitting suspended from 6.00 to 7.00 pm

MR R.A. AINSWORTH (Roe) [7.00 pm]: The National Party supports this Bill to an extent, but has some concerns about adequate safeguards in a couple of areas. The first concern is with the powers of the Public Transport Authority to borrow money without adequate and timely disclosure of the level of borrowing. The National Party is also concerned about allowing security officers to be issued with batons. The new Public Transport Authority will be charged with the responsibility of operating every aspect of public transport in this State, including contracting and overseeing new infrastructure such as the Perth to Mandurah railway. As the House knows, the National Party has for some time been concerned about the impact of the Perth to Mandurah rail project on future state budgets. According to the Government, the cost of that project is currently in excess of \$1.4 billion. However, that does not include the cost of railcars and other rolling stock, which I understand will be another \$400 000.

Ms A.J. MacTiernan: That is absolute rubbish. How can you say that?

Mr R.A. AINSWORTH: I can say that quite easily. Things roll off the minister's tongue with great ease in this place. I am copying that ministerial action. It is very simple indeed. Regardless of the figures, the new authority will have carriage of all aspects of this massive infrastructure project, including the contracts. The impact of cost variations from time to time will also come under the responsibility of that authority. We are aware that the borrowings will need the approval of Treasury and the Treasurer. This Bill includes the introduction of a draft operational plan that must be approved by the minister. However, during the debate we will seek to protect the public interest by asking the minister to adopt a suggestion to increase transparency. We will ask the minister to table annually the operational plan in Parliament. Furthermore, we will ask the minister to consider a five-year strategic plan that outlines the long-term planning of and contractual business to be undertaken by the authority. We will also move an amendment to ensure the borrowings register is tabled every three months in Parliament. This amendment should be supported by the Government as it will allow it to honour the basic premise of its election campaign; that is, to have open and transparent government.

As I said earlier, the National Party has some concerns about the amendments to the Weapons Act to allow security guards to carry batons. I understand that there is also a fair degree of opposition by the Western Australian Police Union to the idea of issuing a prohibited weapon to a person other than a police officer. The National Party concurs with that opposition.

Ms A.J. MacTiernan: Are you opposed to allowing transit guards to have batons?

Mr R.A. AINSWORTH: If the minister will let me finish, she will know what the National Party is opposed to and what it supports. We are supportive of the idea of having adequately trained and equipped guards on public transport. However, we believe that they should be trained to the same level as police officers and possibly even by the police, so that they can become a different category of police officer.

Ms A.J. MacTiernan: You had private security guards.

Mr R.A. AINSWORTH: I am not talking about what we had, but what the Government is proposing. We have had the opportunity to give mature consideration to this question. We are suggesting that the training of these people, particularly of the security guards who will be issued with batons, should be conducted in the same way and by the same people as the training for police officers. Regardless of the screening process, having people other than police operating with weapons on public transport, as has been suggested in this Bill, is open to all sorts of problems. Although a different category of people is involved, and these are not government appointments, we have seen problems with security guards or bouncers who have been placed at the doors of

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clubs and other places. With a little authority and a bit of, what should I say, strength on their side, these people have in some cases chosen to use that strength in a way that is totally inappropriate to the situation. A similar thing could happen if transit guards are not adequately trained. It would be appropriate for them to be a special category of police officer rather than another group of people able to apprehend and deal with people who are behaving in an offensive manner on public transport. We want them to receive the same training and be of the same standard as police officers. If the Government cannot address the concerns I have outlined, we will seek to amend the Bill in the other place. As I have said, the National Party supports the general thrust of the Bill, but with those two provisos.

MR J.P.D. EDWARDS (Greenough) [7.05 pm]: My comments on the Bill will focus entirely on the issue of school buses. The minister will no doubt have been informed by her colleague from Geraldton that at 10 o'clock in the morning on 11 April a bus operators meeting will be held with the member for Geraldton in his office. I understand that those operators will bring their buses and various other vehicles with them to show their displeasure at the frustration they have had to put up with on the school bus issue. It has also been frustrating for parents, who have waited some two years for a decision to be made on the model of the infrastructure that the minister will try to put in place with the contracts. I remind the minister of a press release of 26 September 2001, headed "Commitment to country school bus services", which states -

Country people could be reassured that there would be no reduction in the level or standard of their school bus services, Planning and Infrastructure Minister Alannah MacTiernan said.

Ms MacTiernan said country school bus services would be maintained at the same level as currently existed.

"Provision of these services is demand driven, and will continue on the same basis as at present," she said.

That is obviously changing quite radically. I am aware that some 13 draft contracts have been put together, to which the bus operators have not agreed. The last draft had some 60 or 70 pages. One bus operator said that operators are fairly simple people, and that 70 pages take a lot of time to read and understand, and most of it is in legalese that goes right over their heads. If that is the sort of draft that is being put forward, somebody needs to be able to explain it to the bus operators in black and white. I understand that one issue they were particularly concerned about in that draft was that the operators or drivers could be removed at the whim of a level 2 public servant. I say that with respect. I am not sure whether that is right; I have not checked. That comment was made to me.

The other issue was that bus operators had great difficulty in the early stages in getting to meet with the minister, which drove them to become members of the Transport Workers Union of Australia. Of course, all of a sudden access became much easier. Consultation seems to have been a moot point.

I gather that PricewaterhouseCoopers has been involved in this process of putting forward the draft contracts. I gather that the last draft was put forward by Owen and Plaistowe. It was presented to the minister and then went back to the minister's staff, who then gave it back to PricewaterhouseCoopers. Talk about a fox in the chookhouse! One of the main advocates for the bus operators -

Ms A.J. MacTiernan: There is the problem that the industry agrees to a process -

Mr J.P.D. EDWARDS: The minister will have her chance. I will be happy to listen to the minister when she gets to her feet. I am aware that Max O'Dea is the main public spokesman for the bus operators and he has had over 300 meetings on this issue. I will not read out the Labor policy, but it contained some 16 dot points. The argument is that none of those has been addressed at this stage. There is an enormous amount of frustration out there, certainly in my electorate. The member for Geraldton does not have an answer and he is finding it difficult to address the problems that the bus operators are bringing to him. I admit that I would not be looking forward to being in his shoes in a fortnight. The demonstration will bring it home loud and clear that his minister is not supporting either what bus operators want or what the member himself has tried to persuade the minister to do.

Another issue was raised by a parent and I will read part of the letter into *Hansard*. It is addressed to the minister and it was referred to me early on. I will give the minister the benefit of the doubt; the letter was sent to the minister's predecessor in this portfolio, Minister Roberts. However, the sentiment is probably still correct. The letter states -

There seems to be a lot of back peddling from your government's pre-election policy not only over the remuneration situation but also school bus contracts with the now tendering system. Should the electorate accept this as standard politicking or do we have the right to expect a delivery on policy?

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Two years down the track those people are still waiting on a delivery of policy. I call on the minister to make a decision one way or the other as swiftly as possible so those people at least know where they are going with their lives and the ownership of their buses.

MR J.H.D. DAY (Darling Range) [7.12 pm]: As the shadow Minister for Planning and Infrastructure has explained, the Opposition does not oppose this Bill, and I do not oppose it personally. On the one hand, the Bill does not contain a great deal that would offend us, but, on the other hand, from a somewhat cursory examination of it, it is difficult to see how there will be better outcomes for the delivery of public transport services both in the metropolitan area and in other parts of Western Australia following the setting up of the Public Transport Authority. I note that the authority will not have a board, so it will not have the broader community and industry input that would occur if a board were established. The authority will be established with a chief executive officer only, so it will be directly controlled by government. Perhaps that is not a bad thing in many respects, but it is overstating the case for the Government to pretend that this will deliver wonderful new outcomes for public transport services and facilities in this State.

As a generalisation, the Labor Party, both in opposition and certainly in government, is very good at the spin. It is very keen to ensure that the right sort of window-dressing is delivered and the right sort of public presentation of initiatives is portrayed, but when in government the Labor Party - and this has been seen on a number of occasions, both when it was in government in the 1980s and over the past two years - finds it very difficult to deliver the substance of issues, and I suspect that will be the case for the delivery of public transport services.

I take the opportunity to place on record a few public transport issues in my electorate of Darling Range. There are no train services to my electorate, although residents are served by the train lines to Midland and Armadale and then either by bus or car from those lines. About a month or so ago major changes were made to bus services in the Darling Range and adjacent areas of the East Metropolitan Region. To a large extent those changes have been worthwhile, and I appreciate and acknowledge the efforts of officers from Transperth, the Department for Planning and Infrastructure and Swan Transit, the contractor provider, to ensure that I, my office and members of the public in the area were kept informed about the proposed changes before they were introduced and also since they were brought in. The intentions behind the changes were good, and, in most cases, the outcomes provide a better bus service in the Darling Range area than was the case in the past. However, there are some concerns that relate to the frequency of services on weekends in the Gooseberry Hill area in particular. I understand there are no services on Saturdays, Sundays or public holidays in the Gooseberry Hill area, and I ask the Government to address that. There is also some concern about the reduction in the frequency of services at night to the Kalamunda area. That is a bit of a vexed issue, because I know that those services have not been heavily used in the past, and, therefore, it makes sense to some extent to redirect resources and increase the frequency of day-time services. Currently one bus service operates from Kalamunda to Perth every 15 minutes up until approximately 3.00 pm. Two of those services go through the Kalamunda and Gooseberry Hill area and two services every hour go through to the Lesmurdie area. That change has been good, and overall the changes have been well-intentioned.

One of the other concerns raised with me was the removal of the bus stop from the front of the Forrestfield Caravan and Park Home Village on Hawtin Road. The residents from that village, many of whom are elderly and find it difficult to walk long distances, must now cross Hawtin Road to get to the nearest bus stop in Berkshire Road, Forrestfield. They also need to negotiate the roundabout at the intersection of Hawtin and Berkshire Roads. When they return from their bus trip, the nearest stop is also at Berkshire Road outside a retirement village and some distance from the Forrestfield caravan park. I ask the Government to deal with this issue. I do not necessarily expect the minister to respond in detail to this issue during the debate, but I request that it be followed up. I have written to the minister about it.

Next, I raise the issue of a request for a bus link between the Kalamunda area and Maddington station and the Armadale train line. Some people in that area would like to access the Armadale-Perth line more easily than they can at the moment and they have taken up that issue with the Government. I was interested to read a response to a constituent of mine from the Parliamentary Secretary to the Minister for Planning and Infrastructure. Incidentally, it is very difficult to get a letter that is signed by the Minister for Planning and Infrastructure, which is somewhat surprising. Many responses to letters addressed to the minister are merely signed by her chief of staff. I am sure the chief of staff is working hard and doing a very good job, but it would have been nice if some of the responses, occasionally at least, had been signed by the minister.

Ms A.J. MacTiernan: Listen, mate, I am doing the work of three ministers in your Government.

Mr J.H.D. DAY: Is that the problem - the minister is overworked and overburdened?

Ms A.J. MacTiernan: No; we are delegated duties.

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The ACTING SPEAKER (Mr P.W. Andrews): Order! The member for Darling Range has the call and I do not want to have to formally call members to order.

Mr J.H.D. DAY: Mr Acting Speaker, it is true that on occasions people have a right to have a direct response from the minister on quite significant and substantial issues, whoever is the responsible minister for that particular portfolio. That may not be practical in every case but it should certainly be so more often than is the case with the Minister for Planning and Infrastructure. It does not seem to be a problem for other ministers in this Government and I therefore do not know why this minister finds it difficult. In this case a letter was sent from Hon Graham Giffard, the Parliamentary Secretary to the Minister for Planning and Infrastructure, to a constituent who was seeking the establishment of a bus link between Kalamunda and the Maddington station on the Armadale train line. The letter from Hon Graham Giffard explained that it was an option that was being considered for the future and stated -

At the moment neither of these proposals are funded -

That refers to another possibility of a bus link via Orrong Road and the Graham Farmer Freeway -

and the detailed design work to determine the most appropriate option has not been conducted. It would be usual for public comment to be sought prior to either of these options being progressed.

That is fair enough. The letter continues -

Transperth's resources are currently being concentrated on the imminent expansion of the suburban train network. Given this budgetary focus, I cannot advise when further development will occur on providing the services you have suggested.

That is very clear evidence from the minister's representative that the southern metropolitan train line that is being developed will, in effect, suck away all the resources for the development of new routes in the metropolitan and hills areas and put them into the southern metropolitan railway. That is a matter of great concern to the residents in the eastern metropolitan area of my electorate.

The Opposition does not oppose the building of the new rail line, but it has a great deal of concern about the route the Government has chosen and the substantial increase in cost of around \$300 million - as it is at the moment but that may increase - over and above the cost of the route planned by the previous Government. An increase of \$300 million is substantial and is funding that would otherwise have been available to develop other transport options in the metropolitan area and other parts of the State. Also, that funding would have been available for a range of other important government activities, whether it be the building of new schools, the upgrading or maintenance of existing schools, the expansion of health services or the building of new police stations. When we were in government, a substantial number of new police stations were built. However, the number of new police stations that are being built as a result of this Government's decisions is very few. We will see this story over and again. There will be a focus on finding funding to ensure that the southern metropolitan rail line, as it has been planned by the Government, can be completed, but the cost of that rail line will suck funding from a range of other areas of this Government's responsibility. That will be a continuing problem for this Government and, more importantly, for the people of Western Australia.

I also place on record the fact that residents of the Kalamunda area want a bus link established directly between Kalamunda and Midland. Currently it is possible, but rather difficult, to catch a bus from Kalamunda to Midland. It is necessary to use at least two different bus services, and those bus services do not always link up. I acknowledge that the relevant offices are trying to ensure that a good link exists between the two routes, but it is not nearly as convenient as it would be if a direct link were available between Kalamunda and Midland. Midland is the major regional centre for the north east metropolitan area, and a lot of development in employment and commercial retailing activities is going on there.

A significant number of people in the Kalamunda district want to access a direct bus link through to Midland. I have raised that issue in the time of both this Government and the previous Government. I request that such a bus link be established as soon as possible. However, it appears from the letter I read from the minister's representative that it will be a long time before such a link will be established, given the excessive concentration of funding that this Government is directing towards the route it has chosen for the southern metropolitan railway.

As I said, I do not oppose the Bill, but I am a little sceptical about what it will do to provide better public transport services for Western Australians.

MR R.F. JOHNSON (Hillarys) [7.26 pm]: I will be fairly brief. Members of the Liberal Party do not oppose the Bill. However, I will make a few comments about it.

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I can see the logic in having one entity as the overall authority for transport in Western Australia. That makes a lot of sense, as long as it does not cause problems and upset the current system, which is running well. We have a pretty good rail system. I am talking now in particular about the northern suburbs rail system, which is an excellent system that services the people in the northern suburbs very well indeed. Before the minister interjects on me and says that it was an initiative of the previous Labor Government, I accept that it was an initiative of the previous Labor Government that put the train track down in 1992-93.

Mr C.M. Brown: It was 1992.

Mr R.F. JOHNSON: It was not actually opened until 1993, my friend. The previous Labor Government officially opened it before any passengers travelled on it. The Minister for Tourism and other things has just said 1992. It was not actually open in 1992; it was officially opened in 1993. In 1992, when I was the Mayor of the then City of Wanneroo - the largest city in Western Australia - I was not even invited to the official opening of that wonderful railway. However, the then Minister for Transport and the Premier of the day, Carmen Lawrence, had a wonderful, big opening that cost about \$120 000, yet the rail line could not carry any passengers until after the election in February 1993. The railway, therefore, had to be officially opened again when the Liberal-National coalition took government because that is when passengers could use the train. However, as I said, the Labor Party had a wonderful extravaganza which cost about \$120 000.

Mr D.A. Templeman: Did you go?

Mr R.F. JOHNSON: No, I was not invited. Everybody and their dog went along, but the mayor of the city at which the railway terminated - in Joondalup in the City of Wanneroo - was not even invited, which was very impolite and downright rude of the previous Labor Government.

Mr D.A. Templeman: Were you a good mayor?

Mr R.F. JOHNSON: That is for others to judge, my friend, not for me. I am too modest to answer that question.

Mr D.A. Templeman: How long were you mayor?

Mr R.F. JOHNSON: I was mayor for one year.

Mr D.A. Templeman: One year?

Mr R.F. JOHNSON: I was then elected to Parliament.

The ACTING SPEAKER: Members, the question is that the Bill be now read a second time. I believe the Bill has something to do with transport rather than the member being mayor.

Mr R.F. JOHNSON: Mr Acting Speaker, I do not canvass your ruling. However, I am saying that I was the mayor when the northern suburbs rail line went up as far as Joondalup, which was then the capital of the City of Wanneroo. Since then it has been very well used, and it now goes further. The previous coalition Government extended it to Currabine, and had plans to take it further still. Those plans are still in hand, and the Minister for Planning and Infrastructure is carrying them through. I am quite pleased about that, because that is the fastest growing area in Western Australia.

Mr A.J. Dean: It is not as big as Bunbury.

Mr R.F. JOHNSON: It is much bigger than Bunbury. Bunbury is a pimple on an elephant's backside compared to Wanneroo and Joondalup. Even back in 1993 the population of the city of Wanneroo was around 240 000, which was about a fifth of the population of the metropolitan area. It was a huge place - the largest city in Western Australia at the time.

Mr J.J.M. Bowler: No it was not.

Mr R.F. JOHNSON: Yes it was. Stirling is now the largest city in population terms. The member for Eyre might have a lot of desert and a few goldfields in his electorate, but he does not have the population. Transport is very important to densely populated areas, such as in the northern suburbs. That was the situation in 1993, and the population is growing even faster now. It is extremely important to have a good rail and integrated bus system. We are pretty lucky. The private companies that operate the transport systems in the metropolitan area, and certainly in my area, are doing a great job. A good timetable is being used, and many people use the system. One of the busiest train stations is Whitfords, and for a long time there were insufficient car parking bays there. We encourage people to use the train coming into the city, as does the minister, to prevent the cars from coming in, but the only way that can be done is if sufficient parking bays are provided at train stations. I am very pleased that, since the Labor Party came into government, it has increased the parking facilities. The previous Government was working on it, and would have done it, but the new Government took over and continued with

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the project of providing more parking spaces so that more people can park their cars at Whitfords train station and catch a train into the city. I make the criticism that it has taken this Government, and this minister, an exorbitant amount of time to build the Greenwood station. The previous Government had planned to open it in 2002.

Ms A.J. MacTiernan: You did not have any trains to service the new station.

Mr R.F. JOHNSON: We would have got the trains in.

Ms K. Hodson-Thomas: The Government delayed letting the tender, so the minister should not try to tell the member for Hillarys that we did not have the railcars.

Mr R.F. JOHNSON: The minister is not misleading me, is she? Goodness me! I hope the minister is not misleading me! It is essential to the sensible integration of train use in the northern suburbs to have the Greenwood station open as soon as possible. It cannot be opened until it is built, so I urge the minister to do whatever is necessary to get the Greenwood station open. That would alleviate some of the problems at Whitfords and Warwick stations, where, unfortunately, no matter how many parking spaces are put in - even in the secure area - they eventually run out. The more that are put in, the more they are used. This is a sign of a successful train system, because people are prepared to park their cars, come in by train, come home by train, get in their cars and go home. Although the bus system is extremely good in the northern suburbs, it does not go in and out of the suburbs. It goes along the arterial roads, but not into the inner parts of suburbs. Many people would find it very difficult to walk from the inner part of a suburb to where they can catch a bus. If it is pouring with rain, they must stand in the rain, wait for the bus to come along and then go to Whitfords station, in my area. Many people want to use their cars, and they have every right to do so. Many of them, thankfully, use their cars to go to the station, and they then catch a train. If we are talking about transport, we must talk also about the road system. Although this Bill covers particular areas of transport - rail, buses, ferries and so on - they will work only if the road system works as well. People will not move off the roads onto the buses if there are no facilities. I hope the minister will do something about that.

I will now pick up on something that my colleague the member for Roe brought up earlier - the guards on the rail system, and his concerns about the guards not being trained as well as they should be, and carrying what would normally be classed as offensive weapons if they were not being carried by someone in the security industry. One of my concerns is for the people in my electorate who use the trains, particularly late at night, when there is a serious security risk. Many people will not use the trains coming from the city of Perth to Whitfords or beyond because they are genuinely afraid of being attacked on the train or outside one of the stations. The only way more people would use the trains at the low peak times - the evening and later at night - is if there were adequate security. I do not necessarily share the concern of my colleagues in the National Party to the extent that I believe that the guards should not carry batons. They should carry batons. People in the security industry need to be able to defend themselves against vicious attacks by hooligans. These days the method of attack for many people is not with the fists but with a knife. I do not have a problem with guards being able to carry appropriate defence weapons, such as batons and pepper sprays, provided they are used properly, and that the guards are properly trained. It is essential that a person carrying a weapon of defence, such as a baton or pepper spray, be trained almost to the standard of a police officer. The job they are doing is similar to that of a police officer. They have powers of arrest, and they need to have some sort of protection. They do not carry guns, and I do not believe that they should. Guns are not necessary on transport, but the guards should be adequately equipped with the appropriate defensive material, to secure not only their own wellbeing but also that of the passengers they are there to protect.

I do not wish to delay this legislation any more. I just wanted to say those few words, in particular about people in my electorate. There are issues of government accountability in this Bill, and I have seen some of the amendments on notice from the member for Carine, who is the shadow minister for this portfolio, and from the National Party members. I hope the minister will look genuinely at those amendments, and where they will benefit the people of Western Australia, I suggest she accept them. It is not very often that ministers will accept amendments from members on this side of the House.

Ms A.J. MacTiernan: What a lot of nonsense! With the planning legislation, I accepted nearly 20 amendments from the member for Kingsley. I am happy to look at intelligent, sensible amendments.

Mr R.F. JOHNSON: I am very pleased that the minister has made that interjection. It gives me some heart to hear that she will look sensibly at these amendments. Maybe I should not cast every minister in the same shadow. Perhaps the Minister for Planning and Infrastructure will be an outstanding minister in this instance, and take on board the amendments of the opposition parties. I hope that if the amendments are deemed to be in the best interests of the travelling public of Western Australia, she will accept them in some form.

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MR T.K. WALDRON (Wagin) [7.40 pm]: I will make a couple of brief comments about this Bill, which we support. The member for Roe has already spoken on behalf of the National Party. I will add to the comments the member for Greenough made about school buses. As I understand it, the Public Transport Authority will have responsibility for the management of school buses. I let the minister know that one of the important issues in the country relates to the management of school bus spurs. I realise there must be rules governing school bus spurs, but the lack of flexibility in applying the rules can cause a lot of grief to families, children and schools. I ask the minister to ensure that the new authority will have some flexibility to deal with decisions about spurs that could adversely affect families and their children. I have seen a few cases this year in which a proposed bus route or pick-up point has fallen just outside the rules pertaining to spurs. I will not go through all the rules. At first, requests for changes were knocked back. We were able to get two or three of those decisions changed after much negotiation and applying much pressure to get the school bus people to see some commonsense. In one case, for the sake of 700 metres a spur was not going to be granted. It was intended that the spur would be granted next year because another child will start school then. It was going to cost the local government authority \$5 000 to put in the turnaround. We applied to have that decision changed for the sake of commonsense.

Mr P.D. Omodei interjected.

Mr T.K. WALDRON: It was east of Narrogin.

Mr P.D. Omodei interjected.

Mr T.K. WALDRON: I give credit to the staff because they realised it was a ludicrous situation. The spur was changed, so I give them credit. However, some other cases that needed to be reconsidered were not. It has caused a lot of grief, particularly for families with another child starting school next year. In those cases, the spur will be opened next year. Surely some commonsense should be applied for this year, although I realise the finances involved.

I encourage the minister and the new authority to be flexible. I am happy to try to help out wherever possible. I realise that such decisions need to be made on a case-by-case basis and that we should be careful about setting precedents. Cases have been brought to my attention in which people are caught between bus services when they want their children to go to another school. The school-of-choice issue has been raised. I understand that we cannot have school bus routes crisscrossing, but we need to look at that area carefully. An application in Darkan has been knocked back for this year and will be reassessed at the end of the year. I think that is quite acceptable. I realise that we cannot have school bus routes crisscrossing because the family has chosen to go to a different school. However, if there is a big gap between schools and it is obvious that it is better for all concerned for the children to go to a particular school, commonsense should prevail, even if that spur would add two kilometres to a bus route. We support this Bill, but I ask that the new authority consider the issue of bus spurs and that the minister ensure that flexibility is applied.

MR P.D. OMODEI (Warren-Blackwood) [7.43 pm]: I understand that the purpose of the Bill is to establish the Public Transport Authority as the state agency responsible for providing public passenger transport services throughout Western Australia. Under this Bill, the Western Australian Government Railways Commission, Transperth and the school bus section of the Department for Planning and Infrastructure will be brought together under a consolidated passenger and transit agency. The Bill will also place with the authority responsibility for the residual rail issues that fall outside the ambit of the Rail Freight System Act 2000 and responsibility for the management of the rail freight corridor. I have taken that from the minister's second reading speech so it should be reasonably accurate. I understand that the Bill will give the Public Transport Authority the power to do many things. The authority will have the powers necessary to perform its functions under the Act and any other Act, including the power to deal in and develop real property and personal property; employ agents; act as an agent and provide consultancy to other parties; with the approval of the minister and the Treasurer, hold shares or other interests in business concerns; carry out reviews, investigations and feasibility studies; carry out and publish the results of research associated with its functions; produce and deal in equipment associated with its functions; develop and deal in intellectual property associated with its functions; and promote and market the authority and its activities. I mention those things because the Bill gives the authority the power to do almost anything. It is similar to the legislation governing the regional development commissions. I wonder where that takes the State Government in relation to transport. Are those things really the function of a state government authority or should some of them be dealt with by the private sector?

I have no definite thoughts about whether there should be an authority. It seems that somebody has come up with the idea of placing all the responsibilities for public transport with one authority. That does not seem to be a bad idea. However, I want to know what it will do, first, for the people in my electorate - I am being parochial

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- and, second, for the people in regional Western Australia. The divide between the city and the country is ever growing. Half the population of the State lives in the Perth metropolitan area, and it gets preferential treatment. People in the metropolitan area get all the mod cons. They get everything laid on, whether it be in health, education or whatever. People in regional Western Australia tend to be treated or regarded as second-class citizens. Members can imagine how the people in regional Western Australia feel. They know full well that most of the wealth of the State resides or is produced in regional Western Australia -

Mr R.N. Sweetman: It does not reside there for long.

Mr P.D. OMODEI: As the member for Ningaloo mentions, it does not reside in regional Western Australia for very long. That wealth is value-added, and it is part and parcel of the wealth of this State. People in regional Western Australia know full well that this State's gold, iron ore, alumina, sheep, cattle, wool, grapes and so on all exist in regional Western Australia. Yet, those people lose out in the provision of access to transport or any other service. That is why I raise this issue of transport. People in regional Western Australia do not get the same treatment and luxuries as those in the regional centres. For example, Manjimup does not have a bowling alley or cinema. About 1.3 million people reside in metropolitan Perth. About 30 000-odd people live in each of the regional centres of Geraldton, Kalgoorlie, Bunbury, Mandurah and Albany. About 400 000-odd people reside in the remaining 2 500 square kilometres that make up Western Australia. Those people are the disadvantaged people of this State. They are disadvantaged when it comes to sport, culture, the arts and transport. People in regional Western Australia do not get the same deal as those in metropolitan Perth. I mention that to illustrate to the House that I have real concerns. I will have no problems with this Public Transport Authority if its role is to make sure that people in regional Western Australia have the same transport options as the people in metropolitan Perth and some of the regional centres.

It seems to me that the authority will have the power to do a remarkable number of things including becoming involved with personal property, employing agents, shares and so on.

I will talk about the provision of passenger transport. In recent times I have watched very closely Hon Christine Sharp, member for South West Region, conduct a transport forum. Her intention is to put freight back on rail. It appears to be a fetish of this Labor Government that everything should be put back on rail. In a perfect world, that would be great. If we had a rail system similar to that of North America I could imagine a rail line extending to Northcliffe or other towns in regional Western Australia that used a piggyback system in which semitrailers laden with produce from primary or secondary industry could be transported. At their destination, the semitrailers could be taken off the trains. That type of system does not exist in Western Australia and is unlikely to in the foreseeable or long-term future. Because of the apparent lack of importance that regional Western Australia has to this Government, that type of transport system is unlikely to ever occur. Given that we will not have a piggyback system in the south west corridor, Hon Christine Sharp is trying to gather support for something that will never be a reality. I do not know anyone who will send his perishable goods - horticultural or whatever - by rail because of the nature of those goods. Take the example of dry dressed timber. It is unlikely that a processor will take a product that he has just put through some of the best technology in the world - to make it attractive to furniture manufacturers - and load it onto a truck, unload it at a siding, reload it onto a wagon, and unload it again onto a semitrailer for delivery to a manufacturer in the metropolitan area. I cannot see that happening with dry dressed timber, let alone with cauliflowers, apples, grapes, potatoes, flowers or any other agricultural commodity. The Government must consider what it can sensibly put on rail. The rail freight system must be made attractive to people; it must be competitive with the road freight system. Bear in mind that the road freight system can take a product, whatever it is, from source to destination. It does not use double handling.

One thing that can be put on rail in regional Western Australia is people. People cost this Government a lot of money in metropolitan Western Australia. There is a significant subsidy to commuters in metropolitan Perth. If rail and bus services are subsidised in the metropolitan area to carry people, why cannot it happen in regional Western Australia? I believe I heard the minister say there is a significant subsidy to bus transport in regional Western Australia. There should be. Why should not people from Esperance, Norseman, Pemberton or Northcliffe be able to use a bus to get to their destination? Another asset already exists, which is the rail system. Why cannot Western Australia have a facility to put people on rail in downtown Perth and send them all the way to Manjimup? I am not suggesting they be sent to Northcliffe because the rail line there has been closed, except for use by a steam train. I would not expect such a service to be at cost to the State; it would require some form of subsidy. Can members imagine what it would do for all the towns in the south west including Pinjarra, Dardanup, Harvey, Greenbushes, Manjimup and Bridgetown? It could well be that a person could buy a ticket in metropolitan Perth through the new Public Transport Authority or whatever to take a trip down south and it might be a month before that person returns home. People would leave their tourist dollars in all those towns.

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The same thing would not happen in the bus transport system. The tourist bureaux could use the rail facilities and ask for their upgrade. That is happening in Manjimup now. The tourist bureau in Manjimup is moving from the timber park to the old railway station. It would be a very good thing if, sometime down the track, there were a passenger rail service in the area. I understand there was a proposal from a company called Leisure Rail to service those areas in the south west. It was also going to service the Avon area, some of the wheatbelt and Mt Barker. That makes good sense to me. I would like to hear the minister's response about why that has not proceeded. I would like to know whether it is feasible in regional Western Australia.

Although I recognise the right of Hon Christine Sharp to promote rail - the minister is also passionate about it - we should remember that we have a transport route called the South Western Highway. It is a major route that carries a lot of commercial traffic.

Ms A.J. MacTiernan: It is a pity that a lot more of that transport is not going by rail.

Mr P.D. OMODEI: The minister was not present when I explained to her colleagues why it is difficult for that to occur. If the minister is prepared to guarantee a large injection of funds into rail to allow the piggyback transportation of semitrailers, it may be an option in the future. The cost of that may be prohibitive; we are not North America. If the minister will make a commitment I will support her as it is a good idea. The likelihood of it happening is not much of a reality.

Ms A.J. MacTiernan: This is why your mob sold off \$1 billion worth of assets for \$400 million in an attempt to privatise!

Mr P.D. OMODEI: I will not listen to a hysterical woman in this place! If the minister wants to respond to my comments she can do it in her own time, not mine! I am not in the mood to listen to a ranting and raving lunatic talking about a crazy idea. The minister already has a reputation in the community for being somewhat of a lunatic. I was trying to be serious about this issue but the minister interrupted.

Several members interjected.

The ACTING SPEAKER (Mr P.W. Andrews): Order! I am very much looking forward to calling the member for Roleystone to order if he does not keep quiet.

Mr P.D. OMODEI: I did not think I needed to be protected from the member for Roleystone, but I appreciate the assistance, Mr Acting Speaker.

In the time left to me I will focus on school bus contractors and make a plea to the minister. The minister is well and truly aware that the issue of school bus contractors has been around for some time. The Cabinet was ambushed in Boyanup when a number of school bus contractors protested. This matter has gone on for too long. I am not laying blame at the foot of the current Government - the process for renewal of the contracts started under the previous Government. It has now been more than two years and this matter has not yet been resolved. It is causing a great deal of trauma and concern to those people who currently have contracts.

I understand that the minister currently has PricewaterhouseCoopers looking at the composite rate model. That situation must be resolved. The Government made many promises to people who hold school bus contracts. Many of those people are sitting on a large "valuation" of their contract over a long period. It has certainly been a long process. The member for Wanneroo Diane Guise has chaired a committee that reviewed this matter and still it has not been resolved, much to the consternation of school bus contractors around the State.

Mr J.P.D. Edwards: They are onto the thirteenth draft of the agreement now.

Mr P.D. OMODEI: Yes. In my office I have had eight or 10 delegations of people explaining to me their requirements and expectations. They have been very tolerant and respectful of the Government in giving it enough time to resolve this situation. However, it has now gone on for more than two years. All members in this House will recognise that this school bus contract issue is one that needs to be quickly resolved. I implore the minister to do this on behalf of those people. I have many case histories of people who look like losing their life's savings because they have been put into these contracts. There must be some certainty for them; something that they can accept and agree to. I do not give a damn if that costs the State a few million dollars. My electorate of Warren-Blackwood has a large hinterland in the catchment for the Manjimup Senior High School, the Margaret River Senior High School and private schools like McKillop Catholic College in Busselton and so on. Those school bus contractors have provided a service to Western Australia that is second to none. Its safety record is second to none. The member for Wagin just gave an example about spurs. I have the same situation in my electorate where, for a lousy five kilometres, people do not get their kids taken to school because they are unable to be serviced by a school bus.

Extract from Hansard
[ASSEMBLY - Tuesday, 1 April 2003]
p5847c-5889a

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
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[Leave granted for the member's time to be extended.]

Mr P.D. OMODEI: There are kids who need to get to secondary school without their parents having to drive them. East of Manjimup and in the Shire of Boyup Brook - the member for Collie's electorate - there is a single father who has his son living with him. He must take his son to the school bus pick-up point in the morning and then pick him up again in the afternoon. This fellow is a contractor. He makes a living from provedoring the agricultural industry, and provides seeding, fencing supplies and so on - a very necessary activity in rural Western Australia. It will almost destroy his livelihood if he must pick up his son from that school bus route. He is going through enough trial and tribulation as it is. He has tried very hard. To ensure that his child gets a proper education, he must have spent much of his time, when he could have been working, pleading to, and arguing with, bureaucrats in the transport section. There is also the question of whether students whose parents receive an isolated children's allowance should be entitled to catch the bus. Many of these young people travel for hours on the bus. How many people in metropolitan Perth spend an hour and a half on the bus in the morning and the evening? I put it to members that there are not many. These children are expected to maintain their standards and their concentration at school and, when they get home from school, still do the jobs that are done by kids in rural Western Australia. There are probably a dozen different jobs that they can be asked to do, particularly at harvest time and at seeding when the pressure is really on. These families have enough challenges without having to argue about whether the bus should travel an additional five kilometres. I am sure the member for Merredin has similar situations in his electorate with regard to whether children are eligible and so on.

As a country member of the Parliament I dread each February because I do not know whether things will go smoothly. I might get a flood of people into my electorate office begging me to assist them with a bleak policy that the Government has dealing with eligible and non-eligible passengers, whether the passenger is on the spur or whether the bus can go the extra 500 metres or five kilometres to pick up the student. Ministers and bureaucrats may think it is an issue that can be pushed to one side because these people are not on their doorstep; they are expendable. However, they are not. That is the Western Australian way of life and that is what democracy is about. It is about electing me to represent them in this place to make sure that those people get a fair deal. I cannot believe how patient these school bus contractors have been. They have put up with the previous Government's vacillation on the issue, and this Government that promised them the world but has delivered absolutely nothing. These people are entitled to a contract. They should be entitled to pass on the value of that contract to the next generation or to sell it and make a profit just like everybody else does with a business. They need to be treated fairly.

Mr M.P. Whitely interjected.

Mr P.D. OMODEI: Is that the member for Roleystone speaking? People were glad to see him go when he left the education system. I could just imagine him dealing with school bus issues. He would be an absolute failure. He should listen for a while because these are serious matters.

Mr M.P. Whitely: You are brutal.

Mr P.D. OMODEI: I have not started yet, mate. These are serious matters that these people take very personally. They have been to meetings in Perth on more than one occasion. They have met with ministers and chairpersons of task forces. They have made submissions and employed people to assist them in making sure that they are heard. It goes on and on. It is not fair that these people should be put through so much trauma and be hung out to dry by a minister who does not seem to care. I hope the minister does care. She has gone quiet now - I did not mean to make her that quiet.

Mr M.P. Whitely interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Member for Roleystone!

Mr P.D. OMODEI: The member for Roleystone is very unruly.

I know of people in my electorate who have owned school buses for generations. They have been passed down from one generation to the next. The young people who are taking up the reins today expect their contract to retain its value when they decide to pass the work to the next generation or to an alternative transport operator. It seems to me that these people are being treated as though they are second-class citizens. The Government does not give a damn because it will cost an extra \$10 million or \$40 million, which is too much for Government to endure. How much is the transport subsidy in metropolitan Perth? Is it \$40 million?

Ms A.J. MacTiernan: It is 15 per cent less than it is in country WA -

Mr P.D. OMODEI: Is it \$20 million? Is it \$50 million? The new southern corridor railway that will extend to Mandurah will, on the last count, run at a loss of \$57 million a year -

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Ms A.J. MacTiernan: Let's talk about the *AvonLink* service and how much it costs.

Mr P.D. OMODEI: Let us talk about the *AvonLink* service. I do not care how much it costs. If it is good enough for the Avon rail link and if it is good enough for the Mandurah rail link, it should be all right for the school bus contractors to get a fair deal from the Government. I rest my case on that point.

MR M.F. BOARD (Murdoch) [8.12 pm]: Contrary to the minister's and the Government's belief, the Liberal Party, in both opposition and in government, has been a strong supporter of public transport. In fact, it did a great deal to support public transport in the eight years it was in government, and in opposition it continues to support public transport.

Public transport in Western Australia is reasonably efficient and it is an area in which we can take pride. The current Government has taken reasonable steps to enhance the various modes of public transport. Public transport is an important and costly part of our infrastructure. I address those issues at the outset, because the minister and the Government seem hell-bent on forcing people onto public transport. Although it has been an adjunct and an important part of the development of our infrastructure in Western Australia, the reality is that public transport is not the primary mode of transport for the majority of our citizens in both metropolitan Perth and the State of Western Australia generally. We should take some pride in that, because we are not London, Hong Kong, Singapore or New York. The reality is that the people of this State, particularly in the metropolitan region, are still dependent on, and continue to enjoy the use of, their motor cars. Although we should not encourage that forever, we should take the opportunity to utilise motor cars while we can, notwithstanding the environmental issues that must be controlled along the way. The point I stress as we debate this Bill is this: people will continue to use their motor vehicles, they will continue to use our roads and freeways and they will continue to park their motor vehicles in the public parking that is made available at a low cost to the commuter, particularly in the metropolitan region. In that sense, we should be proud. We have a reasonably pristine environment - we have controlled environmental issues reasonably well - and both the Government and the State should recognise that and not pretend that we have a city of 12 million people. We must not force people onto public transport, regardless of the cost, to keep up with the Joneses. We must have a balanced view about the way in which people want to commute, the advantages of that to the commuter, and the way in which people can recreate and utilise vehicles at a reasonably low cost in this State. That is an important recognition.

The advent of a Public Transport Authority will be advantageous to the Government - whether it will be an advantage to the community remains to be seen - and from that point of view it is reasonable that Cabinet should want to progress this Bill. The creation of a Public Transport Authority will raise a number of issues that must be considered, the least of which is the cost of establishing the authority. The overall cost of establishing a relatively new bureaucracy, amalgamating existing positions, creating new jobs and abolishing others is not cheap for Governments. There is also the cost of marketing and advertising a new authority. I imagine that, for the metropolitan area alone, we will be looking at tens of millions of dollars for the resignage, resignalling, remarketing and repackaging of a range of public transport services. The cost to the taxpayer will come from an unknown area, and we do not know whether Treasury will support that change. We do not know whether the money will come from existing agencies and departments and whether it will be a cost to the commuter. We do not know whether it will be a cost because of a lack of additional services or a lack of the purchase of transport infrastructure that may have been earmarked.

One of the issues that must be addressed with the creation of the authority is the pressure that may be put on the authority to minimise debt. As we know, public transport runs at a loss and will always run at a loss. It is a subsidised system in not only this State, but also throughout the world. Very few jurisdictions have been able to make public transport profitable. Will the authority be required to give a dividend to the Government? What debt will the authority incur as a result of the amalgamation of existing transport groups? What pressure will be put on the authority to minimise those debts? Will it have a free hand for the purchase of capital works and the like? Will it have a free hand when it comes to the costs of running public transport; in other words, ticketing and the number of price increases that may have to be made so that the authority can meet the costs of the capital works? Such issues must be addressed during the consideration in detail stage to determine whether the authority will be an advantage to the community as well as to the Government. Why has the Government established the authority? What is the overall advantage to the community? Given that it is a wide-ranging Bill, the second reading speech was very brief and did little other than to describe how a single transport authority would bring great advantages to the community. It lacked detail about those advantages. I suspect that the advantage for the Government is that it will be able to distance itself from some of the difficult political and long-term funding issues that will be associated with the authority.

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One of the authority's long-term issues will be the security of both capital and recurrent investment from the Government, because the authority will be in a loss situation. It was different when we looked at Western Power and AlintaGas, because this body will be a loss-maker. We are creating an authority that we know will run at a loss. The relationship between the Government and that authority and how money will change hands will be of great significance, because we have not had that experience in this Parliament. From that point of view, it will be interesting to see how it will be treated during the budget process.

The Opposition supports public transport. It would be remiss of me not to represent my electorate on the issues that relate to the rerouting of the train line along the freeway to the city, particularly from Jandakot. I understand the current minister's rationale for making sure that the largest infrastructure project that this Government will undertake in its term has all the hallmarks of this Government. The Government could not bring itself to endorse a project that had been announced and funded by the previous Government; it had to have its own fingerprints all over it. Notwithstanding that it will be an inefficient and ineffective route, I understand why the Government has done that.

The point is, who will benefit from this project, particularly in the southern corridor? As members know, an efficient and effective bus service currently operates in the southern suburbs. That service takes commuters into the city primarily via the fast bus lane, particularly during peak hours. Most commuters are able to catch buses close to their residences. In other words, those people can live in Murdoch, Bullcreek, Leeming, Alfred Cove, Booragoon or any of the suburbs of the southern corridor and catch a bus from relatively close to their homes which will eventually end up on the fast bus lane which goes directly into the city. Some buses drop commuters close to where they work. That advantage will no longer be available to those people when the train system is finally in place. The hundreds of thousands of people who live in those suburbs are unaware that that service will be taken away from them. They are unaware that they will be forced to catch buses to rail stations, where they will have to wait for a train. Once on the train they will commute to another station, from where they will need to catch a bus to get to West Perth, East Perth or wherever they wish to go. They will need to use three modes of transport instead of one. How can the minister do that in a cost-effective way? How can three modes of transport equal one in terms of cost? How can any of those commuters be better off in terms of timing, cost, security and the availability of public transport? It cannot happen. We will see elderly and young people waiting at train stations, which they did not have to do before. That is the reality of what the situation will be.

If buses do continue to run into the city, they will not travel in the fast bus lane. Instead, they will compete in what is an already overcrowded set of car lanes that currently back up to South Street and beyond during peak hour in the morning and again later in the afternoon, which are the very times at which people need to commute. Where is the advantage in this additional \$300 million, which could end up being as high as \$500 million? Who will gain from this project? The majority of the people in my electorate, and probably also those in the electorates of the Minister for Education, the member for Alfred Cove and the member for Riverton, will not benefit from this project. How will those people be advantaged by this train system? People living close to train stations will be advantaged. However, there will be a massive increase in the need for Park 'n' Ride stations. The terminals will be taken up with Park 'n' Ride stations. People will need to drive their cars to rail stations. Some may choose to stay in their cars, because changing two or three modes of transport may not suit them. The rail system might work for people living in the northern suburbs who need to travel 25 kilometres, but when someone is nine kilometres from the city and there is no rail station between Canning Bridge and the city, I cannot see any advantage to them in travelling by train.

I believe the minister knows that. This is the real Achilles heel of this whole project. This project is being done on the run; it has not been costed effectively in terms of who will gain from it. People who live in Rockingham and Mandurah will certainly gain from the project, as will people who live close to the railway station in Southern River and a few places like that. However, the majority of people who live in the southern metropolitan region will not gain from it. They will come to realise why they will not gain; they will need to get to a railway station before they will be able to catch a train. Under the current system, those people can get straight into the city by bus. That is an incredible flaw in the minister's program. That is what will cause this whole thing to come unstuck. It will be a major election issue that will hang around the Government's neck. The jury is out on the Public Transport Authority. It may be good for the Government, but will it be good for the community?

MS A.J. MacTIERNAN (Armadale - Minister for Planning and Infrastructure) [8.25 pm]: I thank members for their comments. It was a bit hard to work out, but generally there is support for the legislation, although there seems to be a bit of ambiguity. Some members said that they supported the Bill while others said that they neither supported nor opposed it. I guess this will work itself out at some point. There was not much discussion

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of the Bill, which was a bit surprising. Generally, there was wide Joycean discursion on matters of transport. Matters of freight transport were even included in the discussion.

The member for Carine, as opposition spokesperson on transport, started off by saying that she could see no apparent reason for the Government going down this path. That disappoints me. I made it clear in the second reading speech why the Government is doing this. This is not a cost-cutting exercise. No economic impact statement was undertaken because this Bill was not fundamentally designed to cut costs. This Bill is designed to improve the focus on and coordination of public transport in this State. We currently have a very fractured system. We have the Eastern Goldfields Transport Board. Various country bus services are sponsored and funded by the State Government through parts of the Department for Planning and Infrastructure. School buses are run by other parts of the Department for Planning and Infrastructure. Transperth runs metropolitan buses while the Western Australian Government Railways Commission runs country buses. Transperth has joint responsibility with WAGR for metropolitan trains, and WAGR has sole responsibility for country trains. The system is disjointed, with confused responsibilities and no single overall focus on public transport, which really is a key service that government provides to the community in Western Australia. That is why the Government is doing this. We believe that it makes a great deal of sense. We will have an agency of which we can be very proud. The Western Australian Government Railways Commission was gutted by the previous Government. Members will recall that during the proud 100-year history of the WAGR, it ran both passenger and freight services. However, under the previous Government the freight service was sold off at a fire sale; a billion dollars worth of assets were sold for something in the order of \$400 million. As a result, Western Australian Government Railways had its responsibilities contracted purely towards the provision of public transport. It is appropriate that we take WAGR and unite it with all the other parts of government that deliver public transport and make it into a unified body delivering public transport.

Mr P.D. Omodei interjected.

Ms A.J. MacTIERNAN: I am happy to enter into repartee with the boy from the bush, lily-livered coward that he is. He was unable to and not prepared to accept interjections from me and became abusive. When I get around to demolishing what could laughably be described as his arguments -

Mr P.D. Omodei interjected.

The ACTING SPEAKER (Mr A.P. O’Gorman): Order, member for Warren-Blackwood!

Ms A.J. MacTIERNAN: I hate to do macho-impersonations of the boy from the bush, but he has to get out there and really rough us up in Parliament so he can prove he is one of the boys. I will get to the member for Warren-Blackwood, but I would like to address comments made by other members. I assure the House that I do not require the protection that he required from the Chair in answering interjections.

The member for Carine wanted to know who would be the chief executive officer. Obviously this is a new agency, although formed out of WAGR, Transperth and other parts of the Department of Primary Industry and Energy, but it will be a new and very important position and the job will be advertised. During this transitional period, the position is being occupied by the acting Commissioner for Railways. This agency will not have a board, but it is an operational agency. Its budget will basically be a combination of those components of DPI that provide public transport services and the existing WAGR budget.

Ms K. Hodson-Thomas: I did ask how much the merger of the agencies might cost.

Ms A.J. MacTIERNAN: We expect that we will save money. We have been a very economical Government. Instead of leaving government buildings half vacant, we have taken that beautiful heritage building - the Westrail Centre in East Perth - and given it a renovation. We have taken people from a whole range of privately leased accommodation and moved them into Westrail Centre. This will be a much more economical move in the long run. Vastly under-utilised government buildings will now get proper utilisation.

Ms K. Hodson-Thomas interjected.

Ms A.J. MacTIERNAN: Some of that transfer has commenced, and it is not problematic in any way, shape or form. For example, the PURD group - now new MetroRail - has not had its lease renewed for the private accommodation into which it had been placed by the previous Government, and we have moved it into the lovely Westrail Centre. Likewise, the Transperth staff have been moved from the privately-leased accommodation under the previous Government and transferred into the Westrail Centre.

The SmartCard technology is on track.

Ms K. Hodson-Thomas: Is that on track for December 2003?

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Ms A.J. MacTIERNAN: If the member wants to take that up later during the consideration in detail stage, I can provide a more precise answer. We are actually in the tender process as we speak.

What can I say about school bus operators? I find it immensely frustrating. When the Minister for Police was responsible for this area, she set up the Guise committee. There was an agreement between the industry and government that they would move forward to the composite rate model, that we would go to PricewaterhouseCoopers, that they would be jointly commissioned and they would come up with a new model. That model was produced and we went to Cabinet, got agreement for the additional \$1.4 million that was estimated to implement this new composite rate model, but lo and behold, the industry said it did not like it because it contained lots of mistakes. I am not saying there were not some mistakes, but we had all agreed to a process, and this has been the substantial cause of the delay. Every time we think we are almost there, the industry leadership group says there is another bit it does not like. It came back to us a couple of months ago with a totally new approach to funding. It wanted to move away from the cost-plus basis where profit margin is based on expenses, to a rate of return approach where profit margin is based on investment. It would not send the department a copy of that; it wanted to see me personally. I was not able to be briefed before I received this presentation. We listened to it and we said that the rate of return material made sense. It seemed to be a better basis for profit. I have sent that to my agencies and I have said that if we can make the rate of return work, that seems to be a better prospect. We have had to go through every cost item line by line to get some agreement on all the basic costs. Bear in mind that we pay for everything for these bus operators; it is almost down to toilet paper and paperclips. It is not exactly the normal entrepreneurial arrangement. We pay every cost - the telephone calls, the telephone rental, the administration costs - and we pay a profit on top of that. We understand there has been a great deal of uncertainty in the industry for a long time, following the irresponsible conduct of previous ministers who have told people there would be contracts in perpetuity and then did absolutely nothing about sorting out the matter. The operators in the industry have lived in uncertain times. We reached agreement with them that if we could get a package that included the composite rate model, we would offer -

Mr P.D. Omodei interjected.

Ms A.J. MacTIERNAN: When I get around to the member for Warren-Blackwood, I will take his interjections, and not before then.

Mr P.D. Omodei interjected.

Ms A.J. MacTIERNAN: I am not taking the member's interjections.

Mr P.D. Omodei interjected.

The ACTING SPEAKER: I call the member for Warren-Blackwood to order.

Ms A.J. MacTIERNAN: The pomposity of this man! He was a minister in the Government -

Mr P.D. Omodei: Who was?

Ms A.J. MacTIERNAN: The member for Warren-Blackwood was weak. I want to talk about the member for Warren-Blackwood and that macho stuff that has come up only since he has been in opposition. He has got his products. He is going down to the Tinderbox in Balingup and getting his doses. Tonight I was enjoying re-reading the *Hansard* of one of the most memorable occasions in this Parliament. When the member for Warren-Blackwood was Minister for Local Government in this Parliament and he was representing the Minister for Transport, he spoke about this transport coordination Bill that the Government of the day was going to introduce. I will share some of these great comments. He was talking in glowing terms about what this Bill would do.

Ms K. Hodson-Thomas: What about dealing with this Bill?

Ms A.J. MacTIERNAN: I am dealing with the things that were dealt with by the members in the second reading debate. I have to respond to their comments. The member talked about the introduction of a standard scheme and he said it would be the best thing ever, that the public would benefit from increased competition in service delivery and we would have this renovated range of policies. He sets out all of the things that these standards would deliver. Members on this side said we agreed with that; we would support him. The debate moved into the committee stage and he started arguing. Clause 10 was called on prior to the dinner suspension; then the backbench was revolting!

Mr R.N. Sweetman: We are on most occasions!

Mr P.D. Omodei: Which backbench was it?

Ms A.J. MacTIERNAN: The members for Vasse and Murray-Wellington and the erstwhile member for Geraldton, who I think was one of the leaders. The member for Warren-Blackwood returned to the Chamber after the dinner suspension and although the Chamber was about to vote on the clause, he said that the

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Government no longer supported it. Mind you, members, the Bill had been introduced a year before. The backbench revolted and the member for Warren-Blackwood then said, "Sorry, we are not proceeding." We as the Opposition supported the Government's legislation and the Government voted against it. Mr Acting Speaker (Mr A.P. O'Gorman), this so traumatised the member for Warren-Blackwood that he told the National Party that he would not represent the minister any more in the Legislative Assembly, and the then Deputy Premier had to take over the responsibility. The member for Warren-Blackwood was, therefore, all huff and all puff and was going to sort everything out.

Mr P.D. Omodei: It sounds like a pretty good story.

Ms A.J. MacTIERNAN: It is in the *Hansard*, mate.

Mr P.D. Omodei: I want to know whether that helped resolve the school bus issue.

Ms A.J. MacTIERNAN: I do not know. The member for Warren-Blackwood was in the Cabinet for eight years. Why could he not have sorted it out? He was very concerned about bus drivers but he did not sort it out and did not even get a commitment of an extra cent for the composite rate model.

Mr P.D. Omodei: Minister, you are running out of excuses. You have been the minister for more than two years and you have done sweet bugger-all.

Ms A.J. MacTIERNAN: My patience is running out, Mr Acting Speaker. We have tried to bring this matter to a resolution. We have been working on a consensus model -

Ms K. Hodson-Thomas: It has been mismanaged since you took it on and since the minister assisting you gave it back to you.

Mr P.D. Omodei interjected.

The ACTING SPEAKER: Member for Warren-Blackwood!

Ms A.J. MacTIERNAN: I will give one example of the draft contract. It had been worked up in meeting after meeting with the bus and coach industry, the Transport Forum WA Inc and the Transport Workers Union of Australia, all of whom had signed off on it. We were going to send it out but, as the member for Carine said, I then got a call saying that I could not send it out because it was a monster. We therefore decided not to send it out, which was after it had been agreed to by the steering committee.

Ms K. Hodson-Thomas: You can infer that. You misrepresent the views of members in this House all the time.

Ms A.J. MacTIERNAN: No, I was not criticising the member for Carine. She was quite right: I did get a call asking me to withdraw it. I was merely pointing out that the steering group had signed off on the model and we therefore thought it was all right to be sent out to the rank and file. However, the steering committee came back to us and said it did not want it sent out. I said we would not send it out but we would reconvene and do some more work on it. I then said that at some point it had to be sent out to the rank and file because it was a draft document and we had to get comments from the rank and file. That is what we have done. We have sent it out and have asked the rank and file to tell us if there is anything they have a problem with. That is the process now and I do not see what the big deal is about it. There are parts of the contract that could probably be better expressed. However, I find it extraordinary that on one hand we are told time and again by members that these bus operators have a great responsibility because they care for the children in rural communities and offer a great volume of pastoral care, but on the other hand they object when we say we want to include in the Bill a few provisions to assess the validity of complaints from parents about bus operators.

I feel very sorry for many bus operators. When I was in opposition some bus operators were subjected to what could be described as vexatious complaints. There must be a way of assessing those complaints. It is important, when complaints are made against people whom we have charged with the responsibility of looking after children as young as four, that the legislation can deal with those complaints and can require psychological assessments of bus operators to ensure they are capable of doing their job. That is the reason for that provision in the Bill and the steering committee knew that was the reason for it. I would like to think that the steering committee wants to get a resolution; I am not sure that it does. Some members of the steering committee want an extra \$8 million and expect the Government to justify that extra \$8 million. The Government cannot operate like that. We have already given an extra \$1.4 million over and above the escalation and it may well be that we will have to go a little further to deliver a reasonable outcome. A final decision must be made on that issue.

Mr P.D. Omodei: Just get on with it.

Ms A.J. MacTIERNAN: We want to get on with it but every time we do something the leadership group says, "No, you can't do that."

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Mr P.D. Omodei: It will read this speech. I think you are being dishonest.

Ms A.J. MacTIERNAN: I am not saying anything in this Chamber that I have not said time and again to the members of the Transport Forum, the Transport Workers Union and the bus and coach industry at the very many meetings that I have had with them. We can all make ridiculous and stupid comments such as the member for Warren-Blackwood's comment that if we are going to spend \$30 million more, we should just do it.

Mr P.D. Omodei: That is right.

Ms A.J. MacTIERNAN: The member for Warren-Blackwood knows perfectly well why he was unable to solve the problem during the eight years he was in the Cabinet. That is not the answer and it never will be.

Mr P.D. Omodei: It was not a problem for eight years. It is a problem now and you are the minister, so you should fix it.

Ms A.J. MacTIERNAN: I have tried to explain the issues. I have tried to explain how we have attempted to work with the industry to reach a solution. I accept that we are at a point now at which a decision must be made. It is my intention to write to all the operators and tell them that we will simply have to make a decision if we do not have agreement with the industry in a month.

Mr P.D. Omodei: That would be right: blackmail!

Ms A.J. MacTIERNAN: It is beautiful, is it not? The member for Warren-Blackwood told me to make a decision, I said that I will make a decision in a month and he said that is blackmail. I cannot win with his logic.

Mr P.D. Omodei: No, let's get it right. You said if they don't agree within a certain time, you will make a decision.

Ms A.J. MacTIERNAN: Yes.

Mr P.D. Omodei: What is that if it is not blackmail?

Ms A.J. MacTIERNAN: No, that is not blackmail; it is a statement of fact.

Ms K. Hodson-Thomas: But you are reneging on even the life of bus contracts that were offered to them.

Ms A.J. MacTIERNAN: Why does the member for Carine say that?

Ms K. Hodson-Thomas: I have had discussions with a number of school bus operators who believe if they are unwilling to accept the report of PricewaterhouseCoopers that was commissioned to determine the composite rate, you will pull the rug from under their feet and not honour that commitment.

Ms A.J. MacTIERNAN: That is quite silly. If the member for Carine had been following the debate, she would have noted two things. In the first instance, although it was agreed by industry and government to commission the initial report from PricewaterhouseCoopers, I acknowledged there were errors in it. Secondly, I indicated that I was prepared to adopt the new model that the industry wants in terms of return on profit; that did not come from the report of PricewaterhouseCoopers but from a subsequent report, which was about a rate of return based on investment rather than on expenses. I have, therefore, indicated that we had moved on from that report of PricewaterhouseCoopers. Ultimately, what does the member for Carine think we should do if we offer these contracts to bus operators and they do not accept them?

Ms K. Hodson-Thomas: I am sorry, I was concentrating on something else; I beg your pardon.

Ms A.J. MacTIERNAN: The member for Carine is not interested.

Ms K. Hodson-Thomas: I am.

Ms A.J. MacTIERNAN: She interjected and made a point and I responded in detail to her point.

Ms K. Hodson-Thomas: Yes, I understood that bit.

Ms A.J. MacTIERNAN: I then asked the member what she would do if we had made every attempt to resolve the issue and, because there cannot be agreement, we must come to a decision about how much taxpayers' money should be spent. I ask her to bear in mind that we are talking about more than \$1 billion worth of contracts.

Ms K. Hodson-Thomas: You keep saying "a billion dollars" but how many years are you talking about?

Ms A.J. MacTIERNAN: In some cases 10 years, and in some cases 20 or 25 years.

Mr P.D. Omodei: A billion dollars over how many years?

Extract from Hansard
[ASSEMBLY - Tuesday, 1 April 2003]
p5847c-5889a

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
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Ms A.J. MacTIERNAN: Over 25 years. I am sorry; maybe it is because I am not a Tory, but I happen to think that \$50 million a year is a lot of money. If we are spending \$50 million a year of taxpayers' money on contracts that are being let without a tender -

Point of Order

Mr P.D. OMODEI: The minister is trying to mislead the Parliament. She is talking about \$1 billion, when she knows it is over 25 years; and these school bus operators have at heart the interests and the safety of the students they have care for. She is misleading this House.

The ACTING SPEAKER (Mr A.P. O'Gorman): There is no point of order. The minister has clarified her statement.

Debate Resumed

Ms A.J. MacTIERNAN: I do not need to clarify.

Mr P.D. Omodei: You have not clarified. You are trying to mislead this House.

The ACTING SPEAKER: I call the member for Warren-Blackwood to order for the third time.

Ms A.J. MacTIERNAN: A contract for \$50 million a year for 25 years, is worth over \$1 billion. That is how to calculate how much the contract is worth - take the amount it costs each year and multiply it by the length of time the contract is operating. How could the Opposition argue anything other than that, economic dunces though its member are? I do not intend to go on any further with school bus operators. I have covered it although it is only tangentially relevant.

Point of Order

Mr P.D. OMODEI: I refer the Acting Speaker to Standing Order No 92. The minister is making adverse comments against members of the House.

The ACTING SPEAKER: Could the member for Warren-Blackwood clarify which members are being adversely reflected on.

Mr P.D. OMODEI: The minister referred to members on this side as economic dunces. I consider that the only person who is an economic dunce is the Minister for Planning and Infrastructure.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Ms A.J. MacTIERNAN: The member for Vasse spoke about the *Australind* train. He said it was old and unreliable, and broke down. I have been seeking some figures on this matter, and that does not appear to be correct. It is true, however, that there is a problem with the *Australind*. The Government has recently issued a report, and it does not resile from the problem. However, the fundamental problem with the *Australind* is the track between Perth and Bunbury, in particular south of Mundijong. The height of hypocrisy today was the attack made by the member for Mitchell, in saying that it is all the Government's fault, because we had not put any money into track maintenance or upgrading. This is an amazing statement. The previous Government sold off our rail system, and handed over those tracks for 49 years to a private operator. We knew that this would happen. The *Hansard* reports of the debates that went on in this place show that it was exactly what we predicted. We were told in press releases and announcements by the then Minister for Transport, Hon Murray Criddle, and the then Deputy Premier, Hendy Cowan, attempting to justify the sale of over \$1 billion worth of assets for less than \$500 million, that this new private sector operator would spend \$400 million upgrading the rail network. When the present Government took office, it found that there was not one line of this in any contract, or anything that could even vaguely be described as an undertaking, or a representation on this \$400 million. It was complete puffery. The members for Vasse and Mitchell must understand that the problem with the rail linkage between Bunbury and Armadale falls foursquare onto the shoulders of the current Opposition. The Government will be making sure that everyone in the south west understands that. If that \$400 million had in fact been spent, of course we would be able to reduce the operational time of the *Australind*. Another issue that needs to be understood is the prioritisation of the previous Government - the National Party pork-barrelling to the fore. Instead of putting the money into the *Australind*, the previous Government put it into the *AvonLink*.

Mr P.D. Omodei: Do you intend to close the *AvonLink*?

Ms A.J. MacTIERNAN: No, we will not close it, because we have already been compelled to go through with a contract that was initiated under the previous Government. When the present Government came into office, I

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thought that this did not make sense. That train, at that time was carrying an average of 11 people a day. We wanted to redirect those funds to the *Australind*. We wrote to the company and asked if there was any way we could restructure these contracts to put the money where the demand was - into the *Australind*. We were told that it was not possible. The Government has not been in a position to fund the *Australind* but it has released the report this week, in which a range of scenarios are explored. The member for Mitchell was talking nonsense when he attacked the Government for intending to run the railway through Mandurah. That was only one of five scenarios. We have put a range of scenarios to the community for its feedback. I would have thought that anyone with any credibility would welcome that engagement with the community, rather than make quite bizarre claims like those of the member for Mitchell.

I appreciate the comments made by the member for Vasse praising the Government for the work done on upgrading the bus service in his town.

Mr P.D. Omodei: What about the member for Warren-Blackwood?

Ms A.J. MacTIERNAN: We would not be casting pearls before swine, I can assure the member.

The member for Alfred Cove spoke about Duncraig House and the Raffles site. I think enough has been said in that regard. We have responded to the macho ramblings of the member for Warren-Blackwood. The member for Roe started off with an extraordinary comment that the \$1.4 billion for the Mandurah rail line did not include rolling stock. He has been looking at the Maxi-meter and has caught something. I assure members of the National Party that the \$1.4 billion does include \$300 million for rolling stock for the northern suburbs line and the southern line. The member for Roe wants trained police rather than security officers on the train. I find that ironic, given that the previous Government sought to have privatised security guards engaged on contract. The Government is getting an integrated force. It has taken on 115 new people, made them public sector workers, given them a career path, imbued them with the ethic of public transport and integrated them as a vital part of the service. The member for Greenough talked about school buses, and I have responded to those issues.

The member for Darling Range talked about how successfully he has been able to work with Transperth. I thank him for his comments, which will be passed on to Transperth officers. The member for Hillarys had nothing but praise for the initiative and insight of the previous Labor Government - as well as the current Labor Government - in providing the rail links. He asked why the construction of various stations in the northern suburbs had been delayed. Quite simply, the stations have been delayed because we have not been able to get the trains built as yet. The reason we have not been able to get the trains built is that the previous Government was determined to lease the railcars, even if it did not make sense economically. The coalition Government structured the tender in such a way that it was not possible to unbolt the leasing option from the railcar-provision option. It took us almost an extra year to bring the tenders to resolution. When we subjected them to detailed Treasury and other financial scrutiny, it became clear that it would cost taxpayers an extra \$25 million if we were to lease those railcars, as was intended by the previous Government. The only advantage was that the expenditure would be off-budget and not counted in the overall debt. The attempts by the previous Government to hide the cost of the rail project are the cause of the delay. Of course, there is no point introducing new rail services if one does not have new trains to provide those services with. The trains are already chock-a-block as a result of the services that are provided.

I thank members for their comments and, I think, their support for this Bill. It will be a great thing for public transport. We will have an entity that is absolutely focused on delivering public transport across the entire State. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title -

Ms K. HODSON-THOMAS: I wonder if I can get clarification for the long title of the Bill, which states in part -

A Bill for

An Act to establish a State agency responsible for providing public passenger transport services
anywhere in the State

I sought some clarification in relation to -

The ACTING SPEAKER (Mr J.P.D. Edwards): Member, the question is that the short title be agreed to.

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Ms K. HODSON-THOMAS: I will take it up under the short title. I have not dealt in detail with many pieces of legislation, so, Mr Acting Speaker, I will seek your guidance as to whether I can ask for this kind of clarification under this clause. At a briefing I sought some information about our estimates process in the Legislative Assembly and whether the Public Transport Authority will be considered as part of the division for which the minister is responsible.

The ACTING SPEAKER: Member for Carine, are you speaking to the short title or the long title?

Ms K. HODSON-THOMAS: You have confused me. I thought I was speaking to the long title, and then you told me I needed to speak to the short title. When you make up your mind and tell me, I will speak to either!

The ACTING SPEAKER: I apologise if I have muddled your thinking. The long title is the last item of the Bill that we deal with.

Ms K. HODSON-THOMAS: All I am seeking is some guidance. Can I ask, either under the long title or under the short title, a question about the way we as Assembly members can seek clarification about Public Transport Authority matters during the estimates hearings? Can we find out the information that we require during the minister's division or will this authority be an off-budget agency?

The ACTING SPEAKER: Member, I am advised that that probably should be asked another time, if that helps.

Ms A.J. MacTiernan: I am happy to make a comment.

The ACTING SPEAKER: If the minister is prepared to make a comment, I am happy to allow it.

Ms A.J. MacTIERNAN: This is an issue that is being dealt with by a committee of this House. A couple of models for the examination of off-budget agencies have been proposed.

Ms K. Hodson-Thomas: I am asking if the authority will be an off-budget agency.

Ms A.J. MacTIERNAN: The authority's capital expenditure will not be off-budget, although its recurrent expenditure will be. I think the issue has moved on. A certain number of these agencies are scrutinised by the Legislative Council. I personally have no objection to these sorts of agencies being subject to scrutiny in the Legislative Assembly. Various propositions have been put forward. As I understand it, they are being negotiated. I have no difficulty with the agency being examined. No doubt the Leader of the House and the manager of opposition business will continue to deliberate upon this matter.

Clause put and passed.

Clause 2: Commencement -

Ms K. HODSON-THOMAS: Subclause (2) states -

This Part and Part 7 Division 1 come into operation on the day on which this Act receives the Royal Assent.

The explanatory memorandum states that there will be a mechanism to achieve the transfer of assets, which will be required to be published in the *Government Gazette*. Is the minister able to provide a statement of assets to be transferred?

Ms A.J. MacTIERNAN: I will give some idea of the assets, which include the 900-plus buses currently owned by the Department for Planning and Infrastructure. Western Australian Government Railways currently owns 90-plus railcars and 23 coaches. They will be transferred to the new Public Transport Authority. In addition, the four ferries will also be transferred. Obviously, computing equipment and train control systems will also be transferred. There is nothing unusual about the process; it is a routine act on the creation of a new government agency.

Ms K. HODSON-THOMAS: The minister may know the mechanism and how it operates, but I do not. How long will it take for it to be published in the *Government Gazette* after royal assent? Will it occur on the day of the assent?

Ms A.J. MacTIERNAN: It will be after the assent. At the point of assent, the legislation becomes law. However, it will be before proclamation. We will not know until the day of assent what is the inventory of the various agencies. It will be between assent and proclamation.

Mr M.F. BOARD: The minister's explanatory memorandum indicates that regulations and administrative mechanisms will need to be developed for the transfer of staff and assets to be put in place prior to the legislation coming into operation. Is the minister foreshadowing that all staff will be transferred to the authority or will there be some retrenchments ensuing from the establishment of the authority?

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Ms A.J. MacTIERNAN: No retrenchments are proposed arising from the establishment of the authority.

Clause put and passed.

Clauses 3 and 4 put and passed.

Clause 5: Authority established -

Mr M.F. BOARD: The authority will be established as an independent body and will have provisions controlling whether it can be sued. During the second reading debate, I indicated that the establishment of the authority would come at a cost. Signage and advertising to the community represents some of the costs. By what mechanism will the community become aware of the establishment of the authority, and what plans will be put in place to recognise the independence of the authority? To what degree has the minister made any budgetary allocations to meet the independent nature of the authority in respect of the community's expectations of how it will deal with the authority?

Ms A.J. MacTIERNAN: The authority will be an agent of the Crown; it will be a public body that will deliver government policy. It will be no different to its predecessor, Western Australian Government Railways. The Government will use the normal processes to announce its wonderful initiative, and the information strategy will be the sort one would expect. The Government believes that the system is very confusing. If a person has a problem on a train, which agency does he ring? Does he ring Transperth or WAGR? It is not clear. This will be a much more simple structure for the community. Instead of having a number of agencies dealing with small segments of public transport there will be one single agency for the delivery of public transport across the State.

Mr M.F. BOARD: I recognise that what the minister has said is, in her view, correct. Unfortunately, that is not what I asked. Is there a budgetary allocation for the signage and marketing of the new authority? Will the infrastructure be changed in the way it appears to the community? Will the signage on buses and trains be changed? What will appear in newspaper and television advertisements? What brochures will appear? How will timetables be changed? What about the myriad advertising and promotional material that will be required if a new logo and the name of the authority is to be placed on every aspect of the amalgamation of the transport entities? What costs are associated and how will they be met?

Mr R.F. JOHNSON: I assume there will be a board to oversee the new Public Transport Authority. Will that be the case? Are there currently boards that cover each existing authority, whether it be the buses, the trains or the ferries? I assume the board will be similar to the port authority boards. I believe the current arrangement involves chief executive officers. What will be the make-up of the board? What costs will be involved?

Ms A.J. MacTIERNAN: With regard to the question raised by the member for Murdoch, the budgets for the Western Australian Government Railways Commission and the new agency have not been set for this year. We are in the process of doing that. However, we do not anticipate any major expense in the first instance. We will not be abandoning the brand of "Transperth". All its signage will endure.

Mr M.F. Board: Will all the existing signage stay as it is?

Ms A.J. MacTIERNAN: Yes with regard to Transperth, which denotes the bulk of the signage. As we incorporate the other facilities we will consider how they are badged. We are not proposing to change the brand "Transperth". It has been successful and we will persist with it.

In answer to the question from the member for Hillarys, there will be no board. The broad strategic policy will be developed through the Department for Planning and Infrastructure. This is an operational agency that is very similar to the situation with WAGR now, in that there is a commissioner and an independent agency but no board.

Clause put and passed.

Clause 6: Status -

Ms K. HODSON-THOMAS: Perhaps it is my ignorance or lack of understanding of legislation in this place, but the explanatory memorandum contains a repetition of the clause. Will the minister explain what this clause means, which reads -

The Authority is an agent of the State and has the status, immunities, and privileges of the State.

Ms A.J. MacTIERNAN: These are a raft of common law provisions that fill up thick textbooks. For example, certain legislation does not apply to the Crown. This agency is considered to be so close to the Crown that those sorts of immunities follow. Other examples are the nonfeasance and taxation rules. All those things that do not apply to the Government do not apply to this agency. There are different levels of distance between government sector entities and the Crown. Some departments are closely tied to the Crown. Other agencies, such as this

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one, are independent statutory authorities but, nevertheless, are very much under the direction of the Crown. Then there are the port authorities that have a little more independence but are still subject to government direction. The fully corporatised entities operate as a private sector company and do not have any of the obligations or the rights of a public sector operation, although the Government is the shareholder. It is all about a continuum of distance from government. In this case we are dealing with a government agency that is very much under the direction of government policy settings.

Clause put and passed.

Clause 7: Management -

Mr M.F. BOARD: It is clear that the authority will consist only of the chief executive officer. I assume that that means an office of the chief executive officer, which will obviously have staff and resources to supplement the chief executive officer. Why does the explanatory note say "only" the chief executive officer? I assume that means that that is the only new position created in the establishment of the authority. Will its budget come from additional funding that is met by Treasury or will it come from one of the existing transport bodies and, if so, which one?

Ms A.J. MacTiernan: What is the question?

Mr M.F. BOARD: In terms of the establishment of the office -

Ms A.J. MacTiernan: Was the member in the Chamber when I responded in the second reading debate?

Mr M.F. BOARD: I must have missed that part. Can the minister outline it for me briefly? Traditionally there have been boards for authorities - even the Rottnest Island Authority has a board. This will involve running public transport - rail, ferry and bus services - in the metropolitan area and the majority of that in the regional areas, and no board to oversee it. How will the CEO act in an independent manner from ministerial control? On a day-to-day basis, what will be the reporting mechanisms used by the CEO and to whom will he report? If the minister has a hands-off approach and will only direct - through this legislation - in writing, will that then be tabled in the Parliament? How will the CEO operate independently the operations of the three bodies - that are now amalgamated to some degree - without the interference of the minister?

Ms A.J. MacTIERNAN: This situation is precisely analogous to the current situation. There is nothing new. This is how WA Government Railways currently operates. There is the WA Government Railways and the Commissioner of Railways, who is the sole person accountable for that agency. Likewise, there is a statutory entity in the Commissioner of Main Roads. There is nothing new or unusual about this arrangement, bearing in mind that the WAGR will be transformed into this new arrangement. We are using the same structure that is currently found in the WAGR, where there is an independent entity composed of one person; that is -

Mr M.F. Board: But you are doing it to more than just the WAGR. You are bringing in Transperth and a ferry service -

Ms A.J. MacTIERNAN: But it is the same structure. As I explained before, WAGR has been gutted by the privatisation of the previous Government with a reduction in its range of responsibilities. This service provider agency should take over the responsibilities of the delivery side - not the policy setting side - of public transport generally; that is, not only the responsibility for coaches and rail in the country and not only metropolitan rail, but a composite responsibility. It is precisely the same structure that has been in place for probably 100 years in the WAGR where the commissioner reports directly to the minister.

Mr M.F. BOARD: When dealing with the WAGR under the current legislation, is the minister required to give any directions to the commissioner in writing that then appear in the annual report of the WAGR?

Ms A.J. MacTiernan: Yes, exactly as proposed in this provision.

Clause put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Other staff and contractors -

Ms K. HODSON-THOMAS: I am not sure whether the minister referred in her second reading summation to a question I had asked on the TravelSmart initiative. Does this clause relate to contracted services such as those involved in the TravelSmart initiative? Can the minister provide a little more information on that?

Ms A.J. MacTIERNAN: TravelSmart will remain with the Department for Planning and Infrastructure. The concept we are trying to impart here is that the Department for Planning and Infrastructure is responsible for the

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development of transport policy, and TravelSmart is part of that. The Public Transport Authority will be responsible for the delivery of public transport services in the State.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Functions -

Ms K. HODSON-THOMAS: Can the minister be a little more specific about the functions in relation to subclause (2)(b)? I assume that this subclause refers specifically to freight. I seek some clarification from the minister on subclause (2)(b), which states -

the Authority from performing functions under other Acts that do not relate to, or are not limited to, public passenger transport services.

When we had a briefing on this Bill, a number of members thought this subclause should perhaps be a little more specific.

Ms A.J. MacTIERNAN: I would have liked it to be more specific, but I had problems with parliamentary counsel on this one. We came to the compromise of putting in a note beneath paragraph (b). The reason for the extreme conservatism of parliamentary counsel on this issue is the concern that it could create confusion; that even with the best intentions in the world and the greatest care and attention, the way in which these other functions are phrased in this legislation might mean that they will be interpreted differently from those functions in other legislation because of the way in which the activities are phrased in that other legislation. It was thought that in order to avoid the possibility of conflict of interpretation, they should not be specifically mentioned. My concern was that this was meant to be a communications document; people should be able to read this legislation and have some idea of what it is about. For that reason, we came up with the compromise of putting in the note. One of the principal roles this body will have from another Act will be almost an audit or residual function arising from the privatisation of the freight system. The member would be aware that the per-way network was handed over for a 49-year period. As the owner of the asset, someone needs to be notionally in a position to monitor the condition of the asset to ensure that the contractual obligations of the operator are met.

Ms K. HODSON-THOMAS: A number of those same colleagues who suggested that subclause (2)(b) should perhaps be more specific also had some concerns with subclause (3), particularly in relation to the words "and do not have an adverse effect on". They believed that those words should perhaps have been deleted. I am not suggesting that as an amendment, but I seek the minister's clarification on why those words are included in this subclause.

Ms A.J. MacTIERNAN: When presented with revenue-making opportunities, agencies sometimes get carried away and excited. We wanted to include those words because we wanted to ensure that the central focus was the provision of public transport. If other revenues can be generated in ways that do not hinder the performance of public transport, the Government will by all means encourage that. We want to reduce the impost on the public purse as much as possible. Public transport is an expensive item. After health, education and police it is probably the biggest item of expenditure. We must be alive to commercial opportunities. I would expect persons of the blue persuasion to be aware of the need for and desirability of that. We want to make sure that the fundamental focus is predominant in the minds of the agency.

Mr M.F. BOARD: I want to clarify the extent of the commercial activities that the minister may envisage, and certainly of those already mentioned, such as coffee shops, snack bars, newsagencies and convenience items and services.

Ms A.J. MacTiernan: We are happy to have the odd joint venture or two.

Mr M.F. BOARD: The minister may do so under the legislation. Does the minister envisage any greater extent of commercial activities, such as partnerships with the private sector in the construction of public infrastructure or indeed the ownership of buses or trains? What does the minister envisage will be the extent of the parameters within which the authority will be able to embark on these activities without the permission or involvement of the minister? Something will obviously be in the interests of the authority if it minimises the debt or current loss of the authority, but it may not be in the long-term interest of taxpayers. I am not foreshadowing that the Opposition will be against those moves; I am interested in what the minister sees as the extent of those commercial activities.

Ms A.J. MacTIERNAN: Any commercial activity will be required to be part of the operational plan put forward by the authority, which plan of course must be approved by both the minister and the Treasurer, so there will be

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considerable control. It is one of those areas in which one would not necessarily like to try to predict all the opportunities that might arise. For example, the member for Carine spoke earlier about the smart ticket initiative. It is possible that there might be some commercial spin-offs from that, such as the Government working in conjunction with local authorities or private providers of parking on a joint venture arrangement for ticketing of parking and public transport, the ways in which smart ticketing could be used more broadly, or ways in which the Government could share with the private sector the intellectual property in which it is investing. We are trying not to be too prescriptive, because technology changes and new opportunities arise. The entrepreneurial creativity of Western Australians both within and without government knows no bounds, and we want to ensure that we have a legislative framework that will enable us to cash in on that. Those plans will have to be approved by government, so there will be no suggestion that the agency can go off on frolics of its own and pursue ends that are not approved by government.

Mr M.F. Board: Obviously the chief executive officer of the authority will play a very important role in the southern rail corridor and all of the major projects affecting the new rail link into the city. Is the minister envisaging that it will have control over the commercial activities and all the arrangements associated with the tunnelling in the city and the other issues to do with the whole rail program?

Ms A.J. MacTIERNAN: No. That is a rather complex issue. As we develop stations, not only through the new MetroRail project but also our building better stations project, there will be opportunities for commercial leases on rail premises. That is something that would be four square within these provisions of the Public Transport Authority. For example, the land acquisition and the property development aspects are being handled by the Western Australian Planning Commission. It has the legislative responsibility for that, and it will receive project management assistance from LandCorp. We do not see WAGR becoming a large-scale property developer or running a property development business, but just as with the City Busport there will be commercial opportunities. We want people to be able to get to the station and buy a coffee and paper and a nice wholesome piece of food to sustain them through the morning. We want to facilitate that and make some money from it at the same time to ensure that we have adequate funds to operate these systems. It is pretty straightforward, but the new MetroRail system through the city and William Street will be handled primarily by the WAPC.

Ms K. HODSON-THOMAS: The minister stated that she would provide some information to me during the consideration in detail stage regarding SmartCard technology. Is that information available?

Ms A.J. MacTIERNAN: It is subject to tender at the moment. We can obtain the exact dates for the member, but it is currently in the tender process, which is expected to close in a month or so.

Clause put and passed.

Clause 13: Powers generally -

Ms K. HODSON-THOMAS: Following a briefing, a number of my colleagues had some concerns about a couple of parts of clause 13, specifically clause 13(2)(d), which states -

participate, with the Minister's approval, in any business concern and, with the Treasurer's approval, acquire, hold, and dispose of, shares, units, or other interests in, or relating to, a business concern;

They were concerned about the Public Transport Authority being involved in the disposal of shares and units. Can the minister give us some examples of where and how it might happen?

Ms A.J. MacTIERNAN: These are exactly the same powers that exist under section 8(b) of the Western Australian Government Railways Act. It is nothing new. Taking the hypothetical case of the SmartCard, the private sector identified a spin-off that was possible using our physical infrastructure with intellectual property, and it wanted to exploit it. It was decided to set up a separate company, of which the Government would have part ownership with the private company. There was an analogous situation in the time of the coalition Government where Total West wanted to enter into a partnership for moving road freight to the rail freight terminal. It set up a partnership with TNT or Wesfarmers called Total West that was half owned by the private sector and half owned by WAGR. That is an example of how a company can be set up and there can be a shareholding.

Ms K. HODSON-THOMAS: I am confused about the way policy is determined. I can understand that the minister is telling me that policy will be handled by the Department for Planning and Infrastructure. The explanatory memorandum states -

The Authority will have the . . . power to:

- carry out reviews, investigations and feasibility studies;

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- carry out and publish the results of research associated with its functions;

What type of research and feasibility study might be undertaken? Is this more about planning policy? How will it work?

Ms A.J. MacTIERNAN: There are a number of operational matters for which research will be required, for example, with new technology buses or new developments in low-floor buses. If we wanted to replace the CAT bus system we might want to do some research on what would be the best available technology. In a number of areas we are looking at whether we should use low-floor buses, for example, or whether we should use light rail or a hybrid technology. They are the sorts of operational matters that this agency will have the capacity to engage in.

Ms K. HODSON-THOMAS: Clause 13(4)(b) states -

make any ex gratia payment that it considers to be in the Authority's interest;

I am anticipating the minister telling me that that exists in WAGR. Can the minister explain what sort of guidelines or policy are in place for making these ex gratia payments and whether the result will be published? I understand there may be some Treasury guidelines.

Ms A.J. MacTIERNAN: Most agencies have the capacity to make ex gratia payments, which are subject to a set of Treasurer's Instructions that have been developed. For example, often there is a dispute over a personal injury or property injury in which liability is not admitted. However, an ex gratia payment may be made to settle the matter to ensure that the agency is not subjected to a long and costly legal battle. This clause will apply when the agency makes a commercial decision that it is in the agency's best interests to settle the matter without admitting and taking on board a liability.

Clause put and passed.

Clauses 14 to 19 put and passed.

Clause 20: Draft operational plan to be submitted to Minister -

Ms K. HODSON-THOMAS: I take the opportunity to touch base again on the issue of estimates. I understand I will be able to make some comments on this matter under the accountability and financial provisions. I seek clarification and direction from you, Mr Acting Speaker, on whether I can follow up on my earlier questions.

The ACTING SPEAKER (Mr J.P.D. Edwards): I have been advised that the member can do so.

Ms K. HODSON-THOMAS: Thank you, Mr Acting Speaker. The minister said that the Legislative Council could ask a number of questions about the proposed Public Transport Authority of Western Australia, that it could make reference to capital and recurrent expenditure, and that the Procedure and Privileges Committee was considering this matter and had made suggestions about authorities and off-budget items. As a member of the Procedure and Privileges Committee, I am well aware that the committee has made recommendations on this matter. Members will have difficulty scrutinising the authority in the estimates committee because of the limited time to ask questions.

Ms A.J. MacTiernan: No more activities will occur; it is the same amount of activity that occurs now.

Ms K. HODSON-THOMAS: The minister might not think it is important. It is not a matter of whether they are the same activities; members will have limited time to ask questions. I understand it will be a maximum of half an hour. That is not a lot of time. A number of members will want to scrutinise the Public Transport Authority. I do not understand why the minister cannot see that as an important issue. If she were in opposition she would be saying the same sorts of things. The estimates committee hearings will provide an opportunity for members to scrutinise this fairly important authority. Public transport is a large structure that impacts on many people. It would impact on every member of this House. There will be limited opportunity for members to properly scrutinise the authority. I want the minister to provide further detail in relation to that.

Ms A.J. MacTIERNAN: The Western Australian Government Railways was never subject to scrutiny, although certainly in its early years it should have been subject to appropriations; somehow it was taken off-budget. However, there will be a number of opportunities to scrutinise the authority. We are trying to finalise the budget papers now. It may well be that this agency will be the subject of a direct appropriation. We are working on two possible models: first, a direct appropriation, in which case it will be like any other agency that is on-budget; an alternative is to fund it by an appropriation through the Department for Planning and Infrastructure, in which case the member could ask questions during the Department for Planning and Infrastructure division. The appropriations will therefore be subject to scrutiny, but we have not yet resolved whether they will be provided

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directly to the authority or through the DPI. As I said, I see no difficulty in having the authority scrutinised. Last year I was subjected to about eight hours of questioning on my portfolio, which was a longer period than any other minister was subjected to and certainly longer than any minister in the previous Government ever subjected themselves to.

Mr M.F. BOARD: Just so that a ministerial direction on the draft operational plan is clarified in *Hansard*, I ask the minister whether it will be a direction to the authority and, hence, will be required to be given in writing and will appear in the -

Ms A.J. MacTiernan: No. Please finish.

Mr M.F. BOARD: The minister can answer by way of interjection, but I understand the draft operational plan submitted for approval, together with any amendments made by the authority at the direction of the minister, will be the operational plan until the draft operational plan is approved. In other words, according to the notes I have with me, if the minister gives a direction to the authority on the operational plan, it will be considered to be a direction of the minister; hence, under this Bill, the direction will be required to be in writing and be tabled as part of the report of the authority. If that is not the case, I ask the minister to clarify what is and what is not a direction of the minister.

Ms A.J. MacTIERNAN: It is not intended that a direction of this type be subject to a specific reference. The operational plan is, in fact, a strategic direction that must be signed off by the Government. It is different from a day-to-day operational matter; for instance, when the Government wants to extend the 296 bus route, the Public Transport Authority says that it does not want to extend the 296 bus route and I order it to extend it. That is the sort of operational matter that would be subject to a direction. This clause is the process that will set the strategy. It will then become a public document and then become the Government's document. It is inherent in the very notion of that document that it is the Government's document because the Government must approve it. It will not have any currency until the Government approves it. It would be nonsense to regard that as being the same as a direction on an operational or staffing matter or whatever.

Mr M.F. BOARD: I do not want to be petty on this issue, but it must be clarified because the Bill seeks to set up an independent authority. That independent authority will submit an operational plan as it sees fit. According to the legislation, the minister will be able to review the operational plan and seek amendments to it. I understand the normal dealings between a minister and a chief executive officer in a normal operation, but in the instance of the chief executive officer acting as the authority, wanting to maintain the operational plan and the minister wishing to amend it, the authority is no longer independent, unless the minister directs the authority. That needs to be clarified.

Ms A.J. MacTIERNAN: The authority is not supposed to be independent of government in that sense. The Government sets the direction. This is not unusual; it happens with every agency. I have 17 agencies in my portfolio and they are all under my direction and form that gradation of separateness from government.

Mr M.F. Board: You do not have to put everything in writing every time you amend something, but you are doing that in this legislation.

Ms A.J. MacTIERNAN: When an agency sets up, for example, a statement of corporate intent, and there is a provision in the statement that I do not agree with, I will say that that is not the intention of the Government, and we do not believe that it is proper that it be the intention of the agency, and that I want it changed. It is changed, because the whole concept of the legislation is that, as with most of these authorities, the broad policy is set by the statement of corporate intent, and in this case the operational plan. The Government signs off on it, and it is endorsed by the Government. After that, if in applying that operational plan and having set that strategic direction, there are operational differences, that is where direction may come into play, which may be the subject of a tabling. This is the Government's document, so inherent in the whole notion of it is that it is created under the Government's direction.

Clause put and passed.

Clauses 21 to 24 put and passed.

Clause 25: Consultation -

Ms K. HODSON-THOMAS: I seek some clarification from the minister about this clause. It reads, in part -

- (1) The Authority and the Minister, at the request of either, are to consult together, either directly or through appropriate representatives, in relation to any aspect of the Authority's operations.

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- (2) The Authority must consult the Minister before it enters upon a course of action that in its opinion -
 - (a) amounts to a major initiative; or
 - (b) is likely to be of significant public interest.

Will the minister explain what “significant public interest” means?

Ms A.J. MacTIERNAN: It may be, for example, a decision to abandon certain bus routes or to add three new ferries to the metropolitan service, or a proposal to add a new bus service to a country area, or to extend a bus service elsewhere, perhaps even changing the style of operations. It is difficult to explain in any more detail than that.

Ms K. Hodson-Thomas: That explains it adequately.

Clause put and passed.

Clause 26: Minister to be kept informed -

Ms K. HODSON-THOMAS: I would like the minister to explain paragraph (c) of this clause, which reads -

- (c) if matters arise that in the Authority’s opinion may prevent, or significantly affect, achievement of the Authority’s objectives and targets outlined in its operational plan, promptly inform the Minister of the matters and its opinion in relation to them.

What does the minister mean by “promptly inform”. Is the period 24 hours, 48 hours, or longer?

Ms A.J. MacTIERNAN: It would depend on the nature of the incident. Obviously, if someone had been decapitated by the rail, it would probably be a couple of hours. If it is a far more mundane operational matter, the timing would be less crucial. It depends on the nature of the matter, and whether or not it needs to be attended to urgently or can be dealt with in the fullness of time.

Clause put and passed.

Clause 27: Minister may give directions -

Ms K. HODSON-THOMAS: My amendment is self-explanatory. Clause 27(1) reads -

- (1) The Minister may give written directions to the Authority with respect to the performance of its functions under this or any other Act, either generally or in relation to a particular matter, and the Authority is to give effect to any such direction.

I move -

Page 17, after line 15 - To insert the following -

- (2) The Minister shall cause a copy of a direction under subsection (1) to be laid before both Houses of Parliament within 9 sitting days of the direction being given.
- (3) If either House of Parliament is not sitting so that subsection (2) cannot be complied with, the Minister shall within 14 days transmit copies of the direction to the Clerk of the Legislative Assembly and to the Clerk of the Legislative Council and it will be deemed to be laid before both Houses of Parliament and made available to the public.
- (4) The direction shall be tabled in both Houses of Parliament when the House is next sitting.

This amendment speaks for itself. I trust the minister will see that it is put forward in good faith, as an accountability exercise. I hope the minister will support it.

Ms A.J. MacTIERNAN: If the member is prepared to move just proposed new subclause (2), which is perfectly adequate under the circumstances, I would be prepared to accept it. Under the previous Government’s legislation, the policy was simply to put it in the annual reports. I am prepared to go that far.

The SPEAKER: If the member for Carine is inclined to do that, she would have to seek leave to withdraw the entire amendment and then reinstitute proposed new subclause (2).

Ms K. HODSON-THOMAS: I seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Ms K. HODSON-THOMAS: I move -

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Page 17, after line 15 - To insert the following -

- (2) The Minister shall cause a copy of a direction under subsection (1) to be laid before both Houses of Parliament within 9 sitting days of the direction being given.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 28 put and passed.

Clause 29: Deletion of commercially sensitive matters -

Ms K. HODSON-THOMAS: Can the minister define a matter that is commercially sensitive?

Ms A.J. MacTIERNAN: This might apply to a couple of situations. One is when we are in negotiations over a tender. We would have certain information that we would not want to make public because it might affect the commerciality of the contracts we enter into. We might want to protect our information to preserve our commercial advantage. For example, we might be in a contractual dispute with a company before a court, and we might have certain materials that are commercially sensitive. We would not want to prejudice our conduct of that litigation in the court. That would be one set of circumstances, and probably the only situation in which we would seek to protect government information.

We may not be able to disclose certain parts of the confidential information that is given to us in deciding whether to enter into business dealings with certain companies. An example is one that we talked about earlier; that is, smart ticketing and what we might develop through a joint venture arrangement. It may be that to satisfy us that it is a commercially worthy partner, a company discloses a range of information. It would be very unfair to that company for the information to be made public simply because the company is dealing with the Government. This is quite different from not revealing the contents of an agreement we have with the private sector. I continue with the example of our entering into a joint venture for smart ticketing. My view is that once the terms and conditions of that contract are finalised, they should be a matter of public record. However, in getting to the point at which we agree to enter into a contract, we will want to examine the bona fides and financial credibility of the company. We might require it to produce a range of commercial information which would be most inappropriate and unnecessary for us to publicise as it would not directly involve the expenditure of government moneys.

We have also gone a step further in this clause in that when those things are deleted, it will be necessary to provide an accompanying statement from the Auditor General confirming that the information is commercially sensitive.

Mr M.F. BOARD: I fully appreciate and understand the nature of commercial sensitivity. As a former Minister for Works and Services, I can imagine that. It is amazing what two years in government does. I can clearly recall the minister's speeches about commercial sensitivity.

Ms A.J. MacTiernan: I have been absolutely consistent. I said that government contracts should be made public, which is what we have done.

Mr M.F. BOARD: The minister may find that the matter of intellectual property will make it difficult to fulfil that aim entirely because of the very nature of contracts, agreements and the way in which they are won. I am interested in why the authority must seek permission from the minister not to disclose commercially sensitive material. The way in which it is phrased implies that the minister is saying that the authority has no right to delete anything of a commercial nature; it can only seek permission from the minister to do so. Is that the intent of this clause? That would mean by its very nature that the authority must disclose everything to the minister and that it will be left to the discretion of the minister to delete or not to delete what the minister considers to be commercially sensitive. Is that the intent of this clause?

Ms A.J. MacTiernan: Absolutely; we are in a democracy.

Mr M.F. BOARD: I just wanted to make it clear in *Hansard*.

Ms A.J. MacTIERNAN: Of course that must be the principle. At the end of the day the minister is the politically accountable entity that can be called to account. I hope that the member is not seriously suggesting that government agencies should have access to information that they do not disclose to their minister. That would be an extraordinary proposition for the member to put forward, particularly as a former minister. This clause recognises that the ultimate accountability to the public in a democracy comes via the elected Government.

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Mr M.F. BOARD: The very nature of the operation of government agencies makes them aware of what material is commercially sensitive. Previous government agencies, such as the State Supply Commission and the Department of Contract and Management Services, were very much aware of the information that through their standard operations they were able to give to the public; hence every piece of information was not required to be put before the minister on basically a daily basis for the minister to decide what was to be published. We are talking about a fair amount of detail. I understand the intent of the clause, but the very nature of its wording means that the authority has no right whatsoever, even with the smallest example of what it would consider to be a normal contract security arrangement, not to put it before the minister.

Clause put and passed.

Clauses 30 to 32 put and passed.

Clause 33: Borrowing -

Mr R.A. AINSWORTH: I move -

Page 20, lines 7 and 8 - To delete the lines and substitute the following -

- (2) The Authority is to keep a register as specified in the regulations for the purposes of this section -
 - (a) all funds borrowed by the Authority are to be kept in the register and the register to be tabled in Parliament every three months.

This amendment is merely to make sure that any of the activities of the authority, particularly as they relate to major borrowings, are totally open and available to the Parliament and thereby to the public for scrutiny. As I mentioned during the second reading debate, the scope of the activities that the authority will undertake is quite large. The amount of money that will be borrowed or utilised from time to time under the powers granted to the authority is significant. For that amount of money not to be reported reasonably frequently - every three months is not excessive - would be detrimental in maintaining accountability, which this Government is quite rightly keen on maintaining. I seek the support of the Chamber for this amendment because it does not detract from the other operations of this legislation. In fact, it adds significantly to them by ensuring that the authority does the right thing with its borrowings and that the public is well informed in the process.

Ms A.J. MacTIERNAN: In the view of the Government, this amendment is completely unnecessary. The Treasurer already produces quarterly reports of borrowings, which are published in the *Government Gazette*. They may also be tabled. The Clerks may be able to assist with that question.

The SPEAKER: They believe they are tabled.

Ms A.J. MacTIERNAN: The information is certainly published in the *Government Gazette*. If a person is keen to find out what are the Public Transport Authority's borrowings for a quarter, he has merely to go to the Treasurer's quarterly reports as published in the *Government Gazette* and tabled in the Parliament.

Amendment put and a division taken with the following result -

Extract from Hansard
[ASSEMBLY - Tuesday, 1 April 2003]
p5847c-5889a

Ms Katie Hodson-Thomas; Acting Speaker; Mr Bernie Masters; Dr Janet Woollard; Mr Dan Barron-Sullivan;
Mr Ross Ainsworth; Mr Jeremy Edwards; Mr John Day; Mr Rob Johnson; Mr Terry Waldron; Mr Paul Omodei;
Mr Mike Board; Ms Alannah MacTiernan; Speaker

Ayes (16)

Mr R.A. Ainsworth	Dr E. Constable	Mr B.J. Grylls	Mr P.D. Omodei
Mr C.J. Barnett	Mr J.H.D. Day	Ms K. Hodson-Thomas	Mr R.N. Sweetman
Mr M.J. Birney	Mrs C.L. Edwardes	Mr W.J. McNee	Mr T.K. Waldron
Mr M.F. Board	Mr J.P.D. Edwards	Mr B.K. Masters	Mr J.L. Bradshaw (<i>Teller</i>)

Noes (25)

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

Pairs

Mr R.F. Johnson	Dr G.I. Gallop
Mr A.D. Marshall	Mrs C.A. Martin
Mr D.F. Barron-Sullivan	Mr E.S. Ripper

Independents

Mr P.G. Pental	Dr J.M. Woollard
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Amendment thus negatived.

Clause put and passed.

Clauses 34 to 43 put and passed.

Clause 44: Giving of notice -

Ms K. HODSON-THOMAS: This clause is about the giving of notice for infringement notices. Subclause (1) states -

An authorised person or a member of the Police Force who has reason to believe that a person has committed a prescribed offence under this Act may, at or about the time the alleged offence is believed to have been committed, give an infringement notice to the alleged offender.

Can the minister provide a current list of the prescribed offences? Does the minister contemplate any additions to that list; and, if so, what will those offences, and the penalties, be?

Ms A.J. MacTIERNAN: The offences are the offences that are currently listed under the by-laws of the Western Australian Government Railways Act and they include, most notoriously, riding on public transport without a ticket. It would be quite bizarre if we were to suggest that all those people should be summonsed and taken to court. No major changes are planned to the prescribed regulations that already exist under the WA Government Railways Act and the Perth Passenger Transport Regulations. It is just providing one home or one legislative base for those two sets of regulations that currently exist.

Clause put and passed.

Clauses 45 to 49 put and passed.

Clause 50: Authority exempt from certain rates and taxes -

Ms K. HODSON-THOMAS: It is my understanding that "water charge" refers to water usage and definitely not water rates. I seek the minister's clarification.

Ms A.J. MacTIERNAN: It is actually the opposite; that is, it is exempt from the water charges but it does not include a charge assessed by a reference to the quantity of water or wastewater concerned. We do not want to encourage the Public Transport Authority to be wasteful in the way it uses water. This is not an exemption for actual consumption charges but just the rate charges.

Clause put and passed.

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Clauses 51 to 55 put and passed.

Clause 56: Authorised persons and security officers -

Mr M.F. BOARD: I found the clause notes a little confusing. I assume that the chief executive officer of the authority will have the authority to appoint security officers for rail, ferry and bus services and, if not rail, why not? Why is that separate in terms of his authority?

Ms A.J. MacTIERNAN: I accept that there is ambiguity in the clause notes but obviously the provision applies to rail. Perhaps the compiler of the notes thought that it obviously included rail, but we will correct it.

Clause put and passed.

Clause 57: Obtaining details of certain offenders -

Ms A.J. MacTIERNAN: The explanatory memorandum states that -

A “security officer” or an “authorised person” will be empowered to rely on the provisions of the *Criminal Investigation (Identifying People) Act 2002* to require the name, age and address of any person he reasonably suspects has committed or is committing or is about to commit an offence, or may be able to assist in the investigation of an offence or a suspected offence.

There was concern that we had not talked about what sorts of details might be required. In order to put that beyond doubt - so that it does not mean details such as a person’s sexuality- the amendment sets out the sorts of personal details we are dealing with. I move -

Page 32, line 8 - To delete the line and substitute the following -

Investigation (Identifying People) Act 2002 Part 3 but only in relation to a person’s personal details as defined in subsection (3).

(3) In subsection (2) -

“personal details” means -

- (a) the person’s full name;
- (b) the person’s date of birth;
- (c) the address of where the person is living;
- (d) the address of where the person usually lives.

This amendment specifies what sorts of personal details can be required by these authorised persons.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 58: Offenders may be taken into custody in some circumstances -

Ms K. HODSON-THOMAS: Subclause (1) states -

If this subsection applies because of subsection (2) and it appears to a security officer or a member of the Police Force that the offence referred to in that subsection would be likely to continue or be repeated if the offender is not apprehended . . .

It then refers to an offender being taken to “a police station or other place”. For the purpose of *Hansard*, will the minister explain what “other place” means?

Ms A.J. MacTIERNAN: The advice from the Crown Solicitor is that the term “other place” refers to a place where an offender may be dealt with for the offence according to law. Obviously, this means a courthouse or any other place where judicial officers, including justices of the peace, are to be found. They will deal with the offender as the law requires. As I understand it, that is the meaning of “other place”.

Ms K. HODSON-THOMAS: Further to that, will the minister explain to me for what period that person might be detained, if he is detained at all?

Ms A.J. MacTIERNAN: We have sought the Crown Solicitor’s advice on this as well. The leading case is *Dallison v Caffery* [1965] 1 QB 348. Also of relevance is section 6 of the Bail Act. In summary, no time is laid down, provided the person exercising the power of arrest is acting reasonably with regard to all the

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circumstances. Section 6 of the Bail Act provides that a person who has been arrested must be brought before a court as soon as practicable.

Clause put and passed.

Clause 59 put and passed.

Clause 60: Searching persons taken into custody -

Ms A.J. MacTIERNAN: Again, the amendment that I will move will not change the nature of the power but, rather, will provide greater clarity of what is intended. Clause 60 provides a power to search a person who is taken into custody and to take anything found on that person, using any force that is reasonably necessary. There was some concern about that provision, and we thought it was necessary to give a greater explanation of what is behind the granting of this power. Effectively, it is to ensure that the person who is taken into custody does not do anything to harm himself while in custody. We are all aware of the many tragic events that can occur when a person is in an agitated state in custody. There are many unfortunate circumstances of self-harm and suicide. This provision has simply been provided to ensure that it is not a general power but a power that is to be targeted to the protection of that person or any other person who may be in close proximity to the apprehended person in custody.

Mr M.F. BOARD: By way of clarification, is a new power being bestowed upon special constables, or is it in line with the current practice of special constables? I absolutely agree with the clause. I just want to know whether a greater power is being given to special constables or whether a similar power is being given to other security people who will come on board with the other transport groups.

Ms A.J. MacTIERNAN: This is the same sort of power that is given to special constables under the Government Railways Act.

Mr M.F. Board: They currently have that power?

Ms A.J. MacTIERNAN: The special constables currently have that power by virtue of the provisions of the Criminal Code. The Western Australian Government Railways Act currently gives special constables all the powers of the police for a limited location, which is obviously the transit system. The Criminal Code gives police the power to search persons who are in custody for these purposes. Special constables have all the powers of the police; therefore, special constables have these powers.

Mr M.F. BOARD: I do not want to be trite, because I absolutely support this clause, but in view of current security arrangements around the world and the way in which public transport is targeted by terrorist groups and so forth, by what means will security officers be able to target, hold and search people? Will they be able to do that when someone is under suspicion, or will an offence have to occur for them to be able to take it to the search stage?

Ms A.J. MacTIERNAN: That is set out in the next clause. I seek leave to move my two amendments to this clause together, because they are related. The first amendment sets out the purpose of the clause to make it clear, and the second amendment incorporates the limitation of the nature of the article that may be searched for.

Leave granted.

Ms A.J. MacTIERNAN: I move -

Page 33, before line 14 - To insert the following -

- (1) The purpose of this section is to enable a security officer to remove from the possession of a person taken into custody under section 58 or 59 anything that could cause harm to that person or any other person (a “**dangerous article**”).

Page 33, line 15 - To delete “anything” and substitute the following -

any dangerous article

Amendments put and passed.

Clause, as amended, put and passed.

Clause 61 put and passed.

Clause 62: Provisions about searching a person -

Ms K. HODSON-THOMAS: A number of members have concerns about the notion of searching a person, particularly in the light of subclause (2), which states -

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If a security officer or member of the Police Force of the same sex as the person to be searched is not immediately available to carry out the search, a security officer or member of the Police Force may -

- (a) cause the search to be carried out, under the direction of a security officer or member of the Police Force, by another person of the same sex as the person to be searched;

If I were a bystander and, say, a female person was apprehended, it is my understanding that if the police officer and the transit guard were both males, I could be asked to carry out that search. What would my liability be if I were to embark upon searching that person? What would happen if that person had a syringe in her pocket and I was subsequently injured? Would I, or anyone, be protected as a member of the community?

Ms A.J. MacTIERNAN: It would be a fairly remote possibility that members of the public, or the member for Carine, would be called upon to undertake those duties. It is also equally important to understand that the security officers could not compel the member for Carine or any other member of the public to undertake those searches.

Ms K. Hodson-Thomas: It does say that a person could be asked to do it.

Ms A.J. MacTIERNAN: My notes state that an injured person may have a civil course of action in tort, such as trespass against the person who injured him in the course of assisting. Unless negligence on the part of the personnel is involved, it is difficult to see how they would be liable to compensate. This is where we get into the area of ex gratia payments. This could be the sort of circumstance where there could be an ex gratia payment. There might also be some possibility of them being covered by a public liability provision, but it would depend on whether negligence was found on the part of the authority. In the vast majority of cases the person called upon would be someone who was employed by the Public Transport Authority - a train driver or an administrative officer. It is not something that would be done with any great frequency.

Ms K. HODSON-THOMAS: Subclause (2)(b) states -

Detain the person for as long as is reasonably necessary for the person to be searched in accordance with this section . . .

Subclause (4) states -

A security officer or member of the Police Force may use any force that is reasonably necessary . . .

Will the minister explain what “reasonably necessary” means?

Ms A.J. MacTIERNAN: It is not possible to go into a great deal of explanation. The clause makes it clear that this is not carte blanche for holding a person or for using force. An officer who deprives a person of his or her liberty or uses force against that person may be subject to a challenge in court that the actions were excessive; in that case it will come down to a matter of what the court believes is reasonable. I cannot define “reasonable” any more than that. This was what Lord Denning had dissertations on. I think he defined it as what a man on the Clapham omnibus would believe was a fair and proper thing. It is, therefore, very much a common law measure of what would be considered under all the circumstances to have been a fair and proper course of action.

Clause put and passed.

Clause 63: Seizure of property -

Ms K. HODSON-THOMAS: Subclause (2) states -

A security officer or member of the Police Force who seizes anything under this section must record the fact and must record how the thing is dealt with.

Will the minister explain whether a security officer is required to provide a receipt for anything seized under this subclause?

Ms A.J. MacTIERNAN: There is no provision under this clause for it and it was never considered in the drafting. It is a matter that we would be prepared to reconsider when the Bill goes to the Legislative Council.

Clause put and passed.

Clause 64 put and passed.

Clause 65: Ejecting people from Authority property -

Ms A.J. MacTIERNAN: I move -

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Page 36, after line 17 - To insert the following -

- (5) The chief executive officer cannot designate a person to be an authorised person for the purposes of subsection (4) unless the chief executive officer is satisfied that the person is suitably trained to perform functions under that subsection.

This clause relates to ejecting people from authority property. From time to time, rather than arresting people, the appropriate course of action will be to take them away from the scene where they are creating problems. Obviously, rather than security officers attempting to arrest an unruly group of people on a train, they could use reasonable force to take them off the train and spare the passengers the trauma and drama of those people continuing to be disruptive. I moved the amendment that requires the authorised person to be suitably trained to ensure that the person exercising those powers does so in an appropriate manner. We are giving a great deal of attention to the training of transit guards and any other authorised person will be required to be properly trained. The amendment in my name limits the capacity of the chief executive officer to designate an authorised person for this purpose unless he or she is satisfied that the person is suitably trained to perform the functions under that subsection.

Mr M.F. BOARD: The words in this amendment appear to indicate that this is a new power. Is it an existing power that is being extended? A couple of weeks ago I was on a train. I love the trains; I just wish they ran down the right routes to maximise the potential for our community. There was a kafuffle on the train in which two transit officers demanded that a group of young people be removed from the train. They complied with that order and there was spontaneous applause from the commuters on the train because they had felt threatened by the group. The offenders were ordered to move from the train and they complied, although they had to be encouraged by some physical contact. Is this a new provision or just a further extension whereby the other security officers will be covered?

Ms A.J. MacTIERNAN: This is a formalisation of the practice. It is an attempt to make it clear that arrest is a last option. Clearly, under the circumstances the member described, the most appropriate course for all parties would be for the transit guards to have the right to get the person or the group out of the area where trouble was being created. It is the formalisation of an existing practice.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 66 to 68 put and passed.

Clause 69: Regulations -

Ms A.J. MacTIERNAN: I move -

Page 38, after line 21 – To insert the following –

- (4) The regulations cannot prohibit the possession of anything by a person who is on or in any vehicle, premises, or other place belonging to or under the control of the Authority unless the possession of that thing could result in a nuisance to any person or could endanger the safety of any person or any Authority property.

I will make it absolutely clear what the Government is doing with this provision. This clause is designed to address administrative and operational issues associated with the administration of the Act. The Governor will be empowered to make regulations covering those matters set out in clauses 69(2) and (3). We have inserted a new subclause (4) to make it clear what we are aiming to do. The policy intent behind subclause (3) is to ensure that persons do not have in their possession anything that is likely to cause harm or inconvenience to persons, or to cause damage to vehicles or property. This provision will operate when, for example, a person has a can of chrome paint, an axe, hammer or other item that could be used to cause harm to persons or property.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 70: Review of Act -

Ms K. HODSON-THOMAS: I move -

Page 38, line 28 - To insert after “practicable” the following -

after the first 12 months of the commencement of this section and

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If amended, the clause would read -

- (1) The Minister is to carry out a review of the operation and effectiveness of this Act as soon as is practicable after the first 12 months of the commencement of this section and after every fifth anniversary of the commencement of this section and in the course of each review the Minister is to consider and have regard to -

I think the amendment speaks for itself. It covers a concern we have. We would like a review to be held in 12 months in case the Public Transport Authority proves to be unsuccessful. I seek the support of the minister.

Ms A.J. MacTIERNAN: This is a totally unacceptable and unrealistic proposition. The Public Transport Authority would barely be up and running before it would have to be reviewed. The standard provision, including for some far more problematic organisations, is a review commencing after five years. It is really only after that time that there is any real prospect of the legislation -

Ms K. Hodson-Thomas interjected.

Ms A.J. MacTIERNAN: That is right, but this is a standard provision in legislation of this nature. There is nothing at all problematic, tricky or difficult about the nature of the organisation we are setting up; nor is there anything that would cause us to believe we need to deviate from past practice. It will take far longer than 12 months for the new organisation to stabilise. Organisational change is a very big undertaking, and there will need to be a period of consolidation following that change. This amendment would add nothing to good governance and would undermine the capacity of the organisation to plan and get public transport into a proper central focus.

Amendment put and negatived.

Clause put and passed.

Clauses 71 to 77 put and passed.

Debate adjourned, on motion by Ms A.J. MacTiernan (Minister for Planning and Infrastructure).