INTEGRITY (LOBBYISTS) BILL 2011

Third Reading

MR C.J. BARNETT (Cottesloe — Premier) [2.43 pm]: I move —

That the bill be now read a third time.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [2.44 pm]: I am sorry about the confusion. Since I have ceased being manager of opposition business, the procedures of the house are starting to escape me! I rise to reiterate Labor's position on this bill. We will support this legislation. We said at the outset we would support it and that we believe it is an improvement on the existing situation. As I said in my speech in the second reading stage, the improvement could have been a lot greater. We proposed some amendments that would have improved the legislation to make it tougher and ensure that it dealt with the most significant issue, which is, of course, disclosure.

I will get onto that matter in a moment, but I note that during the consideration in detail stage a range of divisions were held on specific clauses. Most of the amendments were moved by the member for Churchlands, who provided some comprehensive and very detailed amendments to a range of issues that took up many pages of the notice paper. They were predominantly about the disclosure of contact between lobbyists and government officials—ministers, if we like. They were designed to ensure that contact between lobbyists and government officials was disclosed. I too put an amendment on the notice paper along those lines to ensure that ministers would be required every six months to produce a report on the contact they had with lobbyists, the nature of the contact, the name of the lobbyists and the name of the client they were acting on behalf of. I think that requirement is the great missing element from this legislation. If we are to have lobbyists legislation, something that regulates the conduct of lobbyists, the best form of regulation is to have them disclose who they contact and the subject matter. It would not require a file note of all the conversations; it would not require a file note of what was discussed; and it would not require a file note of how much the client may have been prepared to invest in a certain project. It would not require that sort of information, but it would require the fact of the contact to be disclosed. That is what happens in other countries—other countries that have far more experience with the lobbyist industry than we have in Australia. It has been around for a long time in the United States and in Europe. It has a much shorter history in this country, and, indeed, in this state. Over a long time those countries have learnt that disclosure is the best form of regulation of lobbyists and their conduct and activities. With our amendments on disclosure, the member for Churchlands and I were attempting to ensure that regulating effect of disclosure was put into the legislation.

I understand that prior to my arrival this morning—prior to paying my $20 to the "Pollie Parking" people here on entry into the Parliament House car park— there was some controversy surrounding entry to the car park.

Mr F.A. Alban: I wasn't going to be bullied by unions—your mates.

Mr A.P. O'Gorman interjected.

Mr P. Papalia: They are bullies, those nurses!

Mr M. McGOWAN: I knew there was some controversy, but I was not sure what. Did it involve the member for Swan Hills?

Mr F.A. Alban: I thought you were referring to that.

Mr M. McGOWAN: Consciousness of guilt may well be present in the member for Swan Hills concerning whatever went on out there this morning. Does he want to explain what happened?

Mr F.A. Alban: It's your speech.

Mr M. McGOWAN: Just so people understand what happened, I was pulled up out the front on entering the Parliament House car park where a number of witches hats and a group of predominantly—maybe exclusively—women surrounded my vehicle.

Mr M.P. Murray: Again!

Mr M. McGOWAN: I wound down the window and they demanded $20 for the purpose of providing it to the Starlight Children's Foundation, which I understand provides help and holidays for children with cancer, which I think, in many cases, might be terminal. They are little kids who will not live for much longer. I actually cannot think of a better cause. I racked my brain to try to think of a better cause, and I cannot think of a better cause than that. There are lots of good causes out there, but I cannot think of a better cause than little children who have cancer, often terminal. So I happily paid my $20 to help the Starlight Foundation. In fact, I advised the women who surrounded my vehicle to come back every day if that was where the money was going, because it is

a very good cause. To be fair on them, they were keen to come back, but they were a bit concerned that they had had some sort of dispute with someone. I was not quite sure who that person was, but I have now learned that it was the member for Swan Hills, who was objecting to paying the $20 that was going towards that cause.

But, in any event, on the way in to Parliament House, I was listening to the radio, and I heard the Premier say, in his way, that Mark McGowan and Labor were frustrating the passage of this legislation and we had had 15 hours of debate. So I went through the notice paper and looked at who had put the amendments on the notice paper. I put two amendments on the notice paper—small ones, actually. The member for Churchlands put on the notice paper page after page of amendments to this bill. We had a big debate around the member for Churchlands' amendments. To be frank with you, Mr Speaker, her amendments were better than mine. I drafted one of my amendments myself, with all the good help of the Clerks who assisted me; but the member for Churchlands' amendments looked as though they had been professionally prepared by outside people, so her amendments were better than mine. The concerns that were expressed in the debate were predominantly, if we look at the amendments that were presented, from the member for Churchlands. I heard the Premier blame me for the delays.

Mr C.J. Barnett: No—blame Labor.

Mr M. McGOWAN: Well, we do not apologise.

Mr C.J. Barnett: It was 15 hours of debate on a bill that you are meant to be supporting!

Mr M. McGOWAN: We cannot be held responsible for the actions of a member of the government. It has long been a tradition in Westminster Parliaments—in fact, going back 400 or 500 years—that when a member of the government does things, it is not actually the opposition's fault. There is about 500 years of tradition behind that theory. Maybe it is only a theory! Maybe the Premier is onto something! It is just a theory that the government is responsible for the government and the opposition is responsible for the opposition. It is just some crazy theory! I just wanted to point out to people that the amendments were from the member for Churchlands. I am proud of the fact that the member for Balcatta in particular, but also the member for Cannington and other members on this side of the chamber, took up those amendments with gusto and pursued the debate with gusto. They were good amendments, and they dealt with the issue of disclosure.

But I want to go a bit deeper into the amendments. One of the amendments that I put up for debate was accepted by the government. So the Premier sat there with his advisers and he accepted my amendment. The purpose of my amendment, which was supported by the member for Churchlands—indeed, she suggested an amendment to my amendment, which improved it even further—was to make it compulsory that the clients of lobbyists be publicly listed. My amendment was accepted by the government, and it is a good amendment, because it will toughen up the legislation. Therefore, because of the amendment moved by the opposition, with the support of the member for Churchlands, there will be now a requirement that all the clients of lobbyists be publicly listed.

Mr C.J. Barnett: They are already listed.

Mr M. McGOWAN: That is true; under the existing arrangements, they are listed. But the legislation that the Premier brought before the house said that they "may" be listed. We wanted to toughen that up to avoid the prospect that they would not be listed. So I moved that amendment, and if that amendment was one that the Premier disagreed with, he did that in a very unusual way, because he said to me, "I agree with this amendment", and, indeed, it did not even come to a division in the house because everyone agreed with the amendment. So we managed to toughen the legislation by doing that.

But the real reforms that were needed were in the area of full disclosure. As I said earlier, it is disclosure of contact. It is not intimate details of what was discussed, and it is not file notes of what was discussed. It is disclosure of contact. That is what is necessary, because that will provide a self-regulating mechanism in relation to the legislation. It means that those parties that are interested in a government decision, such as an opposition, or an external government body that might investigate matters, such as the Auditor General and the like, and organisations such as the media, can track the contact by seeing, when the disclosure return comes out, which lobbyists met with a certain minister or a certain public servant, and who their clients were. It provides a trail of contact. That is all it does. It does not compromise anything of great commercial importance. The fact is that the clients of the lobbyist are already listed on the website, so it already exposes them. That is a must. That is why we moved this amendment to change the law to make sure that will continue to happen as it does currently. All we are trying to do is provide that disclosure, which is a self-regulating mechanism, so that people will know when there was contact between a minister and a lobbyist, and on whose behalf that contact was made.

My amendment suggested—I think the member for Churchlands' amendment might have been a bit tougher, from recollection—that a disclosure return be provided by lobbyists every six months. In Western Australia, there are 50 or 60 registered lobbyists. From my recollection of looking at the website, probably half of those lobbyists have clients, and probably less than 10 have any significant number of clients. Those lobbyists that

have a significant number of clients of course have staff. Therefore, they have the capacity to provide that disclosure return, because they have staff to do that work. As I understand it, some of those lobbyists make quite good money. For those lobbyists who do not have clients or have very few clients, the requirement to provide a disclosure return will not be an onerous responsibility, because they will probably have very few meetings. So it will not impose upon them a great burden of paperwork or red tape.

That is all we wanted to do, in conjunction with the member for Churchlands. Let us be fair. The member for Churchlands brought in legislation in 2003, and she brought in legislation again in 2006, or thereabouts, so she has some history of examining these matters. All we wanted to do, in conjunction with the member for Churchlands, as I said, was provide that toughening of these laws, because we think that will make the legislation better.

The laws as they have been passed are satisfactory. They are basically a reiteration of the situation that exists currently, with some changes as to whether a ministerial staffer or a former member of Parliament can work in a lobbying capacity post their parliamentary or other employment; and we voted for that. I know some people have some concerns about that, but we supported that.

We will support the legislation. But I wanted to put those facts on the table. There might have been some robust debate, and it might have delayed the Premier in the house, but the fact of the matter is those amendments were put forward by the member for Churchlands, and I was proud that we supported them, because I think they will make the legislation better. That required some consideration by Parliament to allow members to point out all the arguments. However, that is the role of the Parliament. The Premier's legislation will pass today, so the Premier will not need to remain in the chamber for any longer than he particularly wants to. But it would have been better if the amendments moved by the member for Churchlands—and, indeed, the second amendment moved by the opposition, because the first one was accepted—had been agreed to by the government, because then we would have had a far better piece of legislation than what we have currently.

MR J.C. KOBELKE (Balcatta) [2.58 pm]: I want to make a small contribution to the third reading debate on the Integrity (Lobbyists) Bill 2011. This is clearly a bill that the opposition wishes to support, but we need to put in context what the bill actually achieves, as opposed to what it may be purported to achieve. I will just quote briefly from the second reading speech of the Premier on the bill —

> Prior to the last election, in the Liberal Party's government accountability and public sector management platform, the government pledged to legislate to register and monitor the activities of consultant lobbyists.

I think the bill actually does do that—it fulfils that pre-election commitment made by the Liberal Party. It was, therefore, fascinating that during the debate, the Premier said that it was not appropriate to refer to election commitments. The Premier said in his second reading speech that the Liberal Party government's accountability and public sector management platform was being fulfilled in the bill; yet he then stood up in the middle of the debate and had a go at people on the other side for mentioning the Liberal Party's election platform and said it was not appropriate to bring that into the debate.

That totally different point of view depending on the circumstances is an approach the Premier often takes, and it clearly occurred in the debate on this bill in that the Premier would say one thing, and when we pressed him to explain it, he would turn around and deny that and say exactly the opposite. This showed, as we went through the bill, that the Premier was not across a lot of the detail in it. It was fulfilling his pledge—we acknowledge and accept that—but his real attention to the detail of what the bill was doing was not there on the evidence of the debate, which was a fairly fulsome debate. In his second reading speech, the Premier states —

> … while at the same time ensuring that all parties to those communications remain appropriately accountable and abide by rigorous standards of conduct.

He is suggesting that we will have a situation in which the legislation will make it more accountable than the existing system, which was established by the Labor government and is just there as a matter of policy. Clearly, this bill is an advance in that it gives a statutory basis to a system that already exists, but in a number of areas we find that the minimum requirement under this statute will not be as strong as what is in the administered system already in place. It does not mean that we will not have a stronger system, because the legislation allows for a great deal of flexibility and it gives considerable powers to the Public Sector Commissioner. The commissioner can improve the levels of accountability and mechanisms contained in the new system that will be established by this statute, but only if it goes above the minimum required by the bill. One example is that the current register holds the names of people being represented by the lobbyists, but when we look at clause 10, which relates to the register, it reads in subclause (3) that —

> … the register may record information relating to persons for whom registered advocates to government are undertaking, or have undertaken, lobbying.

So the bill waters it down to a "may". Again, the responsibility is back onto the Public Sector Commissioner. If the commissioner decides he will dictate it, then the power is there under the "may", but that is really lifting it above the minimum standard set in the bill. The minimum standard does not make it obligatory that the person or organisation receiving the services of the lobbyists must be recorded. Opposed to the rhetoric of the Premier of providing not only a legislative basis for the register of lobbyists, but also a stronger set of rules, we find we have a weaker set of rules, at the minimum, than what we currently have. Again, I quote from the Premier's second reading speech —

> This bill now takes the next step to strengthen the current administrative system and enhance its transparency and accountability mechanisms.

It is not true. The rhetoric is there but the reality in the bill is at variance with that. Clearly, we are getting a statutory basis for the register and the registering of lobbyists, but we find, in a number of cases—I have just outlined one—that a higher standard is not imposed. We see it basically being left flexible and, if the minimum of legislation is put in place, we see a watering down of the standards we currently have with the register of lobbyists.

The amendments moved by the member for Churchlands were clearly about putting in place legislation that met the rhetoric of the Premier. They were trying to enhance the transparency and accountability mechanisms, but the Premier rejected most of those amendments. I will not go through a large number of them, but a simple example is that there is currently no time frame for making public the register. The member for Churchlands moved an amendment that would require that every three months there be a presentation of the register in terms of who the lobbyists were, the work they had undertaken, to whom they had lobbied, and on behalf of which company or organisation they were doing the lobbying. There was a requirement in those amendments to have an accountability mechanism, which would clearly enable people to see whether lobbyists were performing a duty as might be expected, or whether they were going behind closed doors to scheme and to get outcomes that may not be in the public interest. The whole point of having the register is to have accountability so that people can judge whether they think the work of the lobbyist is appropriate, or has gone into an area that is quite improper. However, that amendment was not accepted. Although it is still open to the Public Sector Commissioner to require a quarterly report, and to put into the provisions and the regulations what is the nature of those reports, it is not required as a minimum standard in this bill, which will be passed today.

I do not want to delay the house. We certainly think it is a good step to have a statutory basis; it is just a great pity that the provisions contained in the bill do not match the rhetoric of the Premier. Now the Premier will say that he brought in a register established by statute, but of course he will not tell anyone that the minimum standard required is actually a watering down of the administrative process already in place and put there by the last government. It is a step forward, but it could have been a better step forward if the Premier had been willing to take on board at least some of the amendments moved by the Leader of the Opposition and the member for Churchlands.

MR C.J. TALLENTIRE (Gosnells) [3.06 pm]: I rise to support the Integrity (Lobbyists) Bill but express my disappointment that an opportunity has been missed—an opportunity that goes some way towards balancing the power that vested interests have in Western Australian society. Instead, we have seen the creation of a register that will apply to people working as lobbyists for a small number of firms around the state and representing people who have a form of self-interest, but a register that does not go to the extent of providing the degree of transparency that we really need about the level of access that some people have to decision makers in the state. Those decision makers are in this place; ministers and all of us in some way are a group of decision makers. We are lobbied but not just by lobbyists. We are lobbied by people who are very powerful—who we see as being representatives of particular companies—but we do not get a clear transparency about the amount of time and the level of access that those people have to decision makers. That is my fundamental disappointment with this legislation. It could have gone so much further towards balancing the power of people with vested interests.

In the course of debate, the member for Riverton raised an interesting point that needs to be corrected. The member for Riverton claimed that the Institute of Public Affairs was in some way the source body of the founders of the Australian Conservation Foundation. That is quite false; it is not the case. The member was actually referring to another organisation known as the Australian Environment Foundation and, unfortunately, that body, which is probably funded by the Institute of Public Affairs—we know that it is unclear as to where the funding for the Institute of Public Affairs comes from, but we know that it receives money from big tobacco companies—has used the same colour scheme, the same art work and the same design as the Australian Conservation Foundation. It is aping the Australian Conservation Foundation and using its position to present itself as an environmental organisation when in fact it is not one at all. I caution members on this because I know

we have all recently received communications from the Australian Environment Foundation portraying itself as being a policy-based or a science-based environmental organisation when it is not. It is funded by vested interests—those vested interests that I have touched on already in this speech. It is a concern. This organisation is astroturfing itself as well as greenwashing. We know that greenwashing is an organisation presenting itself as having an environmental message when it does not have one. Astroturfing is when an organisation not only does that, but also withholds information about its funding sources. I think it is fair to say that the Australian Environment Foundation is such a body.

To clarify this point further, the people who founded the Australian Conservation Foundation—that wonderful organisation—held its first council meeting back in August 1967. Its first president was Sir Garfield Barwick, who was Chief Justice of the High Court. The honorary director was Francis Ratcliffe. The ACF's constitution was drafted by Professor J.E. Richardson, and its executive secretary was W.M.M. Deacock. Sir Garfield Barwick chaired the ACF's first meeting in 1967, and it was attended by an R.G. Downes, a B.B. Callaghan, a C.W. Bonython, an R.D. Malcolmson and a Dr H.N.B. Wettenhall. To my knowledge, those people are not connected with the Institute of Public Affairs, and we have to correct the record on that point, because it leads to some confusion in the community when we get those publications that portray certain people as being from an environmental organisation when they are actually from an organisation that does its best to undermine much of the good work done by groups such as the Australian Conservation Foundation and a lot of the good scientific information that is put out by scientists working in particular areas. There is perhaps no better example than the scientific work and policy work that has been put to the community on tackling climate change and Australia's greenhouse gas emissions, yet we have seen that undermined so consistently by this offshoot of the Institute of Public Affairs.

I also want to say a little about the role of these other lobbyists who are not covered by this legislation. I am thinking of the Minerals Council of Australia. I am amazed at how unquestioning our media are when it comes to accepting statements from the Minerals Council of Australia. I noticed yesterday morning that it had the number one news item on ABC news bulletins. This is a group that represents vested interests. It does not represent the community interest at all. Sometimes it may conduct research that is valid and useful, but it always has to be seen through that lens of self-interest. Yet this body puts out media statements and gets a prominence that other organisations that do not have vested interests do not get at all. That seems to be an incredible injustice. It goes to the heart of this problem of undue influence that some have in our community.

To return to the Institute of Public Affairs, I was very surprised when it put out an analysis of the royalties for regions scheme. It is true that there is a lot to be questioned when it comes to royalties for regions. I thought this was going to be a very weighty body, because again the media—ABC and others—were giving it a high profile, and I imagined that this would be a very weighty tome of analysis of the royalties for regions scheme. When I saw the document that was produced, I saw that it was released in a booklet titled "Project Western Australia: A growth and productivity agenda for the next government". I looked at how long the analysis was. I agreed with the conclusions of this analysis of royalties for regions. It described royalties for regions as being in many ways a pork-barrelling exercise, but when I saw that the whole article was barely two pages long, I was disappointed that it was such a lightweight piece of research, yet the media gave it a high-level profile. That is very disappointing.

In Western Australia we have a situation in which organisations that have money have undue influence on our society. I am disappointed that this lobbyists register is not going far enough or really going anywhere near correcting that imbalance. However, when it comes to those people who work as lobbyists representing smaller firms, yes, we will have a register, thanks to this process. I agree with the Premier that it has been a fairly lengthy process, but thanks to that process we have made the legislation somewhat better and we now have a situation in which we will record the visits and the organisations involved—that is, the organisations that are represented. That is an improvement.

I support the legislation. However, it could have gone further in other areas—for example, when it comes to the activities of former members of this place and the access that they have to this place, as former members, and the ambiguity about whether they are here as former members or whether they are here representing a company. I think that is a concern that also needs to be resolved. I support the legislation, but I am disappointed that it has not gone much further.

MR W.J. JOHNSTON (Cannington) [3.15 pm]: I want to make some remarks about the Integrity (Lobbyists) Bill 2011 in this third reading debate and about the process that was conducted during consideration in detail. I make the point that when we have dealt with other legislation that the Labor Party supports, the Labor Party has been criticised for not just rolling over and letting it through without analysis. One of those bills, of course, was the Commonwealth Heads of Government Meeting (Special Powers) Bill. The government made over 30 amendments, I think, to that CHOGM bill, each one in response to issues raised by the opposition. Oppositions do their job, which is to make sure bills are looked at. We did that with this bill, and we do not apologise for that.

In fact, if people in the media are concerned by the comments of the Premier, I would encourage them to look at what happened in the consideration in detail stage. They will see that far from the time of the chamber being wasted by the opposition, it was quite easy to see the way in which the Premier tried to use that as an opportunity to political grandstand, rather than deal with the words in the bill. I will give members an example of that. There was great confusion about what the term "lobbying" meant by the way it was worded in the bill. The government had to bring forward an amendment to insert subclause (3A) into clause 4. To explain this, clause 4 sets out how lobbying is defined. Subclause (1) tells us what lobbying is, and subclause (3) says that, notwithstanding that, these things are not lobbying, and then subclause (3A), which was inserted by the government, said that notwithstanding one of those exclusions, this is also lobbying. I do not know whether there was a deliberate reason for the government doing that, but the legislation was not written in a clear or understandable fashion, and that is just one example.

In consideration in detail, the Premier made comments about not-for-profit organisations. I asked specific questions about people employed by not-for-profit organisations on a contract for service rather than a contract of service. The point I was trying to make to the Premier throughout that debate—I am not sure that he understood the point I was making—is that paragraph (a) of clause 9 of the bill makes it clear that a not-for-profit organisation is not bound by the bill. That is why I was trying to establish whether the exclusion that the Premier was talking about meant that a person who was employed by a not-for-profit organisation on a contract for service, as opposed to a contract of service, was in fact required to register, because it is still not clear from any of the words in this bill that we know the answer to that question. I suggest that the answer is that a person employed on a contract for service does not have to register in the same way as a person employed on a contract of service does not have to register. I did not get any clear indication from the Premier that he even understood what the question meant, much less gave a clear answer on what his legislation meant. We have had this trouble before with government ministers bringing to the house legislation that they have not read.

I draw the chamber's attention to the debate about clause 11, which relates to the publication of information on a register. The opposition and the member for Churchlands wanted to include a provision that would require that information to be published on the internet. The Premier explained why he thought that was not ideal. Quite frankly, I did not believe that his argument had any validity. Indeed, I pointed out to the Premier that clause 11 conflicted with clause 18 of the bill. Clearly, that was the first time the Premier had ever seen clause 18, because he did not know that clause 18, as presented to the Parliament, required the code of conduct to be published on the web. The Premier's response was not to bring clause 11 into the twenty-first century, but to take clause 18 back to the twentieth century. I did not understand that. Quite frankly, it was clear from the debate that the Premier had never even read the provisions of clause 18. That does not make him unique in this government, because we have seen that happen before when government ministers have brought legislation to the chamber that they have not read and have then complained when the opposition has read the bill and asks questions about it. That is just extraordinary.

I also want to raise with the chamber clause 9, specifically paragraphs (d) and (e). I made it clear during the consideration in detail stage that these provisions are too broad and will allow people to be exempted from this legislation whom other people outside this chamber would expect to be included. I urge the government, as it did with the Commonwealth Heads of Government Meeting (Special Powers) Bill 2011 and other bills, including the Criminal Investigation (Covert Powers) Bill 2011, to which there are over 130 government amendments, to look at those paragraphs before this legislation reaches the other chamber and develop amendments that will narrow those provisions, so that those more narrow provisions reflect the current arrangements in the lobbying code of conduct and the lobbyists register, which were introduced by the former Labor government, instead of this more broad provision in the bill, which is not as strict as the current arrangements.

Another issue that the Premier raised with us was the idea that we should not be telling the Public Sector Commissioner what his job is. That is a misunderstanding of the role of Parliament. The reason the bill is in front of us is to do that very thing. That is what we do when we pass legislation; we direct others not in this chamber to do things or not to do things. That is the purpose of legislation. It was bizarre for the Premier to have argued that somehow or other it was improper for the Parliament of Western Australia to direct the behaviour of a public official. That is our purpose. That is why we are here. That is what this legislation is about. We could legitimately have an argument about where that line is drawn, how specific the obligations are and what is left to the discretion of that public officer, but it was bizarre for the Premier to have argued that it was somehow wrong to have that discussion. The Premier failed to understand the purpose of what we are doing in this place. It makes me shudder on behalf of the people of this state to think about the processes that lead to the legislation that we get in front of us.

I also refer to the exclusion in clause 14(3) and the issue of persons who are not to be registered. The exclusion in subclause (3) is far too broad. Of course there needs to be flexibility for the commissioner to make a decision in exceptional circumstances, and the Premier rightly referred to a person who might have had a short-term,

three-month engagement at a senior level in the public service. Perhaps it would be appropriate in that example. But, in my view, it is not valid to give total discretion to the commissioner; it should not be allowed. We are not giving any direction to the commissioner about how to use that discretion. We are not even saying that it is an exceptional discretion; we are just saying that it is an absolute discretion. That is quite important.

The final issue I will raise is the rejected amendments. During the consideration in detail stage, the Premier kept saying that this bill is about regulating lobbyists, not their clients. That is a fundamental misunderstanding of what the bill will do. The bill is about exposing the clients of lobbyists. That is the very purpose of a register. It is nice if people know their names; they can look them up in the *Yellow Pages* if they like. But the whole reason for a lobbyists register is to know whom the lobbyists are representing. The Premier might say that the extra information that the opposition and the member for Churchlands proposed to include in the legislation was too broad. That is a fair enough argument. I do not agree with it, but I understand it. But that is not a good reason to argue that we are not here to regulate clients; we are here to regulate lobbyists.

As I said during the consideration in detail stage, the information that was proposed to be included in the bill is the sort of information that the media wants. They want to know what the contact was, what happened and who spoke to whom. I was not here for the whole debate; I was out of the chamber for some parts of the consideration in detail stage. But the Premier argued that it would have been a requirement to produce meeting notes et cetera. Quite frankly, that is not true; that was never the intention of the amendments. But even if it were, so what? Why would it be a problem for the people of Western Australia to know what transpires at a meeting? It seems very odd that somehow or other the people of Western Australia cannot be trusted with information. The people of this state are entitled to know what happens when the government and industry speak. It is bizarre to think that they should not know what transpires between corporate interests and the state. There are two types of benefits that companies seek. The first is a regulatory benefit; they are trying to change regulation to make life easier for them. The other type of benefit is about contracts and direct financial relationships. Sometimes businesses deliberately scope a contract much more narrowly than the government wants, and when the government has to renegotiate variations to those contracts, that is where much of the profit of contractors comes from. They argue that the change to the scope of the contract has led to extra costs and therefore they should get more money. There are lots of examples I could quote, but everybody knows this, so I do not have to do that. A good example is the Leighton Contractors contract dispute over the tunnelling through the city and the interpretation of the rise and fall. In fact, as you are aware, Mr Deputy Speaker, almost the entire overrun in the cost of the Mandurah rail line was in fact a result of the incoming Liberal government's decision to concede in that case and settle out of court. That is a classic example of a contractor that was arguing not about the basis of the work that was required, but about the effect of the contract. This is a very common thing with government. There is absolutely no reason that negotiations about those sorts of things should not be done in public.

Mr C.J. Barnett: Were lobbyists involved?

Mr W.J. JOHNSTON: If lobbyists get involved, it does not matter.

Mr C.J. Barnett: Were lobbyists involved?

Mr W.J. JOHNSTON: I do not know, mate.

Mr C.J. Barnett: What is your point?

Mr W.J. JOHNSTON: The point is that those types of negotiations should happen in public. There is no reason that companies should not negotiate with the knowledge of the people of this state. The interests of the government are the interests of the people, and governments that do not want to tell the people what they are doing have to be questioned. The more things are done in a transparent way in front of everybody's eyes with everybody knowing what is happening, the better it is for the state. This legislation had an opportunity to increase what is done in public and the government has decided not to do that. That has been the deliberate decision of the government, so we have ended up with legislation that is much less onerous than the existing lobbyists register. Despite the rhetoric surrounding the legislation, it has not taken any new steps forward on the issue of transparency in government in this state. That is a missed opportunity. Whether one is on the Labor side of the chamber or the Liberal side of the chamber, or an Independent or a National, this was a missed opportunity. We had the opportunity to go further and we chose not to. We have taken no additional steps. When we compare this legislation with the transparency arrangements in other countries, it is a considerable distance behind that and that is a pity.

MR C.J. BARNETT (Cottesloe — Premier) [3.30 pm] — in reply: I thank members for their support of the Integrity (Lobbyists) Bill 2011. The debate went on for longer than it needed to as we approach the end of the year. Nevertheless, presumably it will now pass through the Assembly and I hope it gets support in the Council.

Question put and passed.

Bill read a third time and transmitted to the Council.