

FREEDOM OF INFORMATION REQUESTS — MINISTER FOR REGIONAL DEVELOPMENT

Standing Orders Suspension — Motion

MS A.J.G. MacTIERNAN (Armadale) [10.06 am] — without notice: I move —

That so much of the standing orders be suspended as is necessary to enable the following motion to be debated forthwith in accordance with the time limits for a matter of public interest —

That this house condemns the Minister for Regional Development for his flagrant disregard of both proper process in the allocation of taxpayer funds and his responsibilities under the Freedom of Information Act 1992 and calls upon him to immediately produce documents he is required to under the Freedom of Information Act 1992.

I understand that the government has agreed to the debate proceeding along these lines. We are about to break for a period of three weeks. There has been a lack of information from the Minister for Regional Development's office. This goes right to the heart of the administration of government, the requirements of the Freedom of Information Act and the requirements to ensure that large volumes of taxpayers' money are spent in accordance with proper process. I do not see the point of me outlining all the argument now if the Leader of the House has indicated that the government will agree to the motion to suspend standing orders.

MR R.F. JOHNSON (Hillarys — Leader of the House) [10.08 am]: The government is more than happy to oblige the opposition with the opportunity to move to suspend standing orders to debate the substantive motion. At this time of the year, in the spirit of cooperation, we are very happy to allow debate to proceed for an hour under the constraints of the standing order on debating a matter of public interest. We look forward to hearing what the member for Armadale and other members of the opposition have to say.

Question put and passed with an absolute majority.

Motion

MS A.J.G. MacTIERNAN (Armadale) [10.09 am]: I move —

That this house condemns the Minister for Regional Development for his flagrant disregard of both proper process in the allocation of taxpayer funds and his responsibilities under the Freedom of Information Act 1992 and calls upon him to immediately produce documents he is required to under the Freedom of Information Act 1992.

The local government fund, which forms part of royalties for regions, is a fund of some \$400 million. It is a substantial program involving the allocation of taxpayers' money. One would expect that with a program of that size, a very formal and proper process would be undertaken in determining how that money was to be allocated, that there would be a consideration of principles to guide the formation of the scheme, that those principles then would be translated into a number of options for how a formula could be developed and that a decision-making process would then be made underwriting the final decision on a formula. We know that, in relation to this \$400 million country local government fund announced late last year, a formula was determined. That formula has been the subject of a lot of discussion because, in our view, that formula unfairly favours certain configurations of local government over other configurations of local government. Of course, as we have demonstrated time and again, the formula disproportionately favours the electorates of the National Party. We found that some electorates, particularly electorates such as the Pilbara, were disadvantaged, vis-à-vis a town like Port Hedland, because it received half the per capita allocation that Toodyay received. I do not know what the relative royalties distribution would have been between Toodyay and Port Hedland, but without a great deal of forensic analysis, we could guess that Port Hedland has been responsible for a lot more than has Toodyay. The point here is just to outline the fact that there has been a lot of controversy about that formula and the consequence of the unequal distribution of the funding and that, under this formula, the most remote parts of Western Australia and the parts that are actually producing royalties are the parts that are receiving less funding.

The question then arises: how was that formula determined? That is the logical question for which we, as the opposition, need to call the government to account. In order to find out how the formula was determined, we lodged a series of FOI applications. We lodged an application to the office of the Minister for Regional Development and made a request to the Department of Local Government and Regional Development. We got a series of very interesting answers. I want members to understand that we are talking about a \$400 million fund determined under the aegis of the Minister for Regional Development arising directly from his election promises. Do members know what his office said when we asked for any documents relating to or used in the preparation of the formula for grant allocations in the country local government scheme? His office wrote back saying that, on examination of our request, it was determined that the office does not hold the requested documents. It does not hold any documents that relate to the development of a formula that only a few months ago was guiding and

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

determining the expenditure of \$400 million. It further states that the request was being sent to the Department of Local Government and Regional Development.

Then the situation gets more and more curious because the Department of Local Government and Regional Development tells us that it never received a transfer of the request from the minister's office. Indeed, we received a curious letter from the department saying that our application was transferred in full from Minister Castrilli's office. How it got there is a question of some interest. But, in any event, the department provided four documents, and I am happy to table them. As members will see from each and every one of these documents, not one relates to the preparation of the formula. They are mathematical applications of the formula that work out which councils will get what. Not one of these documents actually relates to what we requested. We requested information about how the minister's office determined the formula that guided the expenditure of \$400 million.

I find it absolutely incredible that, first of all, clearly the Minister for Regional Development has achieved the great desire of so many of us; namely, a totally paperless office. FOI application after FOI application has been sent to the Minister for Regional Development. I sent in one in relation to the change to the restrictions on the sale of LandCorp land, which I know he was involved in. Hon Adele Farina sent one in on the subject of the Busselton Jetty. The Leader of the Opposition's office has sent one in seeking information on advertising for royalties for regions. Every time the answer comes back "The minister has no documents in his office." He has a paperless office. But here, in this case, it is particularly unbelievable that \$400 million could have been allocated without any involvement of the minister. The minister might say, "Well, I don't keep archives; I send everything down to the department." But the department is saying that it has no documents—not that the documents are exempt and it will not tell us about it, but that there are no documents. This guy has a God delusion and believes that the formula has somehow or other come down—obviously not on tablets of stone, because under the State Records Act 2000 they would have had to be recorded—through some channelling. This formula emanates somehow or other from the minister's mind and is then channelled directly to the departmental officers. They do not need to write it down; they do not need to go to the minister for his approval because they have channelled into him directly and, lo and behold, have produced these tables that show who will get what under the scheme. Voila, the channelling is really good because it ensures the National Party gets the lion's share of the \$400 million fund. I note with some interest that the documents establish that the formula has been determined for the entire four years, albeit we have been told something to the contrary in the past, but that is a small aside. The fundamental, critical issue here is that this minister wants us to believe that \$400 million worth of taxpayers' money was spent in accordance with a formula that was never written down; that was determined in some magical process.

Mr B.J. Grylls: Look on the website.

Ms A.J.G. MacTIERNAN: I really do think that the minister has a major problem with the issue of accountability. The issue is not what the formula is; we all know what the formula is and that the formula is on the website. It sets about a particular way of allocating money. It has floors and ceilings that mean the smaller the local government authority, the better its deal. Therefore, none of these questions was about what the formula is, because we all know what the formula is. The question was: how was the formula determined? Does the minister actually understand the difference between these two issues?

Mr B.J. Grylls: I'll reply to these when you sit down.

Ms A.J.G. MacTIERNAN: The clear issue, therefore, is not what the formula is; we all know what the formula is. The question that was asked in the freedom of information application that was lodged was not for documents that tell us what the formula is; it was for documentation that went on to determine how that formula was formed. Unless this is, as I have suggested, some form of channelling from the Minister for Regional Development directly to the departmental officers that did not require them to write anything down and that ensured they knew automatically what formula the minister was thinking about, then I think that tests the credibility —

Mr B.J. Grylls: Do you oppose the formula? Do you oppose it?

Ms A.J.G. MacTIERNAN: I want to hold the minister to account. His problem is that he does not believe that he needs to be held to account in the way that every other minister is held to account. The minister sees himself as standing separately without any sense of obligation. We want to know what the processes were. We want to know who put up this particular formula that just so happens—I am sure it is totally coincidental—to favour the minister's electorate, the electorate of the member sitting beside the minister and the electorate of the member sitting beside him, and disadvantages the electorates of Pilbara, Kimberley and Albany. However, it also goes to the question of record-keeping.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

I will quote from a couple of provisions in the report on the Royal Commission into Commercial Activities of Government and Other Matters, which referred to how absolutely critical this issue is. The report noted instances of official papers having been lost or deliberately destroyed and records of major decisions not having been made. It stated that such practices strike at the roots of responsible government. It also stated that the abuse of public records was a recurring theme during the royal commission and that the absence of effective public record-keeping had dogged the commission.

We learnt the lessons of that period. We put in place the State Records Act and the Freedom of Information Act to ensure that records were kept and would be accessible. However, we have clearly been told time and again that this minister has a paperless office and has not kept any records. He sent us off to the department, and in this instance the department sent us back an advice effectively saying that there was no document governing this incredibly important scheme. As I said, this is not the only instance of an absence of record-keeping; other instances will be raised. I must say that one of the greatest concerns is that a \$400 million fund is subject to a highly problematic formula. We have tried to determine the input to the creation of the formula and the minister's office had told us that the minister had nothing to do with the creation of the formula. We would like to test that, and we have a right to test it in relation to a \$400 million expenditure.

We therefore call upon the minister to come clean about this whole process, to tell us what his policy is on document retention in his office, and to tell us how it can be that no-one within government can tell us how this formula was arrived at, what discussions were had and what input was had to it.

MR E.S. RIPPER (Belmont — Leader of the Opposition) [10.23 am]: Let us be absolutely clear what this debate is about: this debate is about accountability and about whether the Minister for Regional Development accepts and honours his legal obligations. I know what the Minister for Regional Development will try to do: he will try to make this a debate about the program itself and about the slogan. It is not about the slogan. It is not about the program; it is about accountability; it is about respect for the law; and it is about respect for the Freedom of Information Act. We on this side support a generous program of additional investment in the regions. We support a sustainable program of investment in the regions. We support a fair program with orderly processes. We do not support rotting, we do not support pork-barrelling to National Party electorates, and we do not support a complete lack of accountability on freedom of information.

I will refer to section 4 of the Freedom of Information Act.

Mr M.J. Cowper interjected.

Mr E.S. RIPPER: The member for Murray-Wellington should listen to this as well, rather than give the impression to his electorate that he does not support freedom of information. Section 4 states —

Principles of Administration

Agencies are to give effect to this Act in a way that —

- (a) assists the public to obtain access to documents;
- (b) allows access to documents to be obtained promptly and at the lowest reasonable cost; ...

The Minister for Regional Development's office is an agency for the purposes of the act and he is legally obliged to assist the public to obtain access to documents and allow prompt access at reasonable cost. However, what is happening is extraordinary. If members look at the media review, they will see a range of programs under the headline "Royalties for Regions" and a \$400 million country local government fund program. It is inconceivable that this program would not have been documented in a cabinet minute. It is inconceivable that it would not have been documented in an economic and expenditure review committee document. It is inconceivable that there would not have been briefing notes, when the minister arrived in his portfolio, giving him departmental advice about how his commitments might be implemented. I know that a cabinet document will not be made available under freedom of information legislation. I know that a cabinet subcommittee document will not be made available under freedom of information legislation. However, I do know that a schedule of documents that relate to the request should be provided to the person seeking that information, and the reason for any exemption being that it is a cabinet document or a cabinet subcommittee document indicated. Instead, the minister simply says that there are no documents whatsoever. What is this, the "Starship Enterprise" where everything is done by telepathy? Is that the way the minister's office operates? Minister, is that the way your office operates?

Mr B.J. Grylls: When you sit down, I will make my points.

Mr E.S. RIPPER: The Minister for Regional Development does not want to answer it. I would bet that when he is on his feet, he will be trying to ask questions of our members on this side. The minister has established the

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

protocol: he does not answer questions when we are on our feet, so we will not answer questions from him if he seeks to debate us when he is on his feet. That is the rule!

Several members interjected.

Mr V.A. Catania: His office is called “The Enterprise”.

Mr E.S. RIPPER: His office is called “The Enterprise”.

It is inconceivable that there would not have been made available to the minister briefing notes, email correspondence and all sorts of other things in association with the implementation of a major new program.

We on this side have experience of government; we know how government generates documents on the implementation of major initiatives. The minister is defying the law. The minister is defying his obligations to be accountable. He is breaking the promise of the Premier for open, accountable and honest government. If this was just one incident, we would certainly raise it; but, more importantly, it is part of a pattern of behaviour from this minister.

An opposition member: Arrogance!

Mr E.S. RIPPER: It is arrogant. It is a belief that somehow or other he is exempt from legal requirements. If he carries on like this, he will be ultimately on the road to a royal commission.

Let me go to another freedom of information request that was submitted by a research officer in my office. Obviously, with taxpayer-funded advertising, we want to know whether there has been any political or ministerial guidance or interference in the government’s advertising. Therefore, when royalties for regions advertising began, we submitted a request to the minister’s office for all documents that make reference to advertising and royalties for regions. What we got back was a response from the minister’s office that, according to my notes, stated —

Upon examination of your request, I have determined that this office does not hold the requested documents. Therefore in accordance with section 15 of the FOI Act, I am transferring your application in full to the Department of Local Government and Regional Development.

Eventually, the department did the right thing; it obeyed the law and provided us with documents. When we looked at the documents, we saw that a large number of them had references, or had been sent, to the ministerial office, including the chief of staff. Therefore, on numerous occasions emails were copied to the chief of staff—eight documents had been copied to the minister’s chief of staff, which he denied existed. There were six emails that actually came from within the minister’s office that the minister had denied existed. There were also three emails that were sent directly to staff from the ministerial office. I want to give members the flavour of one of those documents to give them an idea of why we are concerned. Remember that the issue we are trying to uncover is whether there was any ministerial involvement, political involvement, in determining the content of taxpayer-funded advertising for the royalties for regions program. A forwarded email from Kaye Verboon was sent to the minister’s press secretary with the subject “Print ad changes” that states —

Please see attached the print ad for next week. The words are as we agreed in the Minister’s office yesterday. The design is the original design established for the launch of RforR and the Country Local Govt Fund.

I need to give the go ahead asap.

There is evidence from the department that the minister’s office was not telling the truth. The minister’s office did not honour its obligations under the freedom of information legislation. That email goes to the very point of the FOI application—that is, what political involvement was in the designing of taxpayer funded advertising. The minister said no documents exist whatsoever; however, the department request reveals numerous examples of documents that we know must be in the minister’s office. It is not obligatory for there to be a document schedule, but if the minister is being accountable, he should produce a document schedule so that the FOI applicant can understand completely why various documents, which the applicant knows must exist, are not being provided.

I do not want to hear the Minister for Regional Development’s propaganda about this program; I want the minister to tell us whether he accepts his legal obligations under the Freedom of Information Act; whether he will be tricky, sly, arrogant and dishonest in the administration of this program; or whether he is going to cover up his pork-barrelling activities by refusing to provide the information that is legitimately sought by an opposition doing its duty. It is over to the minister to explain why he has failed to abide by the freedom of information legislation.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

MR B.J. GRYLLS (Central Wheatbelt — Minister for Regional Development) [10.34 am]: I thank the opposition for the opportunity to put on record my response as the Minister for Regional Development to this debate today. The freedom of information system is vitally important, and I agree wholeheartedly that ensuring access to those documents is a key part of our government and a key part of the opposition's role. I certainly will ensure that my office does everything in its power to uphold the needs of that FOI system and we intend to do just that.

In today's debate, members have spoken about only two FOI requests; my office has had 19 FOI requests in the first six months of this government. The government has had 200 FOI requests in the same period, which to give it context should be compared with the 94 applications received in the last year of the previous government.

Several members interjected.

The DEPUTY SPEAKER: Order, members!

Mr B.J. GRYLLS: What we are actually seeing is this opposition deciding that as a tactic of opposition it will spend as much time as possible tying up the offices of ministers in doing FOI requests. I believe the two FOI requests that have been mentioned in today's debate are valid FOIs that should have been asked. As to the other 17 FOI requests that came to my office and the 200 that have come to every other minister's office, I think that the opposition will be hoist with its own petard when the media starts to look at some of the questions that the shadow ministers are asking and at some of the work that the opposition requires executive officers in ministers' offices to do.

I put on the record my great support for my executive officer who handles this issue. I will not name her in Parliament, but I hope that when she reads this debate in *Hansard* that she gets a very clear indication from me that I am 100 per cent supportive of her role and the work she does. She is a very, very good executive officer in my ministerial office. Do members know why she is good? She was recommended to me by the member for Rockingham. After the election, the member came to me and said that his front-office staff are absolutely outstanding and they have worked very well in the education ministry, so I took the previous Minister for Education and Training's entire front-office staff and put them in my office, and they are doing a great job.

Regarding the advertising issue, the opposition leader is actually correct in that we failed to provide in response to that FOI application those emails that came to my chief of staff. However, what was appropriate is that we forwarded it. When the system was checked for those emails and they were not identified—and I will explain why—we then referred the request to the Department of Local Government and Regional Development, which is where those requested documents were actually made available. Therefore, in no way were we attempting to prevent access to those documents. The mistake made in my office was that in the search of the FOI application, those emails did not show up. I will explain it for members who want to understand this better. The executive officers in ministers' departments use a record management system called TRIM, which is how staff search for FOI documents. It is my understanding that when an FOI application comes into the ministerial office, the executive officer types the key themes and keywords used in that FOI application into TRIM, which searches through all the documents in our system—Word, Excel, PowerPoint and so forth. The search results provide the documents that the FOI applications are based on. Would the member agree with that? I am sure she had many in her time.

Ms A.J.G. MacTiernan: What I know, minister, is that we used to do loads of FOIs, not from the lazy opposition of the day, but we had lots and lots of FOIs, which we in fact always —

Dr K.D. Hames interjected.

Ms A.J.G. MacTiernan: It came from a ministerial office, so you have obviously got a very different system operating because you are not producing any documents.

Mr B.J. GRYLLS: As I said, when an FOI application comes in, my executive officer does a search of the system. If documents show up, we provide them as we have done for the other 17 freedom of information applications that have not been raised in the debate today.

The Leader of the Opposition was correct: emails between my chief of staff and the department "for note" were not shown up on this but were shown up when the matter was referred to the department. However, I want to make it very clear that when those documents were shown up, they were provided and at no stage were we attempting to cover that up.

Ms A.J.G. MacTiernan: But, minister, how does that happen?

Mr B.J. GRYLLS: It did happen, and we have recognised that that was a mistake, and my office has put in place changes to ensure that it does not happen again. We know that members of the opposition will spend hours and hours tying up the time of ministerial executive officers and departmental officers by asking these questions.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

We have now put in place a change to our systems to ensure that emails like those raised by the Leader of the Opposition are not missed next time round, and we will work very diligently to ensure that we comply. I agree that we must operate to a high standard in government. The royalties for regions program is a completely new program that needs the scrutiny of the opposition, and members opposite are within their rights to scrutinise it.

We are very happy to comply with all levels of FOI requests that we receive. My executive officer, who has had years and years of experience in government, has never experienced such an abuse of the FOI process as we now see from the opposition. My executive officer tells me that as part of her job description she should spend only two per cent of her time dealing with FOI applications, but she is spending 90 per cent of her time dealing with FOI applications! I thank her for that. We need trolleys to cart the volume of information that is coming out of my ministerial office and from the departments that are linked to my ministries for members opposite. This huge workload has been created because the opposition's FOI applications have no definition. They have requested ministers' diaries from the time they became ministers, which results in huge piles of documents going back and forth between offices.

Members opposite do not want to see the diaries; they want to tie up the resources of ministers. They want to place ministers' executive officers under enormous pressure—many of whom are long-term government employees who worked for members opposite when they were in government. Ministerial staff are clear about their roles and responsibilities in regard to the FOI legislation. I have had long discussions with staff to ensure that my office complies with that legislation, and I will continue to do so. We know that FOI application after FOI application will come to government ministers, and we will ensure that we provide the information that is requested from government. We will provide the information requested by members of the opposition as the FOI applications are received. As I said, the system is clear and defined. That system was used by members on this side when we were in opposition.

The Leader of the Opposition raised an example of a particular FOI request, and I acknowledge that emails to my chief of staff were missed. That was an oversight, which we will correct. I am happy to put that on the record. My office has put in place changes to ensure that that does not occur again. However, let me say that once we referred that to the department and those documents became available, that information was provided. I know that I am under enormous scrutiny. I understand why I am under enormous scrutiny. There is absolutely no way that I will use my role as a minister to subvert the FOI process. I cannot. The legislation is very clear, and we will comply with that to the letter of the law.

Ms A.J.G. MacTiernan: Minister, how do you explain that there are no documents in the department about the preparation of the formula? I am presuming you are going to make a commitment to reconsider what is in your office, but the other part of this problem is that there is nothing in the department.

Mr B.J. GRYLLS: The FOI request is made to the department. The department provides the documents that relate to that FOI request. If the member for Armadale is accusing the department of subverting the law on FOI applications, she should bring that accusation to me and I will go back to the department again and we will look at that.

Ms A.J.G. MacTiernan: You are not the minister responsible for the department; the department is supposed to be separately responsible!

Mr B.J. GRYLLS: I am the minister responsible for the department. The member for Armadale made an FOI application; the department provided the documents it believed related to that. If the member is accusing the department of breaking the law, she has a right to appeal.

Ms A.J.G. MacTiernan: I want you to explain how it could be that not one document was created around the formula of \$400 million worth of expenditure.

Mr B.J. GRYLLS: As the member said in this debate today, the policy launch was on 18 December last year. It is now April and this is the first time this member has raised this issue. This is not about the FOI process. This is the opposition playing politics and fundamentally trying to undermine the royalties for regions program. Members on that side of politics are spending their time trying to work out how to scrap the royalties for regions plan. Members opposite want to scrap the royalties for regions plan. Members opposite spend hour after hour in debate in this chamber trying to get rid of the royalties for regions program. They are happy for their country members to publicly support the royalties for regions campaign in their electorates; however, Labor country members need to understand that their leadership will scrap the royalties for regions policy and that regional Western Australia will go back to the years that it suffered under a Labor government.

If the Labor Party is so concerned about the funding allocations for the country local government fund, I would have thought that when the federal government made direct allocations for infrastructure funding to country local government, members opposite would have been just as angry and would have said vehemently that it should not

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

have happened. I am about to show the parliament a graph that tracks the allocations by the federal government through local government financial assistance grants against those from the state government's local government fund, because the faux indignation shown by members opposite should have been evident when the federal government made the exact same allocation. This graph compares the funding in the federal government plan with that in the state government plan. It is almost identical. The reason for the south-western part of the state getting a greater share of the country local government fund is that it has more councils. It is the same reason that the federal government allocation is stronger in the southern part of the state than in the northern part of the state: there are more councils in the south. It is as simple as that, although members opposite might not like that explanation.

The Labor Party would have some degree of validity in its criticism if the whole of the royalties for regions fund was allocated on the basis of that country local government funding formula, but it is not. The government is very excited that the main focus of the royalties for regions plan is on the Kimberley and the Pilbara. This notion that the royalties for regions program is a National Party pork-barrelling exercise fails at every check. The electorates of the members for Kimberley, North West and Pilbara will be seen at the end of this year, and the end of the second, the third and the fourth years of this government to be the major beneficiaries of the royalties for regions fund. And so they should be! If they were in the Labor Party's stable and they neglected them so much, including some of that absolutely offensive treatment of young Aboriginal families —

Point of Order

Mr E.S. RIPPER: This motion relates to the minister's compliance or otherwise with freedom of information legislation. He is now debating another policy issue, and he is not dealing with the question of the motion before the house.

The DEPUTY SPEAKER: The motion refers to "process in the allocation of taxpayer funds", so I think the Leader of the National Party is in order. Carry on, Leader of the National Party.

Mr B.J. GRYLLS: Thank you, Mr Deputy Speaker.

Debate Resumed

Mr B.J. GRYLLS: Chronic systematic neglect of Aboriginal communities in the north; chronic systematic neglect of housing conditions in the Pilbara; young families sleeping in cars, living in caravans, with no opportunity of getting a home of their own—all of this occurred under the watch of the former government. I know it hurts. I know that the royalties for regions plan hurts the opposition, because the opposition thought that it could ignore it. It thought that country votes did not matter any more. After putting one vote, one value through the Parliament, it thought that country votes no longer mattered. But country people thought otherwise. Country communities said, "We're going to change politics in this state", and they did. Country people changed politics in this state. They said, "Enough is enough. The royalties are generated in the regions. We want to see a good share of them spent in the regions", and that is exactly what this Liberal-National government is doing. I am happy for the opposition to bring a debate to the Parliament day after day after day so that I can stand and talk about what we are doing for those young Aboriginal families in the Kimberley who got nothing out of the opposition's eight years in government, talk about how we will address the chronic housing challenges in the Pilbara, and talk about how we are going to support country local governments and make sure that they have the resources on hand to deliver the infrastructure needs of their communities.

The Shire of Roebourne, with its allocation under the country local government fund, will undertake its first house-building program in the shire, which covers Karratha, Roebourne and Wickham, since 1984. The Roebourne council, with all its employees trying to manage the iron ore and natural gas boom in that part of the Pilbara, has not had the finances to build houses since 1984. Under the country local government fund, there will be 12 new houses for employees and two new houses for doctors. Does the opposition oppose that?

Mr E.S. Ripper: That's good investment. What I want you to answer is: how did you design the formula by which you distributed this money? Did the formula just appear magically? Was it done by telepathy? How did you design the formula?

Mr B.J. GRYLLS: My first meeting after the election on 6 September was with Bill Mitchell of the Western Australian Local Government Association. I talked with him about my desire to put in place a fund for country local governments to invest in infrastructure. We then worked closely with WALGA and the Department of Local Government and Regional Development to put together that fund. The opposition has tried to put forward today the notion that the formula is not known. The formula is on the website for all to see. This is how it works: the allocation of the royalties for regions money is based on a population component of \$172.50 a person. A minimum amount of \$400 000 and a maximum amount of \$900 000 have been incorporated to avoid distortions in allocations due to very small populations or very large populations.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

This opposition has attacked its own members on this issue. One of the examples it used was the allocation to the Shire of Murchison. The shadow spokesperson for local government attacked the Shire of Murchison because of its funding allocation. From memory, it was about \$700 000. The opposition said that because the shire had a small population, it did not deserve any of that funding. I do not agree with that. I think that the Shire of Murchison needs it—a road in the Shire of Murchison, a bridge in the Shire of Murchison and community infrastructure in the Shire of Murchison —

Mr P. Papalia interjected.

Mr B.J. GRYLLS: Is the member going to put that on the record? He will be able to put that on the record. This government thinks a little differently from the opposition side of the house. The reason that we think a bit differently is that we believe that the Shire of Murchison should have infrastructure. Under the opposition's leadership of the state, it liked the bitumen roads to stop: "Stop the bitumen road at the shire boundary—more population. You don't deserve a bitumen road; you don't deserve an airstrip so that the Royal Flying Doctor Service can land there; you don't deserve volunteers." That is what the opposition believes in. We believe that the cost of infrastructure is the same whether there are 100 people or 100 000 people in a shire. We have made sure that the country local government fund reflects that. We have made sure that the country local government fund provides for small shires such as Sandstone and Murchison. Incidentally, in the member for North West's seat, which other shires are there? There is Sandstone, Murchison and Gascoyne. We believe that those small shires in Labor Party seats deserve a strong allocation under this funding, because their infrastructure has been allowed to wither on the vine for year after year, because this Labor Party, when in government, ignored members like the member for North West and the member for Pilbara. It ignored them forever, and it let the infrastructure wither on the vine. Now it is opposing the changes that we have put in place.

Royalties for regions is a fundamental change to the way in which we deliver services to regional Western Australia. Royalties for regions will fundamentally change the lives of people in the Kimberley. Royalties for regions will fundamentally change the lives of people in the Pilbara. Royalties for regions will fundamentally change the lives of people in the Gascoyne. We have just put out a \$40 million contestable grants program for the nine development commissions—\$40 million. There were 860 applications to that fund, seeking grant funds of \$179 million to go towards projects worth \$680 million. That is what the royalties for regions program is doing.

What will be incumbent on the opposition going forward? There will be another election in four years. The opposition cannot oppose royalties for regions in the Parliament and support it in regional communities. It needs to put its position on the record. I believe that the community will demand that, going forward, royalties for regions continue.

Two points were made today.

Mr V.A. Catania interjected.

The DEPUTY SPEAKER: Order, member for North West! Carry on, Leader of the National Party.

Mr B.J. GRYLLS: Freedom of information applications for —

Mr V.A. Catania interjected.

The DEPUTY SPEAKER: I call the member for North West for the first time.

Mr B.J. GRYLLS: FOI applications will continue to come into my office. Subject to the mistake that I made in my office regarding the point raised by the Leader of the Opposition, we have put in place changes to ensure that that does not happen. I can assure the Parliament that full agreement will be given by my office to FOI applications going forward. I understand the level of scrutiny that will be placed on me, and I understand the need for us to provide the documentation. We will do that with every FOI application that comes in. That is a very important part of the process. However, let there be no misunderstanding: this debate is about scrapping the royalties for regions plan. That is what members opposite want to do. The member for North West, the member for Pilbara and the member for Kimberley will find that if they do not start supporting it soon, people will stop supporting them.

MR C.J. BARNETT (Cottesloe — Premier) [10.57 am]: It is really rich, is it not, that the Labor Party would bring on a debate on freedom of information? Let us go back to a bit of history. It was the former government and the former Attorney General who politically interfered with the operation of the Information Commissioner—who happened to be a former Labor candidate, if I recall correctly—and tried to discredit that person. They failed to appoint an Information Commissioner. Right now, this government is in the process of

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

appointing an Information Commissioner—someone who will be objective and apolitical, and hopefully do a very good job.

The Labor opposition has misused and abused the FOI system. It has used the system to cast nets far and wide in a deliberate attempt to sabotage ministerial offices and in a deliberate attempt to waste taxpayers' money and the resources of the public service. I want to lay on the record some examples. I want to give an example, first, of the scale of FOI requests. The Department of Health has dealt with 3 275 FOI applications since the last state election. Imagine what that is doing to the resources of our public sector within the health department. I am not suggesting that all those applications are from the opposition, but many are.

Mr E.S. Ripper: How many?

Mr C.J. BARNETT: Just listen, my friend.

Point of Order

Mr M. McGOWAN: The Premier was quoting from what is obviously an official document. In accordance with the standing orders, I ask that he table the document he is referring to, because he is making an allegation about the opposition that is obviously and blatantly untrue.

Debate Resumed

Mr C.J. BARNETT: It is appropriate for the opposition and all members of Parliament to make use of freedom of information. Since the last state election—a little over six months—there have been 154 FOI applications to ministers of the Liberal-National government. In the full 12 months of the previous year there were 94 FOI applications from the former opposition to ministers of the previous government. The Labor Party has increased the number of FOI applications by 60 per cent to 70 per cent in the space of six months.

Mr E.S. Ripper: You were lazy!

Mr C.J. BARNETT: Let us talk about laziness.

Several members interjected.

The ACTING SPEAKER (Mr P.B. Watson): Members on my left, I am trying to hear what the Premier has to say.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr M. McGowan: What happened to *The Black Swan*? Remember his book?

Mr C.J. BARNETT: It is not called that.

I will provide examples of some of the questions. One that was addressed to me asked that I provide all documents between the Premier and any other ministers since 23 September 2008. That is terrific, is it not? All documentation! I mean, what is the opposition looking for? I write to ministers to tell them that they can go on leave! Does the opposition want copies of that? Nothing is secretive, but what a ridiculous question to ask. There are other questions.

Mr E.S. Ripper: How hard is that?

Mr C.J. BARNETT: I will tell the Leader of the Opposition how hard it is. Another question asked the Premier to give details of all his appointments. How hard is that? I will tell members how hard it is. It means that in one month I might have 200 appointments, for example. It means that the officer responsible in the Department of the Premier and Cabinet will have to call every person I have spoken to and seek their permission for their name and the name of their company or organisation to be released. It takes days and days, and is absolutely futile. It is a waste of tens of thousands of dollars.

Several members interjected.

The ACTING SPEAKER: Member for South Perth, I call you to order for the first time.

Mr C.J. BARNETT: Another question asked me to provide all day sheets, diary appointments and all incoming and outgoing correspondence, blah, blah, blah. What an irresponsible opposition this is! We have not estimated the cost, but I would suggest that this is costing hundreds of thousands of dollars. Hundreds of thousands of dollars are being wasted by an opposition that is too lazy to ask specific questions. If the opposition wants to use FOI, it should ask specific, deliberative questions, and they will be answered. What the opposition is doing is absolutely irresponsible.

Several members interjected.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

The ACTING SPEAKER: Order, members!

Mr C.J. BARNETT: It is little wonder that the Minister for Regional Development responded as he did. He is doing a wonderful job for Western Australia, developing the Ord River, building up regional economies all over the state and helping people. All the opposition does is try to frustrate the government. The opposition will not succeed because this is a good government that will get on and provide services and expenditure on worthy projects for the people of this state.

MR P. PAPALIA (Warnbro) [11.03 am]: I am glad that the Premier made reference to asking specific questions. The Minister for Regional Development's FOI coordinator sent a letter to me in response to an FOI request sent in February in which she referred to my application, which she received on 12 March. I had applied for access to documents relating to the Western Australian Local Government Association, specifically to Bill Mitchell, Troy Pickard, the country local government funds and WALGA zones. Why does the Minister for Regional Development think I might have asked for that documentation? I was trying to find out how the minister arrived at the formula he utilised for distributing \$100 million this year and \$300 million over the next three years to country local government funds. The matter is about the formula; it is about how the minister arrived at the formula, who exerted influence over it, whose vested interests were catered for, and what integrity the minister has compromised in his pursuit of political expediency.

MR T.K. WALDRON (Wagin — Minister for Sport and Recreation) [11.04 am]: I found it refreshing to listen to the Minister for Regional Development today and to hear a minister actually explain what he was doing, to admit that he had made a mistake in one area, but that he had fixed it, and that the information was nevertheless provided. That reveals someone who is open and accountable.

Several members interjected.

The ACTING SPEAKER: Order, members!

Mr T.K. WALDRON: I sat on the opposition benches for eight years and could not get those sorts of answers; we could not get people to admit that they might have made a mistake, but that they would fix it. Everyone makes mistakes; the Minister for Regional Development made a mistake, and he fixed it. That gives me great confidence in the minister. I also make the point that this state has for years been looking for leadership that actually gets things done. I will not knock the previous government; of course it did some good things. We now have a Premier and a Minister for Regional Development who are really making things happen in the areas of the state that the whole state relies upon, and not just the areas where we, National Party members, come from, but right across the state, from the top to the bottom.

The ACTING SPEAKER: Member, we are talking about freedom of information. I feel that you are getting off the topic a bit and ask you to get back on track.

Mr T.K. WALDRON: The point I was trying to make is that the Minister for Regional Development is being challenged under freedom of information. He has actually answered the questions and been up-front; he has admitted that his office made a mistake, that the matter was referred to the Department of Local Government and Regional Development and that the answers were provided.

Ms A.J.G. MacTiernan: No, the answers weren't given.

Mr T.K. WALDRON: The answers were given, as the Leader of the Opposition said. This shows that we have a Premier and a Minister for Regional Development who are actually delivering. In the week after the election the opposition was all gung-ho about the royalties for regions program. It then accused the government of wasting money; it keeps contradicting itself time after time.

I make a key point to the member for Armadale and the Leader of the Opposition: one of the problems of the previous government was that decision making was centralised. This program is about giving decisions to local people in their local areas, through both the local government fund and the regional development fund.

Mr P. Papalia: How do we know that?

Mr T.K. WALDRON: That is how the system works. Part of the problem with the previous state government was that decisions about local areas were being made by people who did not understand the requirements of those areas. I actually saw this in the portfolio of sport and recreation. Decisions were made and money was wasted. Under the local government fund, the royalties for regions program and the regional development commissions, people who actually know the priorities for their areas are making decisions and recommendations so that the money is spent on areas of priority. Those priorities are in the Kimberley and Pilbara regions. The opposition's entire argument lacks credibility.

[Interruption from the gallery.]

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

The ACTING SPEAKER: I inform people in the gallery that we like them to listen to debate, but if they become part of the debate, we will have to have them removed.

MS A.J.G. MacTIERNAN (Armadale) [11.07 am] — in reply: Today has been interesting. We have had an admission, and I am not sure whether the Minister for Regional Development is aware of the admission he made.

Point of Order

Mr R.F. JOHNSON: The member has already spoken.

Ms A.J.G. MacTIERNAN: We were advised that we could do this.

Mr R.F. JOHNSON: The opposition can, but there is still time allocated to the government.

Ms A.J.G. MacTIERNAN: There is not.

The ACTING SPEAKER (Mr P.B. Watson): Was that a point of order? Member for Armadale.

Debate Resumed

Mr F.M. Logan: You're an old man doing a boy's job!

Ms A.J.G. MacTIERNAN: We are not going to be ageist.

We have had a number of interesting revelations today. Firstly, the Minister for Regional Development admitted that there were a raft of discussions with a raft of people about this formula. He has admitted that he met, at the very least, with WALGA and with other people to discuss this formula and that, to use his words, "a whole heap of work was done". However, there is no documentation of that work. There is no documentation to show us the submissions from WALGA.

Mr D.T. Redman interjected.

Ms A.J.G. MacTIERNAN: I am sorry, member for Blackwood-Stirling; the government does not allocate \$400 million without there being a paper trail.

Mr D.T. Redman interjected.

Ms A.J.G. MacTIERNAN: The Minister for Agriculture and Food is missing the point. The point is about how the formula was determined. It was determined by the government, and it could have been determined in a number of ways. The government could have looked at the remoteness of the regions. The formula could have been weighted so that the more distant a town is, the more likely it is to get money, but instead it gives more money to people in Toodyay than it gives to people in Port Hedland. The formula could have looked at the social disadvantage of different areas in the regions or it could have looked at the royalty contribution made by a region. There were numerous possibilities. Our question was: how did the government determine the formula? The Minister for Regional Development's answer was that the formula is on the website. That was not the question. The question was: how was the formula to spend \$400 million determined? What input, as the member for Warnbro said, did other people have into this? What were the possibilities? The Minister for Regional Development has absolutely refused to provide any information. He has refused to admit—he admitted it when he was caught out by the Leader of the Opposition and his office and when he was caught out lying and saying that he did not have documents —

Withdrawal of Remark

Mr R.F. JOHNSON: That is an unparliamentary term.

Ms A.J.G. MacTIERNAN: I withdraw.

Debate Resumed

Ms A.J.G. MacTIERNAN: The minister only acknowledged it when he was caught out telling a mistruth and misrepresenting the case. The comments made by the Premier are completely irrelevant to the issue before us. We asked a very specific question. We just wanted the documents that went into the preparation of the formula. The minister says that he has no documents and the department says that it has no documents, yet we know from today that meetings were at least held and that submissions were made by the Western Australian Local Government Association. Presumably other people made submissions too, yet today the minister is refusing to address the issue of how the formula was determined and what different options were put to him. There is more than one option. Other options are available that would have seen royalties for regions money —

Mr D.T. Redman interjected.

The ACTING SPEAKER (Mr P.B. Watson): Member for Blackwood-Stirling! If the member wanted to make a contribution to the debate, he should have done it earlier but he did not. I suggest that the minister should listen to what the member for Armadale has to say.

Ms Alannah MacTiernan; Mr Rob Johnson; Mr Eric Ripper; Mr Brendon Grylls; Deputy Speaker; Mr Colin Barnett; Mr Mark McGowan; Acting Speaker; Mr Paul Papalia; Mr Terry Waldron

Ms A.J.G. MacTIERNAN: We want to know and understand how that formula was determined and how the minister got all these incredibly electorally convenient results. The people of the Pilbara, Kimberley and Albany will receive much less than will the people in the National Party electorates. We have laid out our concerns about that weighting. There are two issues today. One is that there is \$400 million worth of expenditure and we still cannot get any information on the options that were put to the government about how that was determined.

Mr P. Papalia: In the *South Western Times* on 17 December, Bill Mitchell was reported as having made two submissions from WALGA to the Minister for Regional Development regarding the country local government fund.

Ms A.J.G. MacTIERNAN: A number of things have happened. Either the minister has been breaching the State Records Act and putting all these things through the shredder, or he is breaking his obligations under the Freedom of Information Act by failing to produce the documents. Either way, there has been a major breach of the legislation that has been set up to protect democracy. I hope that the Minister for Education, who in the past has been a great champion of FOI, will today be listening to this debate and will tell us how she believes the government can justify this. This is not a fishing expedition; it was a very specific question about \$400 million worth of funding allocations.

Question put and a division taken with the following result —

Ayes (24)

Ms L.L. Baker
Mr A.J. Carpenter
Mr V.A. Catania
Mr R.H. Cook
Ms J.M. Freeman
Mr W.J. Johnston

Mr J.C. Kobelke
Mr F.M. Logan
Ms A.J.G. MacTiernan
Mr M. McGowan
Mrs C.A. Martin
Mr M.P. Murray

Mr A.P. O’Gorman
Mr P. Papalia
Mr J.R. Quigley
Ms M.M. Quirk
Mr E.S. Ripper
Mrs M.H. Roberts

Ms R. Saffioti
Mr C.J. Tallentire
Mr A.J. Waddell
Mr P.B. Watson
Mr B.S. Wyatt
Mr D.A. Templeman (*Teller*)

Noes (29)

Mr P. Abetz
Mr F.A. Alban
Mr C.J. Barnett
Mr I.C. Blayney
Mr J.J.M. Bowler
Mr I.M. Britza
Mr T.R. Buswell
Mr G.M. Castrilli

Dr E. Constable
Mr M.J. Cowper
Mr J.H.D. Day
Mr J.M. Francis
Mr B.J. Grylls
Dr K.D. Hames
Mrs L.M. Harvey
Mr A.P. Jacob

Dr G.G. Jacobs
Mr R.F. Johnson
Mr A. Krsticevic
Mr W.R. Marmion
Mr P.T. Miles
Ms A.R. Mitchell
Dr M.D. Nahan
Mr C.C. Porter

Mr D.T. Redman
Mr A.J. Simpson
Mr M.W. Sutherland
Mr T.K. Waldron
Mr J.E. McGrath (*Teller*)

Question thus negatived.