

President; Hon Graham Giffard; Hon Peter Foss; Hon Kim Chance; Deputy President; The Deputy President;
Hon Simon O'Brien; Hon Bruce Donaldson; Hon Murray Criddle; Hon Jim Scott; Hon Norman Moore

**PERTH URBAN RAIL DEVELOPMENT, TABLING OF QUESTIONS AND REFERRAL TO
STANDING COMMITTEE ON PUBLIC ADMINISTRATION AND FINANCE**

Motion

Resumed from 19 March on the following motion moved by Hon Peter Foss -

- (1) That the Parliamentary Secretary to the Minister for Planning and Infrastructure do -
 - (a) table in the House at the next sitting day three calendar days after the making of this order, full and complete answers to all the questions of which notice was given with respect to the Perth urban rail development proposal for the hearing by the estimates committee for the 2002-03 budget together with all the documents requested by those questions;
 - (b) attend before the Standing Committee on Public Administration and Finance at its next meeting after such tabling and thereafter and with such other witnesses as directed by that committee in order that the committee may satisfy itself as to the adequacy of such answers and tabling, and on any other matters arising out of those answers or which as a result of its inquiries the standing committee consider appropriate to inquire into.
- (2) The standing committee do generally inquire into and maintain parliamentary supervision over the Perth urban rail development and report to the House.
- (3) The standing committee do report to the House -
 - (a) with respect to the compliance of the parliamentary secretary with part (1)(a) of this order no later than three sitting days after the making of this order;
 - (b) with respect to compliance with part (1)(b) of this order, and any other matters related thereto, no later than 3 December 2003; and
 - (c) otherwise, as the committee deems fit from time to time.

Statement by President

THE PRESIDENT (Hon John Cowdell): We now proceed to the consideration of motions on notice. The first motion for consideration is the "Perth Urban Rail Development - Tabling of Questions and Referral to Standing Committee on Public Administration and Finance." Members will see the designation of a maximum debating time on any one item is now five hours and 30 minutes. However, I indicate to those who might be distressed by this new turn of events that the counting of five hours and 30 minutes will start only from now with this particular item. Therefore, any preliminary comments will not count in the allocation of time.

Point of Order

Hon GRAHAM GIFFARD: Previously, I spoke briefly on this motion and was in the process of explaining, in my own delightful way, the problems I have with its application, particularly with paragraphs (1)(a) and (b) as they stand. I will put to you, Mr President, a form of words that I think eloquently puts the situation and my concerns and I ask you for a ruling on them.

Members will see that paragraph (1)(a) requires me, as the Parliamentary Secretary to the Minister for Planning and Infrastructure, to table documents that deal with matters that came before last year's estimates committee. More importantly, paragraph (1)(b) suggests that, if necessary, I am to require public servants to appear before the Standing Committee on Public Administration and Finance. I seek your guidance, Mr President, on the question of whether I should be the person subject to the order. As a parliamentary secretary, I am not in a position to demand that the minister make available or allow me access to relevant information. Neither have I the power to require that a public servant do something. That lack of power will include my inability to demand the assistance of a public servant in the compilation of the information - assuming I was given access - and his appearing with me before the committee. My inability to comply with the order in its current form, should the minister refuse me access or assistance, leaves me in a difficult position. I therefore seek your ruling, Mr President, on whether the parliamentary secretary is properly named in paragraph (1)(a) and (b).

Statement by President

The PRESIDENT: I take the point of order and I note that, at least in his initial comments, the parliamentary secretary asked for my guidance rather than my ruling. It may well be guidance rather than a ruling that he receives.

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If passed, paragraph (1)(a) of motion 9 in the name of Hon Peter Foss requires the Parliamentary Secretary to the Minister for Planning and Infrastructure to table within a specified time material that relates to proceedings before last year's estimates committee. The parliamentary secretary represented the minister when the committee considered the estimates to which the proposed order relates. The parliamentary secretary has made the point that paragraph (1)(a) of the proposed order assumes that he, in his own right as parliamentary secretary, has possession or control of the information and access to departmental offices to assist in compiling that information in the form and to the extent that the proposed order requires. So far as paragraph (1)(b) is concerned, a further assumption is made that he has the authority to insist that a public servant appear with him before the Standing Committee on Public Administration and Finance. The parliamentary secretary argues that the assumptions implicit in paragraph (1)(a) and (b) are wrong and misconceive the nature of his office and the relationship that exists between minister and parliamentary secretary. He states that the relevant possession, control and access factors are entirely within the minister's purview and that he has no greater entitlement to the information than any other member. He also states that under no circumstances may he require any public servant to act in any particular way. Whether or not the parliamentary secretary is properly named in the proposed order will become an issue if, assuming paragraph (1)(a) passes in its current form, the parliamentary secretary fails to comply with its requirements. If compliance with paragraph (1)(a) fails, paragraph (1)(b), which relies on the provision of information required under paragraph (1)(a), is also breached.

The House, in making any order requiring compliance, intends the person named to be capable of acting in conformity with its terms. An order that is made against a person in the mistaken belief that the person can comply is unenforceable. This is to be contrasted with the more usual situation whereby the person named has the capacity but fails to comply with the order. The House is then in a position of deciding whether to insist or to excuse compliance.

Section 44A of the Constitution Acts Amendment Act 1899 enables a member of either House to be appointed by the Executive Council as a parliamentary secretary to a minister, with the parliamentary secretary's functions specified in the warrant of appointment. The office came into existence in 1990 and replaced that of honorary minister, provided for in section 44A, that had been enacted to give effect to a recommendation of the Joint Select Committee on Offices of Profit Under the Crown in its 1984 report. Schedule V of the 1899 Act is another result of that report. Section 44A(2) expressly excludes the office of the parliamentary secretary from being counted as an appointment to one of the 17 ministerial officers permitted by section 43. In contrast, the Commonwealth amended its Ministers of State Act 1952 so that in addition to 30 ministers, the Governor General may appoint a further 12 ministers under the title of parliamentary secretary. This was a response to the courts invalidating ministerial decisions purporting to have been made by a parliamentary secretary who, prior to the amendment of the 1952 Act, was not a minister. Appointment to ministerial office of the Commonwealth creates a fundamental difference between the commonwealth parliamentary secretary and one appointed under section 44A. Accordingly, what the High Court said about commonwealth parliamentary secretaries in *Re Patterson; Ex parte Taylor* [2001] HCA 51 and their capacity to exercise ministerial powers and administer, jointly with another minister, a government department, has no application to a parliamentary secretary in this State. In the 13 years that have intervened since the enactment of section 44A of the Constitution Acts Amendment Act, the House has acquiesced in parliamentary secretaries assuming a role equivalent to that of a minister. However, the House did not initially acquiesce in that regard. It is as if section 44A can be read as requiring the appointment of parliamentary secretaries as ministers. The questions put to me illustrate the difficulties that present themselves when usage of the House based on mutual convenience creates a belief or expectation in the right or capacity of a parliamentary secretary that, when tested, is found not to exist. I note for example that the advice given to the Governor in Council is to appoint a person as a parliamentary secretary with the functions of having the carriage of government legislation and assisting the minister and the Leader of the House in carrying on their respective parliamentary business.

It would be premature for me to make a ruling at this stage when the House has yet to decide whether to make the order on parts (1)(a) and (b) of the motion. Should the order pass in its current form, and through no fault of his own the parliamentary secretary finds that he cannot meet its requirements or meet them within a specified time frame, he should report to the House at the earliest opportunity so that it can deal with the matter. My initial impression is that no question of privilege would arise from the parliamentary secretary's inability to comply with the order because of a legal or factual impediment. I provide that advice for the guidance of the parliamentary secretary and members. Honourable members would note that it is not a ruling so as to interrupt debate or continued consideration of this motion at this stage.

Hon PETER FOSS: Thank you, Mr President, for your helpful advice, which pointed out some of the problems that were raised earlier with regard to the role of parliamentary secretaries, which we passed over rather than dealt with. I will raise one matter, which relates again to a point of guidance and to your interpretation of part (1)(b) of the order. In my view - I may be wrong and your guidance would be helpful - the words "and thereafter

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and with such other witnesses as directed by that Committee” merely acknowledge that it was not expected that the parliamentary secretary would himself be obliged to satisfy the committee in accordance with paragraph (b) but that the committee would direct other witnesses to also turn up to answer questions. It was not intended to direct the parliamentary secretary to direct those witnesses to attend, but that the committee would direct the witnesses to attend. Therefore, they would be summoned as witnesses by the committee rather than the parliamentary secretary being obliged to summon them. I can read it as meaning that. If that is not your interpretation of this matter, Mr President, perhaps I could receive some further guidance, because I do not believe it has the meaning you attributed to it. I see it more as referring to the committee being able to direct witnesses to turn up rather than directing the parliamentary secretary to do so. In such cases, that would be covered by the Parliamentary Privileges Act.

The PRESIDENT: I take into account that point of clarification. Indeed, if the order is clarified in that regard, clearly any ambiguity will be removed. Of course the principal question still arises under part (1)(a), but I thank the honourable member and mover of the motion for that clarification on part (1)(b).

Hon KIM CHANCE: I crave your indulgence for a moment, Mr President. I thank Hon Peter Foss for his comments, because the same question arose in my mind. With that clarification, perhaps a clarification of part (1)(b) needs to be put that beyond doubt. I seek further guidance on the original question, subsequent to the information that you have made available to the House. It seems as though the question revolves around whether the parliamentary secretary has the powers to provide the information subject to the motion. In your advice to the House, you said that this would only become obvious once tested, if I can paraphrase your words. It is on that matter that I seek your further advice. It seems clear that a parliamentary secretary is not a person who has access to the powers to direct the release of that information. That is the question. This matter does not need to await resolution as to whether there is a failure of the order. It is a pre-emptive question that should be put in terms of whether this order is already doomed to failure because of the adequate demonstration of the incapacity of the parliamentary secretary to direct such information to be provided. The question therefore is: is the question a nonsense or not? If it is a nonsense, it ought to be ruled out of order.

The PRESIDENT: The motion we are considering is not a nonsense, because clearly there is no problem with many parts of it being applicable and enforceable. As I pointed out, it may well be that some parts of the motion that remain unaltered or unclarified, in terms of the intent of the Chamber, may be null and void in the sense that there can be no mechanism to ensure compliance. That does not invalidate the rest of the motion. Indeed, if further clarification is provided prior to the conclusion of debate on this matter, there may be no problem with any part of the motion. That remains to be seen. That is why I leave it in the hands of the House, having said that some parts may not be capable of being enforced. We will see what the final version is.

Hon PETER FOSS: I thank you for that, Mr President, because I happen to agree entirely with your analysis of the matter. It seems that we have a quandary; that is, we have, to a large measure, accepted parliamentary secretaries as if they were ministers. We have allowed them to introduce Bills, handle business, appear at estimates committees on behalf of the minister and so forth. If the House makes the order in its present form, the Government will be faced with a further quandary: will it enable the parliamentary secretary to comply with the order, which of course is well within the capacity of the Government to do, or will it defy the order? That would lead us to a problem in this House, because at that stage we would have to decide whether to allow parliamentary secretaries to be recognised almost as quasi-ministers in any event. To some extent it is worth testing the Government on that issue to see whether it will leave the parliamentary secretary to float on his own, depending on whether he can make that excuse to the House. It is a reasonable argument. The parliamentary secretary earlier interjected on me and I said that if he wanted “parliamentary secretary” substituted with “minister”, I would do so.

The reality is that we will shortly make a decision one way or another on whether a parliamentary secretary will be recognised and treated by the Government as if he were a minister. If that is the case, the order will be obeyed and the question of whether it needs to be enforced will not arise. That is the point you made, Mr President. If it is obeyed, the issue of enforcement will not arise and we will not need to worry about it. If it is not obeyed, the House will decide whether to take action against the parliamentary secretary. That will be a decision for the House to make, rather than the President, on whether it should cast the order across to a minister in order for it to be obeyed. The process you have indicated is very helpful, because government and opposition members should think about this issue prior to its coming to a vote, because the ramifications of a Government refusing to honour a parliamentary secretary as a minister may in fact go further once we look at this issue in other contexts. I accept your guidance, Mr President, because it sets us all thinking about what the consequences might be of taking a defined point.

Motion Resumed

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HON GRAHAM GIFFARD (North Metropolitan - Parliamentary Secretary) [2.19 pm]: Thank you, Mr President, for the advice and guidance.

I have some difficulty with other areas of this motion, not only in the strict sense of whether I am able to comply with it, but also whether it is nonsense in other respects. The motion proposes to exercise parliamentary supervision over a government infrastructure project. That, on the face of it, does not appear to be a commonsense approach. This project has been authorised by Parliament. The enabling legislation for the project passed through this place last year and the Government at its discretion is authorised and able to proceed with that project. This motion purports to impose on the project undefined parliamentary supervision. I am not sure what that term means. It appears to seek to impose retrospective supervision over a project that the Government at its discretion is empowered to proceed with. Other issues in the motion that are problematic, although not in a strict or legal sense, were canvassed a moment ago and commonsense leads me to the view that the motion is nonsense. It is hypocritical of members opposite to propose a motion that contains propositions that they would simply never have entertained when they were in government. They would have been more than arrogant and would have brushed off the motion in an outrage. Members opposite would have simply dismissed the motion.

Hon Murray Criddle: You are making allegations about the previous Government.

Hon GRAHAM GIFFARD: I am.

Hon Murray Criddle: I think you should justify them.

Hon GRAHAM GIFFARD: Members opposite would not have taken this motion seriously.

Hon Murray Criddle: So, you can't justify it; it is as simple as that?

Hon GRAHAM GIFFARD: I will come to that in a moment.

Hon Peter Foss did not get the answers he wanted to questions that were raised in the estimates committee last year. The question of full and complete answers to questions is, in itself, an issue, in addition to the conventions of this place, what the House has traditionally accepted as answers and whether members take issue with the adequacy of those answers or regard them as full and complete. From the first time I came into this place I observed an interesting approach taken by ministers when answering members' questions. Clearly a discretion is allowed in the answers given by ministers. I understand that is the convention of the House. We could have an argument on many occasions about whether a member of this place considers an answer to a question to be full and complete. That is not unique or particular to these circumstances.

However, the context of this motion is that questions that were asked by Hon Peter Foss at the estimates committee were not provided satisfactorily. Notice of the motion was given on 13 August last year. I believe the information that was sought during the estimates committee was subsequently tabled in documents provided in the supplementary master plan and further information was provided in more specific and direct answers that were essentially taken from the supplementary master plan.

The motion now before us is redundant. To the extent that there was ever justification for the motion, that time has now passed. The supplementary master plan was tabled on or about 13 August - certainly in mid-August. That plan contained much of the information sought by Hon Peter Foss and many other members during the estimates committee. Also, in November last year the House considered the enabling legislation for the project.

Hon Simon O'Brien: You still did not have the information that you should have provided.

Hon GRAHAM GIFFARD: That is not true. A large stack of documents was tabled during that debate. It is true, and I have acknowledged -

Hon Simon O'Brien interjected.

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

Hon GRAHAM GIFFARD: I have acknowledged that those documents were requested and were delivered late to members. I have also acknowledged that I regret that situation. The answers that were given during that debate must be clarified. Members must understand that those answers were not provided for the first time; those answers had been provided when the supplementary master plan was released. Many answers provided during the estimates committee hearing stated that information would be contained in the supplementary master plan. The supplementary master plan was subsequently tabled. In that sense the information was provided to the House and members were directed to it. Consequently, particular information was drawn from the supplementary master plan. The answers were essentially reformatted for members' ease so that they could have both the question and the answer provided to them. It was really just a question of process.

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I recall making a statement on 12 November in this place, which was true then and remains true. In part, I said that all of the questions asked by the Opposition were answered either during the committee hearings or by way of supplementary information. I explained that some of the responses given by way of supplementary information referred to the fact that the information sought would be contained in the supplementary master plan. The supplementary master plan was released on 13 August 2002 and was tabled in Parliament. I said that in order to assist the Opposition I had asked for the responses given by way of supplementary information to be amended to include information that was contained in the supplementary master plan. I explained that this would make it easier for members opposite, who would now not have to refer to the supplementary master plan, tabled in this place in August 2002, to obtain the answers to their questions.

Everything except the document containing the patronage workings had essentially been dealt with as a result of the estimates hearings. The patronage paper that was referred to at that time has since been tabled in the Legislative Assembly. It was tabled in this place by Minister Chance on my behalf on Tuesday, 4 March. That was the last piece of information that was required. Members will recall that on that day the House was advised that that paper was no longer in draft form, that it had been finalised and that it was in a form that was able to be tabled in this place. It was tabled.

The Government's preferred route, known as the fast, direct route, has been subjected to extensive parliamentary scrutiny. The Railway (Jandakot to Perth) Bill was debated for over 25 hours in the Legislative Assembly, and there were many hours of debate on it in this place. I am advised that over 100 parliamentary questions have been asked and a number of motions, including this one, have been debated.

Hon Simon O'Brien: How many answers have been received?

Hon GRAHAM GIFFARD: That is the age-old complaint from the people on that side. They do not like the answers that are provided and they are always complaining.

Hon Peter Foss: We have not had 100 parliamentary answers. That is the pity. That is what this motion is trying to get.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members! If there are fewer interjections, you may get to hear the answers you want.

Hon GRAHAM GIFFARD: Numerous documents and reports have been tabled in both the Assembly and the Council. No doubt members will have further opportunity to scrutinise the project through either the estimates processes or further motions that I am sure will be moved from time to time.

Our view is that a referral of this matter to a parliamentary committee would be a waste of time.

Hon Peter Foss: That is quite possible.

Hon GRAHAM GIFFARD: It would be. We do not think this proposal has anything to do with scrutiny of the project. As I indicated earlier, I am not sure how such scrutiny would come about. I ask members to think about the genuineness of the motives of the people who are now arguing that this matter ought to be referred to a committee. In 1997, when we were in opposition, the now Minister for Planning and Infrastructure sought the then Government's agreement to establish a parliamentary committee to examine the issues associated with a rail line from Perth to Rockingham and Mandurah. That was in 1997, a long time ago.

Hon Murray Criddle interjected.

Hon GRAHAM GIFFARD: That was a genuine attempt to obtain a bipartisan approach to an important project without impacting on the timing of the project. In our view, there was an opportunity in 1997 to have this matter referred to a parliamentary committee. Importantly, the deliberations of that committee would not have prevented progress of the project. The then Government rejected that request. It decided that it did not want this project referred to a parliamentary committee and that it would proceed with the project as it was. However, I note that in eight years of government the coalition did not make very much progress. It now wants to send this government project to a committee for consideration. It is clear to me that those opposite would like to stop the construction of the rail line. We are determined to prevent that. During the many parliamentary debates about this project, it has become very clear that the Opposition did not give this project priority when in government. It certainly did not give the project the priority that this Government has.

Hon Murray Criddle: We worked on it. Where have you been?

Hon GRAHAM GIFFARD: The coalition went at an absolute snail's pace.

Hon Simon O'Brien interjected.

Hon GRAHAM GIFFARD: They were going to do it but they did not do it.

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Hon Peter Foss said that his Government made a mistake in proposing an extension of the railway to Rockingham and Mandurah.

Hon Peter Foss: That is my personal opinion. I am allowed to have those.

Hon GRAHAM GIFFARD: That is his personal opinion. The member for Warren-Blackwood stated that the project was well and truly ahead of its time. The Leader of the National Party - remembering that a National Party member was the Minister for Transport - said, when asked, that he did not support the rail project. The opposition spokesperson for transport, the member for Carine, has claimed that the State cannot afford this railway.

Hon Peter Foss: Not after you changed the route.

Hon GRAHAM GIFFARD: She says that despite the fact that her Government was going to build it. The Opposition says it would have opened stations by now.

Several members interjected.

THE DEPUTY PRESIDENT: Order!

Hon GRAHAM GIFFARD: Her argument is that even though the coalition was going to build it, the State cannot afford it.

Hon Norman Moore: It is a different railway line.

Hon GRAHAM GIFFARD: It is a different railway line. Ours is a fast, direct route, and the coalition's was not. The coalition's route was the Kenwick deviation.

Even the federal Government is getting in on the act by saying that we should be building roads rather than railways. The coalition did not lay any rail during its eight years in government. We do not think it has any real commitment to rail. It has no commitment to the provision of a first-class rail service to the people of Rockingham and Mandurah. We will not allow that to be prevented. The people of Rockingham, Mandurah and the south west metropolitan region have waited a long time for this railway.

Hon Peter Foss: They will wait longer because of you.

Hon GRAHAM GIFFARD: We will deliver it, despite what members opposite say.

Hon Peter Foss: Despite your best endeavours to postpone it.

Hon GRAHAM GIFFARD: Despite whatever spoiling tactics they might want to try, we are committed to delivering this project.

One of the criticisms of Hon Peter Foss was that the patronage modelling was not undertaken prior to the announcement of the fast, direct route in July 2001.

Hon Peter Foss: I just want to know what you did know.

Hon GRAHAM GIFFARD: I point out that the previous Government did not undertake patronage modelling prior to making its decision about the Kenwick deviation.

Hon Peter Foss: We disclosed what we based our decision on. You have been kidding us that you had something in front of you. You did not.

Hon GRAHAM GIFFARD: That is a nonsense.

Hon Peter Foss: You never tabled what the minister had in front of her at the time.

Hon Simon O'Brien: Because it did not exist.

Hon Peter Foss: You made it up.

Hon GRAHAM GIFFARD: The previous Government did not undertake patronage modelling prior to making the announcement about the Kenwick deviation. It made its decision in 1994 but did not undertake patronage modelling on the route until 1998. As Hon Murray Criddle just said, the modelling was undertaken in 1998 as part of the master plan process. However, the coalition had made its decision about the route four years earlier. Yet, it criticises us for not doing the patronage modelling until after the decision had been made.

The approach that we took was similar to that of the previous Government. The previous Government made a strategic decision, and we made a strategic decision to adopt a fast, direct route. We then commenced the supplementary master plan process, which included the patronage model that we speak of.

Hon Murray Criddle: Is that the one you tabled about three weeks ago?

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Hon GRAHAM GIFFARD: I will get to that.

The patronage modelling was not undertaken before making the strategic decision, that is true. I am advised that it is well known that there is a direct correlation between travel times and patronage. One of the papers used in the preparation of the master plan for the Kenwick deviation was called "The Modelling of Patronage Forecast for the South West Metropolitan Railway Master Plan", prepared by Asymptote Consulting. The report discusses the elasticity of demand to changes in journey time giving a range of 0.54 to 0.63, which means that if there is an improvement in a journey time of 10 per cent, there would be an increased patronage, according to that formula, of 5.4 to 6.3 per cent.

Notwithstanding the well-recognised correlation between travel times and patronage, the Government undertook a comprehensive master planning process for the fast, direct route. The master planning process included detailed patronage modelling. It was not unusual, in the preparation of both our master plan and the previous Government's master plan, for the authors to be working from working papers and for the final documents to be completed after the release of the master plan. Indeed, I am advised that the patronage paper prepared for the previous Government's master plan never reached final status - that is, it is still a draft document. The authors of the original master plan and the supplementary master plan advise that numerous working papers were involved in the preparation of the master plan. To have had all those in a final form for when the master plan was released would have taken up a large amount of time and resources and would almost certainly have delayed the release of the master plan and potentially the timing of the project. Again I make the point that this applied to both this Government and the previous Government because the processes that were followed were similar.

During the debate on the Railway (Jandakot to Perth) Bill, I gave an undertaking to Hon Peter Foss and Hon Simon O'Brien that I would table the patronage paper when it was turned from a working paper into a final report in a form that was suitable for public release. As I said, that has now been completed. That paper was tabled in the Assembly in February and was tabled here in March. That paper is not the result of any new work undertaken on the project since the completion of the supplementary master plan.

Hon Peter Foss: In other words, it was a reworked model.

Hon GRAHAM GIFFARD: I know Hon Peter Foss has a view on these things, but he is ill-informed and I am trying to inform him. The paper draws together the work that was undertaken as part of the process of the supplementary master plan. It includes the projected patronage figures that appear in the master plan for the fast, direct route. The patronage modelling and associated paper were prepared by Asymptote Consulting, which also undertook the patronage modelling for the Kenwick deviation.

I want to put on the record in this debate a couple of issues relating to the Kenwick deviation. They are unresolved issues that were associated with the previous Government's project proposal. I am advised that the patronage increase due to the significant travel time savings was only one of the reasons for making the strategic decision for the fast, direct route. The Kenwick deviation had a number of problems. It was approximately 11 kilometres longer than the route that the Government has chosen. That distance added to the journey time by at least 12 minutes each way from Thomsons Lake South, which undermined the competitiveness of the system with the motor vehicle.

I am advised there were other problems with the Kenwick deviation. Even to achieve travel times of 60 minutes from Mandurah and 48 minutes from Rockingham, significant alterations were required to the infrastructure and train schedules on the Armadale line. A couple of stations were to be closed. Trains travelling to and from Mandurah would have stopped at only a limited number of stations between Kenwick and Perth. A major change was also required to the operation of train services between Perth and Armadale to accommodate the integration of the limited stock trains from the south west and the amended timetable for the Armadale trains. It would have added a layer of complexity to the Armadale line, which, according to figures I have been given, currently carries responsibility for 55 per cent of the entire system's passenger delay impacts - that is, incidents that could cause delay to passengers.

Hon Murray Criddle: That is because the trains stop to pick up people on that route.

Hon GRAHAM GIFFARD: They do, and that is the point I just made. The Kenwick deviation plan integrated a train that would stop at shorter intervals with a train from the south west that would not stop at as many stations and would travel faster. That is an additional complexity. In addition, the line carries 55 per cent of the system's potential delay impact. Therefore, there would be complexities added to complexities.

Hon Murray Criddle: The train stops to pick up people. That is crazy!

Hon GRAHAM GIFFARD: Of course it does. I am not saying that the trains should not stop.

A number of existing level crossings between Burswood and Kenwick were to be retained.

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Hon Murray Criddle interjected.

Hon GRAHAM GIFFARD: The member has gone right off on a tangent. Perhaps he will come back when he is ready.

Hon Ray Halligan: You are giving us a lot of drivel to justify your stance. Just provide some facts and figures; do not disguise it.

Hon GRAHAM GIFFARD: It is nice to know the member is still awake.

The level crossings that were to be retained included Mint Street in Carlisle, Hamilton Street in Queens Park, Wharf Street in Cannington and William Street in Beckenham. A significant number of vehicles pass through those crossings during morning and afternoon peak periods. Eight trains an hour plus the *Australind* service currently operate each way on the Armadale line between Kenwick and Perth during the peak period. Under the Kenwick deviation proposal, there would have been up to an additional 12 trains an hour from the south west line, bringing up to 20 trains an hour each way in addition to the *Australind* service. There are four level crossings with significant vehicular traffic. That is a lot of lost time for drivers. With 41 trains per hour passing through those crossings, during peak periods they would have been closed for 26 minutes, I am told, although I cannot believe that it is for that short a time; it is a kind figure, I think. However, for 26 minutes an hour during the busiest periods of the day the previous Government was proposing to close four railway crossings.

Hon Bruce Donaldson: There would have been grade separation, and you know it.

Hon GRAHAM GIFFARD: They were existing level crossings that were to be retained.

Point of Order

Hon SIMON O'BRIEN: I raise the issue of relevance. The parliamentary secretary is addressing the debate that we have already had on the railway Bill rather than the motion, which is about the accountability of parliamentary secretaries and their requirement to answer questions. Perhaps in giving these facts and figures the parliamentary secretary is indicating that there is a capacity for a committee to look at those issues that have not been answered. However, it seems to me that he is having a re-run of the railway Bill and is not talking about why this Government should be required to answer questions when this Parliament through its committees requires an answer.

Hon GRAHAM GIFFARD: That is further evidence that there is one rule for us and another rule for members opposite. This has been a wide-ranging debate. I draw your attention, Madam Deputy President, to the contribution of Hon Peter Foss, who, after looking at documents that were provided subsequent to the estimates, has raised a wide range of issues that were not raised during the estimates. We have already had almost three hours of wide-ranging discussion from the mover of the motion. I think I am well within the ambit of the motion.

Hon PETER FOSS: The reason I raised those issues was to point out the sorts of things the committee could have inquired into had it received the answers. We do not want the answers now. We are saying to the Government that the reason we are entitled to have those answers is that these are the questions that we could have asked had we been given those answers. Whether there is an answer to those questions now is really irrelevant. If anything, that would seem to go towards what Hon Simon O'Brien has said about whether the committee has the capacity to find the answers to those questions.

Hon GRAHAM GIFFARD: I am pointing out the absolute hypocrisy of the former Government.

Hon Peter Foss: It is called relevance.

Hon GRAHAM GIFFARD: It is relevant. Members opposite are absolute hypocrites. The former Government had unresolved issues in its Kenwick deviation. It did not want a parliamentary report. I am drawing the attention of the House to the fact that the mover of the motion and his colleagues are hypocrites.

Hon Peter Foss: No, they are not. The issue is relevance. That is what it is called.

The DEPUTY PRESIDENT (Hon Adele Farina): Order! I note that there has been a very wide-ranging debate on this motion, during which a number of issues have been raised, in some instances by way of questions. In that context, it is proper for the parliamentary secretary to address those issues. However, I ask the parliamentary secretary to begin to conclude his remarks on those matters, or address only those matters that have been raised by way of questions, and address the matters in the motion.

Debate Resumed

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Hon GRAHAM GIFFARD: Thank you, Madam Deputy President. Hopefully with a minimum of interjections I can move speedily through this part of my submission. The point I am making is that the additional trains on the Kenwick deviation would have pushed the boom gate closures on those level crossings beyond acceptable limits. Members opposite have interjected by talking about grade separations. That is probably true. They were not in the master plan, but there probably would have had to be grade separations. I am told that the cost of grade separating these four level crossings was estimated to be \$20 million. That was not included in the budget. I think members opposite are probably right. It was inevitable. However, that was not included in their budget and was not part of their planning. It is also true that the Kenwick deviation would have required a greater number of railcars. Originally 117 railcars were to be purchased to service the demand on the Kenwick deviation. With the direct route, that was able to be reduced by 20 per cent to a total of 93 railcars due to the reduced journey distance and the ability of the railcars to achieve their potential on the new line rather than be slowed down on the deviation. The south west metropolitan railway master plan required an amount of new works to the existing track infrastructure on the Armadale line when bridge or station works needed to be carried out. I am advised that the new track works would have been provided with concrete sleepers and higher standard rail than currently exists on that line. I am also further advised that there was recognition, but no funding provided, in the master plan that in the years following the introduction of the services along the Kenwick deviation the increased amount of train services would have caused an accelerated rate of decline in the track condition.

With regard to the effect of the projected population on the demand for train services, I understand that it is projected that by 2029, 25 per cent of the metropolitan population will reside in the south west region. By 2021, the projected patronage demand will require 20 trains an hour on the Clarkson-Mandurah alignment. The Kenwick deviation restricted that number of possible train services from the south west metropolitan railway to 12 trains an hour due to its integration with the Armadale line, which has a maximum capacity - Hon Barry House: Obviously it will need to be upgraded.

Hon GRAHAM GIFFARD: Yes. How much did the former Government intend to spend on that?

Hon Barry House: It will need to be upgraded anyway.

Hon GRAHAM GIFFARD: That is right.

Hon Barry House: You are talking about a further study.

Hon GRAHAM GIFFARD: The member is interjecting and saying the former Government had planned obsolescence. That is fine; I accept the interjection. The Armadale line has a maximum capacity of 20 trains. Hon Barry House is right. It was planned to be obsolete in a few short years. It would not have been able to accommodate the future rail network patronage growth as it would not have been able to cater for the additional train services that will be required in the future. It would not have been able to cope in the way that the fast direct route will be able to cope with and accommodate that substantial growth. The fast direct route facilitates effective management of forecast growth in patronage demand and supports the operation of up to 20 trains along the Clarkson-Mandurah alignment.

The final unresolved issue is how to cater for the expected major increase of passengers at Perth station. The number of passengers passing through Perth station was expected to double over time, and while approximately \$10 million dollars had been allocated to deal with the extra train services and passengers, the detailed design of how to deal with that congestion - the ingress and egress - had not been done. That is further proof that the former Government was not serious about giving priority to this project and had not thought about how it would accommodate the increase in passengers coming into and out of Perth station. By comparison, to demonstrate the genuineness of the Government, the provision of new platforms to the existing Perth city station under the central route recommended by the Perth City Rail Advisory Committee means that Perth city station will be able to cater for future patronage growth.

Hon Peter Foss raised a number of issues relating to the documents he received that were originally asked for during the estimates committee. He made the point that if he had received those documents during the estimates committee, he would have been able to raise the issues at that stage. I am advised by the minister's office that clarification is required on some of the issues raised by Hon Peter Foss. The first issue relates to the failure to provide a digital survey data. The digital survey information referred to was not provided as part of the tabled information, because the data is a mass of data that was printed by the surveyors, and essentially it is unintelligible. Engineers have used that data in electronic models and in their assessments of aspects of the railway, but generally it is unintelligible. Hon Peter Foss also referred to the widening of the South Street bridge. The Brand report, which refers to the widening of the South Street bridge, was commissioned in mid 2001. Since then, considerable ongoing work has been undertaken to determine the most suitable configuration of the station and the road capacity at South Street and the freeway ramps. This work concludes that there is no

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need to widen the South Street bridge and that the most advantageous solution to vehicle access and the provision of sufficient parking capacity to meet the demand requires the relocation of the south bound on ramp.

This ramp will need to be located close to the eastern boundary of the freeway reserve. In that regard, where modelling indicates a requirement for noise barriers, they will be provided as part of the project. Hon Peter Foss also referred to the relocation of the South Street ramp. I am advised that the relocation of the ramp was contemplated in the supplementary master plan, where it is shown as figure 23. The cost of relocating the ramp is included in the overall project budget.

The effect of wind was raised as an issue in the design of the South Street Station. The Brand report considered a range of architectural considerations in the concept design of that station, including the bus way, parking planning, structural considerations, hydraulic services, vertical access, the nature of the environment on the platform and the bus deck level. The wind factor is but one of the considerations raised in the report - this is an acknowledged factor - and requires specialist treatment in the design of transport infrastructure. The report indicates that due to the location and orientation of the structure of the prevailing winds in Perth, detailed consideration of those winds is required at the next stage of design. There is nothing untoward in that advice; it is the advice of an experienced architect who was the project architect for both the Warwick and Whitford stations. Therefore, he has extensive professional experience.

Hon Peter Foss also referred to the screenings on the existing bridges and overpass. The final form of the safety screens for each specific bridge structure will be subject to detailed design and agreement with Main Roads WA. A number of pedestrian and road bridges will pass over the electrified railway. A suitable system of screening is required to ensure that people are kept well away from the point at which they may come into contact with any electrified equipment. Even though the final design of the bridge screening has not, at this stage, been decided, it is useful to refer to the type of designs adopted for both footbridges and road bridges above the northern suburbs railway. In most cases, especially on the freeway, aesthetics were a major consideration and clear polycarbonate screenings were adopted to minimise the visual bulk of the screens.

Much of what Hon Peter Foss said did not directly relate to the motion. I say that because, as I indicated before, the issues he raised were subsequent to receiving the documentation he had asked for during the estimates committee. Therefore, he raised consequential issues that are not directly relevant to what is said to be the justification for this motion. Earlier in his contribution, Hon Peter Foss asked - it was not an unreasonable question - how the House will deal with estimates. That is not a bad question. He made some pertinent observations, and, having sat on both sides of the Chamber, I too have not always been happy with some of the answers and information that have been provided. To that extent, I am sympathetic to Hon Peter Foss's reasoning in raising that issue. I am not sure whether he is genuine and passionate about that, because in the first year I was a member in this place, not too many government ministers objected to the lack of detail that was provided to opposition members. It is often said in this place that one's perspective is determined by where one sits in the Chamber.

Hon Norman Moore: That is a very cynical approach.

Hon GRAHAM GIFFARD: I have heard many members utter that expression. It is cynical, but my youthful enthusiasm gets me over the line. I am not necessarily that cynical.

Hon Simon O'Brien: Perhaps you need a bit more enthusiasm and a little less of the premature bitter and twisted.

Hon GRAHAM GIFFARD: I thank Hon Simon O'Brien for his sage advice.

I have some sympathy for the point raised by Hon Peter Foss. Importantly, however, this motion will not go any way towards addressing or alleviating the frustration that some members may feel with the answers they receive during question time or estimates. I am sure, quite genuinely, that members on both sides of the House know and understand that frustration.

I support Hon Peter Foss's point that advice to departmental officials ought to spell out very clearly their obligations when appearing as witnesses before a committee of this House. I support that view. It is very important that departmental officials are given clear advice about their obligations. I support Hon Peter Foss's contribution to that extent. Alas, that is not what this motion is about, and its passing will not go any way towards resolving the issue.

I cannot support this motion for a number of reasons. Earlier the President ruled on (1)(a) and (1)(b) of the motion. In my opinion, (1)(a) of the motion has been complied with, because all the information that was asked for has now been provided to this House. I say to members genuinely and honestly that I do not understand the expectation that I should provide more information and answers. As far as I am concerned, we have provided

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answers to all the questions - in fact, they have been repeatedly provided and made easier to understand each time - and all the documents that were requested have been provided. As I have indicated, I will do what I can, but I cannot do what I cannot do, and a motion cannot compel me to do what I cannot do. To ask me to agree to a motion that logically and clearly puts me in that situation, places me in an invidious position.

I also reject the motion because it purports to exercise parliamentary supervision over a government project that the Parliament has already authorised. On the face of it, I do not understand the term "parliamentary supervision" and whether it has a particular meaning. However, I cannot see how the Parliament can supervise a major government infrastructure project. It is hypocritical to the extreme. I do not think members opposite, when they were in government, would have ever entertained this notion. I note in 1997 that they declined to refer the matter of the route of the railway to a parliamentary committee. Now they are in Opposition some six years later and they think it is a good idea, just as we are about to embark on this project.

Hon Norman Moore interjected.

Hon GRAHAM GIFFARD: The member accused me of being cynical a minute ago.

Many of the issues raised by Hon Peter Foss did not arise during estimates. Much of his contribution, as interesting as it may have been at times, was not necessarily something that goes to the reasons for the motion. They are issues that he has reflected on, thought over and raised subsequent to the estimates, which he is entitled to do. However, those issues were not germane when he raised them in August. As I indicated, the one point he made for which I have some sympathy is: how will the House deal with estimates? However, that will in no way be served by this motion. If he genuinely wants to address that issue then he should deal with it directly. He should seek to address that issue - it will be unsuccessful anyway - by scuttling the fast-direct route to Mandurah that people in the southern suburbs have been promised and are eagerly awaiting.

This motion does not deserve our support for those reasons and we will vote against it.

HON SIMON O'BRIEN (South Metropolitan) [3.14 pm]: The comments made by the parliamentary secretary are interesting in that he addressed a range of matters that do not need to be addressed. He also failed to address some important matters that should be addressed and are intended to be addressed by this motion, but that he and the script writers in the minister's office who provide him with his notes are determined not to address. They can take the ostrich "head in the sand" approach to these matters when in government and bend over and stick their heads in the sand so that they cannot see what is coming and somehow pretend that they are protected. However, they must understand that they are also exposing their backsides to a good swift kick. Perhaps that is the tonic that might help them get over some of their arrogance but, in the case of this Government and this minister in particular, that arrogance has already assumed terminal proportions and has reached the point of no return.

Earlier I raised the prospect that perhaps we were starting to stray into matters already canvassed as articles of policy under the railway Bill of last year. That point of order was argued by members on the floor. Mr President, you ruled then that there was some scope available to the debate and I respect that ruling. Who knows, in the course of the next few minutes I might even take advantage of it myself. However, I draw members' attention to the substance of this motion, which has nothing to do with whether railways are built, how they are built, how many passenger figure reports are needed, how much it will cost, how much debt there will be or anything like that. This motion is about parliamentary secretaries and, through them, the Government being accountable to this House. More importantly, it is about this House exercising a level of scrutiny over the actions of the Government. There is not much point in having a parliamentary process if that basic function cannot be exercised. Fortunately I, along with, I am sure, the vast majority if not the totality of members in this place, share in the sure and certain knowledge that our Parliaments have the capacity to scrutinise the actions of government, as they have done in the past and will do in the future. The aspect that varies is how long it takes for an obstinate Government with things to hide to come to heel. But come to heel it will. The only variable yet to be measured, and we will measure it whether it be through this motion or through some subsequent proceedings, is the amount of kicking, screaming and clawing we will see exhibited by this recalcitrant parliamentary secretary before that occurs. That is the only question that remains to be answered.

The motion by Hon Peter Foss was placed on notice on 13 August 2002. It is probably some form of comfort to know that we are now in the final period in which this motion can be considered. I look forward to getting an outcome. However, certain things have occurred with the fluxion of time, including the tabling of some material by the parliamentary secretary, which perhaps requires this motion to be updated a little. In due course I shall move an amendment to make some minor changes to it. Before I do that I will remind the House of what actually brought us to this juncture.

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I refer to page E521 of the *Hansard* record of the council estimates committee that dealt with proceedings on Monday, 10 June 2002. At 10.47 am the Chairman of the estimates committee at that time Hon George Cash advised the committee that -

At the conclusion of the questioning on Main Roads -

That happened immediately prior to these remarks -

I was asked if agreement could be reached to swap the hearing on the Western Australian Planning Commission with the Perth Urban Rail Development Project Office. The majority of members have agreed. I have indicated to the parliamentary secretary that the committee will now take that course of action. We will therefore be dealing with the Perth Urban Rail Development Project Office.

The committee, which was in effect a Committee of Whole House, agreed to a request to swap around some sessions in the course of the estimates hearings on that day. I remember that happening. It was not an unreasonable request to make, and it was not an unreasonable request to which to accede. Indeed, that is what happened on that occasion. If we were to examine vote A or vote B, it did not matter whether the initial time slots that had been envisaged for those votes were swapped around. That was not the problem. We did that to cooperate with representatives of the Perth Urban Rail Development Office, who were not going to be available at a later stage because they had to participate in some form of media announcement in connection with the railway. That is fair enough too. I acknowledge that if the estimates committee had refused permission for that swap, the parliamentary secretary had indicated that the persons who were required to be at the estimates hearing would still attend, even if that were inconvenient for them. That is as it should be. One question is whether they have any choice in the matter. This matter needs to be tested, because this issue is not about the railway. As I have indicated, debate on that issue has occurred on several occasions. It will continue to be an issue, but debate on the Bill is completed. A Bill has gone through this House and various courses of action will now ensue.

Hon Graham Giffard: Why is there a reference to parliamentary supervision of the project?

Hon SIMON O'BRIEN: I plan to come to that. The point that needs to be clearly made, understood and accepted is that this is not a debate on the railway.

Hon Ljiljanna Ravlich: You have said that 10 times.

Hon SIMON O'BRIEN: I am still not getting through to some of the thick members on the parliamentary secretaries' bench. That is why I keep repeating myself. The parliamentary secretary's inane interjections show that it has not yet got through to her.

Hon Ljiljanna Ravlich: You don't have to keep saying the same things again. Don't you have anything new to add?

Hon SIMON O'BRIEN: Coming from one of the world's great stuck records, I find that comment extraordinary. Perhaps the parliamentary secretary will show us an expanded vocabulary when she is next in opposition. Perhaps she has picked up a few new cliches.

Several members interjected.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members!

Hon SIMON O'BRIEN: I am trying to progress so that other members can have their say. It is just that one of the parliamentary secretaries was interjecting. She might have encouraged others to do so, which would have been awful.

Hon Ljiljanna Ravlich: What's the point?

Hon SIMON O'BRIEN: Why? Does the parliamentary secretary want me to repeat it? As I have said, despite constant interruption - I hope I will be able to complete a sentence this time - this motion is not about the railway Bill and the debate on it, which has already occurred, but about the power of this Parliament to scrutinise the actions of government. It is also about the responsibility of ministers, including that class of extremely junior minister known as a parliamentary secretary. Parliamentary secretaries seem to be flak catchers rather than responsible members of government. This motion is about whether parliamentary secretaries exist to obstruct parliamentary inquiry through the estimates committee or other mechanisms, or whether their role is to appear before such committees and produce documents, answer questions and facilitate the inquiries of the House. If they are not there to at least facilitate the inquiries of the House, they should not actively obstruct the inquiries of the House. That is what this is about. I am sure members of the Greens (WA) who have been closely following this debate are also considering that point, because regardless of one's views on the route of metropolitan railways, that is not what this is about. This motion is about the capacity to scrutinise this and future

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Governments on their conduct. If we cannot make a stand on this issue, the position of the House now and in the future will be weakened.

When the estimates committee commenced its session after 10.47 am on Monday, 10 June 2002, I asked some preliminary questions which related directly to the situation in play on that day. Information was leaked or selectively released to media outlets that morning that certain announcements would be made during that day in connection with the southern metropolitan railway. With that in mind, I commented in the following terms to the parliamentary secretary -

The minister said last week that she could not release detailed information on the south metropolitan railway until Cabinet had made a decision. We know that there is some movement at the station in view of the front page announcements and details that have been given in this morning's *The West Australian*. I am aware that Cabinet is meeting, probably as we hold this hearing. I have also become aware that the Premier will address a press conference today at the conclusion of this hearing.

I then asked the parliamentary secretary whether he was in a position to provide answers to questions on that matter; and, if not, whether he would be able to come back to the committee at a later stage of the estimates week to do so. The parliamentary secretary said that he had great difficulty in answering that question.

Hon Peter Foss: He knew what was happening.

Hon SIMON O'BRIEN: He obviously knew what was happening.

Hon Peter Foss: He didn't want to tell.

Hon SIMON O'BRIEN: He did not want to tell. Instead of saying that he could answer those questions in the spirit in which the estimates committee had agreed to change the time for that hearing, he said that he did not know whether he could answer the questions until he knew what sorts of questions would be asked. It was not a very good response. Hon Peter Foss subsequently raised a point of order, to which he has alluded during debate on this motion. He went straight to the heart of the matter, reminding us that witnesses were obliged to answer the questions asked of them during estimates committees. It appeared that witnesses were available and had the knowledge to answer questions, but, for whatever reason, they were prevented from doing so by the Government through its agent, the parliamentary secretary.

Hon Graham Giffard: That is not true.

Hon SIMON O'BRIEN: I assert that it is true.

Hon Ljiljanna Ravlich: I assert that it is a falsehood.

Hon SIMON O'BRIEN: The questions we put were avoided.

Hon Graham Giffard: You asserted that I directed people not to answer questions. That is not true. I did not direct anyone not to answer.

Hon SIMON O'BRIEN: The parliamentary secretary was the agent of the Government. Professional officers from a number of agencies were at the estimates committee. We were not able to question them except through the parliamentary secretary.

Hon Peter Foss: We still got the same answers.

Hon SIMON O'BRIEN: We still got the same answers. All the way through we found we were not getting answers to questions. We did not receive answers to questions for which notice had been given, or the answers we did receive were inadequate. That is in part referred to in this motion. In large part we received nonsense answers to questions asked by Hon Peter Foss. He had a good example -

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: I do not believe I did. Was he guilty of the same sort of thing?

Hon Jim Scott interjected.

Hon SIMON O'BRIEN: Did Hon Jim Scott find that unsatisfactory?

Hon Jim Scott: Yes.

Hon SIMON O'BRIEN: I hope the member will also find unsatisfactory the example I am about to read. At page E522, Hon Peter Foss said -

For example, Hon Alan Cadby . . . asked -

What is the presently estimated cost of land acquisitions for these stations, for -

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- (a) the station itself?
- (b) for parking for these stations?

Hon Peter Foss reminded us back on 10 June last year with this statement -

The answer was that the Perth urban rail development supplementary master plan will contain information on land acquisition.

Hon Peter Foss asserted that the answer to the question posed should have been either there was no estimated cost or the estimated cost was X number of dollars. However, the answer we got was, "We will tell you later." That is not an answer. That is how last year, time and again, at these estimates committee hearings we did not receive answers to questions that should have been answered, particularly on this matter and other railway issues.

Several members interjected.

Hon SIMON O'BRIEN: The level of manipulation, in fact, was most disconcerting.

Hon Graham Giffard interjected.

Hon SIMON O'BRIEN: I will give the member an example. As recorded at page E524, a dorothy dixer asked by a Labor member representing the south west sought detailed information on pricing and a range of things. Lo and behold, there was plenty of detail in response to that answer. Clearly the question was a dorothy dixer and a detailed answer was given. Yet, the House at large is told to look at the supplementary master plan when it comes out. That is not an answer.

Hon Graham Giffard: Yes it is. It is not an answer that you would like.

Hon SIMON O'BRIEN: No, it is not an answer. It is not a matter of answers we do not like. We are used to answers we do not like with this shower in power. This is about not getting answers at all.

Hon Peter Foss: In a committee.

Hon SIMON O'BRIEN: Yes, in a committee that is entitled to demand answers. That is the point. Hon Jim Scott noted that in reference to another situation of a completely different nature. The issue is not about dieback, railways, chook farms or whatever; it is about matters of scrutiny. I am sure Hon Jim Scott is probably thinking, as he listens to respective government and official opposition members speak, that a change in perception occurs when Governments come and go and members move from one side of the House to the other. Am I correct in thinking that?

Hon Jim Scott: Yes.

Hon SIMON O'BRIEN: That is a fair call and it is the whole basis of this motion.

Hon Ljiljanna Ravlich: What is the allegation against Hon Graham Giffard?

Hon SIMON O'BRIEN: I am not required to answer. I am not interested in Hon Ljiljanna Ravlich's interjections.

Hon Ljiljanna Ravlich: It is a fair enough question.

Hon SIMON O'BRIEN: It is an unruly interjection.

Hon Ljiljanna Ravlich: What do you expect Hon Graham Giffard to do?

Hon SIMON O'BRIEN: I expect him to be accountable to this Parliament.

Hon Ljiljanna Ravlich: He is.

Hon SIMON O'BRIEN: Sure he is. He is a stopgap designed to protect this particularly difficult minister.

Hon Ljiljanna Ravlich: Because you do not like the answers provided by the minister. What do you expect him to do?

Hon SIMON O'BRIEN: It is an awfully unkind twist thrust upon the parliamentary secretary that of all the ministers he gets to babysit it is this particular one. It must be awfully hard for him and I suspect it must be a very difficult thing for him to do.

Madam Deputy President (Hon Adele Farina), let us not get personal. Let us consider the motion. This debate could go on and on and on and I do not want to do that; I want a resolution to this matter. The motion is in a number of parts. Paragraph (1)(a) requires the parliamentary secretary to table in the House at the next sitting day, three calendar days after the making of this order, full and complete answers to all the questions of which

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notice was given with respect to the Perth urban railway development proposal for the hearing by the estimates committee for the 2002-03 budget, together with all the documents requested by those questions. That is not an unreasonable request. It is recognised that, in accordance with advice given by the President earlier this afternoon, some unrealistic expectations have been made of the parliamentary secretary in terms of what he is capable of producing or has within his power to deliver. The point is not worth arguing any further if the parliamentary secretary has complied in full with that requirement, as he told us he has, not only to the extent that he tabled the documents in his possession but also that the minister assisted him to comply fully with the request. However, there is a reason that the minister and the parliamentary secretary believe that part of the motion has been complied with. Paragraph (1)(b) of the motion requires that the parliamentary secretary attend before the Standing Committee on Public Administration and Finance at its next meeting.

Hon Graham Giffard: Conservative domino.

Hon Ljiljanna Ravlich: It is not a conservative domino, is it?

Hon SIMON O'BRIEN: No, it is not.

Hon Peter Foss: The Opposition does not have a majority on any committee. I am sorry, we do on one committee.

Hon SIMON O'BRIEN: When members are finished, I will continue. Paragraph (1)(b) requires the parliamentary secretary's attendance with such other witnesses as directed by that committee so that the committee may satisfy itself as to the adequacy of such answers and such tabling - which is why we must leave in paragraph (1)(a) - and on any other matters arising out of those answers or which as a result of its inquiries the standing committee considers appropriate to inquire into. That part of the motion goes as near as is required by the circumstances in which the committee may find itself.

Hon Graham Giffard: Do you not believe that requires me to attend with others?

Hon SIMON O'BRIEN: I have noted the parliamentary secretary's comments and I agree with him that those words probably should not be there.

Amendment to Motion

Hon SIMON O'BRIEN: I move -

- (1) In paragraph (1)(b) lines 3 and 4 - To delete the words "and thereafter and with such other witnesses as directed by that committee"
- (2) By inserting at line 5 after the word "itself" the following -
from that and such other witnesses as the committee may order

The motion, as amended, would then read -

- (b) attend before the Standing Committee on Public Administration and Finance at its next meeting . . . in order that the committee may satisfy itself from that and such other witnesses as the committee may order as to the adequacy of such answers and tabling, and on any other matters arising out of those answers . . .

Standing committees have the power to send for documents and persons. Again, the proposal to delete the words the parliamentary secretary agrees should not be in the motion are balanced by the protection afforded to the standing committee through its capacity to do those things anyway. The purpose of the second part of the amendment is to avoid the possibly unreasonable proposition of the House requiring the parliamentary secretary to bring along to a hearing people he may not have the power to direct.

Part (2) of the motion is also a matter of concern for the parliamentary secretary. He does not see why the standing committee should generally inquire into and maintain parliamentary supervision over the Perth urban rail development project and report to the House about it. It is the job of committees of this Parliament from time to time to generally inquire into a range of things. I would have thought that a matter of this complexity and cost and with such ramifications would be a prime candidate for parliamentary supervision. The issue has moved on from the debate over the Railway (Jandakot to Perth) Bill. Other questions may arise in the process of the State going down the course that has been decided upon. There does not seem to be any disagreement about that; however, the term "maintain parliamentary supervision over" seems to be a sticking point. If there is concern about that, we need to clarify it. If anyone has a better turn of phrase, they should bring it to the House's attention. Who knows? Hon Peter Foss as the mover -

Hon Graham Giffard interjected.

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Hon SIMON O'BRIEN: This is why it is important. As the mover of the motion, Hon Peter Foss may be able to explain precisely what is meant by the term "supervision".

Hon Peter Foss: I do not mean engineering supervision.

Hon SIMON O'BRIEN: I think that supervision in this case does not mean a site management or engineering type of supervision over the building of bridges or anything like that. To use the arguments of the parliamentary secretary, the committee is not capable of doing any such thing. He claims that there are things that he is not capable of doing.

Sitting suspended from 3.45 to 4.00 pm

Hon SIMON O'BRIEN: Just prior to the break I moved an amendment to the motion. I have already spoken to that. I hope that the amendment will at least have the support of the Committee as it reflects concerns raised by the parliamentary secretary and certainly agreed by the Opposition. Some of it of course has been caused by the effluxion of time since the motion was first placed on the Notice Paper, and some of it reflects advice that was given to the Chamber earlier today. For those reasons, I hope that the motion can be at least amended so that we have something more appropriate to finally decide upon. I believe that the case for the inquiry has been made; indeed, I think sufficient time has been spent on this motion for all members to be informed of the key issues. I do not see any point in going over old ground except to summarise it in this way: this motion is not about a policy decision given effect through a Bill that was passed last year and revisiting it; it is about the level of scrutiny that the Parliament should and indeed must exercise. It is about the consideration of related matters, such as the witnesses at an estimates committee, or indeed at any other committee, to be required to answer questions.

Before the break I was commenting on part (2) of the motion. The sticking point seems to be the words "Parliamentary supervision". I had already offered the view that I certainly do not see parliamentary supervision being anything like a hands-on supervision of a project, the technical supervision of an engineering task or anything of that kind. Parliamentary supervision is more the overview of the conduct and accountability of government. When exercised by a committee of the Parliament, it obviously includes the capacity to report matters that need to be reported or brought to the attention of the House. That can include a fairly wide range of matters depending on the matter that is being supervised or the matter a committee is charged with the responsibility of inquiring into. If I were drafting this motion, particularly with the benefit of the comments that have been made, I would have thought a word other than "supervision" might have sat more comfortably with members. It is a matter of semantics, but if members are concerned that the use of the word is more than just semantics, perhaps the member can suggest another term. It is possible that the mover of the motion also has a view on the term and that should be taken into account when trying to adjudge the meaning of the term "Parliamentary supervision".

The third part of the motion is self-explanatory. It stands as it is, regardless of the amendment that I have now proposed. I hope that crossbench members from the National Party, One Nation and the Greens (WA) will support the amendment in the first instance, as I have said, but just as importantly, the thrust of the motion, which is about guaranteeing the Parliament the capacity to scrutinise. With the indulgence of the Chair, I had a brief exchange with Hon Jim Scott just before the break. He reminded me of a frustration that he experienced and that occurred in similar circumstances with a forest management matter. I was able to concede that, from the perspective of a crossbench member, it is noticeable that positions on these matters tend to vary as members of major parties pass from one side of the House to the other as Governments come and go. That is a fair observation. It is important to opposition, crossbench and government members whose positions will alter on either side of the House that the Parliament has the capacity to inquire into matters of public interest. With all that in mind, I support the motion and commend the amendment to the House.

HON BRUCE DONALDSON (Agricultural) [4.09 pm]: I was not going to speak on this motion because I thought the matter had been fairly well explained by previous speakers. However, we are dealing with a far more complex issue that has emerged from the debate. It has a bearing on the future role of this House and our committee system, and I believe that the President alluded to it.

It is now vital that this matter be sent to a committee in order to gauge the legality and constitutional effects that could impinge on the future role of this House. I believe the parliamentary secretary was called recalcitrant at one stage. I do not concur with that. I admire the courage of Hon Graham Giffard as a parliamentary secretary defending the indefensible. When the previous Government split up the City of Perth, I had a fair bit to say in the House. I can remember Hon Alannah MacTiernan saying to me that she admired my courage in defending the indefensible. That harks back to what Hon Graham Giffard now has to do on behalf of the minister. It is interesting that he has said that we are being hypocritical. All of us are hypocritical at times, depending on which side of the House we are on.

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Hon Ljiljanna Ravlich: No; I am not!

Hon BRUCE DONALDSON: I am glad Hon Ljiljanna Ravlich made that statement, because for four years when she was sitting where Hon Ray Halligan is now sitting, we heard many times in this House her constant demand and famous saying to "Lay it on the Table!" Does Hon Ljiljanna Ravlich remember that? Whenever anything came up, she would say, "Lay it on the Table!"

Hon Ljiljanna Ravlich: You never took up the challenge!

Hon BRUCE DONALDSON: I know, but I was not a minister. Hon Ljiljanna Ravlich has become quite a legend with that saying. What Hon Ljiljanna Ravlich was doing in those four years was demanding information - and rightly so - as a member of this House. I guess from that point of view we are all hypocritical in a lot of ways. One of the dangers when people come into government on a promise of accountability, integrity and transparency - I forget the other one -

Hon Ed Dermer: Openness.

Hon BRUCE DONALDSON: I thank Hon Ed Dermer for helping me out; I appreciate that.

This whole saga has developed from day one. Let us face it. How many times would the people who are building the Perth Convention and Exhibition Centre change the architectural design on the run? They would never do that. The design is determined before the construction takes place. The most interesting thing about the railway for me has been the dedicated bus lanes. The Government is now proposing to stick a railway in the middle of those dedicated bus lanes. The Government has said it will take all the people off the buses at Canning Bridge and will stick them on the train and run them into town. Of course we have now found out that it will not do that. The train will pick up people at the station, but two lanes will be taken off each side of the Kwinana Freeway to be used for dedicated bus lanes. That is brilliant! That is what I call planning on the run! I suppose the next thing the Government will decide to do is leave the bus lanes where they are in the middle of the freeway and put the railway on one side of the freeway! Who knows? We had a very good narration from Hon Derrick Tomlinson about how the railway will go underneath Mount Henry Bridge. The Government then decided that it would put a tunnel under William Street in the city, and it started drilling to find out whether it could put a tunnel there. That work had not been done prior to that time; the Government waited until such time as it had decided that it would put in a tunnel. It did not check the foundations of the buildings around and adjacent to the proposed tunnel to find out whether it would be possible to put a tunnel through that area because of the natural fall of the water mound underneath the city of Perth. It was all done on the run.

Hon Derrick Tomlinson: Planning in retrospect!

Hon BRUCE DONALDSON: Absolutely. Right throughout this saga we have had nothing concrete. I am sure people would have more confidence in the Government if it could say that it has done the drilling and that has shown that it is feasible to put a tunnel under William Street in the city. But no, we have just had ad hoc planning on the run that changes from day to day. A great example of this type of planning on the run is the Fremantle eastern bypass. The parliamentary secretary representing the Minister for Planning and Infrastructure has said in this House that once this Bill has been passed, the Government will then look at what is needed on Leach Highway. That can be found in *Hansard*. If the parliamentary secretary can tell me that is good planning, I am afraid I must have lost the plot somewhere. I thought it was atrocious when the parliamentary secretary admitted in this House that the Government will now scratch its head and see how it can accommodate the heavy traffic on Leach Highway. Why would people feel confident about what is going on? Why would people trust the Government when it says it will cost only an extra \$400 million to run the railway line along the Kwinana Freeway? Can we trust those figures? Each time a question is asked about passenger numbers, the figures become rubbery.

Hon Nick Griffiths: Rubbish!

Hon BRUCE DONALDSON: The figures have been rubbery from day one. The Government had intended to include in the number of people who will come by rail into the city the people who will access the rail at Canning Bridge. That is a fact, and the parliamentary secretary knows it. I know he has to try to defend it, but the figures were very rubbery. We then hear that the Government will save 12 minutes by putting the rail line in the middle of the Kwinana Freeway. However, the Greens (WA) intervened and said we need another station at South Perth so that people can get off the train and go to the Zoo. The saving in time has now been reduced from 12 minutes to seven minutes - a loss of five minutes - at a cost of \$400 million. As I tell people, that saving is worth in the vicinity of \$60 million a minute. We would be better off giving every person in Mandurah a Hyundai so that they could drive into Perth! We have had uncertainty. We have had nothing concrete. The Government cannot say to people, "This is what we envisage, and we have \$340 million in a trust fund to kick it

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off.” The parliamentary secretary talked about lack of grade separation. One would have to be pretty naive not to understand that that grade separation would have taken place anyway. It is like Lord Street. Does the parliamentary secretary remember Lord Street?

Hon Graham Giffard: I know Lord Street.

Hon BRUCE DONALDSON: Does the parliamentary secretary remember that people were grizzling and moaning until that grade separation took place? The other crossings that the parliamentary secretary has mentioned would have happened anyway.

Hon Graham Giffard: They might well have, but they were not in your budget.

Hon BRUCE DONALDSON: Our budget was about \$1.2 billion. The Government's budget is about \$1.6 billion.

Hon Graham Giffard: No, it is not.

Hon BRUCE DONALDSON: I would like the parliamentary secretary to table those figures. There we are! He cannot do it and he is not going to do it! Every time this subject comes up, more questions arise about this whole issue. It is very silly of people to make commitments and promises to the public of Western Australia about how honest, courageous and accountable they will be when the first thing they do when they get into government is fall into the old trap in which Cabinet closes ranks. It is a bit like what happened with us when we were in government. The backbench members were given information on a need-to-know basis only. Do not tell me it is different in the Labor Party.

Hon Ljiljanna Ravlich: You cannot say that what happened in your party happens in all parties. That is an absolute nonsense.

Hon BRUCE DONALDSON: I have been around long enough to know and understand what happens in political parties. Members often talk to one another; that is part of the political humdrum. The Executive Government tends to believe that it is the sole fount of knowledge. In the caucus and party rooms, it tells its members what is best and how a certain situation should be handled. Members opposite are shaking their heads. They should think about their role since they have been in government. Fortunately for Hon Ljiljanna Ravlich, she is a parliamentary secretary and has access to a minister who may tell her a few things. If she were sitting on the backbench, she would be told what to support, whether or not she agreed with it. I have heard a lot of debate on this subject. I am not concerned about the issue -

Hon Ljiljanna Ravlich: None of you over there are concerned about the issue.

Hon BRUCE DONALDSON: I am more concerned with the issue that the motion has raised. I am more concerned about the future role of this House and its committees. The outcome of this issue could be a watershed. I will be sorry to see the day when the parliamentary process is not paramount in the structure of Western Australia. I agree with Hon Simon O'Brien that the term “parliamentary supervision” should have been left out. Hon Simon O'Brien proposed a suitable amendment.

Hon Derrick Tomlinson: The scrutiny of the Executive Government is a proper function of Parliament.

Hon BRUCE DONALDSON: Absolutely. As I said, I would hate to think any member of any side of the House would argue that we change our opinions and our way of thinking when we change from one side of the House to the other. At the end of the day, it is the responsibility of each and every member in this House to respect the procedures, the standing orders and the role that this House plays in the State. Since day one, I have been a great believer in our committee system, which has proved its worth. I have not seen politics practised in the committees of which I have been a member. I am sure most members would tend to agree with that. This is a very complex issue. What began as a debate on the failure of the Government to deliver certain documents has gone much further. I encourage the House to support the referral of this matter to a committee so that it can consider the issue and obtain legal advice on the future role of this House. It will be a sad day for the Parliament of Western Australia if members on both sides of the House are seen to be muted. That concerns me more than anything else. Hon Graham Giffard tried to talk about the background of the Perth urban rail development. I understand that, because he has been fed bits and pieces of paper and is trying to defend the Government's position. In all sincerity, I do not believe that the parliamentary secretary can defend what the President has indicated to the Chamber. Further legal advice should be forthcoming so that all members know exactly where we stand. I do not want to see another Dr Murphy episode. That was Murphy's Law. As sure as the sun rises in the morning and sets at night, the Liberal and National Parties, together with One Nation, will again sit on the government benches.

Hon Nick Griffiths: By then we would have been back downstairs for many years.

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Hon BRUCE DONALDSON: Wherever! This Chamber is so comfortable that we may stay during summer.

I passionately believe in the role of this House, and I hope it will be supported. The committee process will provide us with a better understanding of and opportunity for legal rulings, and will have the opportunity to consider the issues referred to by the President. In moving this motion, I am sure that Hon Peter Foss did not know how far it would extend. The issue now is not so much about the Perth urban rail development but the underlying situation it has created.

HON MURRAY CRIDDLE (Agricultural) [4.25 pm]: It is only fair that I make a contribution to the debate on this issue. Paragraph (2) of the motion states -

The standing committee do generally inquire into and maintain parliamentary supervision over the Perth urban rail development and report to the House.

The main issue will be the scrutiny of the cost of the overall project. From the information I have received, I understand that there was a guarantee that the Government would not go over \$1.42 billion for the overall project, which includes the northern suburbs rail line. Scrutiny is required to ensure that that does not go ahead. Interestingly, a number of sections in the contracts will be released, which include various packages from A to G. That does not include anything that may be required on the Thornlie line or the lines in the north. I hope the line in the north will be completed in the near future. I am sure Hon Ken Travers is pleased that that is progressing, because he made all sorts of accusations about the way the former Government handled that situation. That project would have been finished if the Opposition was still in government. The project we are now debating would have been well and truly under way if the coalition was still in government. It is interesting that one of the expressions of interest that considered the various ways of funding the project was scrapped almost immediately after we lost government. This Government started the process again with the suggestion that 12 minutes would be saved if the Kenwick route were scrapped and the rail line went from Glen Iris into the city.

Hon Graham Giffard referred to grade separation. In the previous Government's master plan a \$35 million provision was made for five grade separations at existing level crossings and for two others. I cannot find any information to suggest that the Government will upgrade the line from Thornlie with grade separations. I am interested to know whether that will go ahead and whether it was ever really a crucial issue. If the Government wanted to use that route, and grade separations were one of the principal reasons, it could have avoided any problems for about \$30 million instead of deciding to spend an extra \$500 million to construct a line from Glen Iris into the city that will go through a tunnel and over two bridges. That will involve major construction. I am interested to see whether the Government can keep within its guesstimates of provisions for Mount Henry Bridge. A bridge will be required in the middle of the Narrows Bridge, which has been constructed to take light rail. Major adjustments will have to be made so that it can take heavy rail. I thank the parliamentary secretary for arranging, through the minister's office, a briefing on the costs of the construction of the line from the Narrows Bridge into the city. Some interesting things have surfaced since that briefing. I wonder about the risk cost of \$15 million and the sharing of those risk factors. That is one thing that, as Hon Bruce Donaldson said, may need further scrutiny in the future. In my estimation, the risk factors involved in going there will be quite large. I know that some drilling has been done in what could be called "uncertain country" from the Narrows Bridge into the city. Of course there has been some infill in that area from previous times with the reclamation of the river. It will be interesting to see whether there is not some anchoring of the tunnel construction into the deeper hardpan, which is something like 25 metres under the proposed tunnels. I understand that with some of the construction work, there will be an alliance with Main Roads. However, I believe that part of the project will use the design and construct method. I know there are some clever engineers around but we are getting into some touchy country there.

The Glen Iris to Perth section of the project will really require scrutiny at the estimates committee hearings to see whether the Government keeps within its budget. If it cannot, it will get this State into difficult territory with regard to ongoing funding for areas that require major infrastructure growth. Some major road works are required in regional and rural Western Australia - Hon Kim Chance will be interested to hear this. I will list them quickly. The lack of development of the road from Lancelin to Cervantes is holding up massive infrastructure development along the coastal parts of this State. One cannot say that we would be better off spending an extra \$500 million on the rail from Glen Iris to the city when the construction of that road could create an immediate benefit of about \$700 million worth of works. That figure came from a report that was put together by regional development commissions in that area. The lack of development of that road has meant the loss of \$30 million worth of construction contracts that would have benefited the State. The minister has put a million or so dollars into a vital road project from Hyden to Kondinin that will cost \$22 million. Muirs Highway requires something like \$48 million for improvements. Hon Robyn McSweeney is well aware of the obvious dangers on that road. Something like \$42 million was set aside over four years to develop six lime sand routes

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that will benefit agricultural and rural Western Australia. Admittedly, \$2 million or \$3 million has been expended on a section of road near Goomalling. I think it is called lime route 2. I was on an expert committee that recommended that development. It was an interesting arrangement whereby, at the end of the day, the committee reached the conclusion that "the minister wanted" - that might be the best way to describe the conclusions of those committees. In some cases, that might well have been the result of some other committees that I have seen around the place.

I am trying to demonstrate that a project that would have cost - on 1998 figures - \$941 million will now cost - on the figures that the Government has put out - at least \$1.42 billion. I think that figure will grow dramatically because I cannot see this Government constraining those costs. That is why there is some use in having an overarching role in a committee, such as the one chaired by Hon Barry House and of which I am a member; that is, the Standing Committee on Public Administration and Finance. I notice that Hon Peter Foss has referred to that committee in this motion.

We are in grave danger of overspending Western Australia's future budget. I would not like to see this project go ahead until both tenders are made public. This is absolutely essential because if there is a blow-out of \$200 million or \$300 million, then we will be doing something that will inevitably have a detrimental effect on the State's finances well into the future. I am in favour of putting infrastructure in place that justifies its existence, which I have just outlined. I could have mentioned another road up north in the Leader of the Opposition's territory that needs immediate attention.

Hon Norman Moore: Which particular one is that?

Hon MURRAY CRIDDLE: Some people have reminded me of the road between Wiluna and Meekatharra. It would be better if that road went due north from Wiluna and there is a suggestion that it could be built at a cost of something like \$60 million. Although the Government had promised the development of that project by 2006, it is now off the agenda. It will be interesting to see whether the Government carries through with that promise.

Hon Bruce Donaldson: What about the road to Mauds Landing? We want it upgraded.

Hon MURRAY CRIDDLE: That is another debate in itself.

I wanted to highlight these issues because it is an extremely important decision for Western Australia. It is absolutely essential that the information be made public and drawn out; this is one way in which that can be carried out.

HON JIM SCOTT (South Metropolitan) [4.37 pm]: I do not believe that Parliaments can do their job properly if they do not have all the relevant information before them when making decisions. I agree that the provision of information at the beginning of the process, or even before this legislation came into this House, was totally unsatisfactory. I was particularly angry when the time changed for dealing with this matter at the estimates committee. I had questions that I wanted answered but I had to wait until the grand show was done and the production finished before I was able to get that information. It was a real downplaying of the Parliament, which made it fairly irrelevant. It was not good. Since then I have had no problem getting information. I have been inundated with information. Whenever I have sought briefings and information I have been given whatever I have asked for. However, I believe that at that early stage the Parliament should have had all the information it required to debate the issue and then later to debate the Bill. As members have said, this was extremely important legislation.

I have many problems with the way this motion is framed, even with the amendment proposed by Hon Simon O'Brien. Many members have referred to the fact that this has not happened on just this occasion. When members change from one side to another there is a difficulty with getting information from the Government. This motion will not achieve a permanent change in the way things are done. We need a permanent solution. What is wrong with this motion is that some of it is out of date. We have already discussed that it is doubtful whether the parliamentary secretary has the power to provide some of the information that the motion asks him to provide. It is an extremely complex motion. It deals with a single issue that has largely passed. It has two parts, because added to that is a push for ongoing supervision of the Perth urban rail development. Despite this being a complex motion involving various issues, the problem is that it has narrowed down what is the real issue, which is that we need generic change to the way in which we do things and get information in this House. I am happy to support the introduction of processes to enable the House to demand information and, if that information is not provided, to prevent the continued passage of a Bill through this House. We could put in place measures to ensure that if the relevant information were not provided, passage of the Bill would not continue until such time as it was provided. As I said at the beginning, we cannot make decisions until we are given information. We need information before we can make decisions. I know that there will be some contention on whether enough information is provided and so on, but we could do a lot better. I am talking not

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only about committees being able to demand that information be provided, but also the House, and that if it were not provided, a Bill would go into limbo until such time as it was provided. That is the only way.

It is no good going back and looking at this issue. To be honest, a lot of politics were involved when this debate occurred. It looks a bit like a witch-hunt of the parliamentary secretary. It is a hotchpotch motion. It will not achieve the measures that members on that side of the House have spoken about. As I said before, we may need to change the standing orders. We need a committee to look at how we can ensure that the information we require is provided in order for us to make decisions.

Hon Simon O'Brien: One of the weaknesses, in my view, is that the non-government side of this House does not have the power by weight of numbers on any committee to initiate an inquiry if the Government did not want such an inquiry. That is the weakness. That is what is missing.

Hon Ken Travers: That is rubbish! There is a majority of non-government members on every committee, including yours.

Hon Simon O'Brien: I said on the non-government side.

Hon Ken Travers: So what you are saying is that the non-government side is the Liberal Party. If the Greens are part of the government side, which is what you are saying, the non-government side is the Liberal Party, and those blokes at the end are just your lackeys.

Several members interjected.

The PRESIDENT: Order! This is a very nice discussion, but Hon Jim Scott happens to have the call.

Hon JIM SCOTT: The point Hon Simon O'Brien makes strengthens what I am saying.

Hon Simon O'Brien: We have the committees that should be able to initiate such inquiries, yet we do not see any before the House.

Hon JIM SCOTT: We should be able to sit down as a Parliament. The Greens (WA) will support the Opposition on that issue. I put the idea to Hon Graham Giffard and he said that he thought it was a good way in which to deal with it. However, I do not think he has consulted his party.

Hon Derrick Tomlinson: That is a different answer.

Hon JIM SCOTT: There may well be a different answer. We would be happy for a set of procedures to be put in place. It would not matter whether one party was in the minority and did not get the vote. If information was not provided on important legislation such as that, the legislation would simply be stalled until it was provided.

Hon Ken Travers: When was the last time you did not get information on a Bill?

Hon Simon O'Brien: On the railway Bill. It was all tabled after the railway Bill went through.

Several members interjected.

Hon JIM SCOTT: I will wait! Sorry to butt in! Legislation goes through a number of stages. Before legislation is introduced to this place, the concept of that legislation is out in the community and debate occurs. A certain level of information is needed at that point so that one can put forward one's political view on whether the Bill should be supported. That did not happen. There was a period running up to the introduction of the Bill in the House when it was very hard to get information. There is no doubt about that. I am not sure why that was. I have heard various explanations, but I do not know whether they are correct. It was mostly conjecture.

Hon Frank Hough: They didn't want to give it to you.

Hon JIM SCOTT: The end result was that we did not have that information. There is another stage. Once a Bill has been introduced to this place and we are required to make decisions on it, how can we make those decisions if we do not have the information? It is crazy. I agree with members on the other side of the House that the information that was asked for should have been provided. Another aspect of the motion before the House is that it requires the committee to satisfy itself on the adequacy of answers given and information tabled. There are a lot of grey areas in what is or is not adequate. We need a set of rules about what is adequate.

Hon Peter Foss: We had them. We set up a committee and they ignored it.

Hon Simon O'Brien: I remind you of the old estimates committee which was able to initiate its own inquiries into things, such as the Byron-Payne issue, and really went through those issues. We do not have a committee that has the power to do that. Otherwise, a committee would have done that.

Hon JIM SCOTT: We may need to go back and do that again. We certainly need something like that.

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Hon Simon O'Brien: All we can do at this stage is to put a motion on notice and hope that the House directs a committee.

Hon Ken Travers: That is absolute nonsense. Every committee of this place has a non-government majority. If you want to inquire into the Government, you can do it every day.

Hon Peter Foss: Have a look at the terms of reference.

The PRESIDENT: Order! Members are taking over the debate. If the parliamentary secretary and Hon Peter Foss want to have a conversation, they should go outside. Hon Jim Scott has the call.

Hon JIM SCOTT: Thank you, Mr President. It is good to get a word in edgeways. The problem with this motion is that it is not generic; it is particular to a single event. At the end of the day we will be able to beat up somebody about it and that is it. It does not change anything. It might make a minister or parliamentary secretary more nervous in the future, but that is about it. It will not achieve anything. We need something more substantial than this. I do not like the way in which it has been framed. It does not work. It will not produce the result we require in order to be provided, on every occasion, with the information that we need. It pertains only to one issue.

Hon Simon O'Brien: It is obviously not the permanent solution. It deals with one issue. Are we just going to let this single, important issue go?

Hon JIM SCOTT: No, we should not let this issue go. However, we should not get a committee to look at this single issue. We should get a committee to look at how we can set in place some rules of engagement.

Hon Peter Foss: They have blatantly disregarded the sessional order for estimates. We tried that. We set up a process, to which they virtually stuck their fingers in the air and said, "Get knotted". I don't think we should allow them to get away with that.

Hon JIM SCOTT: I am talking about this single issue. Ultimately, there will be no change. What will happen at the end of debate on this motion?

Hon Peter Foss: We are talking about finishing off a process that we set up last year. You can say that process didn't work properly. However, last year we set it up, we intended it would work and it was defeated because the Government said it would not answer the questions.

Hon JIM SCOTT: I do not support this motion because it will not achieve anything. It deals with one Bill and one person, who is probably not the person ultimately responsible for it. We have not established what level of responsibility the parliamentary secretary has in a number of matters. The motion therefore does not really achieve very much.

I would prefer to have in place a process by which we could be certain of getting information. It is not beyond the wit of members of committees of this House to be able to deal with this matter in a generic way, rather than through this discrete issue. I would be very happy to support the establishment of a process to give certainty to the provision of information. I can vouch for my colleagues that a process such as that would have their full support and I do not believe it should depend on having numbers in the House. Information pertaining to a Bill being debated in the House or in the estimates committee hearings should be provided. In setting up that process we would have to be careful about the way in which we considered matters such as the rules pertaining to the notion of commercial-in-confidence. That reason for not providing information is overused in this place. The Commission on Government said that that reason has been a great refuge for people who want to hide information.

Hon Ken Travers interjected.

Hon JIM SCOTT: I did not say that on this issue, but I have said it many times in this Parliament. I have heard that reason many times in this Parliament.

Hon Ljiljana Ravlich: Under the previous Government.

Hon JIM SCOTT: I am sure it will be used again if it is not changed, but it does not pertain to one side of the House.

Several members interjected.

Hon JIM SCOTT: Can I get a word in again? I will not support this motion, although I understand why members were annoyed at the lack of information at some stages of the Bill. This issue is dead and buried but the issue of providing information is not.

President; Hon Graham Giffard; Hon Peter Foss; Hon Kim Chance; Deputy President; The Deputy President;
Hon Simon O'Brien; Hon Bruce Donaldson; Hon Murray Criddle; Hon Jim Scott; Hon Norman Moore

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [4.53 pm]: I, like several other members, did not intend to speak on this matter until Hon Jim Scott - I will not say provoked me - suggested that I might like to comment on the matter.

The issue of the House's obtaining information has been around for a long time. I recall many years ago, when I was a very young member of Parliament, wanting information from the Government on the Seaman land rights inquiry. When I asked the Government to table all its documents on the expenditure of government money, the answer was no. The Government did not claim that the information was commercially confidential; it just said that we could not have it. We subsequently found out why it said no. The Legislative Council was then forced to use its authority to require a minister to table documents. The Government of the day fought that requirement tooth and nail until it eventually lost; the weight of numbers on the Opposition side in those days was such that we were successful. Those documents were then tabled and it became apparent immediately why the documents were not tabled voluntarily; they contained a huge amount of information about which the Government did not want anybody to know. Ultimately, there are matters about which Governments do not want Parliaments to know. There are many matters in that category about which Parliaments want to know and are probably entitled to know, particularly if they relate to the expenditure of taxpayers' money or the reasons for certain decisions. We cannot put in place a mechanism that will ultimately prevent the passing of a Bill until the Government gives us information. We would not necessarily know what information we want and we would not know that the information we got was all the information. There are many other items of information that would not relate to Bills; therefore, having a mechanism for the passage of legislation would be irrelevant to the information sought. The last resort for a House such as this to obtain information that a Government refuses to provide voluntarily is by the issue of an order. That has happened about four or five times in the 25 years I have been in this place; it is not a frequent phenomenon.

Hon Ken Travers: When was the last time a Liberal minister was ordered to table something?

Hon NORMAN MOORE: I do not recall.

Several members interjected.

The PRESIDENT: Order!

Hon NORMAN MOORE: Can I get a word in? That comment suggested that it worked out that way because we had the majority in this House for a long time and the only members who were ordered to table documents were Labor ministers. The fact is that in the past six years, the Opposition has not had the numbers in this House. We certainly did not have the numbers in the Legislative Council in the last four years of our term of government. Had the House then wanted the former Government to table papers, it could have directed it to do so; but nobody even asked.

Hon Nick Griffiths: Because we didn't have the numbers.

Hon NORMAN MOORE: But the then Opposition did not even try.

The point I am trying to make, for the benefit of Hon Jim Scott, is that there comes a time when we can go through all the processes of asking for information to be provided to us until we become aware that it will not be provided. We will not get it, no matter what we say or do, no matter how many Bills we hold up and no matter how many speeches we make. That is when we must ask the House to direct the member to deliver the information.

This motion has raised the issue of whether we can direct the parliamentary secretary to deliver information. That will be sorted out in time. However, we can direct a minister in this place and a minister representing a minister in the other place to do so. That is a vehicle available in this Chamber to get information. We wanted a heap of information on a significant issue. Hon Jim Scott said that it was only a single issue. It is a significant issue involving potentially hundreds of millions of extra dollars. That is not an insignificant amount of money and this railway line is not an insignificant project; it is a massive project costing lots of money and involving lots of engineering and lots of time.

Hon Ken Travers: It is visionary.

Hon NORMAN MOORE: It is not visionary because we will not be able to see anything. In the view of many people, it is a serious waste of taxpayers' money. We should know the facts surrounding the decisions to go down this path. If they are not provided, we are entitled to order their production so that we can make decisions about the best interests of Western Australia.

Debate adjourned, pursuant to standing orders.