

**McGOWAN GOVERNMENT — TRANSPARENCY AND ACCOUNTABILITY**

*Motion*

**HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition)** [10.17 am] — without notice:  
I move —

That the Legislative Council expresses its concern at the Labor government’s continued lack of transparency and accountability in relation to decision-making, board appointments and the financial management of its agencies.

I rise to speak on this important motion on what members will note is a recurring theme in this place—that is, the accountability and transparency of this government. The government set itself the goal of gold-standard accountability and transparency, and, indeed, as we will find today, it has failed on many fronts to deliver anywhere near that. There are a number of limbs to this motion and a number of people are keenly waiting to contribute to the various aspects of the motion. I will contain my remarks largely to issues around financial management and in particular a couple of recent qualifications that the Auditor General delivered on the annual reports of some of our state government agencies and the issues identified that have continued from previous years.

I will start my remarks by quoting extensively from the Auditor General’s qualification in the Department of Primary Industries and Regional Development’s annual report, which identifies a number of different issues and challenges facing this agency that merit further discussion.

The Auditor General delivered in this annual report her “Basis for qualified opinion”, which reads —

While the total cash and cash equivalents of \$115,618,000 at the end of the reporting period is fairly stated, I am unable to determine whether the allocation between cash and cash equivalents ((of \$2,164,000) (ie non-restricted)) in Note 7.4.1 and restricted cash and cash equivalents (of \$113,454,000) in Note 7.4.2 is fairly stated.

The Department uses a system to control, monitor, and allocate funds between the cash and cash equivalent categories of restricted and non-restricted. As noted in my report on the audit of controls below, there were deficiencies in controls over restricted cash, which included weaknesses in this cash monitoring system. In addition, I was unable to obtain sufficient and appropriate audit evidence to substantiate that the cash monitoring system was accurately reporting the allocation between the restricted and non-restricted categories of cash and cash equivalents. Consequently, I am unable to determine whether any adjustments to these amounts were necessary.

The Auditor General continues her “Basis for qualified opinion” on page 69 of the department’s annual report. She states —

I identified the following weaknesses in control:

- There were deficiencies in the Department’s controls over restricted cash. This resulted in restricted cash being used inappropriately throughout the year to fund shortfalls in operational cash.

Members may or may not be aware of the term “restricted cash”, but an explanation is set out in note 7.4.2, which reads —

- (a) Unspent funds are committed to projects and programs in WA regional areas.
- (b) Funds for capital purposes are restricted by the fact that these amounts are specifically appropriated by Treasury for capital spend.
- (c) Receipts and disbursements are disclosed in note 9.8 (Special Purpose Accounts) in accordance with Treasurer’s Instruction 1103(15).
- (d) Funds held in the suspense account are to be used only for the purpose of meeting the 27<sup>th</sup> pay in a financial year that occurs every 11 years.

Essentially, the Auditor General said that the internal financial controls are not adequate and that restricted funds have been used to fill a funding shortfall in operational funding. At a very basic level, this points to financial mismanagement as the department has had to dip into its restricted cash in order to meet operational shortfalls. Government agencies use public money and the public of Western Australia needs to know why that has occurred.

The Auditor General goes on further to say —

- We identified significant weaknesses in the payroll controls implemented by the Department. These weaknesses could result in salary errors such as overpayments and payments to individuals who are

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not entitled to receive payment. Consequently, controls to prevent invalid and inaccurate payroll payments were inadequate.

Again, that is a continuing theme of financial mismanagement, and whilst probably not as serious as the use of restricted cash to fund shortfalls in operational cash flow, these are still problems that point to inadequate financial management and internal financial systems. Perhaps—I think almost definitely—these issues can be attributed to the fallout of the ongoing saga of the machinery-of-government changes resulting in chaos and dysfunction within its agency.

The Auditor General goes on, and refers to her audit of the previous annual report. She states —

- In 2019-20, my audit opinion on controls was qualified because there were significant weaknesses in general computer controls implemented by the Department. These weaknesses could result in unauthorised access to sensitive information and increased risk of information loss. The combined weaknesses expose the Department to vulnerabilities which can undermine the integrity of information in the Department’s finance, human resources and other business systems. The Department has made insufficient progress to address these weaknesses in 2020-21. Therefore, general computer controls were not adequate throughout 2020-21.

Again this is telling, as the Auditor General has said that the department has not acted on a previous audit finding. The fact that the nature of the weakness is identified across such a large array of systems points to integral and systemic failures across this organisation.

In summary, the Auditor General identified in the *Department of Primary Industries and Regional Development: Annual report 2020/21* significant, systemic issues within this department that have led to potential mismanagement through “restricted cash being used inappropriately throughout the year to fund shortfalls in operational cash”. Those are not my words, but the words of the Auditor General. This issue was highlighted in a qualification issued by the Auditor General in the department’s 2019–20 annual report. In that report, the Auditor General highlighted issues around restricted cash and the risk of its being used to underwrite operational funding shortfalls in the agency.

In the department’s latest annual report the Auditor General stated, this time unequivocally, that restricted cash was actually used. The risk existed in 2019–20 and the use of restricted cash to fund those operational shortfalls actually occurred in 2020–21, despite the agency being advised of these issues in the previous annual report. At its simplest, this identifies financial mismanagement in the agency, but at its most serious it could indicate poor financial management by the state government in not providing sufficient operational cash for the agency, and it has effectively had to dip into the piggybank and use restricted cash to meet its operating requirements.

The 2019–20 audit identified significant issues with payroll, human resources, finance and other business systems, which DPIRD failed to address. These issues are significant and pose an inherent risk to the agency. They were identified in the 2019–20 annual report, but were not addressed, and the Auditor General again had to qualify her audit opinion in the 2020–21 annual report. This points to a dysfunctional agency. The integrity of these systems is critical to manage the business, finances and workforce and should be the cornerstone of any agency for appropriate management. When I consider those findings in the context of the performance of the government against its promised rolled-gold transparency and accountability, it is a failure. It shows a complete disdain for the proper management of government, especially when agencies seem to be acting with impunity when they address the fundamental issues identified by the Auditor General. These issues were identified but the agencies did not address them. It seems that perhaps they will continue getting away with it, as it were.

I will turn to issues identified within another agency. In the *Department of Local Government, Sport and Cultural Industries: Annual report 2020–21* the Auditor General has qualified the audit. I will quote from her audit opinion. Under “Basis for Qualified Opinion”, she states —

I am unable to determine whether Taxation—Casino Tax, forming part of Administered Revenue and related disclosures, is fairly stated, Due to this control limitation arising from matters in the Basis for Qualified Opinion paragraph in my Report on the audit of controls below, I am unable to form a view on the completeness and accuracy of Taxation—Casino Tax reported within Note 10.1 Disclosure of Administered Income and Expenses by Service, Note 10.2 Explanatory Statement for Administered Income and Expense of the financial statements, and the associated Receivable reported within Note 10.3 Administered Assets and Liabilities.

The Auditor General went on to say in her “Basis for Qualified Opinion” on page 119 of the *DLGSC Annual report 2020–21* —

In the validation of the completeness of revenue, specific to the administered revenue Taxation—Casino Tax. The Department does not have adequate procedures in place to ensure that all Taxation—Casino Tax due and entitled to be collected on behalf of the State has been received.

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What does that mean? It is absolutely astounding when we consider the failings of regulatory oversight that have been identified in the Royal Commission to inquire into and report on the affairs of the Crown Casino Perth and related matters that the Auditor General is saying in this report that the current systems in place in the Department of Local Government, Sport and Cultural Industries are not adequate to properly account for the collection of taxes by a state government agency. A very basic and fundamental requirement of any state government agency with responsibility for collecting taxes on behalf of the government and the people of Western Australia is that it knows how much of that tax it is collecting. The Auditor General has said in this report that she is not able to form a view as to the completeness of revenue. One can really see that the agency itself does not have proper processes through which to reconcile the actual collection of these taxes against what is due to be paid. The agency does not know whether it is collecting the revenue that is due from the casino tax. I find that absolutely extraordinary given that royal commission and the failings identified within it.

Further on in the “Basis for Qualified Opinion”, the Auditor General states —

In 2019–20, my audit opinion on controls was qualified as there were significant weaknesses in the procurement controls implemented by the Department. Our testing showed that controls were inadequate to demonstrate that the ordering of goods or services was approved prior to ordering, and these weaknesses continue in 2020–21, with purchase orders being raised subsequent to the receipt of an invoice.

A purchase order is raised after the invoice for the good or service is received. It continues —

This increases the risk of erroneous or fraudulent payments and ordering of inappropriate or unnecessary goods or services.

This is a very basic requirement of any agency and, indeed, most businesses, that they get what they order and they raise a purchase order before they order the goods and absolutely before they are invoiced for the goods.

When we consider this in the context of the issues in the Paul Whyte affair at the Department of Communities, I would have thought that addressing those sorts of issues should be a priority right across government and for any government agency to avoid any opportunity for that sort of corruption to occur. It is a very basic and fundamental control that has not been addressed. The Auditor General went on to say —

In 2019–20, my audit opinion on controls was qualified as there were significant weaknesses in the payroll system, processes and leave management controls implemented by the Department. These weaknesses could result in unauthorised access to the Department’s payroll system. Salary errors such as overpayments, payments to individuals who are not entitled to receive payment and overstated leave balances could occur. Consequently, controls to prevent invalid and inaccurate payroll payments were inadequate. The Department has implemented controls to address some of the weaknesses identified in 2019–20. However, significant weaknesses remain outstanding in relation to the payroll system, process and leave management controls. The payroll controls were therefore not adequate throughout 2020–21.

Again, the Auditor General identified a similar issue in the Department of Primary Industries and Regional Development—a systemic failure, essentially, and a consequence of the machinery-of-government process where the amalgamation of systems across those merged departments have not been managed well enough. A system’s integrity is, indeed, a fundamental control system that should be managed in any merger, whether it is a corporate merger or the merger of a government agency. The failure to address those issues initially, following significant audit qualification, only highlights again a significant level of dysfunction within the agency.

Further on in the *DLGSC Annual report 2020–21*, so we are going back another financial year, it states —

In 2018–19, my audit opinion on controls was qualified as there were significant weaknesses in general computer controls implemented by the Department. These weaknesses could result in inappropriate and unauthorised access to the Department’s financial system. This access could be used to override management controls that prevent fictitious or fraudulent transactions and could undermine the integrity of data. In 2019–20, significant weaknesses remained outstanding in relation to authentication controls and privileged access rights. The Department has implemented controls to address some of the weaknesses identified in 2018–19 and 2019–20 however, significant weaknesses remain in relation to authentication controls. The general computer controls were therefore not adequate throughout 2020–21.

Again, that is an extraordinary finding given the Paul Whyte affair, and the Auditor General’s words—there were insufficient controls in place “to prevent fictitious or fraudulent transactions”. It is absolutely extraordinary that this could occur, and was noted in 2018–19. A failure to do anything about it to a significant extent clearly indicates dysfunction and mismanagement on the part of that agency or, worse still, at the state government level itself. There appears to be a significant lack of regard, essentially, in addressing the audit issues raised by the Auditor General. This is a recurring theme. I am only talking about two agencies. We clearly see significant failings across those agencies identified by the Auditor General going back to 2018–19 and failings in basic systems of control that have

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to be managed appropriately to prevent the kind of fraudulent activities that we saw in the Department of Communities. Yet over this period, the government failed to address those issues to the satisfaction of the Auditor General. The Auditor General has had to issue yet another qualified audit opinion on these agencies and identify those continuing issues within those agencies. This clearly points to a failure of this government to adhere to its own goal of a gold standard of transparency and accountability within its agencies. As members will note, the motion is quite broad. I have only talked about one very small component of it.

**HON WILSON TUCKER (Mining and Pastoral)** [10.37 am]: I rise today to give a brief contribution in support of the motion moved by Hon Colin de Grussa. I would like to speak on the issue of a lack of transparency and accountability, specifically in relation to the G2G application. I have spoken about the G2G application previously. It was also mentioned yesterday by Hon Tjorn Sibma. He mentioned the class system that is inherent in the G2G application, where some prominent members of our community have no issues navigating the G2G application and other members of the community really struggle.

I have spoken about the case of Hannah John, a nurse from the east coast who came to WA to take up a position at Kalgoorlie Health Campus, which we can all agree is a position that is in dire need in WA right now. I have mentioned the anxiety that Hannah faced trying to navigate the G2G application for three weeks. Eventually, an ABC article was published that detailed Hannah's case. The Minister for Health responded and then a police officer called Ms John and told her that a defect in the application had been fixed and her application had been approved. I asked questions about some of the defects in the application and about how many people had been potentially impacted by these defects during the budget estimates hearings and also in questions on notice and questions without notice. To date I have been unsuccessful in getting information about the G2G PASS application. During the budget estimates hearings, we were told that there had been more than a thousand iterations of the G2G PASS application. I have said previously, coming from a software background, that I do not have a problem with a thousand iterations of an application. It certainly can smooth the risks rather than the need to take a big bang approach. But I do have an issue with the lack of visibility into why those iterations of the application were initiated. A closed system, like the G2G PASS application, can invite attack and speculation. Considering taxpayers' funds are being spent on building and powering this application, I believe that we the Parliament and the people of WA deserve more insight into this application.

**HON JAMES HAYWARD (South West)** [10.40 am]: I stand to support the motion and to carry on from other members who have made contributions so far. I want to talk about something at a very micro level. We talk about the integrity and gold star transparency that the government seeks to bring to the people of Western Australia, but I refer to a question that I asked in this place on 9 November about a mob of 300 kangaroos on a property adjoining the Albany outer ring-road project down in our great southern. I wanted to know whether a specialist had been engaged to deal with those kangaroos and whether the Department of Biodiversity, Conservation and Attractions had approved a plan. There was also a question about the containment site for those kangaroos and the last part of the question was —

- (4) Can the minister advise whether the kangaroos in question are now believed to be located on neighbouring pastures; and, if so, has the minister been advised what affected landholders plan to do with regard to the kangaroos on their pastures?

The answer to those questions was basically that the department needed to get advice and that contractors would pay for some advice. The answer to the fourth part of the question was —

Given the high prevalence of kangaroos in the general area, some kangaroos remain on Main Roads' land, and it is possible that some kangaroos have migrated to neighbouring properties. Local landowners are entitled to manage kangaroos on their properties in accordance with established protocol.

That was the response.

Several members interjected.

**Hon JAMES HAYWARD:** I am talking about a mob of kangaroos; I knew this would incite some interest from members opposite. At face value, it seems, the issue with this mob of kangaroos was answered by the minister. However, after a freedom of information inquiry —

Several members interjected.

**The PRESIDENT:** Order!

**Hon JAMES HAYWARD:** Thank you, President. We obtained some documents through a freedom of information inquiry that tell a different story.

**Extract from *Hansard***

[COUNCIL — Thursday, 18 November 2021]

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The first document is from the specialist who inquired into how Main Roads or Decmil, the contractor on site, intended to deal with this mob of 300 kangaroos that had been living their best life before the Albany ring-road project started. The Albany ring-road project is a very important project and we fully support it.

**Hon Alannah MacTiernan:** You'd like us to stop it for the kangaroos?

**Hon JAMES HAYWARD:** Not at all, minister. I did not say that. I just said these 300 kangaroos were living their best life before construction started on land being used for the Albany ring-road project.

This advice received through freedom of information explains the plan that Decmil, the contractor, came up with as the best way to deal with managing the kangaroos. According to Decmil —

This will mean removing all water, food and shelter sites from their current area, provide a clear and unobstructed passage to an area that contains food, water and shelter.

It goes on to say that that could be done by herding the kangaroos out, with people walking alongside the mob, and that that would encourage them to move down. The letter continues —

Once moved the kangaroos will want to return, so the fencing around the development site needs to be secure and there is a ready supply of food, water and shelter in the new location.

There was a fairly specific and intentional plan to move this mob of kangaroos off the land. Of course, that needed to happen because of the construction that was underway; we understand that. We also have an email from DBCA that acknowledges that it was aware of the plan to move this mob of 300 kangaroos. The minister might find this amusing, but things are not going to end well for those 300 kangaroos.

Several members interjected.

**The PRESIDENT:** Order! No-one can hear the interjections, and Hansard cannot hear the member on his feet.

**Hon JAMES HAYWARD:** Thank you, President.

The email that we obtained through FOI tells us that the department had a plan. Its feedback was —

Fundamentally, Decmil will attempt to move the kangaroos further south along the corridor with the hope they will naturally disperse onto adjoining properties.

The question without notice asked whether the minister was aware of this. Her answer was —

it is possible some kangaroos have migrated to neighbouring properties.

Yet we can see from this information that we obtained through FOI that that is not possible; a plan was put in place to migrate this mob of kangaroos off Main Roads land onto neighbouring properties. It is right there in the email so the answer given to Parliament is spin at best. It certainly does not pass the pub test. The problem is that when these things happen —

Several members interjected.

**The PRESIDENT:** Order! Please continue, honourable member.

**Hon JAMES HAYWARD:** When that happens, people stop trusting the government. That is the reality. We hear about issues that happen at the large level and about the department's handling of the Auditor General's report and other issues, but this is a very basic and small issue that is affecting a farmer in the great southern. Members opposite may think it is funny, but the reality is that those kangaroos now need to be shot. They need to be destroyed.

I have a letter from Main Roads. The landowner wrote to the minister, explaining that the animals were causing a problem and that, obviously with the right permits, they would need to be destroyed. The letter from Main Roads basically says that it is up to the landowner what they do with the kangaroos on their property. These animals were herded specifically off this Main Roads site and onto this guy's property with intent, yet the state government is taking no responsibility for them. Talk about integrity and gold star transparency. Answers are given to Parliament that are spin at best and do not actually reflect what we know to be true—that is, in this instance there was an intentional effort to move a mob of kangaroos off property onto a farmer's property next door and no thought was given to how the farmer would deal with this large mob of kangaroos. There was a discussion about whether the kangaroos could be darted and moved, but apparently that technology is not great for western grey kangaroos and it does not work well, so the farmer is stuck.

In terms of pursuing transparency, the government needs to be up-front. The government needs to tell people what is going on, because when people dig up these things, it affects their trust. The landowner was told by the minister, "There's a lot of kangaroos down there. It's possible some of them might have made their way next door." Then they got documents showing a fully intended plan that had been, in fact, responded to by the Department of Biodiversity, Conservation and Attractions. It had given feedback to let them know that if they ran with this plan, they would

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move the kangaroos off this land but onto somebody else's land. To simply ignore the farmer's cry for help and some compensation does not seem very fair to me. It does not pass the pub test. If we are after genuine gold-star transparency and a government that people can trust and believe in, these answers need to be more frank and honest.

**HON DR STEVE THOMAS (South West — Leader of the Opposition)** [10.50 am]: The motion moved by Hon Colin de Grussa states —

That the Legislative Council expresses its concern at the Labor government's continued lack of transparency and accountability in relation to decision-making, board appointments and the financial management of its agencies.

When I read that motion, I actually thought that there is a problem here: I could probably beat my speaking record in the Parliament on the things that this government has done poorly in relation to accountability. I could be here for hours, President. I am now limited to nine and a half minutes of contribution to highlight the absolute incompetency—almost to the level of corruptness—of the proceedings of this government. But let me start on the bare basics in the very short amount of time that I have.

Let us begin with the operations of the Parliament. This government is dedicated to keeping as many people in the dark as possible and rushing through its parliamentary and its legislative agenda without due scrutiny or explanation because of its arrogance as a result of the last election. President, I cannot believe this. I went to a briefing this week on the Aboriginal Cultural Heritage Amendment Bill 2021 that was introduced in the lower house this week. I went to a briefing before there was a bill! I was at a briefing and there was no bill! This bill contains over 300 clauses—a massive amount of legislation to be discussed—but I went to a briefing where there was no bill. What a level of arrogance! What are we dealing with when this government says, “You don't need to know what is in the bill beforehand. We'll tell you what our agenda is. By the way, we expect this to pass in another place in a couple of days before we give you a bill and you can expect it in the upper house at some point.” How is that openness and accountability? How does that meet the gold standard that we were promised back in 2017 when the government rolls in with a piece of legislation and says, “By the way, loyal opposition, we're not even going to tell you what's in the bill”? That would have to be the most astounding thing I have seen for some time. To offer the opposition a briefing on a bill without giving it the bill is absolutely astounding. It is astounding that this government would get to that level. Transparency and accountability this week? Fail.

I do not need to go on too much about the electoral reform, but let us talk about accountability—not on our agenda. I wonder what is coming up next year that is “not on our agenda”. What other thing will we be debating that is “not on our agenda”? This government went to the people of Western Australia and said, “This is not on our agenda.” It says it will do one thing, then after the election, having developed an astounding degree of arrogance, it is suddenly on the government's agenda. “We're not going to tell anybody about it in advance. When we win, if we win big, we'll just change all the rules to suit ourselves”—unbelievable! That is zero accountability and zero openness.

A couple of other things have also been announced with very little consultation. The poor old workers in the timber industry in Western Australia might feel somewhat aggrieved. I do not think that this reform was necessarily on the government's agenda before the election either. If the Premier was asked in February whether he was going to shut down the timber industry in Western Australia, do members know what his answer might have been? It might have been: “That's not on our agenda.” I suspect it was not going to be on the government's agenda—rolled-gold accountability. I suspect that this is “not on our agenda” all over again. Tell that to the timber workers who are now wondering where they will be employed in future. This has not been a staged approach because the government obviously sees an electoral benefit in placating and minimising the drift across to the Greens from all areas of Parliament, particularly the Labor Party. The government tried to negate that and prop itself up by putting an end to the timber industry. It did not discuss it or tell the industry or its representative bodies about it. I do not think it even told the Forest Products Commission—rolled-gold accountability.

I want to raise another thing in the brief time that I have. This is absolutely critical. In the fortieth Parliament, the Standing Committee on Procedure and Privileges worked on a number of critical issues. More important than any other was the issue of parliamentary privilege—something that should be of great interest to every member of this house and the other place that shall not be named. The issue of parliamentary privilege is absolutely critical. After the March 2021 state election, what happened on 13 May? The then committee, which did not change membership until later, tabled the sixty-first report of the Standing Committee on Procedure and Privileges: *Progress report on Supreme Court proceedings and matters of privilege arising in the 40<sup>th</sup> Parliament*. On that day, three motions were moved to deal with the matters of privilege in this Parliament. Those three motions sit on the notice paper. Members, this is notice paper 49 of Thursday, 18 November 2021—unless I have missed a day through lack of sleep, I think that might be today. On today's notice paper, we still have—as we have had for months, President—three motions moved by Hon Simon O'Brien to discuss the matters of privilege. How have those motions progressed? They have languished on the notice paper without debate. How important is disclosure and critical issues such as privilege to

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the Leader of the House and those who make decisions in this place? Those issues will languish. I tell members what, I will be very interested to see when those motions are debated.

**Hon Nick Goiran:** Don't hold your breath.

**Hon Dr STEVE THOMAS:** I can hold it for only a certain period. I will be very interested to see when the government addresses this issue, because things have progressed. I can say this because in a public hearing of the new Joint Standing Committee on the Corruption and Crime Commission, the Corruption and Crime Commissioner actually agreed that Parliament should determine privilege. That is a matter of public record now and a record that I have read into this house.

**Hon Martin Aldridge:** It hasn't always been that way.

**Hon Dr STEVE THOMAS:** If the honourable member reads the evidence, the commission says that it has always held that view. If that is up for debate, let us have that debate. I suggest that members read the transcript of the committee's public hearing in the not too distant past and they will find some very interesting things, such as the commission saying that it was always happy for Parliament to determine privilege. In fact, it goes further. It said that it was happy in its first negotiations. It had always said that Parliament should determine privilege and that somebody got in the way. That someone is not named in the transcript so we will have to make some assumptions about that, but that would be a good debate. How interested are we in openness and accountability in the Legislative Council of Western Australia? We cannot even get the critical issues debated. How open is this government? It is this rolled-gold transparency? It is not even rolled lead, President. There is very little accountability. Thank heavens for the Standing Committee on Estimates and Financial Operations of this chamber as it might be able to hold the government to a modest level of accountability, because that is just about all we have left. What an astounding position it is that we find ourselves in. This government, in its hubris and arrogance, has no interest in being open, honest and accountable. It is an astounding position in which we find ourselves. I guess the government might take the position that if it changes the electoral laws to try to hold the Labor government in as long as possible, it may not have to be accountable again. I hope the people of Western Australia recognise that this government, with its hubris and arrogance, should be held to account, and that it is doing everything it can to make sure that that does not happen. I hope the people of Western Australia remember that at every future election. Do not blame me; I did not vote Labor.

**HON ALANNAH MacTIERNAN (South West — Minister for Regional Development)** [11.00 am]: Golly gosh, we are all reeling on this side after that extraordinary attack! Kangaroos are bounding around road-building sites. Members, this is of course a hardy perennial that one expects oppositions to roll out every so often and we do not criticise them for it; it is standard fare for oppositions. I have to say that I think there has been very little substance. I wonder why we spend all this time preparing for these things, when such a miscellany of trivia is rolled up. But to be fair, I will say that Hon Colin de Grussa raised an issue that needs to be addressed—it is one that has certainly concerned me—and that is the qualified audit in the annual report of the Department of Primary Industries and Regional Development. It is a concern I share. I just want to make it very clear to the member that there seems to have been some inference that some funds may have been misspent. I do not believe that that is what the audit is saying. It is certainly referring to some less than satisfactory processes that are at play in the department and the financial management within the department, and I do not think we can gloss over it. These matters have been the subject of a number of reports. I am reasonably confident, with the team currently looking at this now, that we will get on top of it. There are a number of problems. There had been a hollowing out of the skill levels in the agency when we came into government. I would not want to underestimate what happened in that department.

The member talked about the machinery-of-government changes. I would agree that bringing three different agencies together poses a challenge in integrating all their systems. A decision was made on the way, but sometimes we have to actually do hard things. We cannot keep having 45 different government departments; we have to try to drive efficiency. I actually think that a mistake was made within the agency of trying to bring all systems together at once, and that proved to be somewhat more challenging. I am pretty confident that we are now on top of it. There have been additional challenges of getting in suitable IT people, as it is a very hot market at the moment, but I am confident as I now have a timetable of all the important records that will go live from 29 November this year, with a whole sequence of dates going up to April 2022. I am reasonably hopeful that the new managing director of corporate services is on top of this.

I do not think there has been any suggestion at all that money has been misspent, but there certainly has been a problem in tracking that. I understand the member raising that issue; it is a concern I share. We are actively managing it and I am fairly confident that we are making significant progress and that that will be sorted out before next year's accounts. It is true that the amalgamation of agencies is sometimes complex and it takes time to get on top of it, but we actually have to make progress and have to get a modern streamlined administration. The fact that we had,

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I think, 46 different government departments was a ludicrous siloing of effort. We need to do better, and sometimes it takes change and time to move forward.

The member did not give us any specific notice of issues, so we have not had time to get the data on things that affect other ministers, but I know that the information about the issue of casino receipts is being actively pursued. I am sure that if the opposition gave us some notice, I would be able to get a more detailed answer about that. I have some data, though, that the Department of Local Government, Sport and Cultural Industries is working with the Gaming and Wagering Commission, Treasury and the Department of Finance to audit revenue and tax paid to the state for the past five years, and then to conduct a quarterly audit through the financial year to verify end-of-month gross revenue reports. The department is also working with the commission to engage an accredited testing facility to repeat the 2017 audit of Crown's IT systems and processes for collecting and reporting gaming revenue; electronic gambling machine revenue; and validation, recording and table game revenue. There is a very big review of even the accreditation of Crown's IT systems. The department and commission are now taking a very active approach to improve compliant deficiencies as they are identified; however, full implementation of a revised compliant framework will await the findings of the Perth Casino Royal Commission. I again make the point that this system was well and truly underway under the previous government. I think members will find in that commission report that a number of key decisions about monitoring were made under the Barnett government, so they will see that this issue has not been of our government's making.

Hon Wilson Tucker spoke about the G2G passes and class systems. I think that some of the prosecutions show that some of the rich and famous are not above the law. We all know many stories of people who try to come in and get refused and then they get a different officer on another day and get through. It is a challenge. I suggest to Hon Wilson Tucker that the best way that we can get through this is to go out there and support Western Australians getting vaccinated so that we get to a level at which we can confidently open our borders.

Hon James Hayward—seriously! I actually understand the issue, but this is not an issue of transparency or accountability; it is absurd. There is an issue here: Have those kangaroos been moved onto a private property? Did the department anticipate this? But to suggest that this is some lack of accountability and transparency is absurd. I am quite happy, on behalf of the member, to take the issue to the relevant minister to see whether anything can be done. But, I mean, honestly—it was just completely loopy to present that as an issue of accountability. Seriously, the member is quite clearly lacking any experience in the challenges of government to think that a minister is across that or is in some way attempting to conceal information.

I was quite surprised at Hon Dr Steve Thomas's contribution; I do not know where the member has been. Let us have a look at the timber industry. Hon James Hayward knows about the industry because he has actually been at meetings, he says, when the minister, Hon Dave Kelly, indicated that these things really have to be looked at, and looked at hard. It was very obvious to everyone in the industry. We spoke in all the discussions and forums that we had in the last year and said that the industry will have to develop a new plan because a new forest management plan has to come into place at the end of 2023. When we then got back into government and had to start making some decisions about this, it became very clear that there would be enormous challenges entering into a new forest management plan that would deliver the log levels necessary to sustain the existing timber operations. We had to make a hard decision. Do we limp on? Do we look at what the science is telling us about how we have to curtail the logging levels because the trees are not regrowing? Do we let it limp on, or do we say that it is unlikely that we will be able to keep all these timber operations going because the climate is not producing enough logs? Do we then give ourselves the opportunity to do a just transition—to do like we have done in Collie?

Look at what members opposite did in Collie when they were in government. It was absolutely disgusting. Colin Barnett spent \$350 million of taxpayers' money trying to reopen the dirtiest coal-fired power station, which we closed down in 2007! He never got it reopened. It cost \$350 million and not one cent was spent on a just transition. Not one cent was spent on trying to have an orderly exit from coal-fired power stations. Well, we have done that. We know it is hard and we know it takes a number of years to get the ball rolling and to get those new industries we are now seeing. The graphite processing, medicinal cannabis, the manufacturing centre, WesTrac autonomous mining trains and the tourism projects are absolutely booming. We said, "We want to do that. We want to do the same thing. We are not going limp on this. We are not going to leave this for another couple of years and pretend that we are going to be able to do something. We are going to go in there and we are going to start that just transition process." By the time that we have to exit the industry, we will have those alternative issues at play. I tell members: the people down there absolutely know and understand that and what they want is a Collie-like just transition plan. They are telling the Premier, us, the member for Warren–Blackwood and Hon Jackie Jarvis that they want a just transition, and we are delivering that in a very open and transparent way.

**HON NICK GOIRAN (South Metropolitan) [11.15 am]:** I rise to support the motion moved by Hon Colin de Grussa. I share his concern that the McGowan Labor government continues to demonstrate a lack of transparency and accountability in relation to a range of matters but in particular decision-making. I want to draw to members' attention



what happened in the other place yesterday, 17 November 2021, when the Leader of the Opposition asked the Attorney General some questions about his intervention in an unfair dismissal case involving the Minister for Health. It must be emphasised at this point that the unfair dismissal case with regard to the Minister for Health is not in respect of his ministerial office; it is in relation to his electorate office. Strictly speaking, it is an unfair dismissal case involving the member for Kwinana.

Yesterday, the Attorney General responded to the Leader of the Opposition, and I quote from the uncorrected proof of *Hansard* —

It is a function of the Attorney General, on behalf of the state of Western Australia, to make submissions to tribunals and boards on correct statutory interpretation ...

He goes on in his answer to say —

I am not shielding anyone. It is just a matter of running the case according to the proper law.

I will leave that unfair dismissal case and the intervention just there for a moment, but I just want members to reflect on the fact that yesterday the Attorney General said, on the record, that, first, he is not shielding anyone and, second, that all he is doing is making sure that things are happening in accordance with the proper law. Imagine for a moment that that is true. Let us give the Attorney General the benefit of the doubt and say that his intervention in the case involving the member for Kwinana has nothing to do with shielding the member from being a witness—let us assume that that is the case—and that all this is, is the Attorney General fulfilling his function and duty as the first law officer to ensure that the law of Western Australia is being upheld?

I turn now to a response signed by the Attorney General on 11 October this year. This is a response that he provided to the Standing Committee on Estimates and Financial Operations—it is a public document. It was in response to a question that I asked. It states —

How involved was the SSO in formulating the unlawful procedure, being the subject of the Dispute, that was used to determine which documents were privileged ...

The answer was —

The SSO's involvement is considered subject to legal professional privilege.

Here we have a situation in which the Attorney General tells the Assembly yesterday, and the media over the last couple of days, that he has intervened in this case involving the member for Kwinana. Why? It is because the matter was drawn to his attention by the State Solicitor's Office. That is remarkable! I would have thought that the involvement of the State Solicitor's Office was subject to legal professional privilege. He cannot possibly tell us that the State Solicitor's Office has been involved in a case. It depends, if the member for Kwinana is involved and you are suffering from intense pressure from the media, then you would reveal the involvement of the State Solicitor's Office. However, if the Standing Committee on Estimates and Financial Operations asked about this extraordinary case in the Supreme Court, which ultimately found that the government had broken the law more than a thousand times, he could not possibly tell us about the State Solicitor's Office involvement then; no it is subject to legal professional privilege. Please; the Minister for Regional Development should give us a break and not give us any garbage that her government is somehow this wonderful champion of transparency and accountability. I have to say to the minister, in fairness, that this is not her portfolio; I am not criticising her. In fact, in response to some of the issues raised by the Deputy Leader of the Opposition here, I thought her response was very accountable and quite refreshing in that sense. I encourage her ministerial colleagues to take a leaf out of her book from this morning.

The Attorney General cannot have it both ways. He cannot tell the Assembly yesterday, "I'm just doing my job because the State Solicitor's Office contacted me and said that I needed to intervene in this case involving the Minister for Health in his capacity as the member for Kwinana. I have to intervene but I'm not shielding him from being a witness; I am just doing my job because the State Solicitor's Office told me." In other words, yesterday, we could say he has thrown the State Solicitor's Office under the bus to shield himself from the scrutiny he was getting from the media. But when the Standing Committee on Estimates and Financial Operations wants to know about the level of involvement of the State Solicitor's Office in a manner that was ultimately found to be unlawful—more than a thousand times—the Attorney General says, "No; I can't provide that information; it's considered to be subject to legal professional privilege." The question I would have asked after that was whether the government would table the advice of the State Solicitor's Office. I suspect it would not have done that and claimed legal professional privilege—and that is exactly what it did. That is not necessarily unconventional. However, the involvement of the State Solicitor in formulating the unlawful procedure that led to the law being broken more than a thousand times, absolutely should be revealed. There is no good reason whatsoever and in the spirit of transparency and accountability, particularly when the government promised so-called gold-standard transparency, it should be provided. If members are not yet persuaded, they might like to refresh their memory regarding the sixty-first report of the Standing Committee on Procedure and Privileges, presented by Hon Kate Doust in May this year. I ask them to turn to page 101, where paragraph 5.43 says —

The actions of the SSO in implementing its own procedure, to the deliberate exclusion of the Legislative Council, for assessing whether parliamentary privilege applied to the confidential emails and other documents of former Members of the Legislative Council and their staff, in circumstances where it knew that the Legislative Council had an active interest in the matter, is a matter of grave concern and potentially warrants further inquiry.

Who said that? The Standing Committee on Procedure and Privileges said it. At the time the chair was Hon Kate Doust. There would have been five members. If it were a Wednesday afternoon, several members from the government would be rising right now thanking and naming those five members for their work on the committee. The committee said that the actions of the State Solicitor in this matter potentially warrant further inquiry. Does the government agree or are we again shielding people from scrutiny when it suits? However, remember, yesterday the Attorney General made it very clear that he is not trying to shield anyone. I quote from the uncorrected proof, “I am not shielding anybody”. It is very clear: he is not shielding the member for Kwinana. Is he shielding the State Solicitor or the State Solicitor’s Office? It appears to be so not on just one occasion but on many occasions. In the remaining time, I want to draw to members’ attention that this lack of transparency by the Attorney General is not new. This is a minister who has form. This is not something that has suddenly developed in the forty-first Parliament. In the fortieth Parliament he was behaving in the same fashion—that is, a fashion that is not accountable and that shields any sense of transparency or scrutiny.

The Office of the Auditor General was sufficiently exercised about this matter. I have in my possession a letter that is a public document dated 14 June 2018, authored and signed by Caroline Spencer, the Auditor General, in which she writes to the Attorney General making him aware of section 82 of the Financial Management Act 2006. Why? It was because he was asked to provide a copy of a discussion paper dealing with a review that the Department of Justice was undertaking into criminal injuries compensation, but he refused to do so. On 9 May 2018, I asked, “Will you table a copy of the discussion paper? The answer was no. The Auditor General intervenes to remind the first law officer of Western Australia about the state of the law. Remember, this is the same person who told the Assembly yesterday that he is just doing his job and wants to make sure things are occurring in accordance with the proper law, but then he thumbs his nose at the Auditor General. On 14 June 2018, the Auditor General wrote to him. Did he respond and provide a section 82 notice? No; he did not. That is disgraceful.

**HON STEVE MARTIN (Agricultural)** [11.25 am]: I rise to make a contribution on the excellent motion moved by my colleague Hon Colin de Grussa about the McGowan government’s lack of transparency and accountability. I will refer my remarks to a couple of narrow topics around homelessness and some of the issues in my portfolio, and I will respond to the minister’s criticism. I do not agree with the minister about the lack of substance from some of the contributions from this side, but I hope to add to the debate on the fairly weighty and serious topic around homelessness. I do not think anyone in this chamber will disagree that it is an important and growing issue in our community at the moment. In fact, it is a crisis in Perth and Fremantle on the streets of those cities. Homeless people are dying on our streets and we simply do not have enough crisis accommodation for them, hence my interest in one of the government’s responses concerning the Boorloo Bidee Mia facility in Wellington Street, which was announced with some fanfare some months ago. Evidently, it was completed at the end of September. Over months, I have been asking a series of questions about when it would be completed, how many beds are occupied and how that facility is progressing. I am not asking for any personal reasons, obviously. The sector is screaming out for extra capacity. The Beacon facility run by the Salvation Army is overflowing every single night. The City of Perth has responded by doing what it can. However, with its vast resources, the state government has made this a key plank in its response.

Over many months, I have asked a very simple question: how many people are at that facility on any given night? That is not a difficult question to answer, I would have thought. I have asked it several times and Hon Wilson Tucker asked it very recently, but for whatever reason, despite its self-proclaimed gold standard of transparency, we simply cannot get a response. I would have thought a very quick phone call would reveal how many beds and how many people are in there. We are asking because we continue to hear from the sector, from homeless people, that they are being told that of the hundred beds available, fewer than 20 are occupied. If this facility was opened on 30 September and fewer than 20 beds are still occupied, that is a problem. I am sure that if the minister had good news to tell me, the sector and homeless Western Australians, we would be hearing about it. “This facility is full; we welcome people to knock on the front door and we will see whether we can help them out.” But that is not what we are hearing. We are hearing, which is staggering, that this is a gradual process; we are filling this facility in a gradual process. A person sleeping in the city this evening does not want a gradual process from this government; they want a crisis response. I do not think it is unreasonable, when a significant amount of taxpayers’ money has gone into that facility, for opposition members to expect an update on how many beds are full.

By the way, it is not just Hon Wilson Tucker and I who cannot get a response from the government. There was recent story about the facility published in *The West Australian* online. It talked about homeless people sleeping 50 metres

Hon Colin De Grussa; Hon Wilson Tucker; Hon James Hayward; Hon Dr Steve Thomas; Hon Alannah MacTiernan; Hon Nick Goiran; Hon Steve Martin; Hon Neil Thomson

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from the hostel with dozens of free beds. Of course, the paper contacted Perth Lord Mayor Basil Zempilas for his response. He was concerned about that story. The article states —

Mr Zempilas said there was a desperate need for short-term interim accommodation for people without a home.

He said opening an extra 70 or 80 beds at the hostel could alleviate the homelessness issue on the streets of Northbridge.

“The State Government promised up to 100 beds in Wellington Street when they opened over three months ago,” Mr Zempilas said.

“We’re hearing there’s only around 10 to 20 beds available in that facility.”

That is 10 to 20 beds out of 100. The article continues —

Mr Zempilas said that he wrote to Ms McGurk on October 11, asking when it would be operating at capacity, but had not heard back.

We are not the only people struggling to get some transparency and accountability from this government. Ratepayers of the City of Perth are digging into their pockets to do some work on homelessness, and their facility is doing a good job. At this stage, we do not know how well the state government’s response is doing.

I was not going to bring this up, but I cannot help myself after the minister talked about the forestry situation. Obviously, Dave Kelly was unaware of the conversation that has been taking place with the sector in recent years, which is unusual, because he is the Minister for Forestry. As we heard from the minister, the government was talking to the sector and it was well aware of where the government was heading. Despite this, Minister Kelly was in Manjimup in early 2020, with Parkside Timber, the family company that has bought that operation and is investing significant money, and proudly said, “We’ve got a bright future here in hardwood sector. Thank you for the money. Thank you for the jobs. Things are going beautifully.” Obviously, he was not involved in those conversations that other ministers and the Premier were involved in, which, as I said, is very unusual. On Minister Kelly’s transparency, either he did not know, which would be odd, or he did know and he declined to tell the sector what it had coming around the corner. We attended a Forest Industries Federation WA dinner weeks before the announcement and, again, Minister Kelly was there shaking hands and saying, “It’s a bright future. Everything is going beautifully.” There was no transparency about what was weeks away from being announced: they had no future in the hardwood sector. That is an appalling lack of accountability and transparency from that minister.

I know other members are keen to speak on this motion, Deputy President, so I will confine my remarks and commend the motion to the house.

**HON NEIL THOMSON (Mining and Pastoral)** [11.32 am]: I support this motion. The lack of accountability and transparency is no more highlighted than in the actions in both houses in the last 24 hours. People might find the topic I am going to raise quite prosaic and a little dull, but if members hear me out, they will see how important it is.

**Hon Alannah MacTiernan:** Are you saying that you are a little dull?

**Hon NEIL THOMSON:** The minister might think so.

It is in fact about the minister’s response to a question that I raised about section 91 licences in the Land Administration Act. I can see across the aisle the eyes of government members already glazing over because to them this is not important, but it is very important because licences are being issued quietly behind the scenes, with zero accountability, transparency and notification. The last line of defence is members of the Parliament of Western Australia asking questions about the issuance of these licences. In fact, there are 90 applications currently before the department and four licences have been issued: in the Pilbara, 600 000 hectares to NW Interconnected Power Pty Ltd; and in the goldfields, we have another 1.75 million hectares to NW Interconnected Power Pty Ltd.

**Hon Alannah MacTiernan:** They have been the subject of numerous government releases; I don’t understand why this is a secret.

**Hon NEIL THOMSON:** We are going to have more revealed. I am listening.

We see Hydrogen Renewables Australia Pty Ltd with another 120 000 hectares and Province Resources with 10 000 hectares.

Let us have a look at what section 91 does. It is very important and we should think about it. Subsection (6) states —

If a licence granted under subsection (1) is transferable by the licensee, in accordance with the *Personal Property Securities Act 2009* ... section 10 the definition of *licence* paragraph (d), the licence is declared not to be personal property for the purposes of that Act.

The intent of section 91 was to allow people to go onto land and do things like beekeeping, collecting sandalwood or maybe some other purpose across crown land, but we are seeing this government doing quiet deals behind the scenes on a first-come, first-served basis with large proponents. There is no open tender process to provide what the minister very honestly outlined in the estimates hearing is an exclusive right. I asked about the issue of an Indigenous land use agreement. The answer was that no ILUA was needed. We know section 91 has never required an ILUA because it does not “suppress” native title in any major way. It is simply because it is a light-handed provision. For example, the minister may say, “You want to collect some wildflowers or do some seed collection for building up the seed bank.” It is very important.

I notice I have unlimited time at the moment; that is fantastic.

Several members interjected.

**Hon NEIL THOMSON:** We have a situation with section 91 that is akin to the Oklahoma land rush of 1889. That was only two million acres; we have opened up the state on a first-come, first-served basis for organisations to come into the minister’s office and have a chat, “We’ll give you a licence. You can go in there with an exclusive right.” I tell members it will be on the balance sheet of those organisations because they are locking it in. There is no transparency, no process and no honesty. This government is issuing rights to land without giving consideration to any level of transparency that any decent government would have. I support the motion.

Motion lapsed, pursuant to standing orders.