

RAIL FREIGHT AGREEMENTS — PERFORMANCE STANDARDS

734. Hon PHILIP GARDINER to the minister representing the Minister for Transport:

I have a question of which some notice has been given and which was presented to the minister representing the Minister for Transport at question time yesterday.

The Rail Freight Corridor Land Use Agreement (Narrowgauge) and Railway Infrastructure Lease Agreement between the Western Australian government and Westnet Narrowgauge Pty Ltd—network lessee; Australian Western Railroad Pty Ltd—purchaser; and Australian Railroad Group Pty Ltd—guarantor—contained initial performance standards for the rail network as per schedule 4 of the agreement dated December 2000. Sections 15.2 and 15.3 of that agreement allow these initial performance standards to change from time to time as agreed to by the minister and the network lessee.

- (1) Have the initial performance standards been changed, as per section 15.3 of the lease agreement, in relation to what is now termed the tier 3 rail lines as designated in the Strategic Grain Network report dated December 2009?
- (2) What was considered to be the purpose of the tier 3 rail lines at the time this lease agreement was negotiated, with particular relevance to the terminology of being “fit for purpose”?
- (3) If there has been a change in performance standard from the initial performance standard, what were those changes?
- (4) If yes to (3), when and what documentation exists between government and the lessee concerning any change?
- (5) If the performance standard of the tier 3 rail network has not been changed, how is it that unless expenditure is made on the lines prior to the end of October 2012 the government is stating they will be closed?

Hon SIMON O'BRIEN replied:

I thank the honourable member for some notice of this question. It is not possible to provide the information in the time available —

Several members interjected.

The PRESIDENT: Order, members.

Hon SIMON O'BRIEN: If members had been listening, they would see that this is not the sort of question that could possibly be answered with a minimal amount of notice under this system. It is not possible to provide —

Hon Ken Travers: If the minister was across his brief, you could have.

Hon SIMON O'BRIEN: It is not possible to provide the information in the time available. I request that the member place the question on notice. That is the response from the Minister for Transport, and it is a perfectly legitimate one given the nature of the question.

The PRESIDENT: It was a very long, non-concise question.

Hon SIMON O'BRIEN: It was an extraordinary question.