

McGOWAN GOVERNMENT — TRANSPARENCY AND ACCOUNTABILITY

Matter of Public Interest

THE SPEAKER informed the Assembly that he was in receipt within the prescribed time of a letter from the Leader of the Opposition seeking to debate a matter of public interest.

[In compliance with standing orders, at least five members rose in their places.]

DR M.D. NAHAN (Riverton — Leader of the Opposition) [3.08 pm]: I move —

That this house condemns the failure of the McGowan government to demonstrate the gold-standard transparency and accountability that the Premier promised the people of Western Australia.

Indeed, on numerous occasions during the election campaign, the Premier promised gold standards of transparency. In opposition, he demanded it. During the campaign, he said that he would deliver it, but he has delivered the most secretive government since the Burke government of the 1980s. He started out well. He commissioned John Langoulant to conduct a special inquiry into government programs and projects. John Langoulant was an appropriate head for that inquiry. His views on transparency, accountability and good processes of government are well known. He came out with a report that outlines this in great detail and gives a blueprint for the government to follow. This inquiry cost \$1.5 million. It was a major investment, but a worthwhile one. The government instructed him to apply those standards to many of the policies of the previous government, which the Langoulant inquiry did in great detail, and it was highly critical of them. But what has this government done besides parrot the criticism of the previous government? Has it adopted the recommendations of the inquiry? It has done quite the opposite.

First, the major focus of the Langoulant inquiry was strengthening the public service, particularly central agencies, and, importantly, strengthening the directors general across the board so that they can give forceful and fearless advice to the government of the day. What we have seen is a gutting and a politicisation of the public sector. Most of the DGs are gone. Anybody who stood up and defended themselves has gone, particularly in areas that were set up to control large amounts of money independent of government. The head of the road trauma trust fund has gone. The head of Lotterywest has gone and the government has put in a really independent person in Hon Jim McGinty! Some of the major people who dealt with contracts have gone, particularly the head of the former Department of State Development, Steve Wood. He was one of the most widely respected public servants. He held negotiations with China for the mining and oil and gas sectors. He has gone because he did not have the expertise the government wanted in tourism. Do members know why? It was because the person who was there was fired. Steve was replaced with a good person, but he had no skills in tourism. The government gutted the public service and specifically told every one of them to not give it forceful and fearless advice or else they will be gone.

One of the most important aspects of transparency is this Parliament and question time. Members on this side of the chamber know that government members treat question time as a joke. They keep saying, “You ask the questions and we give you the answers we want, whether or not they have any relationship at all to the questions.” Answers are provided in the upper house, the other place, but even those answers are getting more vague. So, as a backup, we have to use other mechanisms, such as freedom of information requests, and the government’s record on that is dismal. The number of FOIs has been largely driven by the secrecy we face both outside the FOI process and within the FOI process. When we get information, there is more blacked out in the responses than there are words. The government baldly refuses to answer many of the questions—no.

Let me quickly go through some specific examples. The secrecy of this government began right at the start. One of the first decisions the government made was to rip up the contract for the Perth Freight Link. It just ripped it up.

Mrs M.H. Roberts: But that was an election commitment.

Dr M.D. NAHAN: Yes, it was an election commitment, so that allows it to do anything—rip up the contract!

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police!

Mrs A.K. Hayden interjected.

The SPEAKER: You are on three, member for Darling Range.

Dr M.D. NAHAN: The government then allocated some of the money from the ripped-up contract to the Perth Freight Link alliance. It allocated it to three projects—upgrades to Armadale Road and Wanneroo Road and the Murdoch link. Business plans were provided by the previous government for two of those projects—the Wanneroo Road and Armadale Road upgrades. The other project, the Murdoch link, had no business plan

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

whatsoever. The government allocated \$100 million to a project that had no specifications, no business plan and no costings, and the people started working on the project before the government had identified the specifications for the link. When we inquired about the business plan, the government said that it was part of the Perth Freight Link. It misled Parliament and us. Importantly, we asked the government what was the justification of the cost of the other two projects, which did have business plans, and it just said, “Look at the business plans”, but when it gave us the business plans, most of the detail had been redacted. Importantly, it did not send any of these projects to tender. It allocated nearly \$400 million from one contract to three other contracts without going to tender. For the two business cases for Wanneroo Road and Armadale Road, Main Roads told the government that it expected that when it went out to tender, the cost would be lower than was expected at the time. After much digging and delving, we found out that the cost of the finalisation of the contract for Perth Freight Link was \$140 million, but the government was hiding a large amount of the other costs by awarding contracts to the Perth Freight Link alliance at a higher cost than was needed. That is why it avoided the tendering arrangements. When we inquired about this information, we got obfuscation, redacted words and statements indicating that, yes, Main Roads is exempt from the tendering process.

The government used the example of the Berkshire Road overpass. The trouble with that is that the Berkshire Road overpass was adjacent to, and included in the business plan initially for, the Gateway WA project. There is no relationship with the Perth Freight Link and the Wanneroo Road upgrade. The government grasps at a line and runs with it. It has systematically misled us and the public of Western Australia on that and many other projects. When we ask for information, the government redacts it and basically refuses to provide information to us. This goes on and on in transport and other areas.

One of the big issues is with Matagarup Bridge to Optus Stadium. The cost started at about \$50 million. We understand from the government that the cost is now about \$93 million. Why has there been a cost increase? How did it go from \$50 million to \$93 million? We also know that the bridge is not finished. It is a sloppy job; it has to be touched up.

Mr W.R. Marmion: The scope has changed, too.

Dr M.D. NAHAN: The scope has changed. What is the reason for the increase from \$50 million to \$93 million? Will \$93 million be the end of it? We have asked question after question on this issue and there have been no answers. When we get partial answers from correspondence, this is what we get. Every number has been redacted. When we asked who paid the money when the government walked away from the contract with Toyota Tsusho in Malaysia, how much was paid, whether it was included in the \$93 million and whether it was still outstanding, we got no answer. Does the \$93 million include the cessation of the contract with Toyota? We do not know. When we get correspondence that tries to provide some reasons, we find that the government has redacted it. This is an important \$93 million project, which it brags about, but it keeps people in the dark about it. It is important that decisions of a crucial nature go to cabinet and that cabinet is supplied with adequate information to make appropriate decisions. In fact, the Langoulant report went into this at length.

Let us look at the \$205 million Huawei contract. It is large and controversial. It is controversial because of the nature of the contractors and the issue. We understand, and it is clear, that the Department of the Premier and Cabinet warned the Premier that in the medium to long term, there are serious issues with that contract for security reasons. What did the government decide to do? The government did not even send the contract, or the issue of the contract, to cabinet for scrutiny. There is no data, no cabinet scrutiny and no issue, and that is a direct violation of one of the most important recommendations of the Langoulant inquiry. I put to government members that they did it to give plausible deniability to the government being responsible for that project. The government knew that the project was controversial, but it wanted to avoid controversy, so the project was not taken to cabinet. The government allowed the decision to be made, and the evidence indicates that that decision and that failure will cost this state a substantial amount of money when it comes to expanding the use of that facility in an emergency system and the Public Transport Authority’s whole digital signalling system. The government will try to hide from that too. The government is purposely secretive and its promise of scrutiny is just another broken promise that it has cynically imposed on the Western Australian public to get votes. The government has come into this chamber and is being secretive about this project—shame on you!

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [3.20 pm]: I rise to support the motion. This government said that it would be transparent and accountable. It was the mantra of the Labor Party in opposition. Week after week, Labor members came into this chamber and were heavily critical of the way that we conducted ourselves in government. Therefore, we have an expectation when in opposition that the government will live up to exactly what it talked about and spruiked for those eight years it was in opposition. Day after day in opposition, Labor members relentlessly pursued the release of contracts, documentation and information, yet we find through the clever collation of a raft of freedom of information requests and questions on notice that this

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

government has no interest in living up to the standards that it set for itself—even the media has been able to pull together that fact. In opposition, the Minister for Transport, the Minister for Water, the Treasurer and the Premier came into this place day after day and said that they would do better and be better if the shoe was on the other foot. They have been found wanting. It is 18 months into this government and we have seen, and it has been proven, that Labor members would do anything and say anything to get themselves onto the government side of this house.

What did we find in *The West Australian* yesterday? There was a very neat summary from a journalist, who was also relentless when we were in government around contracts and information that they thought should be available to the public, of why this government is failing on its promise to deliver a rolled-gold version of transparency and accountability. We have had extension after extension for FOI requests that have been submitted not only by me and the leader of the second party in opposition's office, but also by members beside and behind me, seeking information. Today, the Premier said that these have been frivolous requests for information. I will get to that in time, but I can assure you, Mr Speaker, that the information we have been seeking is to do with some fairly serious issues that this government has mostly created. We have been trying to understand the government's decision-making processes on education, and we have had questions around Carnegie Wave Energy and contracts. To touch on what the Leader of the Opposition talked about in terms of business cases, this was also something that this government was very hot to trot on when in it was opposition, but now it has a differing opinion of when and how it is appropriate to use a business case.

I will just talk to this list—not the whole list, because we would be here for longer than I have to speak—of longest FOI requests from the date lodged to the date received. This is the ministers' offices only. We made some requests for information of Minister Ellery about the education program cuts, and it was 154 days from the date lodged to the date received. The toxic culture and accusations of bullying in the Southern Ports Authority are a serious issue that has been discussed in this house. That FOI request was to the Minister for Transport and it was 141 days before the information was provided to us. Then, as the Leader of the Opposition said, we received documents with completely blacked out pages or pages withdrawn in their entirety. The FOI request to the Minister for Regional Development about the Albany wave energy project took 117 days. This government and this Premier stood in this house and said, “We don't need the community resource centres; we've all got one of these”, and then held consultation —

Mr P. Papalia: He didn't say that!

Ms M.J. DAVIES: He absolutely did say that. It is in *Hansard*—go and read it. Every single person in the community, including those who work in the CRCs, knows that very well. After the decision was made to cut the funding, the Premier held a consultation process and found out that the communities actually did need the CRCs, and he reinstated the funding. But the government would not release any of the information about the decision; that FOI request took 114 days. The list of the longest FOI requests in terms of days overdue includes 109 days for the education program cuts and 96 days for the Southern Ports Authority again, but that does not include requested extensions. In relation to the education program cuts, we had five requests for an extension to provide that information. That is not a rolled-gold standard of transparency and accountability; that is a government trying to cover up where it has made some very poor decisions and cannot decide how to release information to make sure that it is not caught out.

We have spoken about the CRCs, but in the time that I have left I would like to very briefly touch on the fact that this government has been unwilling to this point to release the tender documents or contracts signed in relation to the camp schools. A cloud still hangs over the decision-making process and the announcements that were made about selling the schools and shifting to a lease process. We now know that referrals are going to the organisation Fairbridge WA that is supposed to be responsible for the camp schools, but no contract has been signed and there has been no transparency in those decisions over the last nine months. That issue caused an enormous amount of angst for the camp school community. Every other education cut included in this very hastily put together program, which came after the government decided that it needed to find savings and then quickly needed to do a series of backflips, has caused a great deal of angst.

What about the shady Carnegie deal that we have been trying to decipher? The state government has spent \$15 million—a significant amount of money—on a wave farm, which is supposedly a trial, to generate one megawatt of power, if that. There is much more to come on that front. There has been no transparency in that deal. Certainly, the Minister for Regional Development has to answer some serious questions that have not been answered appropriately or have been forthcoming as part of the FOI process. What about the nothing-to-see-here attitude taken by the government and sustained in relation to the bullying and toxic work culture at Southern Ports Authority? That is a serious issue and something that I would have thought this government would be all over. It has taken a series of questions, investigations and ongoing campaigning by members like the member for Roe, sitting behind me, to try to get to the bottom of this on behalf of workers, but there has been absolutely no inclination by

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

the ministers or the government to actually engage on that issue. It is as plain as the nose on your face, but answers to questions are obtuse and there is no inclination to provide timely advice as a result of our FOI requests.

The last issue I want to talk about is the request from the members for Warren–Blackwood and Dawesville, as opposition spokespeople for corrective services. In the wake of the biggest prison breakout in this state, we had a request in for these two spokespeople, appropriately, to visit that prison. That request was denied, but I understand that that may now be forthcoming. It certainly was not denied to the media. The minister had the entire media trotting through the prison a couple of days afterwards, but the opposition was denied the opportunity to go through. That is not how a government that has a rolled-gold standard of transparency and accountability behaves. There are many more examples, but I do not have time to go through them. We have all seen the work that has been done by Hon Tjorn Sibma in the other place in uncovering some of the very interesting ways in which money has been allocated to the Local Projects, Local Jobs program. The Minister for Sport and Recreation knows that his own department has questioned the allocation of funding without any governance or business plan under that Local Projects, Local Jobs fund. Examples of that are littered through all the departments. This government is not capable of being transparent or accountable; it is lurching from bad decision to bad decision and using the excuse that the FOI system is under pressure. The government should fund the FOI system properly and make sure that it lives up to its promise to the community and to this house that it is bringing in a different level. It is okay if it did not agree with how we conducted ourselves in government, but this government said that it would do better.

The government has clearly proven that it cannot and is not living up to that so it needs to do something about it for the confidence of the Western Australian community and this Parliament. Our experience in the last 18 months is that this is a government that is intent on obfuscating, hiding, being secretive and not releasing information on very serious matters on which it has been forced to back down or change its decision. It should not be using the processes of freedom of information, question time and this or the other house to hide those bad decisions. Shame on them. More needs to be done. I look forward to hearing from the government about this matter because I do not think there is a defence for what has happened over the last 18 months.

MRS M.H. ROBERTS (Midland — Minister for Police) [3.30 pm]: I am pleased to get up before the member for Scarborough rises to her feet because the issue I want to raise very much involves her and the Leader of the Opposition. Let us talk about the secrecy, cover-ups and dodgy deals done by the former government. If they want to talk about those things, perhaps they should reflect on the Western Force deal. Do they remember that deal that involved \$1.5 million that was given in the dying days of the member for Scarborough’s government by the member for Scarborough, with no accountability whatsoever? The member for Scarborough was required by law under the legislation, the Road Safety —

Several members interjected.

The SPEAKER: The side to my right listened to everything that was said by opposition members with no interjections. I want to have the same.

Mrs M.H. ROBERTS: Under the Road Safety Council Act 2002, the member for Scarborough was required to refer that spending to the Road Safety Council but she did not do that. And, complicit in her cover-up was none other than the Leader of the Opposition. About a year ago in this house immediately following the election, we asked questions of the opposition. The Premier came in here and said to the Leader of the Opposition, “Will you table the information, will you expose what you did in the dying days of the Court government?” What did the Leader of the Opposition say? In a quote from ABC news radio from February, he said, according to my notes —

The appropriate agency recommended through the minister to cabinet that we reallocate surplus funds to support Western Force, and that is what we decided to do.

That is not true—it never went to cabinet. The only reason we know that is because of the Langoulan inquiry. It was a bald-faced lie in the media and in this house for which he has never apologised. He has said in here time and again that it went to cabinet and that that is why he was not disclosing it. In fact, in an ABC news article on 28 June 2017, it was reported —

Dr Nahan, who is now Opposition Leader, defended the deal and said the documents were protected by cabinet confidentiality.

In the article he is quoted as saying —

It was a cabinet document and we—as previous governments have—haven’t allowed the release of cabinet documents of that nature and we won’t do so now ...

Those are bald-faced lies because we now know that although he said week after week that it had been to cabinet and he maintained that position, it never went to cabinet. One would have thought that the person sitting next to him, the member for Scarborough, would have tapped him on the shoulder and said, “Mike, that didn’t happen; it never went to cabinet.” Not once did she do that. She sat there while the Premier asked questions —

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

Mrs L.M. Harvey: It went to cabinet—you're misleading Parliament.

The SPEAKER: Member for Scarborough!

Mrs M.H. ROBERTS: Perhaps the member for Scarborough should read the Langoulant report —
Several members interjected.

The SPEAKER: Members, you were heard in silence.

Mrs M.H. ROBERTS: — because it says —

Mr Allen confirmed that the matter did not go to Cabinet, and it is likely that Dr Nahan quite understandably confused his recollection of speaking with Minister Harvey about the matter being discussed in Cabinet.

Dr M.D. Nahan: Incorrect.

Mrs M.H. ROBERTS: Well, produce the document. Where is it? We had an inquiry. The Leader of the Opposition attended the inquiry and that is the conclusion.

Several members interjected

The SPEAKER: Members!

Mrs M.H. ROBERTS: Has the Leader of the Opposition disputed —

Mrs L.M. Harvey interjected.

The SPEAKER: Member for Scarborough, I call you to order for the second time.

Mrs M.H. ROBERTS: Member for Scarborough, it is my understanding that a representative of the Corruption and Crime Commission was sitting in on those hearings so I do not need to refer matters to the CCC.

Dr M.D. Nahan interjected.

The SPEAKER: Leader of the Opposition!

Mrs M.H. ROBERTS: I personally —

Dr M.D. Nahan interjected.

The SPEAKER: Leader of the Opposition, I call you to order for the first time.

Mrs M.H. ROBERTS: I personally think it should be a matter before the CCC. It is my belief that the member for Scarborough broke the law not just then by not following the act as she was required to, but time and again with spending. The fact of the matter is —

Withdrawal of Remark

Mrs L.M. HARVEY: I refer to standing order 92, "Imputations and personal reflections". The minister just said that I have broken the law. That is potentially a criminal offence. She needs to provide evidence of that. If she is going to besmirch my character and say that I have broken the law, she needs to provide evidence and I request that she withdraw.

The SPEAKER: Member, you can comment on the standing order but you cannot have a debate. Minister, I ask you to withdraw.

Mrs M.H. ROBERTS: I will withdraw and I further note that the Langoulant report —

Point of Order

Mr S.K. L'ESTRANGE: Mr Speaker, the minister is canvassing her own answer to your ruling.

The SPEAKER: No, she is not. I think the point of order was over. She was going on to the next point. I will take note.

Debate Resumed

Mrs M.H. ROBERTS: It seems that the opposition is really sensitive about this and I can understand why. If I were any one of the members opposite, I would be embarrassed with the performance of the opposition leader who has made a clown of himself time and again and who clearly misled the house last year. The member for Scarborough was part of this dodgy deal for Western Force and is now seeking to somehow defend herself. The whole chapter of the Langoulant report that was devoted to the Western Force deal concluded that it was likely that the law had been broken. That is not me making it up and it is not me making an accusation; that is the conclusion that the Langoulant inquiry came to. Clearly, I have embarrassed the member for Scarborough. She should be embarrassed after signing off \$1.5 million a couple of days before the election without the deal being

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

sighted by Treasury. Having been a Treasurer, surely the Leader of the Opposition would know that that should have been signed off by Treasury. About a year ago, the current Treasurer advised Parliament, after his discussions with Treasury, that had the deal gone to Treasury, it would not have recommended it. Talk about dodgy deals—that was a dodgy deal. Talk about transparency and honesty—the Leader of the Opposition misled the house in his comments on this matter. His imputations on this are 100 per cent wrong. He has made statements that are clearly not true, yet he has the gall to stand up talk about transparency.

Point of Order

Mr S.K. L'ESTRANGE: The minister just said that the Leader of the Opposition made points that were clearly untrue. That is absolutely improper motive and a personal reflection on the Leader of the Opposition because she is making reference to his behaviour, which is inappropriate.

The SPEAKER: That is not a point of order.

Debate Resumed

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [3.38 pm]: I rise to make comments about this matter of public interest. The attitude of and problem with this government comes from the Premier himself. Earlier, the Premier stood there and said in an answer in question time, “I’ve got a document here prepared by DPC”. Clearly, it is not; there is no Department of the Premier and Cabinet footprint on it. Then he said, “I wasn’t referring to it” but then he read it out and said, “I did read it out so I was referring to this document” and argued again about whether he should table documents. We have had that debate in this house. It starts with you, Premier. The Minister for Police has come in here and verbalised me about the way I acquitted funds from the road trauma trust account. What is this article from *The West Australian* on 20 June 2018? It states —

Road Safety Minister Michelle Roberts overrode the expert opinion of WA’s road safety body to spend proceeds of speed camera revenue on a \$27 million police helicopter, it has been revealed.

The minister just said, “To hell with your expert advice! I’ll spend my \$27 million dollars however the hell I see fit!”

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police!

Mrs L.M. HARVEY: That is what you do.

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police!

Mrs L.M. HARVEY: You have form!

Mr Speaker, I will direct my comments to you.

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police, I call you to order for the first time. Member for Scarborough, through the Chair, please.

Mrs L.M. HARVEY: Thank you, Mr Speaker.

I put questions on notice to the Minister for Police asking for crime stats.

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order.

Mrs L.M. HARVEY: When I was Minister for Police, I used to take the crime stats in the tabular form that the police gave me and table the document in Parliament in an easy-to-read format. I was transparently releasing information. If members would like to acquaint themselves, tabled paper 304 from the Legislative Council is an example. This minister has some poor soul in her office who converts tabular statistical data into paragraph format. Instead of a table with “766”, someone in her office converts it—seven, s-e-v-e-n, hundred. It is in word format so that the data is useless. I cannot use it for anything because I do not have the resources of this minister to convert that into tabular form. That is what the minister does.

Let us look at how to answer a question. An example is a question from the now Treasurer, Mr B.S. Wyatt, to the Premier in 2012 about staffing in ministerial offices. What are the answers that we gave? It reads —

- (1) How many staff have been employed, contracted or seconded to the Ministerial Office of Hon. Peter Collier since 23 September 2008?

The answer is 44. “How many staff employed, contracted or seconded et cetera”—members get the gist of the question. Another part of question on notice 7609 asks —

Extract from *Hansard*

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

- (3) What are the names of those staff employed, contracted or seconded to the Ministerial Office of the Hon. Peter Collier who have left employment in the office since 23 September 2008?

The answer is a list of 10 names—that is, the names of the officers. The question has been answered.

What answers to the questions did we get when we asked them of these ministers?

Mr S.K. L'Estrange interjected.

The SPEAKER: Members! Member, your own member is up, so do not keep calling out. I think she is doing a pretty good job without you interjecting.

Mrs L.M. HARVEY: The answer we got was —

As is practice in this place, information relating to staff in ministerial offices can be found in the “Ministerial Resourcing Report” tabled in Parliament every quarter as part of this government’s ongoing commitment to accountability and transparency.

That is, “We are not answering the questions. Just wait for the report.” We asked questions about the Metronet task force such as —

I refer to the Metronet task force chaired by the Minister for Transport; Planning; Lands and the meeting on 27 February.

- (1) Was the issue of tunnel borer Grace ceasing boring discussed at that meeting?
(2) Were minutes of the meeting taken?
(3) If yes to (2), will the minister table those minutes; and, if not, why not?

The answer was —

... I thank the Leader of the Opposition for some notice of the question.

- (1) No.
(2) Yes.
(3) The minutes are cabinet-in-confidence.

We asked more questions about that and it is quite unfathomable that this minister expects us to believe some of these answers. We asked about the members of the task force and, when the task force members met, whether they had been advised of the tunnel boring machine stopping. Apparently it was not discussed at the meeting, even though the tunnel boring machine had stopped. Looking at the suite of people who were part of the meeting that the minister attended, I find it extraordinary that the director general of the Department of Transport, the Under Treasurer from the Department of Treasury and a range of other members who were present at those meetings would not have raised that the tunnel boring machine had stopped and that it had not been discussed in any way, shape or form at that meeting. We have further work to do with that.

The Premier has said that it is our fault that the freedom of information process is taking so long. We have to put in so many FOI requests to this government because it will not answer parliamentary questions. I asked for crime stats from the Minister for Police and she referred me to the police website. I find those crime stats there, but that does not inform *Hansard* or the Parliament in the future about what the stats were at that time.

Let us look at what the Auditor General—the Office of the Ombudsman—has said about the performance of this government.

Mrs M.H. Roberts interjected.

The SPEAKER: Members!

Mrs L.M. HARVEY: On 40 occasions so far the Ombudsman has had to investigate excuses this government made to not answer questions that had been asked in Parliament.

Ms M.M. Quirk: It’s the Auditor General.

Mrs L.M. HARVEY: The Auditor General.

Several members interjected.

The SPEAKER: Members on my right!

Mrs L.M. HARVEY: I have a handful of the Auditor General’s opinions on ministerial notifications. I do not have 40 of them. I have a handful. I will tell members what they say again and again. This is one about the Minister for Education and Training —

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

The decisions by the Minister for Education and Training not to provide Parliament with the information were not reasonable and therefore not appropriate as a significant amount of the information was already publicly available.

That minister did not even seek advice from the Department of Education about whether the material could be provided to Parliament!

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen, I call you to order for the second time.

Mrs L.M. HARVEY: She did not even seek advice from her own department. The minister unilaterally made the decision that she was not going to make that information available and claimed cabinet-in-confidence, privacy and all these things. Guess what? The Office of the Auditor General does not believe her. He did not believe the Minister for Education and Training, he did not believe the Minister for Racing and Gaming, he did not believe the Minister for Finance, he did not believe the Minister for Corrective Services, and he did not believe the Minister for Health or the Minister for Emergency Services. That is only a selection!

Mr P. Papalia interjected.

The SPEAKER: Minister!

Mrs L.M. HARVEY: Again and again, ministers' decisions not to provide material or reports to the Parliament are "not reasonable, and therefore not appropriate".

Several members interjected.

The SPEAKER: Minister! Members on my right, I want to hear. You might not agree, but you have to listen.

Mrs L.M. HARVEY: My favourite one is the Minister for Corrective Services. One of these decisions of the Auditor General was that he forms no opinion about the ability to provide material about the business case showing the total savings from the switchover of the function of Wandoo Reintegration Facility because the business case did not exist. It did not exist, so the minister did not have anything to back up. There was no business case to tell him whether the decision was going to save taxpayers money.

It starts with the Premier and his flippant responses to questions in this house. He has complete disregard for the opposition's responsibility to hold him accountable and for parliamentary process. Under the Premier's government, parliamentary process has been trashed. We have gone back further than it was in the Burke administration.

MS R. SAFFIOTI (West Swan — Minister for Transport) [3.47 pm]: I can tell members opposite's hearts were not in it! Again, it was one of those, "We have to do an MPI. Let's do it on accountability today." That is what was outlined today. I will go through all the points made. The member for Scarborough compared funding a rescue helicopter with the sponsorship of a rugby team. The member said that we should not have funded a rescue helicopter, but we should have funded sponsorship of a rugby team from the road trauma trust account. That is what the member for Scarborough outlined today.

Dr M.D. Nahan: It's about process!

The SPEAKER: Leader of the Opposition!

Mrs M.H. Roberts: The process was followed for ours, not for yours. That's an own goal!

The SPEAKER: Minister for Police!

Ms R. SAFFIOTI: As the Minister for Police outlined, the process was followed under our government but not under the government of members opposite.

Mrs L.M. Harvey: Your own Treasurer's advice says that I acted with authority.

The SPEAKER: My authority says I call you to order for the third time, member for Scarborough.

Ms R. SAFFIOTI: The member for Scarborough compared a rescue helicopter with a rugby team. She said that she does not have the resources to convert a written "seven" to a "7" and that the opposition does not have the resources to analyse answers. I am sorry —

Mr P.A. Katsambanis interjected.

The SPEAKER: Member for Hillarys, I call you to order for the second time.

Ms R. SAFFIOTI: I am going through the points. The opposition does not have the resources. Opposition is tough. I understand that. We had eight and a half years of it. We know what it is like and sometimes we had to do the work ourselves. I am sorry, but sometimes you have to take the laptop home, fire up the Excel spreadsheet, sit

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

there and do analysis and comparisons. The idea that opposition members ask questions and freedom of information requests of us and expect us to give them all the stories because they cannot develop them is false and wrong, and we will not do that. Members opposite have to do their own analysis.

Dr M.D. Nahan: It is a deliberate strategy not to be accountable, that is what you're saying.

The SPEAKER: Leader of the Opposition, I call you to order for the second time.

Mrs M.H. Roberts interjected.

The SPEAKER: Minister for Police, I will call you to order for the second time.

Ms R. SAFFIOTI: No, the strategy is that we give the answers but we do not write the stories for the opposition. Several members interjected.

The SPEAKER: Minister for Housing, I call you to order for the first time. Leader of the Opposition, you are getting close to three.

Ms R. SAFFIOTI: We give members the answers, but we cannot write the stories for them. I am sorry about that. We cannot do the analysis; that is their job. We give the opposition information—there is lots of information—and then it does the analysis and the story. That is how it happens. I am sorry we cannot do it all, but that is what we do—we give the opposition information. On Metronet, the member for Scarborough said, “I asked you a question and you answered it, but I don't believe you.” That is pretty much the analysis. Not that I did not answer the question, but that she does not believe my answer to a question and then she went on to say that I did not answer the question. That is absolutely false. I answered the question, she just did not believe the answer. Regarding section 82s, ministers are referring our answers to the Auditor General. The previous government never did that. As a result there have been more section 82s because we are voluntarily sending those to the Auditor General. As I understand it, one of those from the analysis in the paper was the member for Central Wheatbelt's.

Let us go through the comments made by the Leader of the Opposition when he went through it all. He started talking about the Murdoch link project, the Murdoch activity centre.

Dr M.D. Nahan: No, the link. The activity centre is not the link.

Ms R. SAFFIOTI: The Murdoch activity centre link.

Dr M.D. Nahan: There is an activity centre that is different from the link.

The SPEAKER: Leader of the Opposition, please.

Ms R. SAFFIOTI: That project was part of a business case for the Perth Freight Link.

Dr M.D. Nahan: No.

Ms R. SAFFIOTI: How can you say that?

Dr M.D. Nahan: Because it was not.

The SPEAKER: Leader of the Opposition, this is not a question and answer. Minister, through the Chair.

Ms R. SAFFIOTI: I have been advised by the agency that wrote it that it was. Regarding the Perth Freight Link business case, will the opposition let us have a copy?

Dr M.D. Nahan: No, you revised the link.

Ms R. SAFFIOTI: No, the Perth Freight Link business case, will you provide a copy?

Dr M.D. Nahan: It is a completely different project.

Several members interjected.

The SPEAKER: Members! Leader of the Opposition, I call you to order for the third time. I have given you plenty of warning.

Ms R. SAFFIOTI: When we wrote to the Leader of the Opposition asking for a copy of the Perth Freight Link business case, he wrote back saying, “No”. Why would he do that? Why would he not give us a copy of the Perth Freight Link business case when the project is no longer happening? The Leader of the Opposition went through it saying that we have not got a business case, even though it is part of the PFL business case which we cannot have access to, because he will deny it. Then he went on about the project and that the federal government insisted on it and was, as I recall, 75 per cent funded by the federal government. If the Leader of the Opposition has an issue with process, raise it with your mates in Canberra.

The next key thing was the Forrestfield–Airport Link.

Dr M.D. Nahan: I didn't say anything about that.

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

Ms R. SAFFIOTI: We are; it is about business cases. When we won government, we wanted to get a copy of the business case for the project that the previous government started that we are delivering. I thought it would be good to have a copy of the business case, all the information, as the minister responsible. I wrote to the Leader of the Opposition, because it was attached to a cabinet document, asking if we could have access to the business case for a project that we are delivering. What did he say? “No.” This is not something that has gone out to tender; this is a project that is being delivered now.

Dr M.D. NAHAN: It’s already done. The decision to build was done.

The SPEAKER: Leader of the Opposition, you are on three.

Ms R. SAFFIOTI: Do you not understand how silly it is that you will not give us access to those business cases?

Mr W.R. Marmion: How many businesses cases did you give? None.

The SPEAKER: Member for Nedlands.

Ms R. SAFFIOTI: The expert engineer; the special comments man from behind.

Mr W.R. Marmion interjected.

The SPEAKER: Member for Nedlands!

Ms R. SAFFIOTI: Regarding the Matagarup Bridge, the opposition says that the state had a contract with Toyota Tsusho. Wrong; we did not have a contract. We have told the opposition a hundred times how it was costed and what we are doing. We have told the opposition a hundred times through answers, it just does not accept it. I am sorry if opposition members do not accept it, but that is completely different from us not giving them the information. Regarding Huawei, we have gone through that a hundred times. In our quest for openness and transparency we gave a full briefing to the opposition—something that never happened under the previous government.

Mr W.R. Marmion: Why weren’t you there?

Ms R. SAFFIOTI: Because you know what? I let the public servants brief you.

Ms L. Mettam interjected.

The SPEAKER: Members! Member for Vasse

Ms R. SAFFIOTI: I gave the opposition access to public servants. When I tried to brief the opposition on taxis, do members know what the opposition said? “The minister should not be at the briefing on taxis to the opposition.” That is what happened; I kid you not. I remember taking the phone call, I think it was while I was at the Bunbury cabinet. I was standing outside saying that I want to personally brief opposition members on taxi reform and they said, “Ministers never brief the opposition. We are refusing that briefing.” That is why I was not there; that was a precedent. We gave the opposition access and it has gone and basically used confidential information in this Parliament. We still think we may have to refer that to a committee given the continued use of confidential information.

Mr R.H. Cook: You’re emptying the chamber, they are starting to leave.

Ms R. SAFFIOTI: I know!

In relation to the member for Central Wheatbelt on the Southern Ports Authority and “nothing to see here”, what a disgrace. We did a review and most of those actions happened when the member was in government. This is how secretive we are: my office personally briefed the member behind the member for Central Wheatbelt about what has been happening at that port last week and the chair of the board wants to meet the member to give him a full briefing, which will happen. We did a review on the SPA. We are changing leadership and all the member for Central Wheatbelt can say is “Nothing to see here”. There is absolutely no fact to what she says.

Again, we cannot make the MPIs of members opposite work for them, just like we cannot make stories for them. They ask questions and we provide the information. When we provide the information, they do not believe it. I am sorry, but that is the information. We provide the information and, as I said, what members opposite have to do with that information is go away, sit with a computer on a red couch in a lounge room, as I do, and do a further analysis to create the story. The opposition cannot take an answer from us and give it to *The West Australian* to get an article written. I am sorry about that, but do more work and do not waste people’s time on stupid questions about the number of pens and pencils, because that absolutely undermines the opposition’s entire strategy.

Mr D.C. Nalder: You’re going to use that for the next three years.

Ms R. SAFFIOTI: Yes, I will.

Mr D.C. Nalder: That’s gone; that was ages ago. That’s your excuse for not answering the question?

The SPEAKER: Member for Bateman.

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

Ms R. SAFFIOTI: I think that answer demonstrates how embarrassed the opposition is about that, and we will continue to use that because the opposition has asked many more questions of a similar nature. That is what we believe. As I said, I am sorry that opposition members have to do analysis. I am sorry they do not have ministerial staff, but that is opposition. We had to deal with it for eight and a half years; members opposite need to learn to deal with it.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.58 pm]: I want to draw the chamber's attention to the impact of these opinions on ministerial notifications from the Auditor General. The reason there are now so many of these is that when our ministers do not answer a question, they tell the Auditor General, as they are required to do under the Financial Management Act. The real question is not that the report is done; it is what the report states. Again, I apologise to the opposition for making it do research. It is embarrassing and I know that. I randomly asked for one of these reports and it states —

The decision by the Minister not to provide the requested information was reasonable and therefore appropriate.

The issuing of a report is not a criticism. That is what ministers are supposed to do. I understand that the Leader of the Opposition does not know that, because on all those occasions he refused to give me information, he never once referred any of those questions to the Auditor General. So of course there were no Auditor General reports about him, because he did not comply with the Financial Management Act!

I will go through a few of these. What about the resignation of the board of Synergy? When we asked for the resignation letters through freedom of information requests and in this place, both were refused by the member for Riverton. What about the Australian Competition and Consumer Commission's criticism of the amalgamation of Synergy and Verve? The then minister made a submission to the ACCC. I asked for a copy, but I did not get it because it was commercial-in-confidence. I was refused access by the member for Riverton. As to the Synergy–Verve amalgamation, there was no business case. Who did it? It was the member for Riverton! I asked for it in Parliament; he refused to give it to me. Through the Auditor General, there was a regulation included to table information about the effect of the amalgamation. It was never tabled by the member. Three times he was given the report, and he never tabled it in this chamber until he was forced to do so because of questions I asked following the annual report of the Auditor General in which he highlighted that the then minister had failed to comply with the law! Talk about transparency! That is the member for Riverton for us.

What is next? We have the McKinsey contracts with Synergy. The question was how much it was worth. Commercial-in-confidence was claimed. I asked about Western Power's contract with McKinsey, and was told that the value was commercial-in-confidence. On 14 October 2015, the then minister said of Synergy that it was commercial-in-confidence; the question was not referred to the Auditor General. On 16 February 2016, the member for Riverton said the value of McKinsey contract with Western Power was commercial-in-confidence. That question was not referred to the Auditor General. On 16 August 2016, the member for Riverton said there was no tender and that the information on value was commercial-in-confidence. That question was not referred to the Auditor General by the member for Riverton. So talk about the failure to comprehend his own obligations!

Now he says, "Oh, these ministers are referring questions to the Auditor General"! Of course! That is what you were supposed to do when you were a minister! You forgot! You forgot to table reports given to you by the Auditor General, in breach of the law that you created, and you would not refer any of your answers to the Auditor General in compliance with the law! Then there was the TransAlta deal. It was a terrible decision, and the current Minister for Energy now has to cope with the bad outcome; the answer was again that it was commercial-in-confidence. As to the Pilbara underground power project, the minister told Parliament that it cost \$100 million; the Auditor General said that was wrong, and it was \$118 million. The then minister did not even say, "Oh, I didn't realise it was a higher figure." He said it was an argument between accountants: "It is about a debate between accountants", he said on 12 August 2015.

Then there were the Telstra shares. On 24 March 2015, he told the chamber that Telstra had won a competitive bid for the stage 2 project—not true. There was no tender for the stage 2 project and no competitive process; in fact, other providers of telecommunications services were complaining to the then opposition about the fact that it was not tendered. Remember that this is a company that the former minister held shares in when he personally awarded the contract!

There was also the Forge Group Power Pty Limited insolvency. On 20 March 2014, the then Minister for Energy again said the information was commercial-in-confidence and that he could not tell us the effect of the Forge insolvency on Horizon Power. I am sure the current Minister for Energy remembers that well. Then there were the

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

QBE shares. Again, the then Minister for Energy held QBE shares when the then government did a deal on insurance arrangements for the housing industry.

The real story here is that this is an accountable government. That is why these reports exist. I have in my hand—randomly obtained for me by chamber staff—the fourth report of August 2018–19 of the Auditor General into an answer from the Minister for Emergency Services. It is not that there is a problem with referring these questions to the Auditor General; that is what we are supposed to do. When ministers do not provide an answer, they are supposed to refer it to the Auditor General. The real tragedy here—the real disgrace; the real embarrassment; the real hiding—was why the member for Riverton failed to comply with the law when he refused to answer questions. That is what we have not heard today. I read the newspaper, and I invite the Western Australian media to go back and have a look at that. The former government was disgraceful.

I have one that I think is even better than that. The member for Churchlands knows this well because he was the Chair of the Public Accounts Committee when we had the investigation into the role of the Public Sector Commissioner. We asked the Public Sector Commissioner how many times he had met with the Premier in 2013, and the answer was nine times. We asked how many minutes he took. None. We asked about the agendas. None. So hang on a second here: during the period of time that the then government was restructuring the public service and creating new agencies, the Public Sector Commissioner met with the Premier nine times. That is entirely appropriate. I would expect that—roughly once a month. But how come there were no minutes and no agendas for those meetings? That is inconceivable. Talk about trying to hide the truth!

As I say, do not forget that for the merging of Verve and Synergy—the biggest bad decision of so many bad decisions over eight and a half years in government—there was no business case, no transparency and not a single document tabled in support of the decision.

MR M. MCGOWAN (Rockingham — Premier) [4.05 pm]: That was a very dramatic ending!

Clearly, the government will not support this matter of public interest moved by the opposition, and I will outline why. It is based upon a false premise. We have been very accountable, very open and very transparent, and we have prided ourselves on that. The Leader of the Opposition said in his opening comments that the Langoulant inquiry resulted in a good report. He said it was a good report and a good inquiry. What did it find?

Dr M.D. Nahan: You're not following it.

Mr M. McGOWAN: We are following it. What did it find? About the former government, John Langoulant found —

A general lack of transparency and default response of 'commercial-in-confidence' to questions about projects has led to a reduction in accountability.

And —

... evidence of over-use of 'commercial-in-confidence' and lack of transparency about project decision-making and progress reporting was uncovered.

Several members interjected.

Mr M. McGOWAN: One of the things I have noted about this opposition is that it will not let ministers or me speak. If it wants transparency and accountability, I have to be able to speak. I am outlining to the opposition a little bit of context. But the way the opposition treats the Parliament is abominable; it is appalling.

Several members interjected.

Mr M. McGOWAN: The opposition does not let ministers speak.

Several members interjected.

Mr M. McGOWAN: There it is! We sit in silence while the opposition speaks; it screams and creates a wall of noise when we speak. The opposition conducts itself in a shocking way in here. For people who are supposed to be the upholders of precedence and convention, opposition members have no respect for precedence or convention. But the Langoulant report goes on and on about the former government's lack of accountability.

Dr M.D. Nahan interjected.

Mr M. McGOWAN: But I think the Minister for Transport outlined it correctly. Now the opposition —

The ACTING SPEAKER (Ms S.E. Winton): Leader of the Opposition, you are on three, please. Thank you.

Mr M. McGOWAN: Now that the Liberal Party is in opposition, it should at least give the authority for the release of the businesses cases into the Perth Freight Link and the Forrestfield–Airport Link. What is there to hide? Why will the opposition not let those documents be released? We have to seek the permission of the opposition. Why will the opposition not allow them to be released? Now it sits there in silence! Why will the opposition not allow

Extract from Hansard

[ASSEMBLY — Tuesday, 18 September 2018]

p5982c-5994a

Dr Mike Nahan; Ms Mia Davies; Mrs Michelle Roberts; Mrs Liza Harvey; Ms Rita Saffioti; Mr Bill Johnston;
Mr Mark McGowan

those to be released? Why does the public not get the opportunity to see them? Why does the opposition not release them? Instead, it now sits there in silence.

What has become apparent over the term of this opposition, as I outlined in question time, is that freedom of information requests are being abused. The number has doubled. They are some of the most ridiculous and replicatory requests that require a doubling up of effort on FOI requests. That has put just enormous pressure on the public service that deals with them. The opposition should be strategic and actually ask about things that can or should be answered, and make sure it does not duplicate effort, creating all sorts of mayhem and difficulty in resolving and answering those, but it does not do that. When it comes to questions, in the first 18 months of this government, the opposition had put 5 843 questions on notice. In the last months of the former government, there were 2 615; in other words, the number of questions on notice more than doubled. When a minister cannot answer a question because the information is not available, the issue has not been resolved or whatever it is, the appropriate course that our ministers have adopted is to refer the issue to the Auditor General under the section 82 process, because they cannot answer the question. What did members opposite do when they were in government? They did not answer questions, and they did not refer them to the Auditor General. That is what has been lost in this debate. Perhaps people did not understand that that was the process.

Ministers have followed the appropriate process: when they cannot answer a question, they refer it to the Auditor General for advice as to whether they should answer, should not answer or should wait—whatever it might be. Under the previous government, ministers just did not refer questions to the Auditor General. We are being held to a standard or level of accountability that the previous government was never held to, because it did not comply with the law. That is what has occurred here.

The other point is that some of the questions the opposition has asked over the course of the last 18 months are completely frivolous and a total waste of time. There has been double the number of questions. The member for Dawesville has a team of Young Liberals in his office coming up with the most ridiculous questions they can come up with, cutting and pasting any question they can find. I wish I had time to go through some of them; some of them are so nonsensical as to be embarrassing. They are the sorts of things that a year 3 student would refuse to write, and they are impossible to answer. We are not able to answer some questions because they are illegible. I mean, seriously.

Division

Question put and a division taken, the Acting Speaker (Ms S.E. Winton) casting her vote with the noes, with the following result —

Ayes (17)

Mr I.C. Blayney	Dr D.J. Honey	Mr R.S. Love	Mr P.J. Rundle
Mr V.A. Catania	Mr P. Katsambanis	Mr W.R. Marmion	Ms L. Mettam (<i>Teller</i>)
Ms M.J. Davies	Mr Z.R.F. Kirkup	Dr M.D. Nahan	
Mrs L.M. Harvey	Mr A. Krsticevic	Mr D.C. Nalder	
Mrs A.K. Hayden	Mr S.K. L'Estrange	Mr D.T. Redman	

Noes (36)

Ms L.L. Baker	Mr M. Hughes	Mr M.P. Murray	Ms J.J. Shaw
Dr A.D. Buti	Mr W.J. Johnston	Mrs L.M. O'Malley	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr D.J. Kelly	Mr P. Papalia	Mr C.J. Tallentire
Mrs R.M.J. Clarke	Mr F.M. Logan	Mr S.J. Price	Mr D.A. Templeman
Mr R.H. Cook	Mr M. McGowan	Mr D.T. Punch	Mr P.C. Tinley
Mr M.J. Folkard	Ms S.F. McGurk	Mr J.R. Quigley	Mr R.R. Whitby
Ms J.M. Freeman	Mr K.J.J. Michel	Ms M.M. Quirk	Ms S.E. Winton
Ms E. Hamilton	Mr S.A. Millman	Mrs M.H. Roberts	Mr B.S. Wyatt
Mr T.J. Healy	Mr Y. Mubarakai	Ms R. Saffioti	Mr D.R. Michael (<i>Teller</i>)

Question thus negatived.