## GOVERNANCE AND ADMINISTRATION OF WESTERN AUSTRALIA

*Motion*

Resumed from 10 May on the following motion by Hon Norman Moore (Leader of the Opposition) -

> That this house expresses its grave concern at the significant deterioration in the governance and administration of the state of Western Australia resulting from a government preoccupied with continued internal division and conflict, manipulated by outside influences and increasingly demonstrating serious signs of dysfunction, and calls on the government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of the government to govern for all Western Australians without fear or favour.

**HON KEN BASTON (Mining and Pastoral)** [4.03 pm]: This motion is based on three points: the preoccupation of this government with internal division and conflict; manipulation of the government by outside influences; and increasing signs of serious dysfunction within government. When I was last speaking, I touched on regional taxi services, and used that as an example of the centralised government ignoring services in regional areas. Multipurpose taxis in the metropolitan area have had their subsidies increased from $5 to $10 a trip, but this does not apply to those in regional areas. The vehicle fit-out subsidy to enable a multifunctional taxi vehicle to take a wheelchair was also increased from $8 500 to $15 000; however, regional areas in Western Australia do not qualify for that subsidy. I find that to be a disgrace, particularly in areas such as Broome, which caters to a tourist population. It is obviously discouraging people with disabilities from visiting Broome. A media release put out by Mr Rob Farrell, president of the Western Australian Country Taxi Owners Association, better known as WACTOA on 25 May 2007, states -

> Western Australian Country Taxi Owners Association (WACTOA) will take immediate action to highlight the State Government's lack of equity for WACTOA members and taxi users with disabilities in Regional areas.
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> "The Metropolitan Multi Purpose Taxis have been granted a rise in lifting-fee subsidy from $5.00 to $10.00 per wheelchair job and are required to take just two wheelchair fares per day," said WACTOA president Rob Farrell.
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> "The Department for Planning and Infrastructure has also increased the Vehicle Modification Grant from $8,500 to $15,000.
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> "These subsidies have been granted to the Metropolitan area only with no consideration to Regional MP taxi services for the subsidy and thus creating inequitable service delivery.

That is an issue that should be looked at. I cannot understand the reason behind it. The statement continues further on -

> "We have made repeated attempts to talk to the Minister about this however; no satisfactory reply has been made. We want the Minister to explain why the country MPT services have not received the same subsidies as the Metropolitan services, as the disabled service in this country is very much in demand, particularly in the major regional centres eg Albany, Bunbury, Geraldton and Kalgoorlie.

Of course, I add Broome to that list. Drivers in Karratha have been also complaining about it. I hope that by bringing this issue to the attention of the house it will be looked at. It no doubt reflects the types of government oversights that this motion is referring to. The other day I spoke on many other issues such as the power house in Carnarvon, the Coral Bay boat ramp etc.

The shortage of land is another issue on which I have spoken in this house on numerous occasions. When I was in Kununurra the other day, I looked at the availability of land there. One of the reasons often given for the delay in releasing land in regional areas is negotiations over native title. However, in Kununurra, native title has been virtually resolved in light of the Miriuwung-Gajerrong decision. That is therefore not an excuse for delaying land releases in that area. I will talk about that more during the budget reply debate in the next couple of weeks. We need only read the headings in *The West Australian* to understand the government's dysfunction, especially on health; for example, on 1 May, under the headline "Inefficiency, inequity an unhealthy mixture" and by-line "Three years on from a damning review of the WA health service, little has changed, argues Gavin Mooney", an article states -

> The costs of the WA health service are out of control. Growth is running at 9-10 per cent. That is not sustainable. When the Fiona Stanley Hospital opens around 2012, expenditure growth will go through the roof. And the minerals boom may be over. What to do?

Many more articles such as that have been written. An article in *The West Australian* of 18 May, under the heading "McGinty under siege", states -

> A group of leading emergency medicine doctors has delivered Health Minister Jim McGinty a severe warning about the chronic state of WA's emergency departments, saying conditions had deteriorated to such a point that patient safety was at risk.

Another article on 18 May, under the headline "Drop law portfolio, doctors tell Minister" states -

> WA's main doctors' group has called for Health Minister Jim McGinty to relinquish the Attorney-General portfolio, saying the health system was suffering because of his dual role.

We have also talked about the "mauled messengers". The article entitled "Mauled Messengers", with pictures of the various people concerned, appeared in *The West Australian* on 18 May 2007. The article states -

> Premier Alan Carpenter said a report by Public Sector Standards Commissioner **Maxine Murray** on politics eroding the public service was, "on any examination…very, very wrong".

The article continues -

> Mr Carpenter said Chamber of Commerce and Industry chief **John Langoulant**'s criticism of the State Budget was "ridiculous".

The article continues -

> Health Minister Jim McGinty said AMA emergency medicine spokesman **Dr Dave Mountain** did not tell the truth, and that he did not have "much respect" for him, after Dr Mountain's warning that emergency departments were not coping and had become unsafe for patients.

The warnings have been there all along. There are other articles, which I will not read out. However, I quote from an article published in *The West Australian* on 30 May 2007, with the headline "Patients will wait in corridors". The article states -

> Patients who cannot be admitted to overcrowded hospital emergency departments could be kept in "holding areas" supervised by ambulance paramedics as a result of the State Government's latest strategy to tackle the health crisis.

Another article, again from *The West Australian*, was also published on 18 May, with the headline "Seriously ill veteran, 88, forced to wait 12 hours for hospital bed". It states -

> At 88 and with a suspected heart problem and diabetes complications, World War II veteran Charles Burton experienced first-hand the crisis gripping the health system after waiting in emergency at Sir Charles Gairdner Hospital for 12 hours before being admitted to a ward.

Another article was published in *The West Australian* on Friday, 18 May 2007. It appeared in the "Opinion" section under the headline "McGinty spins while public health system disintegrates". It states -

> One way to look at Jim McGinty's declaration of war on this newspaper is that it is simply another attempt to divert attention from the dangerous conditions approaching chaos in the hospitals for which he is responsible. He is, of course, the master of the diversionary tactic.

I suppose that last bit was probably a classic. I quote from another article, published in *The West Australian* on 10 May and written by Ben Spencer, under the headline "McGinty to blame for health crisis: Labor MP". This one was a little interesting; I referred to it in another speech. It states -

> Labor backbencher Tom Stephens has launched an extraordinary attack on Health Minister Jim McGinty, claiming the health system has been allowed to descend into crisis while Mr McGinty ploughs time and resources into "fringe issues".

The article continues -

> Mr Stephens, a 25-year Labor Party veteran who served as a minister under former premier Geoff Gallop, said the Surrogacy Bill was an example of a distraction put forward by Mr McGinty.
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> Outside Parliament, Mr Stephens continued his tirade, saying Mr McGinty continually wasted the Government's time and resources on issues such as gay law reform and living wills legislation, and his failure to address key issues had left the health system in crisis.

I believe those headlines. One may say that it gives the government good cause to attack *The West Australian*. However, headlines like that are not published without some of the issues being true to form. On Friday, 18 May 2007, *The West Australian* published a story with the headline "McGinty criticised by all sides". It states -

> Business, unions, Federal politicians turn on Attorney-General over threat to hold up new shield laws
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> Groups from areas as diverse as business, unions, law and federal politics yesterday condemned Attorney General Jim McGinty over his threat not to pass new protection laws for journalists, saying he had gone beyond the pale by threatening the freedom of the press on the grounds that he disliked the editor of The West Australian.

The next article was published in *The West Australian* on 19 May 2007. The headline reads "Premier at odds with McGinty". Dysfunction is arising within the government, and many areas that I have referred to in this speech have certainly been affected.

An article published in *The West Australian* on 1 May 2007 with the headline "Land releases fall short of target this financial year" states -

> Planning and Infrastructure Minister Alannah MacTiernan conceded the target of 20,000 blocks announced last August would not be met this financial year, claiming the State Government would instead do its best to boost supply as much as possible.

Of course, we know that the increase in the price of housing has been brought about by the unavailability of land. Another motion on the notice paper addresses this issue and I will be speaking to that motion when it is brought on for debate.

Land is the first thing that is needed before a house can be built. That is the basis on which the price of housing is set. Planning is necessary to ensure that land will come on stream. If we do not have the land, we have a problem, especially in these boom times. The boom has prevailed for some time now; therefore, this problem was foreseen.

**HON GEORGE CASH (North Metropolitan)** [4.16 pm]: I support the motion that was moved by Hon Norman Moore and, in particular, I support that part of the motion that calls on the government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of government to govern for all Western Australians without fear or favour. The reason I want to address that part of the motion is that there seems to be some confusion over the issues of cabinet confidentiality and public interest immunity. In the past couple of months a number of questions have been raised on these two issues. It has become clear that cabinet confidentiality is an issue that certainly is not understood by some ministers and ministerial staff. It would seem from recent media statements that public interest immunity is also an issue that is not well understood.

It is fair to say that a view held by some people appears to be that a submission that was made on behalf of the government seeking to have the public inspection of certain documents, said to be capable of identifying the input by individual ministers into cabinet deliberations, made the subject of a public interest immunity test was, ipso facto, an attempt by the government to block key evidence at a recent CCC inquiry. To uphold the Westminster parliamentary conventions of collective ministerial responsibility and the related convention of cabinet confidentiality, it is a proper exercise of the government, as an administrative authority, to make a submission to a judicial body to test whether evidence to be led in judicial proceedings that are open to the public is capable of breaching the principle of public interest immunity. It is true that the issues of cabinet confidentiality and public interest immunity, depending on the substantive facts of the specific issue, can be interrelated.

Members will be aware that there is no written reference to the cabinet as a body or institution in the Constitution Act 1889 and, as such, cabinet is not formally accorded constitutional authority or status. Notwithstanding that lack of written constitutional authority, the Western Australian cabinet is styled on the Westminster style of government, in keeping with the Westminster style that our Parliament follows, with the cabinet being the principal decision-making body of the government; that is, being the body responsible for proposing appropriate legislation to the Parliament and developing policy to ensure effective good governance in the administration of the state and in the promotion of the legitimate public interest.

A number of conventions underpin cabinet decisions. These include collective ministerial responsibility for all cabinet decisions and the need to maintain cabinet confidentiality in relation to the deliberations inherent in the making of those decisions. A collective ministerial responsibility requires that ministers support and defend cabinet decisions irrespective of their views or, in the alternative, resign from the cabinet. A fundamental convention that must be maintained in support of collective ministerial responsibility is the strict application of the convention of cabinet confidentiality. It is clear that a breach by a minister or other person of the convention of cabinet confidentiality would undermine the convention of collective ministerial responsibility. It could expose a minister to public and political ridicule if it were shown that in the course of robust debate on a particular issue within cabinet a minister fought gallantly in support of an opposing or contrary view to that which was adopted by cabinet. It is in the interests of public confidence in the good governance of our state -

and equally to maintain an ethical decision-making environment - that ministers, and those who presume to be future ministers, should jealously guard and observe the convention of cabinet confidentiality. I think it is clear from what we have seen in recent times that the consequences of a breach of cabinet confidentiality could threaten or weaken the convention of collective ministerial responsibility. It has the potential to destroy public confidence in the cabinet process and to strike at one of the core pillars of our system of responsible government. I think it can therefore be argued that it is essential to maintain secrecy in respect of cabinet deliberations, and, in particular, concerning the views expressed by individual ministers as part of the decision-making role. This recognises that it is only the courts that will be required to adjudicate on the merit of a claim of confidentiality, which is usually sought on the grounds of public interest immunity. There is clearly a public benefit in cabinet decision-making processes being conducted with proper rigour and in members of cabinet being uninhibited in exploring and testing alternative and potentially controversial courses of action with absolute candour, a full degree of robustness and, indeed, a full degree of rigour in an attempt to tease out the optimum solutions to the issues at hand. Clearly, that is a situation that is to the advantage of the people of Western Australia.

The need to maintain secrecy of the deliberations of cabinet, and in some cases the documentation that cabinet relies upon as part of its decision-making process, raises a potential conflict when related to the issue of ministerial accountability. When discovery is sought on matters that could publicly identify the individual views of ministers relating to cabinet deliberations, or indeed unreasonably act as a fetter on the proper execution of lawful cabinet decisions, it is not unusual or unreasonable, in my view, for a government to seek immunity, not from the production of documentation, but from the public inspection of such documentation. I particularly want to distinguish between the two situations. A cabinet should always be required to produce documents to a court if required to do so; the argument is whether the court should order the public inspection of those documents depending, of course, on their content.

This immunity is usually sought on the basis that cabinet deliberations are required to remain confidential to ensure that ministers are not unduly impeded in open discussion on matters of state, and that such confidentiality underpins the convention of collective ministerial responsibility. In testing the strength or validity of a claim by government for public interest immunity, there is a need for the government to demonstrate the detriment that would be caused if the alleged confidential matter were made public. This is an area that I have mentioned before in Parliament on 27 June 2003 during debate on the Treasurer's Advance Authorisation Bill 2003 when discussing the government's withholding alleged confidential information from the public. I mentioned the additional burden that is imposed on a government by courts in determining whether alleged confidential information should be protected from disclosure. In part, I noted that the courts impose upon governments the burden of, firstly, proving that the documents are of a class capable of being properly classified as confidential; secondly, the additional burden that requires the government to show the actual detriment that the government will suffer if the documents are made available for public inspection; and, thirdly, that it is in the public interest to withhold such information. I went on to say, in part, that in respect of the additional burden imposed by the courts on governments, a review of case law shows that the courts rarely support a government's contention that it is in the public interest to withhold information from the public.

The approach that the courts take to a claim of public interest immunity can be gauged from some extracts of cases dealing with the disclosure of alleged confidential information. Sheppard J., in Allied Mills Industries Pty Ltd v Trade Practices Commission (No 1) (1981) 55 FLR 125, stated -

> . . . the public interest in the disclosure . . . of iniquity will always outweigh the public interest in the preservation of private and confidential information.

Members may remember the case of Attorney-General v Jonathan Cape Ltd [1976] QB 752. That was a United Kingdom case and involved an application for the grant of an injunction to restrain the publication of the diaries of a former cabinet minister, Mr Richard Crossman. It was argued at the time that the diaries contained information that was confidential to the government. At page 770 to 771 of the judgement, Lord Chief Justice Widgery said -

> The Attorney General must show (a) that such publication would be a breach of confidence; (b) that the public interest requires that the publication be restrained; and (c) that there were no other facts of the public interest contradictory of and more compelling than that relied upon. Moreover, the court, when asked to restrain such a publication, must closely examine the extent to which relief is necessary to ensure that restrictions are not imposed beyond the strict requirement of public need.

A reasonably recent Australian case on this matter is Commonwealth of Australia v John Fairfax & Sons Ltd and Others (1980) ALR 485. That case involved the publication of documents said to contain confidential information, the disclosure of which, it was claimed at the time, could in some instances prejudice Australia's relationship with other countries. When considering the question of what detriment the executive government needed to show when it sought the protection given by equity, Mason J. stated at pages 492 to 493 -

> The question then, when the executive government seeks the protection given by Equity, is: What detriment does it need to show?
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> The equitable principle has been fashioned to protect the personal, private and proprietary interests of the citizen, not to protect the very different interests of the executive government. It acts or is supposed to act not according to the standards of private interest, but in the public interest. That is not to say that Equity will not protect information in the hands of the government, but it is to say that when Equity protects government information, it will look at the matter through different spectacles.
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> It may be a sufficient detriment to the citizen that disclosure of information relating to his affairs will expose his actions to public discussion and criticism. But it can scarcely be a relevant detriment to the government that publication of material concerning its actions will merely expose it to public discussion and criticism. It is unacceptable, in our democratic society, that there should be a restraint on the publication of information relating to government when the only vice of that information is that it enables the public to discuss, review and criticize government action.
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> Accordingly, the court will determine the government's claim to confidentiality by reference to the public interest. Unless disclosure is likely to injure the public interest, it will not be protected.
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> The court will not prevent the publication of information which merely throws light on the past workings of government, even if it be not public property, so long as it does not prejudice the community in other respects. Then disclosure will itself serve the public interest in keeping the community informed and in promoting discussion of public affairs. If, however, it appears that disclosure will be inimical to the public interest because national security, relations with foreign countries or the ordinary business of government will be prejudiced, disclosure will be restrained. There will be cases in which the conflicting considerations will be finely balanced, where it is difficult to decide whether the public's interest in knowing and in expressing its opinion, outweighs the need to protect confidentiality.

In that case at page 485, paragraph (iii), it was held that disclosure of confidential information will be restrained when it appears disclosure will be inimical to the public interest because national security, relations with foreign countries or the ordinary business of government will be prejudiced.

There was another case that members will no doubt recall inasmuch as it was a very public case and involved public officials. That was Sankey v Whitlam (1978) 142 CLR 43. Gibbs was the Acting Chief Justice in that case. In part, when considering the matter, he distinguished a number of issues and said -

> . . . I consider that although there is a class of documents whose members are entitled to protection from disclosure irrespective of their contents, the protection is not absolute, and it does not endure for ever. The fundamental and governing principle is that documents in the class may be withheld from production only when this is necessary in the public interest.
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> In a particular case the court must balance the general desirability that documents of that kind should not be disclosed against the need to produce them in the interests of justice. The court will of course examine the question with especial care, giving full weight to the reasons for preserving the secrecy of documents of this class, but it will not treat all such documents as entitled to the same measure of protection - the extent of protection required will depend to some extent on the general subject matter with which the documents are concerned. If a strong case has been made out for the production of the documents, and the court concludes that their disclosure would not really be detrimental to the public interest, an order for production will be made.

There was another relatively recent case, or modern in the sense of law cases, that involved the publication of the deliberations of federal cabinet. The case was Commonwealth of Australia v Northern Land Council and Another [1993] HCA 24. In that case the commonwealth government appealed to the High Court of Australia from an order at first instance, which had been confirmed by the Full Court of the Federal Court, requiring the commonwealth to produce 113 notebooks containing notes made by cabinet officers of the deliberations of federal cabinet, and certain other information. As part of the process of discovery, the commonwealth produced the notebooks but resisted inspection. Again I highlight the fact that one issue relates to production of the documents and one to access to public inspection of those documents. The commonwealth resisted inspection of the documents on the ground that it was against the public interest for the contents to be disclosed. In considering the issues raised, the court considered the classification of claims for public interest immunity and noted -

> The classification of claims for public interest immunity in relation to documents into "class" claims and "contents" claims has been described as "rough but accepted" . . .

That particular statement relates to the case of Burmah Oil Company Ltd v Bank of England in 1980. The comment was attributed to Lord Wilberforce at page 1111. It went on to state -

> It serves to differentiate those documents the disclosure of which would be injurious to the public interest, whatever the contents, from those documents which ought not to be disclosed because of the particular contents. Both upon principle and authority, it is hardly contestable that documents recording the deliberations of Cabinet fall within a class of documents in respect of which there are strong considerations of public policy militating against disclosure regardless of their contents.
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> . . .
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> But, whatever the position may have been in the past, the immunity from disclosure of documents falling within such class is not absolute. The claim of public interest immunity must nonetheless be weighed against the competing public interest of the proper administration of justice, which may be impaired by the denial to a court of access to relevant and otherwise admissible evidence.
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> Whether the circumstances of a particular case will be sufficient to displace the considerations which favour immunity depends to a large extent upon the nature of the class. In the case of documents recording the actual deliberations of Cabinet, only considerations which are indeed exceptional would be sufficient to overcome the public interest in their immunity from disclosure, they being documents with a pre-eminent claim to confidentiality.
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> . . .
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> Indeed, for our part, we doubt whether the disclosure of the records of Cabinet deliberations upon matters which remain current or controversial would ever be warranted in civil proceedings. The public interest in avoiding serious damage to the proper working of government at the highest level must prevail over the interests of a litigant seeking to vindicate private rights.

However, there is a contrast, and that is noted in the case. It continues -

> In criminal proceedings the position may be different. Thus, the necessary exceptional circumstances may exist in cases involving allegations of serious misconduct on the part of a Cabinet minister.

I make those comments and have referred to those cases because of some comments that were made in the Corruption and Crime Commission on 27 February 2007 as part of a CCC inquiry. Commissioner Kevin Hammond advised, at pages 844 through to 846 of the transcript, that he had considered a government submission on the issue of public interest immunity with respect to certain cabinet deliberations proposed to be given in evidence before the commission. The commissioner advised that on Wednesday, 14 February, Wednesday, 21 February and Friday, 23 February 2007, the commission had convened private hearings as part of its misconduct investigations to enable some officials of the state of Western Australia the opportunity to see the information to be given in evidence before the commission in subsequent segments of public hearings. Commissioner Hammond further advised that this was done to enable the state to form a view on whether it would claim public interest immunity with regard to the material. The point that should be made is that Commissioner Hammond instituted the opportunity for the state to look at the documentation. As has been claimed by some, in the first instance, the government did not claim the immunity of its own accord. The government followed up on an invitation initiated by Commissioner Hammond. Subsequent to the private hearing on Wednesday, 14 February 2007, the state made a submission to the commission seeking public interest immunity on the grounds of cabinet confidentiality. Commissioner Hammond considered the state submission and concluded that it was in the public interest that all the relevant information held by the Corruption and Crime Commission touching upon cabinet discussions could be aired in the public hearings, subject, however, to the imposition of appropriate suppression orders. Commissioner Hammond noted that it was open to the state to challenge his decision by application to the Supreme Court. However, in the transcripts of the discussions and in the comments of Commissioner Hammond on this matter, he notes that the state did not take up that opportunity. It did not challenge his decision. Subsequently, the state chose to not make submissions seeking public interest immunity for the information shown to it on Wednesday, 21 February and Friday, 23 February 2007. Commissioner Hammond further noted that whilst the state's claim for public interest immunity had been denied by the commission, the commission had sought, through the use of suppression orders and other measures, to acknowledge and respect, where practicable, the principle of cabinet confidentiality. Again, for the exact wording of the comments made by Commissioner Hammond, I refer interested members to pages 845 and 846 of the transcript of the case.

Having taken the opportunity to read the statement made by Commissioner Hammond and having regard to the body of case law that is available on the issue of public interest immunity and the methodology employed by the courts to determine the merits of a claim for public interest immunity, I believe that Commissioner Hammond's decision on the government's submission relating to the evidence and documentation made available to the

government was totally appropriate and in accordance with the legal precedents established by earlier case law on the issue. I have already stated that the conventions of collective ministerial responsibility and cabinet confidentiality must be strongly supported and upheld. I hold the view that it is appropriate for a government to seek a ruling from a court to determine whether public interest immunity should apply when the government has formed a bona fide belief that the publication of certain information would be against the public interest. However, in the case that was raised by the Corruption and Crime Commission, to which I have already referred, in order to determine the bona fides of the government's submission and to show that the government did not make its submission to the Corruption and Crime Commission to prevent exposing inequities to the public gaze or to prevent it from being exposed to no more than public discussion and criticism, it is important that the government table in the Parliament the submission that it made to the CCC.

I use this motion to raise the question of cabinet confidentiality because it is clear that not all ministers in the past, current ministers and potentially ministers in the future, either have studied or will study the area of cabinet confidentiality and the case law that goes with it. Equally, it is clear that not all past ministers, current ministers or future ministers either have taken or will take the time to study the issue of public interest immunity and how it should be applied in Western Australia regarding, firstly, the decisions of cabinet and, secondly, government documents in general. For some time in this place I have raised the fact that governments have to be more transparent. It is very convenient for ministers in the other house, when providing answers to ministers in this house, to state that they do not have any intention of disclosing certain information on the grounds that it is confidential or should remain secret. We know that the Auditor General Act and the Financial Management Act were changed recently to require ministers, when they refuse to provide information to the Parliament, to be required to make a statement to Parliament of the reasons for that refusal. There is also now a requirement in the Auditor General Act for the Auditor General to review those decisions from time to time. That is a step forward. However, for too long we have had a situation whereby the executive government has been able to overshadow the Parliament and make claims of confidentiality, and indeed often use the term "commercial confidentiality", to shield the decisions that it is making and to shield contractual obligations that it is entering into.

There is a long way to go on the question of government transparency. I should say, in fairness, that it did not start with this government. That issue has been outstanding for some years. It will never be improved unless members of this house assert the authority that the people have vested in them as members of this Parliament to call upon the executive to disclose those proper matters of government that, firstly, the public have an interest in and, secondly, are within the public interest to be disclosed. There will be very few matters that, in the end, the courts will refrain from ordering be released. If that situation is recognised, ministers and senior government officials will perhaps conduct themselves in a manner whereby they are not restrained by another party arguing that there should be some confidentiality attaching to something and the minister or senior government official can then say that the deal he or she is currently negotiating is likely to be tabled in the Parliament in due course and therefore the minister will expect and insist that certain standards are met in the negotiations. For too long some senior bureaucrats in Western Australia have convinced their ministers that the idea of commercial confidentiality is something that is enough in the words alone to shield the minister from any adverse criticism of documentation within his or her portfolio area.

I hope that, in the future, we continue to look at the area of transparency in government; that we certainly recognise and support the need for cabinet confidentiality; and that ministers recognise the need for cabinet confidentiality and collective ministerial responsibility, which, as I said, is an interrelated facet or part of those conventions. As I said before, and the case of Egan in New South Wales confirms it very clearly, the Parliament is absolutely entitled to any information that it creates or obtains that is within its requirement for the good governance of the state of Western Australia. There is a very broad application of matters that can be raised and required to be tabled in Parliament. I have said on a number of occasions before that when a clear aspect of commercial confidentiality is at stake, there are ways of curbing documentation in this house without it necessarily being made public in the sense that the media can publish someone's intellectual property or commercial secrets. It has been done before in this place and it can be done as many times as we want in the future. The one thing that has occurred in the past is that we, as a Parliament, have made orders in this place requiring certain information to be tabled against the advice of departments and against the will of ministers who, I believe, in the main were following the advice of their departments; that is, the wrongful advice of their departments. We have managed to do it in a manner in which we have protected the commercial interests of the parties involved.

There is a long way to go in this regard. The fact that in recent times a submission was made to the Corruption and Crime Commission by the government seeking a ruling on public interest immunity is very relevant to this motion. The Commissioner of the Corruption and Crime Commission made his decision. It is clear in the transcript why he arrived at the decision, and it is also clear in the transcript how he ended up recognising the issue of cabinet confidentiality by imposing certain suppression orders on that information so that it did not become part of media statements, so to speak. I support the motion.

**HON LJILJANNA RAVLICH (East Metropolitan - Minister for Local Government)** [4.50 pm]: I am pleased to be able to continue my remarks on this motion. On the last occasion I spoke, I concluded by referring to 1985, when I was deputy principal at Morawa Agricultural District High School. I remember that time very well because the farming community was facing considerable hardship given the marginal nature of farming there as a result of the unreliability of rainfall, which meant there was great uncertainty about crop yield.

**Hon Murray Criddle**: It still happens today.

**Hon LJILJANNA RAVLICH**: It still happens today. I have put on the record in this chamber in the past that one of the things that amazed me was the great character of the people of Morawa, because they have had to deal with this on an ongoing basis, like many farmers around the country, and get themselves through the hard times. Some times are harder than others, and 1985 was one of those periods, and many people decided to walk off their land and consequently sold their assets for next to nothing. They were particularly hard times, so when we talk about Western Australia and the alleged deterioration of the state's economic fortunes, and by implication a range of other areas, I have to say that I could not think of anything being further from the truth. By comparison with 1985, we have very strong economic conditions. We are currently in very good shape; in fact, I do not think we have ever been in better shape economically than we are at present. The unemployment rate is 2.7 per cent, which is the envy of not only the rest of Australia and the region, but also the world. I do not think there would be too many countries whose economy would be so close to full employment. I think it is the lowest rate of unemployment recorded since the Australian Bureau of Statistics started gathering data. Certainly, economic growth has never been higher and the state's building program, both public and private, has never been better or bigger. Consumption levels, investment levels and government expenditure have never been better. If we look at projected infrastructure spending over the next four years, the infrastructure program is worth $21 billion. That is absolutely unprecedented given that we have a state budget of just over $16.5 billion. The rest of the nation is absolutely amazed at what is happening in this state. Since 2001, there has been a staggering 25 per cent growth in our economy. When we came to power in 2001, we inherited an economy valued at $76 billion and one that did not look anything like the economy we have today, which is projected to be valued at $126 billion by the end of this financial year. To suggest that we are going backwards in some way is a gross misrepresentation of what is happening in the Western Australian economy. The state's economy is certainly not shrinking; it is growing, and we are enjoying the most prosperous economic times in the history of this state.

In Western Australia last year, retail turnover grew by 7.3 per cent, which was more than double the national figure; new motor vehicle sales jumped 10.2 per cent while nationally there was a 2.6 per cent fall; and business investment grew by a staggering 13.4 per cent. Members are probably aware that the government has undertaken to reform vehicle licensing centres across the state. One of the key drivers for the reform of vehicle licensing and inspection centres is that Western Australia now has the highest number of vehicles per head of population - we are way ahead of any other state or territory. That is also an indicator of the prosperity of Western Australians and a sign of the good economic times that we are fortunate enough to be enjoying. It is no surprise that there is pressure on licensing centres, because people who have more disposable income are more inclined to buy a second car for the family, and businesses are more inclined to buy additional vehicles to assist in their businesses. All of this brings pressure to bear on licensing centres. I use licensing centres as another example of considerable growth in the Western Australian economy.

I was a bit amazed to see this motion on the notice paper, which states -

> That this house expresses its grave concern at the significant deterioration in the governance and administration of the state of Western Australia resulting from a government preoccupied with continued internal division and conflict, manipulated by outside influences and increasingly demonstrating serious signs of dysfunction, and calls on the government to urgently address the issues raised by the Corruption and Crime Commission and refocus its attention on restoring public confidence in the capacity of the government to govern for all Western Australians without fear or favour.

I found it very interesting that the motion includes a reference to internal division and conflict within the government, because I do not think that there can be anything further from the truth. For example, it is not the practice of our government to produce the sort of headline that goes with an article written by Joe Spagnolo for the *Sunday Times* of 11 February 2007. The article is headed "Barnett prods Lib deadwood".

**The PRESIDENT**: Minister for Local Government, you are just beginning to stray from the motion, but you have not yet strayed.

**Hon LJILJANNA RAVLICH**: Thank you very much, Mr President. I did not think that I had.

**The PRESIDENT**: I have just provided you, Minister for Local Government, with a degree of guidance. You have read out the motion so you would be very familiar with it. Therefore, you would be familiar with what is and is not relevant.

**Hon LJILJANNA RAVLICH**: The point I am making is that internal division is not a characteristic of the Labor government. However, in saying that, it does seem to be a feature of the behaviour of members opposite. There is no doubt that, not so long ago, Hon Colin Barnett may have intended to leave the Parliament. Whether he will or will not do that is yet to be seen. He certainly had no reservations about putting on the public record what he thought should happen to a vast majority of members opposite. The article referred to 15 or 16 members of his own party who he thought should go and make way for some young blood and talent.

**The PRESIDENT**: Minister for Local Government, it is reasonable for you to refer to these matters in passing, but the debate is on the motion, which deals with the government and not other groups or the opposition. You should not focus the debate on the opposition save insofar as your comments relate directly to the motion. I appreciate that that can cause some difficulties if one is making a point of contrast, but notwithstanding that, it is important that we stick to the terms of the motion. If we do not, we will stray into all sorts of no doubt interesting areas but areas that are not relevant to the point under discussion.

**Hon LJILJANNA RAVLICH**: I just wanted to raise that matter to demonstrate that, given the sequence of events within the Liberal Party, it seemed very odd to me that this motion should appear in this form in this place as a debateable motion.

Debate interrupted, pursuant to standing orders.

[Continued on page 2540.]