

Hon Peter Collier; Hon Sue Ellery; Hon Martin Aldridge; Hon Alannah MacTiernan; Hon Michael Mischin; Hon James Chown; Hon Darren West; Hon Jacqui Boydell; Hon Alison Xamon

McGOWAN GOVERNMENT — PERFORMANCE

Motion

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.14 am] — without notice:
I move —

That this house expresses its concern at the lack of openness and transparency in the decision-making process of the McGowan Labor government.

I have moved this general motion because a number of issues concern members on this side of the chamber, particularly an issue on conflict of interest that involves me. I have expressed concerns about the processes and procedures that concern me on a number of occasions, particularly with regard to the general attitude towards the conventions of this chamber with pairs, openness and transparency, questions, ambiguous and vague question responses, and at times no response to questions. Of course, there is the never-ending issue of ministers double dipping with regard to their car allowance. It took me over three months to get to the bottom of whether ministers had double dipped. We finally found out that Ministers Logan, Quigley, Johnston, Saffioti, Cook, Tinley, McGurk, Kelly and Ellery all got an additional \$5 300. We hear the bleating from members opposite that we all have to do our bit, yet on a \$270 000 a year salary they can get their \$5 300. It is beneath contempt, but that is a side issue.

The big issue I would like to talk about today is ministerial responsibility, particularly conflicts of interest. Avoiding conflicts of interest is sacrosanct in the bicameral Westminster system of government. I purposely asked a question on this because I knew where I was going with this one, but we chase our tails in this place most of the time. On 16 May 2017, just after Parliament returned following the election, I asked —

- (1) Have any ministers or parliamentary secretaries declared any conflicts of interest?
- (2) If any ministers or parliamentary secretaries have made declarations, what is the nature of the conflicts?
- (3) If yes to (1), have any ministers or parliamentary secretaries divested themselves of any conflicts?

I received a fairly typical response, which was —

- (1)–(3) It is not possible to provide the information in the time required. I, therefore, ask the honourable member to place this question on notice. If I am able to, however, I will speak to the Premier's office and see whether we can get it to the member before he has to do that.

That was not forthcoming. Suffice to say, there must be a lot of conflicts of interest if I had to put that question on notice. How many conflicts are there if it has to be put on notice? Again, openness and transparency is straight out the window.

I turn to the Ministerial Code of Conduct on conflicts of interest. All ministers would know this back to front—I did. All ministers must know this, particularly with regard to conflicts of interest. Part 5 of the code states quite categorically —

Public duties must be carried out objectively and without consideration of personal or financial gain. Circumstances which could give rise to a serious conflict of interest are not necessarily restricted to those where an immediate advantage will be gained. They may instead take the form of a promise of future benefit, such as a promise of post-parliamentary employment. Any conflict between a Minister's private interest and their public duty which arises must be resolved promptly in favour of the public interest. The same is as true for a perceived conflict of interest as an actual conflict.

When all ministers took the oath with the Governor, which is a wonderful occasion, they would have read this and said, "Yes, I'm going to adhere to those standards as a minister of the Crown." An actual conflict and a perceived conflict must be adhered to.

Let us look at the issue of Hon Alannah MacTiernan and Carnegie Clean Energy. This is a major issue. I am a fan of Carnegie Clean Energy. I opened its plant at Garden Island in 2010 and got a nice little plaque for it. I am a great fan of Carnegie. My issue is not with Carnegie; my issue is with the openness and transparency on this issue, particularly with regard to Hon Alannah MacTiernan.

Let us look at the Labor Party's plan for Albany at the last election, particularly on this issue. The plan for Albany states —

- **A McGowan Labor Government will support the establishment of wave energy farm in Albany.**
In 2008 the WA Labor government negotiated the trial of wave energy electricity to Albany. On coming into office in late 2008 the Liberal Government changed the location of the trial to Garden Island.

That is absolute garbage. That is absolute rubbish. The government talks about openness and transparency, but these documents that the Labor Party put out to the Western Australian public going into the last election are full

Extract from Hansard

[COUNCIL — Thursday, 2 November 2017]

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of half-truths and untruths. That is a complete untruth. I will give members the reality of the situation. I was Minister for Energy in those days and Hon Donna Faragher was Minister for Environment. We approved the wave farm in Albany for Carnegie. In fact, we put a media statement out signalling that approval on 20 February 2009. We were then asked by Carnegie to change the location to Garden Island, because the conditions were better there. Carnegie asked for it to be changed, not the government—not me and not Hon Donna Faragher. We went through all of the probity issues to ensure that was fine. We wanted this program to go ahead, but we could not just shift it to Garden Island. These things are not just done on the back of a postage stamp; they go through the whole process. As members opposite will know, that process is often long and elongated, but the probity issues must be adhered to, so we did that. I ask members to please look at a ministerial statement made by Hon Donna Faragher on 15 October 2009. She said —

Carnegie’s proposed demonstration power station will use submerged pumping units on the sea floor to collect wave energy in the form of pressurised sea water, which would generate electricity from a hydroelectric turbine onshore. Albany was identified as the preferred location for the facility; however, the government was subsequently notified by the company that, as a result of new information from a feasibility study conducted by industry experts, an area west of Garden Island was now nominated as the preferred location as it was considered to be the lower-risk option for the demonstration facility. This assessment was conducted and was based on key site characteristics, which identified Garden Island as having calmer and more predictable sea conditions, allowing better access for deployment and maintenance purposes; more favourable topography and geology, which decreases costs for pipeline construction; and proximity to high technology support services. I am advised that major stakeholders, including the City of Albany, the Great Southern Development Commission, the Department of Defence and the Rockingham Kwinana Development Office were consulted by Carnegie regarding the proposed relocation of the initial demonstration project.

It goes on. That is a ministerial statement. What the now Premier put in his policy statement is wrong. It was not the Liberal Party that changed the location; it was Carnegie. That is one issue; that is the background to it. Let us have a look at the history of this, particularly the conflict of interest. This minister in particular should know about a conflict of interest. I draw members’ attention to a media article from Tuesday, 18 October 2005 titled “Ministers breach doesn’t warrant dismissal: Gallop”. It states —

West Australian Premier Geoff Gallop has counselled a second minister over a possible conflict of interest, but says the breach was minor at worst and does not warrant resignation.

Dr Gallop told Parliament that Alannah MacTiernan’s husband owned shares in Alinta at the time of a crucial cabinet vote last year involving the company.

It follows Bob Kucera’s resignation from the ministry last week after revelations that both he and his wife held Alinta shares.

...

He told Parliament he intends making changes to his ministerial code of conduct to overcome a number of anomalies.

He did that to ensure that it expanded and covered all bases, particularly with regard to families. Hon Donna Faragher and Hon Norman Moore were recipients of that change to the extension of family members when we came to office in 2008 and they took appropriate action. They were open and transparent, as was required by the ministerial code of conduct.

Let us have a look at whether or not Hon Alannah MacTiernan had a conflict of interest with Carnegie. I will go through a few issues. First of all, Energy Made Clean was purchased by Carnegie Wave Energy on 26 October 2016 to form Carnegie Clean Energy. Hon Alannah MacTiernan was a director of Energy Made Clean from May 2011 to July 2013. In an article in *WA Business News* it was stated that she was also a business development manager at Energy Made Clean. An article in *The West Australian* from 14 October this year states —

Ms MacTiernan said she was given the shares in lieu of pay.

That is fine, so she accumulated some shares in Energy Made Clean—nothing wrong with any of that. During the election campaign, on 23 February 2017, Labor committed \$19.5 million for the Albany wave farm. As a result of that there is a photo of Hon Alannah MacTiernan. I do not know in what role, because she did not have anything to do with energy at that stage; she had not even been elected into office. She was a candidate for the North Metropolitan Region. She appears in the photo at the Carnegie project with the CEO of Carnegie; Bill Johnston, MLA; and WA Premier-elect Mark McGowan. So, she is involved in it and of course she was a former director and she had shares in this company at this stage still. Interestingly, as a result of that, after the

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election Carnegie issued an Australian Securities Exchange announcement. The election was on 11 March 2017, and on 13 March 2017 Carnegie put out an ASX announcement that stated, in part —

Carnegie Clean Energy Limited ... developer of utility scale wave, solar and battery storage projects, is pleased to note the election of a new Government of Western Australia ... confirming the commitment of \$19.5 million in funding for its —

As in Carnegie's —

Albany Wave Energy Project.

That is rubbish. Either there has been a wink and a nudge to Carnegie from the government to say it has the project or Carnegie has misled the ASX. It cannot have it both ways. Carnegie cannot have put this out to the ASX confirming the commitment of \$19.5 million in funding for its Albany wave energy project on 13 March unless the whole government was sworn in on 12 March, the ministers were sworn in on 13 March, they went through all the probity issues, and they then gave the project to Carnegie. It cannot have happened. As I said, there is already that sinister smell around this project and the decision-making. Interestingly enough, as a result of that, Carnegie shares went up by 23 per cent over the next three days. That had to come from the announcement of the decision to the ASX. This is a serious matter. A company cannot put out false or misleading information to the ASX; it cannot do it. As I said, there are already question marks over this decision-making process—not the project itself; I am not questioning that, and nor am I questioning, to a degree, Carnegie. As I said, I am a fan of Carnegie, but at the same time due process must be followed. That was on 13 March. I might add that there is a photograph appearing in that announcement, as I said, with the now Premier; Bill Johnston, MLA; and the CEO of Carnegie. At the end of my contribution I will table that document in case anyone is interested. At this stage the die has been cast. Hon Alannah MacTiernan, probably pre-empting the fact that she was going to be a minister, gave her shares away to charity on 15 March. That was an honourable thing to do and she should have done it. She had obviously been promised a ministerial position back when she joined up and they got rid of Laine McDonald—I do not know why, but they did. As a result of that, Hon Alannah MacTiernan got parachuted into a ministerial position and so got rid of her shares by giving them to charity.

We now have to look at the process. I suggest that there was a process. There were nine applications for the contract, but Carnegie got the contract. I am not quite sure why Carnegie got the contract, because quite frankly in 2015 Carnegie put out another ASX announcement that said it had signed for a \$21 million loan facility with the Commonwealth Bank of Australia on commercial terms. It had the money for that one megawatt project already. Why is another \$15 million being put into Carnegie when there are all these start-up companies? The so-called bastions of renewable energy are sitting over there. What about all of these start-up companies that need a leg-up? Yes, Carnegie is a good company, but it is established, it is commercial and it is working. It already has the funding from the Commonwealth Bank for that project. That is the one at Garden Island, for the commercial value of that company. As a result of that, a very real issue has developed here, again with sinister overtones. If it was all above board and all the probity issues were covered, it is not an issue. However, Carnegie Clean Energy Ltd, as I said, has a bank loan facility for \$21 million that is now going through. It has already had its photo taken with the now Premier and the soon-to-be ministers. Anyone in their right mind would say that there are some serious question marks over the legitimacy of this tender process. The Leader of the House can roll her eyes all she likes, but the problem with this government is that it does not see that these things are an issue.

I will bring us back to the openness and transparency issue. Has the government been open and transparent? Absolutely not. Earlier this week, as members will remember, I asked the Leader of the House representing the Premier —

- (1) Has any minister declared a conflict of interest or a perceived conflict of interest in Carnegie Clean Energy Limited?
- (2) If yes to (1), which minister or ministers?

The answer was —

- (1) No.
- (2) Not applicable.

That is absolutely extraordinary. It is absolutely extraordinary that there is no actual or perceived conflict of interest. Hon Alannah MacTiernan, as Minister for Regional Development, has no actual conflict of interest; I acknowledge that. She got rid of her shares on 15 March, so she would not have had to declare an actual conflict of interest in any cabinet decisions on Carnegie. She was not a minister at the time of the announcement, although she was there at the announcement. She was not a minister, or even a member of the Legislative Council, when Carnegie made its Australian Stock Exchange announcement on 13 March, even though she was photographed with the Premier. However, she was a shareholder in Carnegie up until 15 March. Further, she was a director of

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Energy Made Clean. She was intimately involved with this company; there is absolutely no doubt about that, yet she did not declare an actual or a perceived conflict of interest.

The standards of this government have no bounds. They are lower than a pregnant ant. How can anyone possibly get to a point where they can sit around the cabinet table and say that there is no perceived conflict of interest? I sat around the cabinet table for almost nine years. When we went into cabinet meetings, we would be asked whether there were any declarations or conflicts. Ministers regularly left the room when issues came up. On matters that were minuscule in comparison to this, a minister would leave the room because there was a perceived conflict of interest. I find it extraordinary that this self-proclaimed brilliant detective, having had issues with shares back in 2005, and a perceived or actual conflict of interest, could not have taken it upon herself to say that she did have a perceived conflict of interest as a former director of this company and having held shares up until 15 March. In anyone's language—you do not need to be an Einstein—there is a perceived conflict of interest. Either the Premier is lying when he says that no-one has declared an actual or perceived conflict of interest, and I doubt very much that he is, because he has stated that and given it in a written response to a question I asked earlier this week, or alternatively this minister has standards that are too low to see the political wood for the trees. She cannot see the fact that being a former director of the company, and having shares in that company up until 15 March, creates the notion that there is a perceived conflict of interest. If she cannot see that, and if the Premier cannot see that, what on earth are we doing with the ministerial code of conduct? It means nothing. Again, the standards are so low in this government. It means nothing. Members opposite will roll their eyes, scoff and carry on, saying that this is a ridiculous non-issue, but this is very much a live issue. We have a situation in which a present minister has been intimately involved in a company that received \$15 million of government funds, and apparently there is no perceived conflict of interest. What nonsense.

The ACTING PRESIDENT: I remind the member that he wished to table a document.

Hon PETER COLLIER: I do; I seek leave to table this document.

Leave granted. [See paper 833.]

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.35 am]: I wondered, when I saw the very general nature of the text in the motion that was lodged yesterday afternoon, where the opposition would be going with this. I had a joke with the Leader of the Opposition, when he came in today, about this being the day he was going to bring down the government, but what a sad effort that was, if that is what he thinks is going to bring down the government. There is no conflict of interest. The minister the Leader of the Opposition is talking about was not involved in any of the decision-making that led to the decision that he referred to on Carnegie Clean Energy Ltd. There is no perceived or actual conflict of interest. She is a very effective, hard-working and smart minister and, probably more annoying to the other side than that, she is a minister who gets things done and brings people with her. That is why the motion today refers to the Minister for Regional Development.

The minister had an indirect stake in Carnegie through shares she held in a clean energy investment, formerly called Energy Made Clean. She was a director of that company before she was elected to federal Parliament in 2013, and was paid in shares. When she was a director, that company had no relationship with Carnegie. She divested herself of her shares before she was sworn in as a minister. She donated them to Leprosy Mission Australia. When we made our election commitment, it was for common user infrastructure; it was not a commitment to a particular company. Carnegie won the tender process—I will come back and talk about that in a minute—to construct the common user infrastructure. At no point was Minister MacTiernan making a decision on any of this while holding shares, directly or indirectly, in Carnegie. Prior to the election, when the election commitment was made, the shadow Minister for Regional Development was the now Premier.

I will talk about the actual process, but I might make this point first: it is worth noting that Labor has, as a party, supported developing wave energy in Albany since at least 2007. Cabinet approved the expenditure of these funds to support wave energy development through an open competitive tender process that was run independently by the Department of Primary Industries and Regional Development. The minister and her office played no role in evaluating those tenders. Five proposals were received from a variety of developers from Western Australia, Australia and the international market. An interagency evaluation panel—I will step the house through that process in a minute—concluded that Carnegie was the recommended respondent for the Albany wave energy technology development project. The Carnegie proposal was accompanied by letters of support from two other WA-based wave energy developers, Bombora Wave Power and Protean Energy.

I will now talk about the actual time line. On 21 November 2011, 42 000 Energy Made Clean shares were issued to, then, the ordinary Alannah MacTiernan, as part payment for her role on the board. Further shares were issued on 10 May 2012. On 17 August 2016, Alannah MacTiernan nominated to fill the North Metropolitan Region vacancy for the WA Labor Party. On 26 October 2016, Carnegie announced that it would acquire Energy Made Clean. On 6 December 2016, Energy Made Clean shares were converted to Carnegie Clean Energy shares. On

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23 January 2017, WA Labor announced a \$19.5 million commitment to wave energy in Albany. On 11 March, the people of Western Australia made a very sound electoral decision and elected the McGowan Labor government. On 15 March 2017, the minister divested her Carnegie shares, although I note that she was not a minister at that point, through a donation to Leprosy Mission. On 17 March 2017, she and the rest of the McGowan Labor cabinet were sworn in.

I want to talk about the tender process. A request for proposal for the technology development project was issued on the Tenders WA website on 28 July 2017. The tender was open for five weeks. Five proposals were received from a variety of developers from Western Australia and Australia and internationally. To ensure that the process was robust, the tender was subject to a comprehensive evaluation process. The proposals were evaluated by a panel that comprised representatives from the department, the Great Southern Development Commission and the Public Utilities Office. The process and deliberations were overseen by the Government Procurement unit of the Department of Finance. The office of the Minister for Regional Development played no role in the evaluation of the tenders. The interagency evaluation panel concluded that Carnegie was the recommended respondent for the Albany wave energy technology development project. The department then negotiated the terms of a financial assistance agreement with Carnegie and the announcement was made subsequent to that.

Let us do a compare and contrast of that process of the now minister divesting herself of shares before she actually became a minister with what happened under the previous government in respect of the current Leader of the Opposition, Hon Mike Nahan. He held three shareholdings in his self-managed super fund that created conflicts of interest. In respect of one of them, the Premier of the day admitted that the then Treasurer, the current Leader of the Opposition, had broken the code of conduct. He held QBE shares while Treasurer, making decisions on the Insurance Commission of WA and insurance matters. He had meetings with lobbyists.

Point of Order

Hon MICHAEL MISCHIN: This is all fascinating but it has nothing to do with the motion.

Hon Sue Ellery: It has absolutely everything to do with the motion.

Hon MICHAEL MISCHIN: If I might be allowed, I remind the Leader of the House that the motion is about the openness and transparency of the decision-making processes of the McGowan Labor government. If she wants to raise something in due course about conduct, I am sure that we will have more pat on the back-type motions from the Labor Party in due course —

Hon Sue Ellery: That is not a point of order.

The ACTING PRESIDENT: I will adjudicate, member.

Hon MICHAEL MISCHIN: — but it has nothing to do with the examination of this particular motion. My point of order is about relevance.

The ACTING PRESIDENT (Hon Robin Chapple): There is no point of order.

Debate Resumed

Hon SUE ELLERY: I have been talking about the current Leader of the Opposition, who, while Treasurer and holding shares in QBE, made decisions on insurance matters and had meetings with lobbyists representing QBE, in which he held shares. The then Premier acknowledged at the time that that was a breach. He held shares in Telstra while making announcements on Telstra winning decisions on mobile phone infrastructure. He had interests in Medusa Mining and ABM Resources, two interstate gold companies, while making decisions on WA's gold royalty rate.

Let us turn to a person who at one point was Treasurer and is now the shadow Treasurer, Hon Dean Nalder. This is a time-limited debate so I do not have time to go through all the messes that he got himself into, but I will make this point: I reckon that to this day he still does not accept that he actually made any mistakes in how he handled his financial affairs. Let us touch on some of them. He purchased shares in Metier Asia, with his ministerial staff, after becoming minister. He did not hold them before he became minister; he bought them after he became minister and did not disclose them. There was then the infamous Weld Club lunch with his business partner in Fleet Network, Alan Ariti. He was the finance minister with responsibility for IT and vehicle procurement, and he held a stake in a fleet company with an IT executive, and he was discussing IT policy over lunch with that executive and his first cousin, who also worked in the Department of Finance. Then there was the meeting with the Consul General of China, the CEO of a private company he held a stake in, and senior bureaucrats, which he initially tried to describe as a private meeting but then had to acknowledge that, of course, it was no such thing. Did he even sell his shares after that time or did he just take them out of escrow?

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As I said, the shocking thing about that is that I reckon to this day he still thinks he was badly treated by the attention that those indiscretions caused him. He thinks it was all a grand conspiracy and that he did nothing wrong. Instead, on this side, we saw Hon Alannah MacTiernan, before she was sworn in, divest herself of shares that she had acquired before the company in which she had those shares had any relationship with Carnegie. You have got nothing! I understand that you have to drag yourselves up from the mire of the mess that was your electoral result; I understand that you desperately need to find a narrative and that you desperately need to try to find something to bring down the government that achieved the greatest electoral victory since the Second World War. I get that you have got to do that.

Several members interjected.

The ACTING PRESIDENT: Members, no raucous interjections, please.

Hon SUE ELLERY: Just semi-raucous interjections. I get that you have got to do it.

Hon Peter Collier: You're desperate, so desperate.

Hon SUE ELLERY: I am not the one who is desperate at all. I am sitting here with my pen, thinking, "Where are they going to go? What have they got? What are they going to come up with? How am I going to be able to defend it if they have got something that I've never heard of?" You have got nothing! You have got absolutely nothing except a very hardworking, very effective, very popular minister. That is what you have got and you do not like it. She is doing really well in the portfolios that you do not think she should do well in. She is doing really well in those things and that is why you are going after her. You have got nothing!

HON MARTIN ALDRIDGE (Agricultural) [10.47 am]: I rise to speak on this very sound motion before the house today. Having spent four years in government, being lectured to by the members opposite about openness and transparency and this gold standard of openness and transparency that they were going to set in government, it is very, very safe to say that we have not seen that standard set in the first few months of the McGowan Labor government. I want to canvass a few areas in the time I have, but members will be aware that I have raised some questions in question time this week about the involvement of members of the executive government in the recent local government elections. I certainly think that Western Australia is one of the very few states in Australia that prides itself on the lack of party-political involvement in local government elections to a great extent. I want to talk about that in the context of some of the questions that I have asked. I will continue to pursue this issue. It is not one that I enjoy pursuing, but one that I think is worthy of pursuing because some very interesting standards are being set by the Premier about how open and transparent he thinks the local government sector should be and how open and transparent his government should be.

Obviously, some interesting things happened at the local government election, including the Labor Party promoting a website that supported candidates running for office. I do not think we have seen that before. We saw cabinet ministers writing letters in support of candidates for local government elections. Again, I think that is a fairly extraordinary case of influence by not only members of state Parliament, but also members of the executive government. One aspect that I want to talk about today in the context of the questions that I have asked this week is local government disclosures. Members will be aware that it has been a bit of a hot topic, actually, and it really goes back to when the Parliament saw the extraordinary passage of the City of Perth Bill. To see its passage, some extraordinary amendments were moved in the other place that were outside the scope of the bill, I must say—demands, some might say, by the Labor Party, led by a then councillor at the Town of Vincent, if I am not mistaken, about how they needed to improve transparency and the disclosure regime that applied to local government. I stood in this place and said that I had some concerns about that regime and that I thought it would potentially endanger some local government councillors—elected members—in terms of their reporting requirements.

Nevertheless, I turn to the Local Government (Elections) Regulations, which I have brought into question this week in this place. It now appears that a number of donations were made by a member of Parliament to candidates in the recent local government elections. In my view, there was a failure to meet the requirements under the Local Government (Elections) Regulations 1997. There are two examples. It is hard to get a comprehensive list of examples because election registers are held by the chief executive officer of each respective local government. They are not published online; people physically have to walk into the local government offices and inspect the register, which obviously is quite problematic. There are two cases. The first concerns the Shire of Esperance. A donation of \$1 000 was made by Hon Darren West on 12 October 2017 to a Ms Dale Piercey, a candidate who was successfully elected to the Shire of Esperance. The required disclosure form was signed on 19 October 2017 and I understand that it was received by the Shire of Esperance on that day. Interestingly, the local government regulations require disclosure within three days of making a donation in an election. The donation was made on 12 October and disclosure was made on 19 October. It was past the three-day deadline, but by only a few days. I turn now to the City of Greater Geraldton. The same member made a donation of \$1 000 on 18 September, this time to an unsuccessful candidate, Miss Jenna Denton. Disclosure was not made until 19 October, some month after

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the donation was made. Similarly in the City of Greater Geraldton, a \$500 donation was made by the same member, Hon Darren West, on 18 September to a Mr Derek Goforth, another candidate who unsuccessfully contested the election. Again, disclosure was not made until 19 October 2017, some month after the donation was made.

Members might be interested in where I am going with this and the relevance of the matters before us. The relevance is that we have found ourselves with a Lord Mayor of the City of Perth who is in a bit of a strife over the disclosure of gifts and travel. The Premier of this state has taken a very strident view about the standards that should apply to the local government sector and to councillors and, indeed, the Lord Mayor. He took a position to the election that he was going to sack the Lord Mayor, which he has obviously realised he cannot do. We now hear that a bill will be brought to Parliament to allow him to sack individual councillors. Obviously, that is not the matter before us today, but this is the standard that the Premier is setting for what he requires of elected members of local government in this state. We have some good facts before us that Hon Darren West, who is not just a member of this place but also a parliamentary secretary—a member of the executive government, sworn by the Governor of Western Australia to represent the government in this place—has breached the local government regulations on at least three occasions. I am going to be very interested to see whether my further questioning is answered in this place and whether the Premier will hold this member to the same standard that he is holding other elected members in local government and will seek the resignation of Hon Darren West from the office of parliamentary secretary. This will be very interesting to see. As we know, this government is full of double standards—full of them—and this is just one example.

I will go to another situation, again relating to the local government elections. I understand that a letter was written to the President of this chamber by a candidate for the City of Greater Geraldton election, accusing Hon Darren West of harassment, bullying and defamation. Members might be aware that a similar case was raised in the recent local government elections.

Several members interjected.

The ACTING PRESIDENT: Members! I am trying to listen to the gentleman on his feet. Conversation between others across the chamber is not helping me to hear Hon Martin Aldridge.

Hon MARTIN ALDRIDGE: Thank you, Mr Acting President. Members might be aware of an article written in the lead-up to the local government elections outlining that a young lady, now Councillor Georgie Carey, was subjected to significant harassment and bullying online by people during the election campaign for the Town of Mosman Park. The local government minister quite rightly came to her defence. There were some sound and strong comments from him, which I support. It will be interesting to see whether this local government minister will do the same in this case, in which a member of the public—a candidate for election to the council of the City of Greater Geraldton—has made some very serious allegations against Hon Darren West about his behaviour online, privately and publicly, and of harassment, bullying and defamation. It will be interesting to see whether another double standard will exist within the McGowan Labor government.

This brings me to some questions. I hope Hon Darren West will rise in one minute and 34 seconds and tell us why he failed to meet his obligations under the local government regulations and why he feels that it is appropriate that a parliamentary secretary—a member of the executive government—should be making donations and influencing and interfering with the election of people to local government. An important question that he needs to answer is: where did the money come from and why did he not disclose it within the time frame? Another interesting question that needs to be answered is: were the resources of his electorate office, including his staff, used in the making or reporting of the donation? They are very important questions that need to be answered, not by a member of Parliament but by a member of Parliament who serves as a parliamentary secretary in the McGowan Labor government. These all go to the question before us about openness and transparency. Clearly, the Minister for Local Government and the Premier of this state have set a clear standard of what they expect from elected members of local government. It will be very interesting to see whether these two people hold the Parliamentary Secretary to the Minister for Regional Development to the same standard.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development) [10.56 am]: I am going to take only a few minutes. I first want to say that the allegations against Hon Darren West are absolutely baseless. It is not the donor's obligation to disclose the donation.

Several members interjected.

The ACTING PRESIDENT: Members, order!

Hon ALANNAH MacTIERNAN: Secondly, it is true that a complaint was lodged by a member of the National Party about Hon Darren West to this place. That complaint has been dismissed as frivolous and vexatious. It is important that we just get that absolutely right.

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Hon Jacqui Boydell interjected.

Hon ALANNAH MacTIERNAN: I find it really odd, because the other side of politics has an endless number of people involved in local government elections. Of course, there have always been players from across the political spectrum involved in local government elections. It is quite extraordinary the way in which members opposite get on their high horse about the fact that Labor Party people stand at local government elections and, in many cases, have been very successful. There just seems to be a sense of outrage that this should happen—that Labor Party people should get elected to local government! I know that members on the other side have supported many candidates in the elections. I attended events. I noted with considerable surprise that the former Premier, Colin Barnett, actually attended a fundraising event for Penny Taylor. I was also at that fundraising event. It was great to see a quality candidate being recognised by both sides of politics with support by way of attendance at a fundraiser.

I want to quickly talk about the alleged conflict of interest I have in relation to the Carnegie Clean Energy matter. I want to make it clear that I never actually held Carnegie shares. Shares in Energy Made Clean were never converted to Carnegie shares, so it was a very indirect holding. But, of course, I was aware that once we were elected, there was going to be a perceived conflict of interest and indeed an actual conflict of interest if I did not divest myself of the shares. I was very, very concerned to ensure that there could be no suggestion that I had made any profit whatsoever from our government's long-term commitment to renewable energy and wave energy. To that end, I went beyond what was required under the Ministerial Code of Conduct on divestment, which I could have satisfied by selling those shares, but to make sure that there could be no suggestion that there was any personal gain on my behalf, I donated the shares directly to a registered charity.

Hon Nick Goiran: It was a perceived conflict of interest.

Hon ALANNAH MacTIERNAN: That is why I donated the shares and why I did not sell them. I donated the shares and took a \$6 000 hit to ensure that there could be no suggestion that there had been any personal gain whatsoever. Quite frankly, the feedback from the community has been very positive because I was prepared to donate these shares and personally take a loss to ensure that there could be no actual or perceived conflict of interest. We have dealt with that.

I have long been a supporter of wave energy in Albany. As minister for lands at the time, I was involved with Carnegie Clean Energy in negotiating the original lease over the seabed. Indeed, during my time as a federal member, I promoted many times the work of Carnegie and became very concerned that the lack of support it was getting at the state government level would result in wave energy companies going to places such as Cornwall and Scotland where an enormous amount of assistance is available. Indeed, while I was in federal Parliament, I am on record as having no interest in Carnegie, even indirectly at that point, and saying that we need to provide support for Western Australian companies that have this leading-edge technology. I was absolutely well aware of a potential conflict of interest and absolutely aware of a perceived conflict of interest and I have taken steps well beyond what we gather anyone on the opposite side of the chamber has done, and that is not just selling my shares as is required by the Ministerial Code of Conduct, but, in fact, donating them so that there could be no suggestion that I had personally benefited at all. In fact, it was quite the reverse, because I personally took a financial loss to ensure that this conflict was dealt with comprehensively. The leader of opposition business asked why we are not supporting the smaller companies. Indeed, one of the positive things that has come out of the tender process has been how the three major energy players have worked together. As part of the package, there have been letters of support from both Protean Wave Energy and Bombora Wave Power. They see themselves as also being advantaged by this focus on wave energy and the commitment made by Carnegie that its existing facilities can be utilised by companies that are in an earlier stage of development.

This is a fantastic project; it is one that I am very proud to support. I am very proud to have been a supporter of wave energy in this state for the last 10 years. I think it is absolutely critically important that we support WA technology. In those areas in which we are world leaders, we must grasp that nettle and make sure that we become technology makers and not just technology takers.

HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition) [11.05 am]: I rise to support this motion with some dismay, not because of the character of the motion, but because it is necessary to raise this subject so early in the term of the McGowan government. I note that over the last few minutes Hon Alannah MacTiernan has stressed enormously her generosity in donating \$6 000 worth of shares and taking a financial loss and the like. I take it that that will be underlined by her not claiming that as a tax deduction in due course as a donation to a charitable organisation rather than selling her shares and having to pay tax on them, but that is another issue. The examination of the background of Hon Alannah MacTiernan's involvement and perceived conflict of interest in having had an association with companies that were involved in this transaction is for another day. My concern is about the openness and transparency of the decision-making process of the

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McGowan Labor government. It became fashionable for the Leader of the House to talk about failings on this side but that again is for another day. My concern is evidenced by the failure of ministers of the McGowan government to abide by what it said to be the principles on which it was elected, among them being—supposedly—transparency, openness and high standards. I can see the list before the Premier when he is considering answering questions, and presumably, there is a similar list for many of his ministers: does this answer to a question demonstrate transparency? No—tick. Does it demonstrate openness in the decision-making processes? No—tick. Does it demonstrate high standards? No—tick. And that is the answer that is then submitted to Parliament. The point of asking questions in Parliament is to achieve accountability of government and obtain information. We keep hearing about how an answer to a parliamentary question is an answer to a parliamentary question—take it or leave it. The point of questions in any examination, as in any examination in a court or otherwise, is to obtain information, and that has been seriously lacking in the six months or so since Parliament resumed. The number of occasions on which I and other members have asked questions involving when, where, who, what and why and been given glib responses is legion. I am sure they grin quietly to themselves that they managed to avoid that one, but it does raise the rather important question of why—why are they so secretive?

I will give members an example. I asked questions about the Yindjibarndi native title decision that was handed down the other day. I asked when the decision was made to not appeal that decision. Instead of being told whether it was the decision of the Attorney General or of cabinet, I was told it was “a number of ministers”. Which ministers? When was the decision made? The answer given was it was on or about 10 October. I was given no information at all and that has been endemic in the answers that are being presented to questions over the last six months or so.

I asked a series of questions to try to pin the Premier down on what assurances he has obtained from the now Leader of the Opposition in the federal sphere about the GST—something that the Premier raves about constantly. One question was: on what occasions since the election has he discussed the matter with Mr Shorten and when did those discussions take place? I got the answer, “After the election”—wonderful! What has the Premier got to hide? The failure to answer these questions with some specificity gives rise to a very real question. I am sorry that the Leader of the Government in the Legislative Council has already said her piece because I would love to hear the explanation. Why will the government not give information of some specificity? The obvious conclusion that one draws from that is that the government does not want us to have the information. Why does it not want the Parliament to have the information? It is because there is something discreditable about the correct answer or it will give rise to further inquiry that might reveal something that it does not want us to know. Because it is so persistent, that is the obvious conclusion, quite apart from the fact that it is hardly transparent—the catchphrase of the new millennia—and quite apart from the lack of openness and the fact that if these are the high standards of the McGowan government, how much lower is it prepared to sink?

I have asked questions about the so-called Local Projects, Local Jobs program that was set up—I can see Hon Darren West giggling away—and how the due diligence on that was carried out. Even in the budget estimates I could not get a straight answer other than, “These are election commitments.” There you go! The Labor Party made an election commitment and it does not matter whether there is a conflict of interest between the person who made that commitment and the handing out of public money towards it. I can see that the honourable Leader of the House plainly has no idea. The government handed out \$39 million of public money for something like 750 handouts, and it appears from the answers that we were given during estimates that these went through the Labor Party organisation. There was simply a list that was then presented to departments to pay out on, and no due diligence was carried out to see whether someone had donated money and made a commitment to an organisation that they had been a part of or had a connection with. There were no standards to see whether it was a worthwhile donation of money. It is a pork barrel. We do not know whether another one will be set up in future so that members of the government can dip into public funds under this Local Projects, Local Jobs program in order to supplement their electorate allowances by handing out money to their electorates to garner votes, because no-one will tell us. There is no accountability, and that gets right back to the point of this motion. These are the supposed high standards of a McGowan government, but we will watch that space.

Another reflection on the decision-making process of this government are the comments of one Fran Logan before the election about Roe 8 contracts when he said that if anyone who had rights under a contract sought to enforce those rights against the government, they would be remembered and punished by a McGowan government. His comments were, “I expect that Mark would say that we’re going to drag it out as long as possible and we’ll remember you if you want government work again.” That sort of influence can be put behind the scenes, but did we see the Premier of high standards say, “Look, this is unacceptable and we’re not going to allow that to even be perceived as the manner in which a McGowan government will work”? No, we did not, and he made him

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a minister. The Premier did, however, claim to have serious counselling with him, whatever that might mean. Perhaps if I ask the question, we will hear what the serious counselling involved.

Hon Sue Ellery interjected.

Hon MICHAEL MISCHIN: It is all very well for the Leader of the Government to make light of this stuff, but it seems to be typical of the way in which the Labor Party approaches the responsibilities of government. Government is power. Once it gets into government, tell the upper house that it ought to just fall into line and do what the Legislative Assembly, dominated by the Labor Party, wants it to do, but without regard for the public interest.

HON JIM CHOWN (Agricultural) [11.15 am]: May I congratulate the Leader of the Opposition, Hon Peter Collier, on his motion today, which obviously exposes the government to its shortcomings about a commitment made by the Premier prior to his election that we would have gold-plated openness and transparency in government. We have seen on more than one occasion on a weekly basis that this promise is yet another broken promise and falls short of the requirements of government. I refer to the Carnegie issue that is under debate today. On Thursday, 23 February 2017, the then Leader of the Opposition, Mark McGowan, and other members of his party, including Hon Alannah MacTiernan, attended a launch in Albany, and the photographs are there to prove it. They stood before Carnegie Clean Energy emblems, and its executives were at the launch, which I find quite astounding in regard to a massive grant of \$19.5 million for wave energy requirements. I am not talking about the location of Albany; I am talking about the fact that they were advocating a policy platform, without any process whatsoever, and indicating to everybody at large just by standing in front of the placards that Carnegie Clean Energy was going to be the recipient of this government's largesse. In fact, on the same day, *Business News* put out a release at 1.30 pm that states —

WA Labor has promised the state's sixth-largest town, Albany, would become fully powered by renewable energy—if elected—under a \$19.5 million funding commitment with Carnegie Clean Energy.

Of course, once that statement was made in front of the Carnegie advertising emblems, the share price jumped by nine per cent—unbelievable! I have never seen an opposition member or a member of a government stand in front of an industry advertisement and make an announcement such as that which happened on that particular day. This is WA Inc all over again, seriously.

Hon Sue Ellery: Oh, dear!

Hon JIM CHOWN: It is, and I will have more to say on this because this is a very serious matter and it actually —

Hon Sue Ellery interjected.

The ACTING PRESIDENT: Order, members! If the member would address the Chair, that would be helpful and it will stop interjections. Thank you very much indeed.

Hon JIM CHOWN: This is a very serious matter and it indicates how this government is operating currently and, I have no doubt, will operate into the future—mates for mates. I have no doubt at all that behind the chair, Carnegie was informed that if this Labor government was to achieve government, and it has, it would be the recipients of these moneys. During budget estimates I asked the now Minister for Regional Development, Hon Alannah MacTiernan, the following question —

Could the minister please explain why she allocated \$19.5 million to the Carnegie wave energy project, specifically to be located in Albany?

The minister's response is interesting. She said —

That was a decision that was made before the election ...

The decision to give Carnegie that money was made before the election, on the chance that the Labor Party would win the election. Those are the minister's words. Yesterday, I asked the minister the following question without notice —

As Minister for Regional Development, what was the minister's involvement in the decision-making process that resulted in Carnegie Clean Energy receiving a grant of \$19.5 million?

The important part of the minister's answer is as follows —

Following a competitive tender process, I received a recommendation from an independent evaluation panel that had been approved by the deputy director general ...

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That question is on the record for anyone who wishes to see it. The issue is that the minister said “following a competitive tender process”. The decision had already been made. How can we have a tender process, which is the normal process of government —

Hon Alannah MacTiernan: Member, I think you have got yourself confused.

The ACTING PRESIDENT: Members, please! Please address the Chair, member, and other members will cease interjecting, hopefully.

Hon JIM CHOWN: How can we have a competitive tender process when the decision had been made prior to the election of this particular government? As stated by the minister in estimates—that is a sworn statement—the decision was made prior to the election.

Several members interjected.

The ACTING PRESIDENT: Thank you very much indeed, members! Hon Jim Chown has the call, and I would encourage members on both sides of the house to stop making observations.

Hon JIM CHOWN: It is also interesting to note that on Monday, 13 March, two days after the Labor Party won the election, the ASX share price for Carnegie energy jumped up another six per cent. That is a massive increase for a company such as Carnegie energy.

Hon Peter Collier interjected.

The ACTING PRESIDENT: Member! I think your interjection is not called for, either.

Hon Peter Collier: I am trying to be helpful, Mr Acting President.

Hon JIM CHOWN: Obviously, Carnegie was fully aware before any tender process was underway that it was going to be the recipient of \$19.5 million, or funds to that amount.

Hon Alannah MacTiernan: That is not true. You have not made your case. Can I explain to you that that is not true?

Hon JIM CHOWN: It is true.

Hon Alannah MacTiernan: It is a different project. You are confusing the wave energy project with Carnegie.

The ACTING PRESIDENT: Members, members, members! I know there are different views on both sides of the house, and they are obviously firmly held. We are actually listening to Hon Jim Chown.

Hon JIM CHOWN: There is no doubt in my mind and in the minds of other members on this side of the house, and certainly in the mind of the general public, that due process did not take place with the allocation of these funds to Carnegie energy and the grant that it received for a wave energy pilot plant at Albany. I cannot understand how the Premier can state openly that his government will be open and transparent, when the tender process is an absolute farce. I would also like to know who else tendered for this project. How many other companies tendered? We do not know.

Hon Sue Ellery: I told you! You didn't listen!

Hon Peter Collier: There are actually nine, according to the documents, not five.

Hon Alannah MacTiernan: Ask a question on that and I will give you an answer.

The ACTING PRESIDENT: Members, if you want to have a debate and a conversation about who said what to whom, there is a room outside where you can have that conversation. Hon Jim Chown does not have much time left.

Hon JIM CHOWN: I hope the clock has been stopped, Mr Acting President, while this is ongoing?

The ACTING PRESIDENT: It has.

Hon JIM CHOWN: The question that still remains in the public arena is how the now Premier could stand in Albany in front of an advertising sign and make that announcement, accompanied by Hon Alannah MacTiernan, who at that time was not a candidate for the electorate of Albany or for the South West Region. The Premier stated to the public that Carnegie energy was going to receive \$19.5 million. That amount was stated specifically in the press release. It was picked up by the press, and it caused the shares of this company to increase significantly. That was done without any due tender process. That is an absolute requirement of any government under the Westminster system. Due process has not taken place on this matter. We are talking about a government that keeps telling us it has no money. It has increased the cost of electricity. It has to try to increase every form of income that it can find. Yet this Labor government is throwing money at this company, without due process. Every Western Australian should be very concerned about that.

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Recently, I sent a letter to the Premier requesting that he list the number of reviews, inquiries and reports that either have been conducted or are underway within government departments and ministries. I add that my letter was very polite. The response from the Premier was as follows —

Thank you for your letter regarding reviews, inquiries and reviews currently underway.

To answer your question, that is not a list of reviews, inquiries or reports and would seem to be a list of media statements, —

That is not correct —

many of which do not relate to reviews, inquiries or reports. As you are advised in the answer to Legislative Council Question without Notice 519, on the 5th of September, the appropriate forum to ask this detailed question is to put it on notice to all Ministers due to the level of work involved. That remains my view.

In effect, the Premier has no idea what his ministers are doing. He has zero idea of what reviews or inquiries are being undertaken. I have a list of 35. The reality is that this plethora of reviews and inquiries is costing millions and millions of dollars. I spoke yesterday about the inquiry into Fremantle Ports, at a cost of \$6 million. This government needs to actually become a government and work under the Westminster democratic system. At the very least, the government should treat all members with honour and provide the responses that they require.

HON DARREN WEST (Agricultural — Parliamentary Secretary) [11.26 am]: I know that other members want to speak on the motion but I cannot let this opportunity pass without responding to the extraordinary allegations made against me this morning by Hon Martin Aldridge. I want to inform the house that those allegations are totally baseless. I note that the member made those allegations under parliamentary privilege. They are totally baseless, and I would encourage the member to make those allegations outside the protection of Parliament.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the National Party) [11.27 am]: I want to talk this morning about the Local Projects, Local Jobs program. That project was given a lot of scrutiny during the estimates process, or at least an attempt at scrutiny, because I am not sure we are any clearer about what the government intends to do to manage that program in an acquittal sense, about whether any risk analysis was undertaken of that government spend, and about whether any due diligence process was followed around the projects that were funded under the Local Projects, Local Jobs program. This is an important issue. The Premier said when he came to government that his government would have a gold standard of transparency. I suspect that the public's interpretation of transparency and the government's interpretation of transparency are quite different. It has been my experience in seeking answers to questions about the Local Projects, Local Jobs program that it is very difficult to understand what the Premier means when he says a "gold standard of transparency", because there is no transparency in the actions of this government. That is part of the frustration, particularly for people in regional Western Australia who have just seen the Local Projects, Local Jobs fund rolled out at the same time as this government scrapped the community chest fund and the regional grants scheme that had regulated processes of procedure that allowed community organisations to access funding from government. It had due process, due diligence and —

Several members interjected.

The ACTING PRESIDENT: Members! I would like to hear Hon Jacqui Boydell's contribution. We do not have much time. Please let us move forward.

Hon JACQUI BOYDELL: Regional Western Australia now has no capacity to access the community chest fund or the regional grants scheme. They have completely gone after a due diligence process had been set up by government and was in place—absolutely as it should have been. But for the Local Projects, Local Jobs fund there is no due diligence or risk management. That is quite extraordinary when we look at some of the projects tabled during the estimates hearings in the other house. I will go through some of them, because I cannot understand the decision-making process of this government and how it will suggest to the public that it has created local jobs and supported local projects. Apparently, there will be no review of how that fund is travelling in terms of government expenditure.

Projects funded under Local Projects, Local Jobs include Landcare Serpentine–Jarrahdale's revegetation at \$1 500. It is probably a fantastic program. I do not have an issue with the programs; my issue is with the accountability of this government in expending government money on projects that it has picked out of the blue. Landcare Serpentine–Jarrahdale got \$1 500; it is probably a great project for that community. An allocation of \$750 000 went to the Mead Farm redevelopment for Peel Riding for the Disabled—a fantastic program; great! It is great that that organisation received funding, but \$750 000 of government money has just been handed over for that project

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with no accountability, no due diligence, no risk management and no review in place so the government can come back and say it was a good expenditure of government money.

Everything we hear from this government is about what a terrible state the Liberal–National government left the budget in and how there was no accountability for taxpayers' money. What a load of rubbish! It is complete rubbish! Its own program—Local Projects, Local Jobs—has no accountability whatsoever! None! The government does not know the benefit that fund will deliver to communities. It has no plan to accountably review the projects to understand how they have improved the resources of communities. It is disgraceful that this government claims to have a gold standard of transparency, while under the Local Projects, Local Jobs fund, organisations can get a \$1 000 grant, but they can also get \$750 000 with no business case or reason whatsoever other than that some minister or candidate decided they liked the project. That is not the way to operate government, and I expect more from a Premier who suggests he has a gold standard of responsibility. It is a ridiculous statement if it is not shown by actions.

HON ALISON XAMON (North Metropolitan) [11.34 am]: In the remaining 40 seconds, I would like to say how disappointed I am with this government and its lack of transparency. I do not have much time. I particularly draw attention to the fact that, despite all the condemnation of the previous government when it did exactly the same thing, I am so desperately unhappy that this government has decided to continue with the payment for access to ministers as a practice. I think it is disgraceful and really needs to be made unlawful. I also concur with the comments made about the poor quality of questions and the lack of transparency around the machinery-of-government changes. Thank you very much.

Motion lapsed, pursuant to standing orders.