

**PARLIAMENTARY QUESTIONS — McGOWAN GOVERNMENT**

*Motion*

**HON TJORN SIBMA (North Metropolitan)** [10.10 am] — without notice: I move —

That this house expresses its concern with —

- (a) the opaque manner in which ministers have provided information to this house when responding to parliamentary questions; and
- (b) the government's failure so early in its term to fulfil the Premier's promise to be a transparent and accountable government characterised by decency, and ministers who behave properly.

It brings me absolutely no pleasure to move this motion. I would rather not have had cause to move it, especially not within the first six months of a new government, but the government has behaved in such a deeply concerning manner and at such an alarming rate in its treatment of the public service, the Parliament, the community and the media that it bears calling out now. Of concern to me is the trustworthiness of the information provided by the government to this chamber, particularly answers provided during questions without notice. I have come to the view that, with a few honourable exceptions, any relationship answers submitted by those opposite bear to objective reality is purely coincidental, and that in serious matters of public interest answers are opaque. That is putting it mildly and politely. In simpler terms, answers provided by the government can be shown to be murky, tricky, evasive, and in some instances downright false. Some answers provided by the Premier through the Leader of the House exhibit a frightening dexterity with language; in fact, an abuse of language that borders on, if not surpasses, Orwellian doublespeak. I will return later to the Premier's preferred phrase "mutual agreement". The opposition is deeply concerned at the government's shabby disdain for the conventions of Parliament and the lip-service it pays to notions of openness, transparency and accountability.

This motion is in two parts, but it is about one very simple concept—trust. Can members trust the integrity of answers provided by ministers and parliamentary secretaries in this place, and can we trust the Premier to fulfil the following promise? I quote from a PerthNow article written by Rebecca Gredley, published on 20 March 2017, entitled "First cabinet meeting for WA McGowan government". This is a direct quote from the Premier —

"I want to make sure we run a transparent, accountable government that is characterised by decency, and ministers and members who behave properly."

That is a noble sentiment. Members might recall my statement of 28 June 2017, made in the context of the then mysterious departure of the ex-CEO of Lotterywest, Mr Paul Andrew, urging members to be vigilant about answers or non-answers Labor ministers have provided to this house. I will quote from *Hansard* —

For the better part of my life, this state has grappled with the challenge of ensuring executive accountability. It is, therefore, appropriate to reflect on some expert historical guidance in this respect. The report of the Commission on Accountability, which was provided to the then Premier, Hon Peter Dowding, in January 1989, said the following about answering parliamentary questions. I quote from this verbatim and ask members to forgive the gender-specific language —

... accountability is accountability to the Parliament and, as will appear, the Parliament is the place within which the idea of public scrutiny must find its fulfilment.

...

... whether the responsible Minister recognises that he is under a duty which he owes to Parliament—a political but not a legally enforceable duty—to answer proper Parliamentary questions which relate to the information which he has or which he has the authority to obtain.

I went on to note —

In the brief time in which I have been a member of this place, answers provided to parliamentary questions have demonstrably fallen short of this ideal of accountability.

They have fallen short; they continue to fall short. I put it to members that it is not a technical failing or a procedural failing; it is an ethical failing. It is a failing of accountability, and it is no accident. We have all seen, and as astute readers of *The West Australian* will know, how untruthful this government has been over the sordid affair of the sacking of Mr Paul Andrew. Language is important—that man was sacked. Government members, particularly the Leader of the House, are complicit. The Leader of the House bears responsibility for the shamefully inaccurate answers she has provided to this house on behalf of the Premier. With your indulgence, Madam President, I will quote again from *Hansard* of 28 June. I stated —

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The answers provided by the government on this issue are a demonstrable nonsense, designed to waste time in the chamber, misdirect attention and hide the true role of the Premier in the removal of Mr Andrew from his position. This is a contemptuous attitude ... and it means that scrutiny of an important matter of public interest has been difficult to fulfil.

Members might recall how indignant the Leader of the House became. Hon Sue Ellery stated —

What do you think that role is? You have made a serious allegation.

She went on to say —

If you think you know, you should say it. You have made a serious allegation.

Because I was stonewalled by a succession of implausible non-answers and the curious, unbelievable, repeated and now utterly discredited assertion that Mr Andrew's departure was by "mutual agreement", I sought to obtain information by other means—through freedom of information requests. I now have the information. It comes from documents provided to me by the Public Sector Commissioner as a result of a freedom of information inquiry. I will quote from these notes for the benefit of members. The following is a handwritten note written on 8 June by Mr Mal Wauchope, Public Sector Commissioner. He states the following about a telephone conversation with the chair of Lotterywest, Ms Heather Zampatti —

- Follow up to our meeting of 16—

That date has now been corrected to 23 March 2017 —

- Premier indicated his views about the need for new CEO.
- Has raised with me on several occasions.
- Had waited to see if the attitude changed—

This is the Public Sector Commissioner's reflection —

it hasn't after 3 months

- Wishes to ... appoint a new CEO
- I intend to speak to Paul ... next week.
- Heather & I to meet Monday 12/6 to discuss further.
  - Messages to staff
  - " " media
  - Any other issues.
- Heather to discuss with Board members when I discussing with Paul.
- Premier has a person in mind — experienced CEO who works with Boards.

This indicates to me a conspiracy to remove the head of Lotterywest.

I have another note in Mr Wauchope's handwriting. This one is dated 14 June 2017. It is a note of his meeting with Mr Paul Andrew. Noted as present at the meeting were Heather Zampatti, who was late, Rebecca Harris and Craig Saleeba. The notes state —

- Paul appointed to ... change agenda following 22 yrs of one CEO [much had been done]
- Premier wishes to have new leadership for the next phase of evolution
- He expressed this view in first week of govt
- Conveyed this view to Chair

We were hopeful that this view might move on and existing arrangements continue

- This has not been the case — 3 mo on Premier has confirmed he wants to make change — leadership
- Claire will join us soon
- Termination payment — \$339,406

And a bizarre note —

- Narrative
  - staff

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- Board
- Stakeholders
- media/community

The Leader of the House asked for the evidence and there it is. In respect of the first part of this motion, clearly the house cannot trust the veracity of the information ministers and parliamentary secretaries provide in response to parliamentary questions. This is not a partisan view; it is an objective view and one shared by other commentators who have been more brutally candid than me. I will quote from Paul Murray's opinion piece "Lotterywest truths emerge" on page 17 of *The West Australian* of 21 August. It states —

There's a pretty good prima facie case that McGowan misled Parliament in answers to questions probing Andrew's sacking.

That is an insightful observation from an experienced and respected commentator.

I make the following observation about the second part of this motion: one measure of an individual's integrity or a government's commitment to accountability is how they respond when confronted with uncomfortable truths— inconvenient truths, if you will. How has the Premier responded to revelations of the conspiracy to sack Mr Paul Andrew? He has responded in three ways. The first, in response to a number of media inquiries, is that he has maintained the fiction that Mr Andrew's departure was by mutual agreement. I will read one such exchange that reveals the desperation of the Premier when cornered. This is from Gary Adshead's article of 22 August 2017. It concerns an exchange between Geof Parry of Channel 7 and the Premier. It states —

Parry: Are you still insisting that Mr Andrew left by mutual agreement?

Premier: There was an agreement and Mr Andrew departed. That was handled by the PSC.

Parry: Speaking about his removal before he even knew about it, are you still of the view that he left mutually?

Premier: What happens at the senior levels of the public sector is that people come and go and premiers have views, ministers have views, but at the end of the day it was mutually agreed.

Parry: You pushed him?

Premier: Oh, well, there's documents out there, you can draw your own conclusions.

**Hon Nick Goiran:** We have!

**Hon TJORN SIBMA:** We certainly have. No doubt we all have a commonsense understanding of what mutual agreement means, but I wish to reflect on a legal definition of those terms. The following is according to pages 78 and 1115 of the ninth edition of *Black's Law Dictionary*. "Agreement" is defined as a mutual understanding between two or more persons about their relative rights and duties regarding past or future performances, and a manifestation of mutual assent by two or more persons. "Mutual" is defined as generally directed by each toward the other or others. I am not sure what the Leader of the House's definition of mutual agreement is, but it is certainly not the definition shared by the public of Western Australia or by learned legal professionals. I am curious to know how the Premier, whose native language is the English language and who, in his younger years, obtained a law degree, has contrived his own interpretation of what mutual agreement means. Perhaps the question of how he has come to this is not as important as the question of why.

The second boilerplate response from the Premier when confronted with this uncomfortable news was a shameful attempt to undermine the veracity of the documents that were provided to me via the freedom of information process. I received 40 documents from the Public Sector Commissioner. Yesterday I asked on notice the following —

I refer to the interview by Oliver Peterson of 6PR with the Premier ...

The Premier's response in respect to those documents was "some of those documents were incorrect". I was worried. I wanted to maintain the integrity of my allegation. I wanted to test the veracity of the evidence, so I asked which of those freedom of information documents was incorrect. The answer was —

(1)–(3) Document 23 contains a reference to a meeting of Mr Mal Wauchope and Ms Heather Zampatti on 16 March. This is incorrect and should have read 23 March.

Wow! I want to reflect on the Premier's words when he said dismissively, "Some of those documents were incorrect." It is clear that the Premier was referring to documents plural, not singular. Was it a minor slip of the tongue? Perhaps it was; perhaps it was not. But I think it was craven and sought to undermine the integrity of those documents, and the integrity of the man who provided them to me.

I will come to the third dreadful response, which was the justification for the dismissal of Mr Paul Andrew. Members should hold in their heads the logically inconsistent line that it was by mutual agreement, but he also deserved it. To

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me this is the most fascinating part. The story spun by the government is that there were problems between the ex-CEO and with Lotterywest retailers, including newsagents, as a consequence of the Lotterywest agenda for change. The observation I make about the 40 documents I received from the Public Sector Commissioner is that not one refers to that issue—not one.

Members will come to know that I do not make rash allegations, but something from, again, Gary Adshead interested me about that particular line of argument. I again quote —

With Andrew out of the way and the Lotterywest retail transformation halted, McGowan was recently guest of honour at a luncheon hosted by newsagents.

This is a great quote.

“It would be fair to say they were delirious with happiness about the changes we’ve made inside Lotterywest,” ...

Members, this sacking has a long way to go. My office is starting to receive a number of calls concerning a particular retailer, and if I determine that there was any undue influence on the removal of Mr Andrew I will be referring this matter to the appropriate authority.

I have one further piece of evidence to submit that gives the lie to the mutual agreement line. It is an email from Mr Andrew to an officer of the Public Sector Commission. According to my notes, the quote is —

This came out of left field.

Members, I will very briefly reflect on the report of the Royal Commission into Commercial Activities of Government and Other Matters 1992. Part II, page 6–6, under the heading, “Public Service” reads —

The Public Service was affected adversely by actions taken in the period into which we have inquired. There are substantial reasons for believing that the merit principle was put in jeopardy.

I will leave it there. I will give the government an opportunity to redeem itself. If I were the Leader of the House, I would come back later today and correct those answers she provided to me on this issue.

Opposition members: Hear, hear!

**HON SUE ELLERY (South Metropolitan — Leader of the House)** [10.29 am]: The motion before us is in two parts. Effectively, part one of the motion is about answers to parliamentary questions. It is part of the standard toolkit of an opposition. I used it myself on many occasions. The honourable member who moved the motion raised a specific set of circumstances, and I will come back and address that. I am relaxed about the opposition moving the first part of the motion.

The second part of the motion goes to decency and behaviour. I have to confess that the second part of the motion made me choke on my Sultana Bran this morning.

**Hon Michael Mischin:** Not enough.

**Hon SUE ELLERY:** Would the honourable member like to repeat that? I would like him to repeat that for Hansard.

**Hon Michael Mischin:** Not enough.

**Hon SUE ELLERY:** Charming! We are going to debate a motion about decency and behaviour. Let us put that in some context, shall we?

**Hon Michael Mischin:** I will develop that point, because —

**The PRESIDENT:** Order! The Leader of the House has the call. Hon Michael Mischin can seek the call at a later stage.

**Hon SUE ELLERY:** It was the second part of the motion about decency and behaviour that, coming from the members of the Liberal Party, made me choke on my Sultana Bran this morning.

I will now go to the specifics raised by the member who moved the motion. I will first tackle the example that the member raised of the former chief executive officer of Lotterywest, Mr Andrew. Recent media reports have alleged—indeed, the member made that point himself—that Mr Andrew did not leave by mutual agreement but was forced out. Those reports were based on documents released under a freedom of information application received by a number of different public sector agencies, including the Public Sector Commission. Mr Andrew was appointed as CEO of Lotterywest on 2 February 2015 for five years. His contract was terminated by agreement on 3 July 2017. CEO contracts can be terminated by the relevant employing authority—in this case, the Public Sector Commissioner—before their expiry, provided appropriate notice is given or payment in lieu of notice is provided under section 56(3) of the Public Sector Management Act 1994. Prior to the termination of

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a CEO contract, it is usual practice for the commissioner to consult with the relevant minister and the responsible authority, in this case the board. This is consistent with the consultation requirements set out in the Public Sector Management Act in relation to CEO appointments, performance agreements, transfers, acting arrangements et cetera.

The Premier had advised the commissioner of his view about Mr Andrew's leadership of Lotterywest. After the government was sworn in, this view was conveyed by the commissioner to the board chair on 23 March 2017. On 14 June 2017, Mr Andrew attended a meeting with the commissioner at which he was advised that the Premier wished to have a new leadership for the next phase of evolution of Lotterywest. Mr Andrew was advised that there were few opportunities in the public sector at the time given the public sector reforms, including the machinery of government changes and the reduction in the size of the senior executive service. Mr Andrew was offered a section 59 compensation payment. Mr Andrew agreed to end his contract.

Answers to parliamentary questions have referred to the cessation of Mr Andrew's contract as being "mutually agreed". This language is consistent with the language used by the former government to describe the departure of other CEOs in the past. The honourable member made the point that language is important. He is right. I turn first to the departure of former Commissioner for Corrective Services, Ian Johnson. In May 2013, the then Minister for Corrective Services, Joe Francis, told Parliament that soon after becoming minister he became concerned about the direction and leadership of the department. He said —

We have a number of different priorities that we want to take the Department of Corrective Services towards. I raised those issues with the Premier and with the Public Sector Commissioner.

The Premier said in *Hansard* of 9 May 2013 that there was a discussion between Ian Johnson and the Public Sector Commissioner, and out of that it was agreed that Mr Johnson would leave, and he left. On the same day, the Premier said in *Hansard* —

A public servant has left. He has left on mutually agreed terms.

I come now to the former director general of the Department of Regional Development, Mr Rosair. An article in *The West Australian* of 8 April 2014 quotes the then Minister for Regional Development, Terry Redman, as follows —

"I'm taking on leadership as new minister and I'm seeing leadership change in the department as being important at this time given that there will be some changes in direction", he said.

He went on to say —

"We came to a mutual agreement that now was the time to make that change".

Let us look at other conversations with the Public Sector Commissioner under the previous government. Those who have been around a while might remember that in 2011 a request to the Public Sector Commission was lodged for an inquiry into the relationship between the then Minister for Training and Workforce Development Hon Peter Collier and the Department of Training and Workforce Development. If members cast their minds back to what happened at the time, they will remember that it was later revealed in *The West Australian* of 22 August 2013 and referred to in Parliament in the other place, that the terms of the inquiry to be conducted by the independent Public Sector Commissioner were changed at the request of the minister. The article states —

The inquiry was originally supposed to be "an investigation into the culture and processes of the ministerial office that had led to the breakdown of the relationship" with Mr Collier's then Department of Training and Workforce Development.

But Parliament was told that was changed to a review of the "structure, general operation and lines of communication" of DTWD after a request from Mr Collier's office to Mr Wauchope via SMS message in February 2011.

Then let us talk about behaviour. Can I say two words to the opposition? Troy Buswell. Let us talk about him.

Several members interjected.

**The PRESIDENT:** Order!

*Point of Order*

**Hon MICHAEL MISCHIN:** This is all very interesting, going over ancient history, but the motion is directed to this government's failings, not what might have happened according to the Leader of the House under a previous administration. If this is to be an exercise in, "Well, we're just as bad as we claim you used to be", they can say that, but otherwise this is irrelevant.

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**The PRESIDENT:** There is no point of order.

*Debate Resumed*

**Hon SUE ELLERY:** I very specifically went to the very points made by the honourable member in addressing the issues that he raised about —

**Hon Nick Goiran** interjected.

**Hon SUE ELLERY:** Member, you will get your chance.

**The PRESIDENT:** Order! The Leader of the House has the call. Everyone else will listen in silence.

**Hon SUE ELLERY:** The opposition cannot put a motion before this house going to decency and behaviour and not expect to get it back in spades. Hon Tjorn Sibma, you cannot do that, my friend. If members are going to throw it, they are going to get it back. Let us not talk about what might have happened in the past. Let us talk about the Corruption and Crime Commission report. Let us talk about the report of the Procedure and Privileges Committee. That is not what might have happened. That is what was found to have happened.

*Point of Order*

**Hon MICHAEL MISCHIN:** I draw the member's attention to the actual motion, which states —

- (a) the opaque manner in which ministers —

That is this government's ministers —

have provided information to this house when responding to parliamentary questions; and

- (b) the government's failure, so early in its term, to fulfil the Premier's promise to be ...

It has nothing to do with what happened in the last term, with respect. It is entirely focused on this government's accountability and standards, not what might have happened in the past. I invite you, Madam President, to direct the member to address the motion before the house.

**The PRESIDENT:** Member, although you say that is what the motion states, as you understand, having been here for a long time, members have the opportunity to respond to a motion in the manner they see appropriate. This motion does not specify "this government at this point in time". It refers only to "the manner in which ministers" and "the government's failure". I think the member on her feet has the flexibility to discuss whatever she chooses to on that subject matter.

*Debate Resumed*

**Hon SUE ELLERY:** I make this point because I am not going to be lectured about behaviour and decency by members of the Liberal Party when for eight and a half years I sat and observed and had the opportunity to investigate, from time to time, the behaviour and the lack of decency of certain members—not all of them—of its government. Do not ask me to not refer to the way the previous government conducted itself. Members of the opposition cannot come in here and tell me that I cannot talk about what I saw for eight and a half years—indecent behaviour. There is no way other way to describe the pattern of behaviour of Troy Buswell: chair sniffing, bra snapping—what was the rest of it? That cannot be described as anything other than indecent.

**Hon Stephen Dawson:** Drunk-driving

**Hon SUE ELLERY:** Drunk-driving—that was the other one.

I want to make this point: we were not the only ones who drew conclusions about the lack of decency and inappropriate behaviour of members of the previous government. On several occasions the Auditor General also drew that conclusion directly about material that was not provided to Parliament. I have time to touch on those three things.

First of all, in September 2016, two decisions were made by the then Minister for Water, Hon Mia Davies, to not provide Parliament with business cases in the Water for Food program. The Auditor General's opinion on that occasion was that the minister's decisions to not provide the information requested by Parliament were not reasonable and therefore not appropriate as a significant amount of the information was already publicly available. The minister's decisions to not provide the requested information failed to recognise that a significant amount of information was already publicly available; and, if it was publicly available, why not provide it? That could only be —

**Hon Martin Aldridge** interjected.

**Hon SUE ELLERY:** Hon Martin Aldridge will get his say in four minutes and 40 seconds.

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**Hon Martin Aldridge** interjected.

**The PRESIDENT:** Order! Only one person has the call, and that is the Leader of the House.

**Hon SUE ELLERY:** Thank you, Madam President. I could go on and list all sorts of conduct by Dean Nalder, such as meetings he had and who he met with; shares he declared and did not declare; and trips to China and who he met with and did not meet with, and who he claimed he did not meet with. But let me get back to the ministerial notification and the Auditor General's opinion that the Minister for Transport, Mr Dean Nalder, MLA, failed to provide information to Parliament about a ministerial directive to engage Chronos Advisory to undertake a review into the liability of the Metro Area Express light rail project and the Department of Transport's advice to the minister about its procedures for procuring that service. The Auditor General's opinion was that the minister's decision to not provide information to the Standing Committee on Estimates and Financial Operations of this house was not reasonable and therefore not appropriate.

The third example I refer to is from October 2015. The Minister for Transport decided to not provide requested information to Parliament about the Perth Freight Link and Roe Highway. The Auditor General found that those decisions were not reasonable and therefore not appropriate. The minister's decision to not provide that information was not reasonable and therefore not appropriate as the requested information was already in the public domain. If information is already in the public domain and a decision is made to not provide it, what would the motivation be? It is not about protecting commercial-in-confidence, because the information is already out there. What could the motivation have been? I understand that the Liberal Party needs to start building a narrative; it is coming off the worst set of electoral numbers in this state since World War II. At our worst time in opposition—we had some bad times in opposition—in the time that I have been in Parliament, we were down to holding 21 seats in the Legislative Assembly. In 2017, the Liberal Party holds 13 seats in the Legislative Assembly. I get that the Liberal Party needs to build some kind of narrative; it needs to give its party faithful—those who are left—something to hold on to. I get how hard the opposition will have to work to try to build a story and build a narrative —

Several members interjected.

**Hon SUE ELLERY:** I get that it has to do that.

Several members interjected.

**The PRESIDENT:** Order!

**Hon SUE ELLERY:** Thank you, Madam President. I get that members opposite have to work really hard to build their story. I get it. When I heard the inaugural speech of the honourable member who moved this motion, I thought: this guy could be a bit interesting. In Hon Tjorn Sibma's first speech, he talked about two things that piqued my interest. One was his relationship with his great-uncle, Paul Berry, whom I knew as well. I thought that might mean he is a good guy because Paul Berry was certainly a good guy. He also talked about the need for renewal, particularly in the northern suburbs. I looked across the chamber and I thought: that is a really good idea as well. I support that and I thought he might bring some energy and enthusiasm, and tackle his task with the kind of renewed vigour that I think his party needs. I thought that would be a good thing. I am not disappointed by the first paragraph of today's motion because I expected that. It is a standard tool of the opposition. It is in the second paragraph that I think he is trying to build a case based on sand.

I invite those members who have been around for a while to cast their minds back to someone I might describe as an ancient philosopher, who said, on many occasions in this house, "You might not like the answer to the question but it is the answer, and it's the only answer you're going to get." Hon Barry House might not like being referred to as ancient, but he said many times in this house, "You mightn't like the answer but it's the only answer you're going to get."

**HON ALISON XAMON (North Metropolitan)** [10.46 am]: I rise to speak on this motion on behalf of the Greens. As has been noted, we are talking about a motion with two parts. I will make some comments about the first paragraph. I am one of these people who have sat on the crossbenches under both Labor and Liberal-National governments and I have had this experience under both. I agree with the Leader of the House's comments about what happened under the previous government regarding the Auditor General and the assessments that were made about information being withheld that should not have been. I know that particularly when it came to dealing with the Department of Water, I had nothing but nightmares and headaches trying to get information to the point at which I ended up having to speak in this chamber on multiple occasions about the utterly opaque lack of transparency that occurred. At this point, in the early days of this government, my experience of getting answers to questions has been hit and miss. I will put on the record that some ministers are very good at giving quite fulsome answers to my questions and I feel like I can note who is particularly good at doing that. However, I will say that it has been much

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more difficult to try to get specific answers, particularly about what is happening with machinery-of-government changes. I accept that might be because a lot has still not been decided. Decisions seem to be happening a bit on the run and that, in itself, is of huge concern. I have been trying to get answers about that and it has been of grave concern. I recognise that my concerns about information around the machinery-of-government changes relate to what has happened with the changes to some of the senior leadership within the public service. Having said that, I have a bit of a mixed view about the changes that occurred in the public service. It was probably not a bad thing that some people have moved on but, regarding other people, I share members' grave concerns in this place about how decisions were made and the level of interference that may have occurred. I still do not think we have got to the bottom of that. It is a legitimate concern and something that we deserve to be able to get some more information about. Basically, we need to know who made decisions and why decisions were made. There has not been a great deal of transparency around that and I remain particularly concerned about it.

I will now talk primarily about the second paragraph in the motion, which is about the "Premier's promise to be a transparent and accountable government". It would be remiss of me to not point out the front page of *The West Australian* today. It pretty much goes to the heart of my concerns about what this government is already starting to do. One of the things I am particularly concerned about is the emerging knowledge of the leaders' forum, which the Greens were so critical of under the previous government. I will say that, at the time, we had those concerns echoed by the then ALP opposition. The Labor Party was very concerned about it, but it turns out that it is doing exactly the same thing. I have to say how utterly disappointed I am to discover, as Gareth Parker wrote in his article in *The West Australian* today, that only 10 per cent of the way into this Parliament we are already seeing this massive lapse in standards, and it is a lapse in standards; there is just no gilding the lily on this one. I was critical of it under the previous government, and I am critical of it with this government as well. Quite simply, it is unacceptable; it is appalling for any government to charge for access to its ministers in order to line party coffers. That is a disgraceful use of government, and the general public expects better. It does not pass the pub test; people are angry about it. It just helps to completely reinforce people's absolute sense of failure with successive governments when they do this sort of thing.

Why is it of concern? We keep being told, I have to say, some pretty cute comments by the Premier. He is saying, "Well, this is the way it's always been. This is the way we do it. It doesn't mean they buy influence." What a load of rubbish. People do not pay this amount of money to meet with ministers because they want to talk about the weather; they do not want to talk about the Kardashians. They are there to talk about influence. They are there to change ministers' minds—to be able to present them with information and, hopefully, by putting up the bucks, the ministers will pay more attention and might be more inclined to adopt their position. Just as the previous government did, this government can say, as much as it likes, "Well, look, there's no guarantee that we're going to be swayed by what's presented to us." Even if that turns out to be the case, and we would not know, because there is absolutely no transparency with how this is happening, it is bad enough, because there is the perception that that could happen, and that is absolutely appalling. The general public and WA voters deserve better than that.

We know that ministers have extraordinary powers and an extraordinary amount of discretion in the decisions that can be made; therefore, we expect a higher standard of our ministers in how they display their decision-making. I do not know who is in this leaders' forum, I do not know who they have met with, and I do not know for how long. I do not know what it is that they have discussed—nobody knows. They have managed to completely bypass the Register of Lobbyists. It is an absolute disgrace. We went through this with WA Inc and we cannot go down that path again.

I am saying to this government, "Don't you dare stand here and say, 'We are transparent; we are accountable'", because this government has turned out to be exactly the same as the last mob in the way it is making itself available with cash for access to ministers. I urge the government to rethink what it is doing, stop this, and say, "Okay, we recognise that this is a problem. We're not going to do this anymore." Quite frankly, if the government is doing this because it is saying, "Oh well, there's no laws against it, so we'll do it", then you know what? We will change the laws, because that should not be allowed to happen anymore.

I want to know who the people are who are accessing ministers. There is a particular matter in my own electorate that I am going to use as an example, which I have already spoken about in this place. A group of residents and business owners are trying really hard to get the Claisebrook precinct reformed through the passing of town planning scheme 2. We know that there are two concrete batching plants—one owned by a very large international company—that are holding out to be able to stay there, even though they were only ever meant to be there temporarily. For example, I do not know whether either of these companies have been meeting with the minister, or have maybe donated as part of this leaders' forum. Is that going to have an impact? I can tell members that the residents and business owners have not been able to get that sort of audience, and they certainly do not have the sort of money that is being talked about to get that sort of audience, which would actually enable them to have that sort of say. This is an example of a situation in which it is going to come down to ministerial discretion about what



happens with the future of that entire precinct. These are the sorts of things we are talking about and this is the sort of stuff that I am particularly concerned about. Everybody should have equal opportunity to access and influence government, and money should never become part of that. Money should not be able to be used as the tool to potentially buy influence and prop up party coffers. We know the people who can afford this. It is a particular end of town. It is going to be big business owners and large-scale developers. They are the people who will be able to access this forum. There is absolutely no way that this government, which claims to be about integrity and transparency, can justify this and have things like the leaders' forum or these cosy little arrangements like the one coming up on the weekend by which people can buy access to and get the ears of ministers for \$6 000 to \$10 000. There is no way that the government can have those things occurring on the one hand and on the other try to pretend that it is transparent and better than the last mob, because it is absolutely not. I am quite enraged about this. It is absolutely appalling that 10 per cent into this government's term, it has already been exposed to be doing this, and it did it while it was in opposition and while campaigning on being the party of integrity—clearly it is not. With those words, I want to say that we could do better on the questions, but we could do far, far better on the issue of integrity and transparency.

**HON MICHAEL MISCHIN (North Metropolitan — Deputy Leader of the Opposition)** [10.56 am]: I thank members for their contributions and I thank Hon Tjorn Sibma for having raised this issue. I suspect that these sorts of motions are going to be quite common over the next three and half years, because we have certainly had the need to raise this subject at a very early stage. As has been mentioned, this motion is in two parts, and one of them concerns the opaque manner in which ministers have provided information to this house when responding to parliamentary questions, and Hon Tjorn Sibma has raised one or two particular issues. It is notable that this is something that even you, Madam President, noticed sufficiently to be moved to make an announcement yesterday reminding ministers, parliamentary secretaries and representatives in this house of ministers in the other place of their responsibilities and duties. I am not suggesting for a moment that it was anything other than accidental coincidence, but the fact that the President of this chamber is moved to give that sort of reminder to ministers at this stage of a government is quite significant. Notably, we have not heard anything from the other side to justify the quality of the answers to questions. I am not condemning all the ministers and representatives on the other side of this chamber—quite the contrary. Some have done their level best to deliver sensible information-revealing answers, but that has not been uniform or consistent across all those who bear that responsibility to this Parliament. I should remind backbenchers of this Parliament, especially those on the government benches, that this is not something to be taken lightly. They might think that this is pretty clever and that they are outsmarting the opposition by giving a half answer or non-answer or sneakily dodging the point in order to conceal information. I would like to think that they came to this place not jaded by the experience of party politics and the cut and thrust of trying to get into government, but with some aspirations to be parliamentarians and to represent their constituencies. This is important. Parliament is the ultimate court for extracting information from governments, and giving information in a revealing and open fashion was one of the principles expounded by the current Premier when he was in opposition, yet we have seen exactly the opposite, and he has been one of the worst offenders; I will get to that in a moment. It is a contempt for not only other members of this place, but also the constituents who voted for the opposition. For members of this government to sneakily dodge answering questions in a forthright fashion shows contempt for at least that portion of the electorate and those constituents who chose not to select them. It proves those constituents right: these members could not be trusted to do the right thing, to be open, accountable and transparent, or to accord to the high standards that the Premier has claimed over time.

The honourable Leader of the House informed us that she read the second part of the motion for the first time while she was eating her Sultana Bran this morning—I do not know whether that is the case; I presume that is right—and that it caused her to choke, and I presume that is right. I will assume that what she has told us was not just a rhetorical flourish, which was met with a rhetorical response, but was actually genuine and is what happened. I have to say that perhaps I was mistaken when I said that she had not choked enough, because what she has coughed up has been the sort of information for which Hon Tjorn Sibma has been asking for months. She finally provided the information that she could have provided on behalf of the Premier months ago, but she chose not to and he chose not to. It took this sort of emotion and her choking fit to get around to providing this sort of information in this detail. It is also notable that she did not defend the Premier's behaviour or her government's behaviour to fulfil these high aspirations of transparency, accountability, decency, high standards and proper behaviour. She has not done it. Not once, other than in attacking us about when we were in government and saying, "You were worse than we are", has she said, "Actually, this is how we have met these standards." On not one occasion did she say anything to defend her Premier, which is notable in itself. The sort of behaviour that he has been up to is indefensible. For example, take some of the questions about GST distribution that I have been asking over the last several months and the inability—the sort of pathological incapacity—of her Premier to answer a question and to give a straight answer. It started off with —

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- (1) Since the election, has the Premier discussed the improvement of WA's GST share with the leader of the federal Labor opposition, Mr Bill Shorten?
- (2) If no ... why not?
- (3) ... when has he done so?
- (4) Precisely what commitment has Mr Shorten made ...

Let us look at the answers —

- (1) Yes.

So he has done so since the election. It continues —

- (2) Not applicable.

To the question, “when has he done so?” the answer was —

- (3) He has done so since the state election.

That is a non-answer. That is an evasion. I also asked precisely what commitment had been given. What did I get back? I got that he —

- (4) ... has a good understanding of the issue.

That is the best he can do. That has been probed on numerous occasions since.

**Hon Peter Collier:** It was in the paper today.

**Hon MICHAEL MISCHIN:** We found out a bit more information from *The West Australian* today—information that the government refuses to provide. If the Premier had such high standards, he could have answered that question in a variety of ways. I have tried to find out what precise commitments were given, and the more precise the questions get, the more evasive are the answers. We get lectures and slogans about what the previous government did wrong and we are told to look back in the *Hansard* debates, but we get no information. The man seems to be pathologically incapable of giving a straight answer. If not that, he is just being sneaky deliberately. They might take pride in the fact that he is being clever and sneaky, but since we are looking back into ancient history, let us look back at the good old Burkie days and the Commission on Government and the standards then, and how this government has resiled from that. We now have something that the commission recommended against and which was eventually abolished—that is, a parliamentary secretary to the cabinet. That has been reinstated for no good reason. Jobs for the comrades perhaps—I do not know. We have had the proposed abolition of the State Records Office of Western Australia, something which was recommended against by the Commission on Government. We seem to be going forward into the past with this government, and the standards are likewise. We were told that there were high standards in this government and that it would be a government of high standards, but nothing to date has revealed any of that. Indeed, quite the contrary. I asked some simple questions at one stage about the number of journalists employed in ministerial offices since the election. I was told, “It’ll be in the ministerial staffing report.” It was done in a prospective fashion—it will be in the ministerial staffing report. I asked when the ministerial staffing report would be coming out, to which I was told, “It came out the other day.” When I asked whether the information was in it, I was told, “No, it covers other things.” Again, the Premier did not attempt to answer a question and he did not attempt to find the information from the offices of which his department is responsible, which is an utter contempt of this Parliament. This may not matter much to ministers and parliamentary secretaries, but it is of significance and will be of significance into the future when even more of these failings are highlighted. It is a particular contempt of those people in the electorate who may not have voted for this government, but who are nevertheless meant to be represented by it. If that sort of behaviour is an example of this government’s high standards after less than six months in office, the low standards are going to come pretty quickly. If this is the best that it can aspire to—prevarication, dissembling, avoiding giving answers, the concealment of information and of the opposition causing a choking fit before it is provided with any information—that is a disgrace.

**HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Regional Development)** [11.07 am]: I thought that I would come into the chamber today and hear a well-constructed argument that raised detailed issues of concern to which the government needed to respond. Of course, we have not received that at all. The Leader of the House comprehensively responded to the issues raised by Hon Tjorn Sibma and she did so not by using what has been suggested is our argument, “You were as bad, so you can’t critique this”; but by referring to circumstances that relate to the departure of the head of Lotterywest on which he expressed concern and asked questions. Hon Sue Ellery, the Leader of the House, set out many circumstances during the time of the former government in which there was a change of leadership and in which there were discussions with the now Leader of the Opposition in this place, the former Minister for Agriculture and Food, the former Minister for

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Regional Development and the former Minister for Corrective Services, who, alas, is no longer in Parliament! I note the irony. The Leader of the House set out those examples because it was important to show that there are times when governments feel that there should be a change of direction and occasions on which, after mutual agreement between the leadership of an agency, it is decided that it is time for a person to move on. I thought that issue was very well addressed with the examples presented to us by the Leader of the Government in the Legislative Council.

I will use this opportunity to refer to other circumstances. I found it curious that in the dying days of the former government, when one could bet London to a brick that it would not win the election and there would be no opportunity to change direction, changes were made. For example, the chairman of the Geraldton port authority, who had served with great distinction, was sacked in the last weeks of the former government just before it began caretaker mode. That was not done to give a new minister a change of direction. I was fascinated that we had virtually no content from Hon Michael Mischin. He is aggrieved about responses on the GST and the nature of the discussions the Premier might have had with the federal Leader of the Opposition. The really fascinating issue here is that this is a complete and utter nonsense. Of course the Premier is having discussions with his federal counterparts. There is nothing secretive about it; he has said it. Of course he is having discussions with Bill Shorten, as he has said time and again. He has also been having discussions with Tim Hammond and others. This is about an inability to face up to the fact that Malcolm Turnbull is the Prime Minister and that Scott Morrison is the federal Treasurer. They are the people making the decisions. The opposition is trying to make this issue of the GST all about Bill Shorten and the Labor Party, who are in opposition. It is an absolute and complete nonsense. I will tell members that I, and many other members on this side of the house, will take any opportunity we can get to talk to Bill Shorten or Chris Bowen, or whomever. Of course we agitate, and of course we are talking to them all the time about the need for reform in the GST.

When we were in opposition, we did not allow the appalling management of the state's finances to be excused by the fact of the GST. Notwithstanding the GST issue, we saw an absolute inability on the part of the previous government to rein in expenses growth. Now the opposition is trying to make out that this is all a problem about Bill Shorten. He is in opposition. We know that he is not going to be in opposition for long. Everyone knows that Malcolm Turnbull is on his last legs. Just like we had the blue-on-green wars that plagued the other side of this Parliament when it was in government, we now see Tony Abbott as the disloyal opposition, totally undermining Malcolm Turnbull, and they are not long for this government life. It is a most absurd proposition that somehow or other there is something improper, secretive or sneaky about the fact that the Premier might, like all of us, have dialogue with our colleagues in the federal Parliament about what we think about the GST.

**Hon Michael Mischin:** I never said that.

**Hon ALANNAH MacTIERNAN:** The member was implying that. He cannot face up to the fact that there is a Liberal–National government in the federal Parliament that will not act on the GST, even though it is likely that his party will be decimated in its representation in federal Parliament, as it was here.

I noticed another factual error by Hon Michael Mischin, and that is when he talked about the proposed abolition of the State Records Office. I think that has actually been dealt with in questions in the Parliament, when it was explained that there is no intention to dismantle the State Records Office. Under the machinery-of-government changes, it was proposed that the back-office functions for that agency would be centralised, which would not in any way diminish or change its fundamental obligations or role in ensuring the protection of those records.

I must say that we have been providing an incredible amount of detail in the answers to our questions. I note that there have been occasions on which questions have been asked that have revealed problems. For example, the minister has acknowledged that indeed there is a problem with the Forest Products Commission's website that will be changed. When legitimate requests have been made and the answers have been sought, we absolutely endeavour to provide as much information as possible. I note that Hon Martin Aldridge was particularly aggrieved that I was not here yesterday. I apologise but there appears to have been an administrative error and the member was not notified that I had been paired for question time. I had ensured that all the questions that had come in with notice had been completed and signed off and that Hon Darren West was available to answer them. I take question time very seriously, but I wish it was a bit more interesting.

**HON COLIN TINCKNELL (South West) [11.16 am]:** I thank all the honourable members who have spoken and Hon Tjorn Sibma for moving this motion. We heard a very passionate speech by Hon Alison Xamon; members could see that she was very upset. We are also very upset with some of the actions of governments—this government and the previous government—and I want to allude to that. It seems like we are on a race to the lowest common denominator when it comes to governments. What is it about governments in general? Why do they become arrogant the moment they take office or win power? The Western Australian people are looking for a government that is not arrogant. They want leadership and a statesmanlike Premier. They need a government that

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will govern for all the people of the state, not just big business backers or union backers. As Hon Alison Xamon said, it seems pretty clear who will get special treatment, as noted on the front page of today's paper. What about the Western Australians who have lost their jobs and who are suffering from family breakdowns and issues with drug use and crime et cetera in the suburbs of Perth and the country regions? We have noticed the arrogance of and a lack of respect from the government. I do not know whether that comes with the 41 seats it won in the lower house. The fact is that this is not the lower house; this is the upper house. This is not the Legislative Assembly; this is the Legislative Council. When we look at the crossbench that exists in this house, we see that it is getting bigger. I am a part of this coalition crossbench that had a quarter of a million Western Australians vote for us, and we are here to represent those people. If we added the Greens to this crossbench, we would be talking about a representation of close to a half a million people in Western Australia. This crossbench will continue to grow if we continually have governments that show arrogance and a lack of respect early on in the piece—even before I took a seat in this house.

We spoke to the government about resources. We spoke to the government about the difficulty with handling the volume of legislation. Five months later we have had no respect shown on this issue. It is still an issue today. We went to the government and asked for its help. We promised to work with it closely and got very little in return. Arrogance brought down the last government and it is a real shame, as the opposition has pointed out, that this government seems to be heading in the same direction.

If members look at the GST, they will see that the issue has been handled with hypocrisy by all the major parties. People who are not prepared to risk votes are not standing up for WA. Other than One Nation, none of the major parties has submitted a different proposal to the Treasurer at the risk of losing votes in the eastern states and making themselves unpopular in other areas of Australia. One Nation has done that. If members say that they are standing up for WA, they need to be serious. Just speaking to people saying that they are not happy is not good enough. Members should put down a plan and stand by that plan regardless of the votes that may be lost by their parties in other states.

In the future, this government should move past this first 100 days and show respect to everyone in this house. This house has no majority government so the circumstances are different. We debate every issue that comes to the table and that should be respected. I believe that respect is lacking.

**HON MARTIN ALDRIDGE (Agricultural)** [11.21 am]: I thank Hon Tjorn Sibma for this opportunity and for bringing the motion to the house today. It is quite a timely one as we consider the matters before us in this motion, particularly with the President's statement to the house yesterday, which I want to talk about in the time that I have remaining.

In her contribution, the Leader of the House, Hon Sue Ellery, made comments on section 82 of the Financial Management Act and the notices that are required. It is interesting that she raised that because I want to make quite a few points on it. She criticised a number of ministers, including Hon Peter Collier and Hon Mia Davies, who were cabinet ministers in the last government, for the Auditor General reaching opinions on ministerial notifications. From my conversations with former ministers, I know that when they withheld information from Parliament, particularly on matters like contracts, it was done, more often than not, on the advice of the State Solicitor. From my experience and reading those notifications from the Auditor General's opinions, I know that that advice was sometimes misguided or not correct. It is important to mention that those ministers exercised their responsibility under section 82 of the Financial Management Act, which is an interesting point. I will turn to that because it is quite relevant to question time and the motion before us today. Section 82 of the Financial Management Act 2006 states —

- (1) If the Minister decides that it is reasonable and appropriate not to provide to Parliament certain information concerning any conduct or operation of an agency, then within 14 days after making the decision the Minister is to cause written notice of the decision —
  - (a) to be laid before each House of Parliament or dealt with under section 83; and
  - (b) to be given to the Auditor General.
- (2) A notice under subsection (1)(a) is to include the Minister's reasons for making the decision that is the subject of the notice.

That matter was widely canvassed in the sixty-second report of the Standing Committee on Estimates and Financial Operations, a committee of which I was a member, but not when the report was handed down. I suggest to members who have recently joined this house that they get the sixty-second report from the Legislative Council office because it makes quite interesting reading, particularly on sections 81 to 83 of the Financial Management Act.

Returning to the points raised by Hon Sue Ellery, there have been five notifications under section 82 of the Financial Management Act in this fortieth Parliament. There was one from Hon Mia Davies and one from Hon John Day. Two of the five were from ministers of the last government. Only three ministerial notifications

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under section 82 of the Financial Management Act have occurred under this government—three. Of those, how many do members think were from ministers of this house? None. Not a single notification under section 82 of the Financial Management Act has been laid before this house by any minister —

**Hon Stephen Dawson:** But, member, how many ministers in this house have refused to give information?

**Hon MARTIN ALDRIDGE:** I will get to that, Hon Stephen Dawson.

We had a notice from Hon Dave Kelly, Minister for Water—a gold star for him. Hon Simon McGurk, acting Minister for Fisheries —

Several members interjected.

**Hon MARTIN ALDRIDGE:** Sorry; Simone. She gets two gold stars because I mispronounced her name. Of course, the last one was Hon Paul Papalia, Minister for Tourism. Three ministers did what they should under the Financial Management Act, which then allowed the Auditor General to consider whether it was reasonable. Hon Sue Ellery criticised some of our former ministers for not providing certain information to Parliament, but Hon Peter Collier and Hon Mia Davies did the right thing and laid before both houses of Parliament their reasons for not doing so. That allowed the Auditor General to then consider whether it was appropriate to withhold information from Parliament. That goes to the core of what the Standing Committee on Estimates and Financial Operations looked at in its report, which included making some recommendations for enhancement of the act. I think it even made, in one of its recommendations, a specific reference to referring certain matters to the Standing Committee on Procedure and Privileges to consider changes to standing orders. I am a member of that committee and I will certainly raise that at a future meeting.

Why is this important? It is important because yesterday we had a statement from the President about the importance of question time and reminding ministers and parliamentary secretaries that they have to defend and stand by the answer they give. They cannot pass the buck to a minister in the other house, a public servant or an agency that has given them the advice; ultimately, they are responsible for delivering that answer to this house. It is interesting to consider the statement by Madam President yesterday in the context of the Financial Management Act. Although I agree with the statement of Madam President, it raised an interesting question as to the application of section 82, which requires a minister to lay before both houses of Parliament the reasons for withholding information from Parliament. If perhaps a parliamentary secretary had provided an answer on behalf of a minister in the other place, or indeed a minister in this house, as was the occasion yesterday when the minister was unavailable for question time, how then would a parliamentary secretary be held responsible under section 82 of the Financial Management Act if the only reference was a minister? That is an interesting point, Madam President, that you perhaps might like to take on notice with respect to your statement yesterday and the sixty-second report of the Standing Committee on Estimates and Financial Operations, which found a number of other standing order and legislative changes were required for the application of that act.

To go to Hon Stephen Dawson's point, we in this house have seen that a number of questions have not been answered. I could spend an hour talking about this—maybe I will spend some more time in members' statements tonight. A number of questions have not been answered, all by ministers or parliamentary secretaries in this house but obviously on the advice of other ministers, and no section 82 notices have been provided to this house or the other place within the 14-day requirement. Although Hon Sue Ellery criticises some of our former ministers about the actions they took, at least they made their actions transparent to the extent that they complied with the requirements of the Financial Management Act and allowed the Auditor General to consider whether the process and the advice that they had taken into consideration in withholding information from Parliament—a very, very serious decision to take—was right. Unfortunately, the same cannot be said for the three ministers who sit opposite us, who have on occasion withheld information from this Parliament, and in some cases we have asked a specific question and the answer has been no and they have failed to meet their obligations.

Motion lapsed, pursuant to standing orders.