

GOVERNMENT ACCOUNTABILITY

Matter of Public Interest

THE SPEAKER (Mr G.A. Woodhams) outlined 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.]

Several members interjected.

The SPEAKER: Some members may be anxious to leave today. It appears to me that the issue in front of us is relatively important. If members do not want to be in here for it and wish to discuss something, take that discussion outside. Otherwise, I expect to hear only from the Leader of the Opposition.

MR M. McGOWAN (Rockingham — Leader of the Opposition) [2.42 pm]: I move —

That this house condemns the Barnett government for its many accountability failures, including —

- (1) Not answering parliamentary questions; and
- (2) Refusing to release information by way of the freedom of information process.

How appropriate it is that on the day we move this motion about the principal accountability measures in the state, being the Parliament in particular, the Premier is not here. He has left the Parliament of Western Australia without having a pair.

Several members interjected.

The SPEAKER: Members to my right will have an opportunity to respond to this matter of public interest. That will be the appropriate opportunity to have their say. I do not want to hear a roar to the right of this chair.

Mr M. McGOWAN: The Premier has left Parliament without pairing with an opposition member on a day when he knew a matter of public importance from the opposition was to be moved and on a day when, in the ordinary course of events, a lot of important things are happening, including the tabling of the ultra-marathon inquiry and on a day we were to debate the prostitution laws that the government has introduced. But the Premier left the Parliament on such an important day. He went off to copy an announcement by the opposition down in Albany, when he could have done that on any other day. We know—because the government advised us—that today was going to be a day on which prostitution laws were to be debated. What we see is the government's legislative agenda falling apart. Not only has the Premier left the chamber, but also the government has trouble with its lobbyist legislation, it has trouble with its ill-informed and flawed amendments to the CCC legislation, and it has trouble with its prostitution laws because, as we know, a number of government members are very uncomfortable with plans to legalise prostitution in this state. The Premier flees the Parliament—the principal accountability measure in Western Australia. One of the most important things the government needs to be is accountable. It needs to be accountable to this house. Question time in this house and questions on notice are the two principal accountability measures of any government in the Westminster system.

The Freedom of Information Act process has been around since 1992. The Freedom of Information Act process allows for the release of government documents that are matters of public importance and public interest that quite often the people of this state would be very, very interested in. Under this government both processes have become a complete sham. The media know it; we talk to them about it. The media does not get answers to freedom of information requests and the opposition does not get answers to freedom of information requests. The government is basically secretive. It hides all sorts of information from the public. I will go over four separate examples of how the government's secrecy is hindering public knowledge of matters of grave importance to the people of this state. One example is the question of the cost of the stadium that the government has announced. The second example is the two per cent cuts that the government announced in its budget. It said there will be cuts across all government agencies of two per cent, yet it will not release any details in relation to it. The third example is the issue surrounding the Minister for Energy and former Minister for Training and Workforce Development, now Minister for Education, Hon Peter Collier, involving the government's failure to release the reports conducted into his bullying of people working in the Department of Training and Workforce Development. The fourth example is the issues surrounding Horizon Power.

Let us begin with the cost of the stadium. I have asked questions on two separate occasions of the Minister for Sport and Recreation and also of the Premier about the stadium. We know, because it is on the Department of Sport and Recreation's website, that an organisation called WT Partnership, quantity surveyors—an international firm—has been engaged by the government to look at the cost of building a stadium at the Burswood site. We know that to be a fact because it is on the public record. We are asking a very straightforward and simple

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question: what is the estimated cost of the stadium provided by that organisation to the government? The reason we have concerns is that last week, or the week before, we saw blow-outs in the Horizon Power underground program in Karratha of \$100 million. We saw blow-outs a few weeks ago in the Ord project in Kununurra of \$100 million. We saw the Minister for Energy lose \$400 million in the solar rebate scheme and we saw the loss of \$75 million in the Synergy billing scheme. There are numerous blow-outs involving significant sums, including the undergrounding of the railway, which started at around \$200 million and is now at \$700 million. There have been massive cost blow-outs on this government's watch. All we want to do is ask about one of the most prominent projects in the state, the stadium, and the estimated cost provided by WT Partnership. There is no commercial-in-confidence and there are no issues of tendering or competitive process because none has taken place.

We want to know whether the government has had an estimate from that organisation of around \$900 million. I asked the Minister for Sport and Recreation today whether he would deny it, and he said no. I asked the Premier yesterday. His answer, in the principal accountability measure of the state, this Parliament, where members ask questions to get answers, was, "Go and do your own research"! The Premier thought that was a clever line. What do members think asking questions in the Parliament is? It is doing research on behalf of the public of the state, who actually have to pay for these things. Asking questions is doing research on the government. That is what the government should actually realise. The minister has to be accountable; he should release the information. What is the cost of this project? What is the estimate provided by the quantity surveyors? What we know is this: the minister is not releasing information; he is being secretive and tricky, and eventually he will be found out. I know what the government's plan is: hold it all off until after the state election and then it will get found out at that point in time. The second issue —

Mr T.K. Waldron interjected.

Mr M. McGOWAN: We will see. The minister could ask his department now and he could release the information if he had any sense of what his role as a minister is. He should go and ask his department and release the information. That is being open and accountable, and the minister could have done that during the day since yesterday, but he has not. I find it hard to believe that the minister's agency would not have briefed him about this matter considering that it was raised in the house yesterday; I find it very hard to believe that his agency would not do that.

We come to the two per cent cuts —

Mr T.K. Waldron: I didn't say that.

Mr M. McGOWAN: The minister said he had not been briefed by his agency about costs from WT Partnership.

Mr T.K. Waldron: Read what I said; read the *Hansard*. Read what you said in your supplementary question.

Mr M. McGOWAN: What is the answer to the question then? Has a \$900 million cost come in from WT Partnership?

Mr T.K. Waldron: No, there has not been a \$900 million cost to the stadium.

Mr M. McGOWAN: What is it?

Mr T.K. Waldron: When the project definition plan has announced it, we will see.

Mr M. McGOWAN: Secretive.

Mr M.P. Murray: Answer the question.

Mr T.K. Waldron: I have answered it. I can't say anything else, I have answered it.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: My second point is this: as part of the budget process, the government announced a five per cent efficiency dividend—two per cent next year and one per cent each year after that—a five per cent efficiency dividend. During the estimates process I asked about these issues because I thought they were a matter of public importance. What cuts will be made as part of a two per cent efficiency dividend? There will be cuts. There will be things that happen in public administration that reduce expenditure as part of the two per cent efficiency dividend. The Premier's answer on 29 May was —

They will be determined over the coming weeks for the start of the financial year.

Then the Premier said —

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The Leader of the Opposition can ask a question at the time, if he likes.

I took the Premier's advice. The cuts will be made in the lead-up to the financial year and he asked me to put in a question on notice to try to work out what the answer was. I put questions in relation to what cuts are being put in place for every single government agency. I put in question on notice 8174 to find out the answer to the question of what cuts would be made as part of the efficiency dividend. The Premier's answer was —

A full breakdown of the efficiency measures achieved will be outlined in the 2013–14 State Budget.

The Premier said during the estimates process that the government will know before the commencement of the next financial year—that is now—what the efficiency dividend cuts will be. When I asked the question on notice about every single agency, the answer I got was, “We'll tell you in next year's budget.” Guess when next year's budget is? It is after the next state election. Therefore, the Premier misled me during the estimates process by telling us that we would get the answer and then he said to put a question on notice to get the answer. I did exactly as he asked and now he will not release information until next year. Every other minister has followed suit and said that they will not release that information about the cuts being put in place this year until next year's budget. What sort of accountability is that? It is pathetic accountability. When I asked the Premier about it subsequently, on 9 August, he said —

I am not going to direct ministers to answer or not answer questions.

Does anyone remember a couple of years ago the Premier doing that Channel 7 special and saying that he was going to crack down on question time and that he was going to crack down on Parliament to make sure it was accountable and everyone answered the questions? I asked basic questions about what the two per cent cuts will be and we know from its own answers in estimates that the government knows what they are, but they will not be released until after the state election next year. That is pathetic accountability. The only way we find out about the cuts is through organisations that suddenly find out that their grants have been cut. I go to the Royal Association of Justices of WA. We have thousands of justices of the peace out there around Western Australia who do a great job. They had a small grant for their organisation to help justices of the peace around the state and that has been completely cut under the two per cent efficiency dividend. The association has a newsletter and the cut was revealed in its newsletter. That is the only way we find out which organisations are impacted by government cuts.

The third example I go to is that of Hon Peter Collier. This is very interesting. Earlier this year we learnt in *The West Australian* newspaper that Hon Peter Collier had, of course, as we know, established the Department of Training and Workforce Development, at great cost to taxpayers I might add. He had to get a whole new premises out there in the Optima Centre at a cost of \$10 million a year in rent. That was, of course, because he could not work with the former education minister, Hon Liz Constable. They could not work together, so a new department was created and now Liz Constable, the member for Churchlands, is sacked. In any event, the new department was created taking up two floors in the Optima Centre, which costs \$10 million a year in rent, because the two members could not work together, and what did we find on 29 May? We found that the Public Sector Commissioner has had to order an inquiry into the matters. The headline in *The West Australian* was “Secret probe of tensions in Collier department”. Basically the advice that came out was that there were huge tensions between Hon Peter Collier and his department, which were loosely termed bullying allegations—between the minister, his staff and senior members of the department—so much so that the head of the Department of Training and Workforce Development had to refer the matter to the Public Sector Commissioner. The head of the department, as everyone knows, is a very senior and well respected public servant, who actually used to be the Public Sector Standards Commissioner. She had to take the matter to the Public Sector Commissioner because of bullying by Peter Collier of the people in his agency. What did we do? I thought the minister bullying senior people in the department was a matter of some public moment, so I raised it in the parliamentary estimates hearings. Mal Wauchope added a range of things in regard to this matter. The Premier said this about the matter —

The head of the department quite properly took her concerns to the Public Sector Commissioner—the Public Sector Commissioner is the employer ... and ... raised with him the matter of some tensions between, primarily, the office of the minister ... and the Department of Training and Workforce Development.

What did the Public Sector Commissioner do? He then commissioned an inquiry and a report. Can members think of many more significant and important matters of public administration in this state than bullying by a minister of staff in an agency? Therefore, the Public Sector Commissioner commissioned an inquiry into these matters. I would have thought the outcome of that inquiry would be a matter that the public should have some knowledge of, so I put in a freedom of information request to try to get a copy of it. The entire document was refused, so we, the public of Western Australia now do not have access to reports of bullying of public servants

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by ministers in their agencies. We, the public of Western Australia, do not have access to that information. It is Stalinist to deny that sort of information to the public in this state. Can we imagine the reaction in the state had a Labor government or Labor minister done that? Can we imagine the Liberal and National Parties' reaction had a Labor minister done that?

A government member: You did.

Mr M. McGOWAN: We released the information, and we had nothing of that nature. The Premier himself knows about the matter. We know it involves a senior public servant, in fact one of the most senior public servants. We know it involves a minister who has engaged in misbehaviour and yet I get the document, and where the report should be there are seven blank pages indicating no access to each of those documents. I should not have to go through the FOI process to find out about ministers bullying public servants in this state. There are numerous examples of this sort of behaviour, and I have given members a few of them. What we so often find—I am sure the member for Victoria Park will go over this—is that when we put in a question and ask for information, the government comes back and says, “You should put in a freedom of information request in relation to that”; so we put in a freedom of information request, and the information is denied, or it is even suggested to us that we ask a question in Parliament. That is the answer that the government gives in relation to these matters. This government is completely and utterly unaccountable. The government should provide answers in this house, and it should provide answers by way of FOI.

MR B.S. WYATT (Victoria Park) [3.00 pm]: Today we are just finishing our first two-week sitting after a six-week break, and we are now about to have another three-week break. So, in nearly three months, this house has sat for six days—that is it; six days—and the Premier does not turn up for one of those days! The Premier does not get a pair, and he does not turn up! This house has sat for six days in nearly three months, and the Premier does not turn up for one of those days because he has to go to Albany to make a policy announcement that he could have made in the last six weeks or in the coming three weeks! What an utter disgrace!

The reason I asked the Minister for Planning a question in question time today was that on Tuesday, we asked the exact same question in the other house. The answer we got to that question was —

(1)–(2) As the member would be aware, it is against convention to disclose information relating to the deliberations of cabinet.

Of course, the question had nothing to do with the deliberations of cabinet. It was about who had excused themselves from cabinet. Our question was identical to one that had been asked about Hon Bob Kucera, which members may recall was asked by their mob a few years ago. During the exchange at the time in that house, Hon Norman Moore said —

Did the Labor Party answer them?

The response to that was yes, and Hon Norman Moore then said —

... that is what the Labor Party does.

So, it is not convention. The Labor Party answers questions; the Liberal Party does not.

I note the interjection from the Treasurer and the Minister for Police that once we say, “Yes, I own shares in these things that I am making a decision on”, that is all we need to do; we do not need to excuse ourselves from the room. Ministers should look at a document that they may need to acquaint themselves with, the “Government of Western Australia: Ministerial Code of Conduct”. That document states at point 8 —

Where it is determined that there is a conflict of interest or potential conflict, the Minister shall withdraw from the Cabinet room while the relevant item is under discussion.

Ministers cannot just say they have shares and stay in the room. They get out of there. They do not participate in the decision at all. Interestingly, the Minister for Planning made the point. He obviously knows that he has a potential conflict. That is why he raised the issue of his share ownership. The question is: why did he not then leave the room?

Another question that I have asked this week has been about the payout figure of Mr James Larsson when he left the service of Colin Barnett as Premier. This has been an ongoing issue. I first put in an FOI application for this matter on 30 January, to which, of course, no information was provided. To satisfy the Premier, the application was received by the Department of the Premier and Cabinet, not by the Office of the Premier. On 1 March, I asked the Premier in the Parliament, as members of Parliament do, the following question —

(2) By the time Parliament rises today, will the Premier table the full details of his payout?

Interestingly, the Premier's answer was, in part —

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... apply to the FOI commissioner and he can make the decision. But the one thing I will not do as Premier is reveal details of the salaries and terms and conditions of individuals working in our public sector.

I will come back to that in a minute.

On 7 March, six days later, in the upper house, Hon Sue Ellery asked the same question in respect of Mr Larsson and Mr Smith, and the answer was, in part—

... the government encourages the honourable member to submit a freedom of information application to ensure that the appropriate privacy protections can be pursued.

So, on 8 March, I toddled off again and put in another FOI application, requesting access to all documents relating to the employment of Mr James Larsson and Mr Jake Smith—as instructed by the Premier—only to get a whole swag of, “We are not giving you that information; it is denied under the privileges of Parliament”. So, all the information that the Premier said we should ask for by way of FOI, he did not give to us.

So, again, on 29 May, during budget estimates, I asked the Premier whether he could provide the payout figures for Mr Smith and Mr Larsson, to which the Premier answered as follows —

I will provide further information on the payouts to Mr Larsson and Mr Smith—is it Jake Smith; I do not know him?—

I am sure he did not —

as supplementary information.

Of course the supplementary information then rolled up, and it was as follows —

The Government has a long standing practice of not relating personal financial details, especially for persons no longer in the Public Service. The Member is encouraged to submit a Freedom of Information application so that the consultation —

Yadda, yadda, yadda. The Premier keeps referring us back to FOI and then does not provide that information by way of freedom of information. The interesting thing is this longstanding practice of not relating personal financial details. Certainly in the last few years we have been given the personal financial details—the payout figures—for Deidre Willmott, Petrice Judge, Celia Chesney, Jo Bryson, Malcolm Goff, Anthony Mills and Colin Neathercoat. We even got, earlier in the term of this government, a list of 32 different people for whom, of course, the government was then able to provide the payout figures. I dare say that the standard is that the longstanding practice of the Premier is to not provide information about payout figures that may be embarrassing to the government. I think that is perhaps the standard by which the Premier applies this to himself.

On Tuesday, 14 August, I bolded up again and asked a question of the Premier, to which he responded, “We do not provide that information. Go away. I will not release it. Go and use FOI”. It just never ends. If the Premier is not going to provide the information to the Parliament, what is the point of having the Parliament? We do not have an autocracy. We do not have, despite the “Premier’s Palace” being built, a one-man government. This is the purpose of a democracy.

Of course, we also have the Burswood Entertainment Complex land, which is another issue that I have pursued at some length. I have asked the Premier whether he will provide both the valuation for that land—bearing in mind that a \$30 million discount was applied to this land—and the assessment of the cost of the rehabilitation of that land. The Premier’s response was, in part —

... I do not know who did the valuation, but it was done within government ...

The Premier does not even know the basis upon which he has applied a \$30 million discount to a piece of land on the Swan River, in the middle of the city. This is not land that has no value. The Premier went on to say —

That is the accepted valuation.

It is accepted by the Premier, but of course he will not provide any information. We need to bear in mind that this is what the Premier said about this piece of legislation, the Casino (Burswood Island) Agreement Act, back in 2003 —

The casino was not established in a proper way in any sense.

At that time, the Premier was very critical of the legislation that he has now gone on to utilise. The Premier made this point at the end of his speech in 2003 —

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This government has again demonstrated the contempt with which the Labor Party treats Parliament and the public on sensitive issues. Labor is more interested in spin doctoring and media presentation than integrity and publicly presenting the facts.

I say to the Premier: give us the valuation of that land. There are no commercial-in-confidence considerations about that land whatsoever. Give us the valuation, and give us the assessment of the likely cost to rehabilitate that land, so that we can then have at least a public, open discussion about how that discount was applied, bearing in mind the normal practice. I do appreciate that the government has the right to ignore normal practice. Again, to correct the Premier, I refer him to amendments that were made to the casino act in 1997 under the Richard Court government, and to a document that outlines methods for the sale of crown land. That document states that an important principle is that public competition is the preferred method of selling crown land. The document goes on to say that other methods are by inviting expressions of interest, by offer for sale, by public action, and by sale by auction. But the key component to all those methods is a public process under which we can see and assess by what process valuable Western Australian assets are sold, and at what price.

Finally, when I asked the Premier on Tuesday what the payout to James Larsson was, the Premier said, “Go and ask that question somewhere else”. So that is what I did. I had that same question asked in the upper house yesterday, and this is the answer that we got from the Leader of the House representing the Premier —

I have not received an answer to that question other than a message to say that the Premier is handling legislation in the Assembly today and has been unable to sign off on the answer, —

It gets better! —

but that it would arrive in this place if that had been able to be done while question time was being held. That has not happened, so I suggest that the member ask the question tomorrow.

In other words, I should ask the question today. The problem is: where is the Premier today? The Premier said in his answer yesterday, “I am too busy in the Parliament to answer questions in Parliament, so ask me tomorrow”, and he then flew off to Albany to get out of Dodge!

Finally, perhaps one of the best rejections that I have had in questions on notice is this. In question on notice 7354, which was asked some time ago, I asked a fairly innocuous question about a spending item in the 2011 state budget. This is the answer I got —

The Member is advised that this question could have been asked during the routine Estimates hearing relating to agency expenditure. If the Member requires further information, he is welcomed to submit a Freedom of Information application.

So now the government can reject answers to questions by saying that we could have asked them in estimates and that it will not provide them to us. The Premier has treated Parliament with contempt. He has not answered questions for a long period, and this complete fluff about using the freedom of information process is for one thing and one thing only—to avoid the scrutiny of the people of Western Australia.

MR T.R. BUSWELL (Vasse — Treasurer) [3.09 pm]: I have to say that when I saw the title of this matter of public interest, I thought it was a Clayton’s MPI—the MPI you are having when you do not have one to have! I suspect that is the case. I am interested to hear the member for Victoria Park read out all the different questions and talk about how bad and terrible the answers were, and I will touch on some of the information around the volume of FOI applications and parliamentary questions he is dealing with. Then, as is often the case in government, I might reflect on some examples of how we were treated when we were in opposition—examples that might be quite close to the heart of some members of the opposition.

Several members interjected.

Mr T.R. BUSWELL: I will start by reading a question to you, Madam Acting Speaker (Ms A.R. Mitchell). This is a really, really important question and it is perhaps an example of why there is frustration occasionally in dealing with these questions. This very important question on notice 6401 was asked by the member for Perth of the Minister for Agriculture and Food, and reads —

In relation to the Department of Agriculture facilities in South Perth and elsewhere in the State I ask:

- (a) are exotic meats sold by the Department, either through its canteens or to the public; and
- (b) is American Bison meat sold, and if yes, is the Minister aware as to whether the sourced bison is cliff-pushed or free range?

One of the sorts of questions we are getting bombarded with is a question about —

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Several members interjected.

Mr B.S. Wyatt: What was the answer? Do we sell American bison?

Mr T.R. BUSWELL: No. The answer to both parts of the question was no.

Ms L.L. Baker interjected.

Mr T.R. BUSWELL: The point I am making is: why waste the time of the government of Western Australia with a question about American bison? I mean, for heaven's sake—American bison!

Several members interjected.

The ACTING SPEAKER (Ms A.R. Mitchell): Members to my left, the Treasurer is speaking and he is trying to get his bit across. I think the other side was fairly quiet during the opposition's chance to put its thoughts forward. I ask the member for Maylands to cease asking that question.

Mr T.R. BUSWELL: I am happy to be part of a campaign around American bison. Since 2009 we have answered 17 500 questions.

Several members interjected.

Mr T.R. BUSWELL: A total of 17 500 questions have been answered. I reckon if members trawled back through the history of Parliament —

Several members interjected.

The ACTING SPEAKER: Members for Victoria Park and Belmont! I call the member for Belmont to order for the first time and the member for Victoria Park for the second time today, and once again I would request that they keep their conversations down while the government side presents its case.

Mr T.R. BUSWELL: Quite possibly, that is a world record in terms of questions answered, including questions about American bison.

Mr P.C. Tinley: What's the world record?

Mr T.R. BUSWELL: "Quite possibly", I said.

Mr P.C. Tinley interjected.

The ACTING SPEAKER: Member for Willagee!

Mr P.C. Tinley interjected.

The ACTING SPEAKER: Member for Willagee, I call you to order for the first time today.

Mr P.C. Tinley interjected.

The ACTING SPEAKER: I will call the member for Willagee to order for the second time today.

Mr T.R. BUSWELL: It is interesting to note that two years ago, 12 994 FOI applications were lodged across government. Last year, the number increased to 15 716. That is a massive increase in the volume of FOI requests to government. Notwithstanding that significant increase in FOIs coming into government in Western Australia, the average time to respond has decreased by approximately eight days, and remains well within the maximum period of 45 days. In fact, the independent Information Commissioner made a point of highlighting the good job of work being done by this government in the FOI space in the face of a significant increase in the number of FOI requests. The independent FOI commissioner made that observation.

I want to touch on a few things about the FOI commissioner and the independence of the FOI commissioner and the like, and comments made by the opposition. I spent only one term in opposition, thankfully, but in that time we had a lot of reason to question the former government's handling of FOI requests. We had a lot of reason to question the former government's handling of the person photographed in the middle of this document I am holding up; that is, Ms Darryl Wookey, the failed former Labor candidate for some seat somewhere—I cannot remember which one.

Ms M.M. Quirk interjected.

Mr T.R. BUSWELL: It was the genesis of your faction, member for Girrawheen. I think the genesis of the member for Girrawheen's faction was the famous punch-up outside the Court Hotel following the preselection process when Ms Wookey was up against the late John D'Orazio.

Mr B.S. Wyatt: Did you vote in that preselection?

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Mr T.R. BUSWELL: No, I did not; I was long gone. I had my damascene conversion a long time before the famous punch-up that led to the creation of the new right. Anyway, I digress.

Ms Wookey, the former Information Commissioner, was drummed out of office by the former Attorney General Jim McGinty. She was drummed and bullied out of office by the former Attorney General Jim McGinty. I have her comments somewhere here with me on what she said when she was drummed and bullied out of office by the Labor government.

Mr M.P. Whitely: Why do you bother going near this topic?

Mr T.R. BUSWELL: She said that Ms Wookey —

The ACTING SPEAKER: Member for Bassendean!

Mr M.P. Whitely: Why do you talk about bullying? Why do you ever talk about bullying?

Mr T.R. BUSWELL: It is all right, senator!

The ACTING SPEAKER: Member for Bassendean!

Mr M.P. Whitely interjected.

The ACTING SPEAKER: Member for Bassendean, I will call you to order for the first time and the second time this afternoon.

Mr T.R. BUSWELL: The comments state that Ms Wookey, who has been acting in the position for four years, accused Mr McGinty of failing to respond to her serious concerns about the future of the office—that is only the FOI commissioner’s office!—making personal attacks on her in the media and wrongly criticising the performance of the office. That is how Labor Party members dealt with the FOI commissioner when they were in government. They ran Ms Wookey out of her office, yet they come in here and feign indignation and demand respect for the FOI process.

Several members interjected.

The ACTING SPEAKER: Members for West Swan and Warnbro! Member for Warnbro, I will call you for the first time today. Member for West Swan, if you wish to speak, you will have the opportunity on your side.

Mr T.R. BUSWELL: That is what the Labor Party —

Point of Order

Mr T.G. STEPHENS: Is there a chance that the Chair will ask the speaker to speak to the matter that is before the Chair? Is there any chance that you will do that?

Debate Resumed

Mr T.R. BUSWELL: Thank you, Madam Acting Speaker. Often in speaking to the matter, it is always important to understand the history. I am always happy to share the opposition’s performance in government for the public record. Firstly, there is an attack and a drumming out of office by the Labor government of the FOI commissioner, Ms Darryl Wookey. It gets better. Secondly, Mr McGinty and the Labor government tried to change the FOI act. They tried to water down the FOI act, which would have taken away the capacity of the commissioner to investigate complaints and a range of things that would have stripped and gutted the FOI act in this state. When opposition members had their chance on the Treasury bench to change the processes around FOI, there was the treatment of the Information Commissioner and there was a piece of legislation, which was fortuitously defeated, that attempted to strip and gut the FOI process in WA. That is the form of members opposite, and they come in here and question our response to FOI requests and parliamentary questions.

Before I conclude my remarks, I thought I might make some other observations around FOI. As the house will recall, I had a brief yet interesting period as Leader of the Opposition. One of the things we did at that time was put in a freedom of information application in relation to emails between Mr Fong and Mr Burke. The reason we put in that FOI application is that we had received an email between Mr Burke and Mr Fong that we were reluctant to make public for fear of disclosing the person who kindly provided it to us. So we FOI-ed it. The FOI we got back in relation to Mr Burke and Mr Fong under the Labor government basically said words to the effect that no such document exists. As I pointed out, it said that no information exists. We went back and appealed. Then what happened was that they found eight documents, or seven documents, which they delivered to us. They said, “This is the sum total of the information that previously did not exist.” But guess what? The email we had was not in that pack either. Then the complaint went off to the Corruption and Crime Commission and the rest is history. I think they found 30 or 33 documents that existed.

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That process happened. But the thing that really interested me in that whole thing was that the then Attorney General, who had nothing to do with me, was found to have sent emails via his chief of staff to Mr Fong, trying to provide him with assistance in how he should spin his way out of this problem. That is the nature of Labor in government in relation to FOIs; that is the performance of Labor in government in relation to FOIs.

Mr B.S. Wyatt: You destroyed a girl's career and you carry on like this.

Mr T.R. BUSWELL: I want to deal very quickly, member for Victoria Park, with the issue of payouts. The member talked about some payouts to government people. I recall a senior bureaucrat who headed up a now failed area of government established by the Labor Party called the Office of Shared Services. I think the chap's name was Mr Mance, if my memory serves me correctly. Mr Mance was given a golden handshake and left the public service. Mr Mance's golden handshake was not approved by the then Treasurer; it was not approved by the Under Treasurer. It was a directive that came, as I believe, from the Premier's office to get rid of Mr Mance. Do members know why? Because the one person who knew where all the skeletons were in the OSS closet was Mr Mance. The Labor Party paid him out and got rid of him, and it never told us how much it paid Mr Mance. So there were abuses of the Information Commissioner, abuses of and attempts to gut the FOI process, and refusals to disclose information around people like Ron Mance.

I want to discuss a couple of other points before I sit down, and one is about the Public Sector Commissioner and his report into issues that arose regarding the Department of Training and Workforce Development and its communications with the then minister's office. Members opposite jump up and use all these emotive terms. They say that the report was not released by the commissioner; therefore, there must have been a problem and that horrible, nasty minister must be at fault. The Public Sector Commissioner is an independent officer, as all members opposite know. This is what he said—it is his report. This is the advice of the independent Public Sector Commissioner —

I do not intend to table the report in Parliament. It is appropriate for me as the Public Sector Commissioner and employer of departmental CEOs to be able to address any issues that occasionally arise between CEOs and a Minister's office.

In other words, he is saying that he is not going to release the report because he thinks that is the entirely appropriate way that he should conduct his business as the independent head of the Public Sector Commission.

I will not go on for too much longer. The history of Labor in government is littered with failures to respond to FOI requests. In fact, it got so bad that there were regular —

Mr B.S. Wyatt: Is this your defence of why you are not providing information?

Mr T.R. BUSWELL: No. I think we provide plenty of information, member for Victoria Park—accurate, often succinct. It may be frustrating for those in opposition but they should get used to it because they are going to be there for a long time.

MR B.J. GRYLLS (Central Wheatbelt — Minister for Regional Development) [3.24 pm]: The matter of public interest today condemns the Barnett government for its many accountability failures, including not answering questions and refusing to release information. When I think about my response to the MPI today, I think about the person who actually signed the MPI and what his record of answering questions and releasing information is like. This is someone who seeks to be the Premier of Western Australia in March next year—someone who seeks the support of the Western Australian public to form a government and sit on this side of the chamber and run the state in a period of enormous prosperity. But the challenge for the Leader of the Opposition in bringing forward this motion on accountability failures today is that we cannot get him to answer one question on what he would do if he came to be the Premier. So, should the Leader of the Opposition wish to have any moral high ground in this issue, maybe he would like to share with the public of Western Australia —

Ms M.M. Quirk: You're in government.

Mr B.J. GRYLLS: No; the opposition wants to be in government—it is less than a year—and there is not one issue of major concern in Western Australia for which it will put its position on the record.

Point of Order

Ms M.M. QUIRK: The minister is straying from the subject matter of the MPI.

The ACTING SPEAKER (Ms A.R. Mitchell): No, there is no point of order.

Debate Resumed

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Mr B.J. GRYLLS: This is going to be a very, very difficult MPI for the opposition to deal with. It has talked about not answering questions and refusing to release information, but the good people of Western Australia know absolutely what the government —

Several members interjected.

The ACTING SPEAKER: Members! Member for Girrawheen, I remind you that you are on three calls already. Member for Forrestfield, I call you to order for the first time today.

Mr B.J. GRYLLS: The good people of Western Australia —

Ms M.M. Quirk interjected.

The SPEAKER: Member for Girrawheen!

Several members interjected.

Mr B.J. GRYLLS: The member should ask that question; I am looking forward to that.

Several members interjected.

The SPEAKER: Minister, I would suggest that perhaps you focus your attention through the Chair. Members on that side at the back, I suggest that you now keep quiet. Member for Girrawheen, I remind you quietly again that you are on your third call. Perhaps if you are having difficulty, you might want to go somewhere else.

Mr B.J. GRYLLS: The Liberal–National government has answered many questions in Parliament on our power price increases—that has been a decision of government to provide certainty in the power sector—and they are answers that have come at some cost. A lot of vitriol has been directed at the government for increases in power prices. When the Leader of the Opposition moves an MPI on accountability for answering questions and for releasing information, it would be fair for us to know what the opposition’s position is on power prices. After all the vitriol about prices, what is the Leader of the Opposition’s position on power prices to take to the next election?

Ms M.M. Quirk: That is not the subject of the MPI.

Mr B.J. GRYLLS: That is the first question that the opposition has refused to answer. I can move on. The Premier does not have to be here today because he —

Ms M.M. Quirk interjected.

The ACTING SPEAKER: Member for Girrawheen, you are getting extremely close. I will not say any more. Member for Albany, member for Kalgoorlie and member for Forrestfield, there is not a second conversation going on at the back. Thank you.

Mr B.J. GRYLLS: Madam Acting Speaker, you would have thought —

Mr A.J. Waddell interjected.

The ACTING SPEAKER: Member for Forrestfield, I will call you to order for the second time today. Member for Kimberley, I call you to order for the first time today. Member for Warnbro, I call you to order for the—the list is getting quite long—second time today. The member for West Swan and the Leader of the Opposition will each get a call, and the member for Albany, for the first time.

Mr B.J. GRYLLS: Thank you, Madam Acting Speaker, and I apologise for the terrible behaviour being exhibited by members of the opposition. I would have thought that they would take seriously their most important debate of the week instead of talking amongst themselves and sniggering. Quite clearly, the Treasurer, in his response, has blown their argument out of the water. They do not want this MPI to go on any longer. They are trying to work out how they can gag their own MPI, but I dare say that I would have to sit down first. I just want to run through a few more areas in which the opposition is not answering questions or providing any accountability.

Ms R. Saffioti: What are you going to do on power prices—25 per cent?

Mr B.J. GRYLLS: What is the position of the member for West Swan?

Ms R. Saffioti: What’s yours?

Mr B.J. GRYLLS: The member for West Swan does not have a position.

Ms R. Saffioti: You’re in government; what’s yours?

The ACTING SPEAKER: Member for West Swan, I call you to order for the second time today.

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Mr B.J. GRYLLS: The member for West Swan can only criticise the government's position if she has an alternative position; otherwise, it is a bit irrelevant. The opposition does not have an alternative position.

Ms R. Saffioti: What's your position?

Mr B.J. GRYLLS: I move now to the carbon tax, which is probably the most interesting of any of these issues.

Several members interjected.

Mr B.J. GRYLLS: The Leader of the Opposition does not like being labelled a fence-sitter, but on a major policy decision like the carbon tax, we would have thought it would be relatively simple for the Leader of the Opposition and members opposite to have an opinion.

Several members interjected.

Mr B.J. GRYLLS: Politicians are elected to have an opinion on something, but members of the opposition do not have an opinion on the carbon tax. We will just wait and see.

Several members interjected.

The ACTING SPEAKER: Sorry, minister. I am not quite sure why people seem to have to call out across the chamber to other people while this discussion is going on, but I would remind you that this is a debate that has been put up by the opposition. If you wish to speak, you will have your opportunity, but in the meantime you are required to keep quiet.

Mr B.J. GRYLLS: The Premier put a question across the chamber to the Leader of the Opposition.

Ms R. Saffioti: Do you support 25 per cent?

Mr B.J. GRYLLS: This is an MPI about answering parliamentary questions.

Ms R. Saffioti: Do you support 25 per cent?

The ACTING SPEAKER: Member for West Swan, you are formally called to order for the third time today.

Mr B.J. GRYLLS: I would have thought that in an MPI about answering parliamentary questions and providing accountability to the people of Western Australia, the Leader of the Opposition might actually have a position on the carbon tax, but, no, he is going to sit on the fence on the carbon tax.

Several members interjected.

Mr B.J. GRYLLS: This is a rabble!

Let us now move to the Western Australian Future Fund, which is another important issue for the state. The Liberal-National government has put forward a plan to set aside money for 20 years' time so that future generations can benefit from the strong economic times that we are experiencing. That is a fantastic initiative of the Liberal-National government. I want to ask a question of the Leader of the Opposition. I want to seek some accountability from the Leader of the Opposition. Does the Leader of the Opposition support the future fund? No. Now he is using the excuse of not being in his seat! What about debt levels? As the Treasurer said yesterday on debt, members opposite cannot keep talking about spending more money and then complain about debt. We have asked a question in Parliament of the opposition.

Dr A.D. Buti interjected.

The ACTING SPEAKER: Thank you, members!

Dr A.D. Buti interjected.

Mr B.J. GRYLLS: No!

Several members interjected.

The ACTING SPEAKER: Member for Armadale, I call you to order for the first and second time today. Member for Forrestfield, I call you to order for the third time today.

Mr B.J. GRYLLS: The MPI today is the most serious debate of the week put forward by the opposition. The opposition complains about the amount of time Parliament sits. In their one opportunity to make a strong debate about accountability failures and not answering parliamentary questions, the opposition refuses again and again to have a position on almost anything. It is a very interesting tactic for an opposition to go to an election without a position on anything, because the opposition is then asking the people of Western Australia to judge the Liberal-National government on its record. I am very, very comfortable to be judged by the people of Western Australia on our record. The reason the opposition will not put forward a position is that members opposite know they do not have a credible position on any of these issues. They have no credibility on any of these issues, so the only defence they have is to say that they will release that information closer to the election. How is it being

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accountable to the people of Western Australia if the Leader of the Opposition will not tell them what his position is? The government's position on power prices is clear. The government's position on the carbon tax is clear. The government's position on the future fund is clear. The government's position on debt levels of the state is clear. The government's position on supporting royalties for regions into the future is clear. If the Leader of the Opposition wanted to have any credibility in this debate, I would have thought he would take a stand, get off the fence and put forward his position to the people of Western Australia in an open and accountable way, so that his alternative government can be judged against the government of the day. But he can only do that if he actually answers questions, states a position and puts forward his position.

Members of the opposition brought forward this debate today. If they are going to have a motion that condemns the government for not answering questions and refusing to release information, they probably should check their own backyard first. The state Labor opposition does not have a position on any issue of substance in Western Australia, will not answer questions and will not provide accountability. The Liberal–National government under the Premier's leadership is open and accountable. We are a government of honesty and integrity, unlike the opposition, which sits on the fence, will not put a position on anything and shows in debates like this one today what a rabble, what a disgrace and what a very poor opposition it is!

MR J.M. FRANCIS (Jandakot — Parliamentary Secretary) [3.37 pm]: Madam Acting Speaker —

Several members interjected.

Mr F.M. Logan: Bring on the poodle!

The ACTING SPEAKER: Member for Cockburn, I call you to order for the first time today. Member for Riverton, I call you to order for the first time today.

Dr A.D. Buti: Have you got a surfboard in your ute?

The ACTING SPEAKER: Member for Armadale, I call you to order for the third time today.

Mr J.M. FRANCIS: I want to make two points. Firstly, the people of Western Australia are not stupid; they know that there is a big stinky river of hypocrisy running through the Labor Party on this issue.

Several members interjected.

Mr J.M. FRANCIS: I want to put on the record that of course I stand for open and accountable government. Of course I believe that Parliament has the right to ask questions of a government. Of course I believe that a government should be accountable to the people of Western Australia and to the Parliament of Western Australia.

Mr M.P. Whitely: Answer this question: why aren't you waxing your surfboard?

Mr J.M. FRANCIS: How is your bid for the Senate going over there, mate? How is Joe Bullock going? Are you getting on well with him? You are looking good!

The ACTING SPEAKER: Thank you, members.

Mrs C.A. Martin: That is disgraceful behaviour; he is inciting it.

The ACTING SPEAKER: Member for Kimberley, I call you to order for the second time today. Some people seem to think the topic has become about whether we are waxing a surfboard or not. That has been stated and it is finished; it is not necessary and it is not part of this debate. Member for Jandakot, I ask you to keep to the topic. Members on the opposite side, I ask you to refrain from interjections that do not relate to the topic that you have presented.

Mr T.R. Buswell: How is your opponent going?

Mr J.M. FRANCIS: I have not got one at the moment, Treasurer; it is an interesting point.

The Treasurer highlighted the process in this Parliament, and without a doubt the opposition has abused it. It is almost akin to a kind of terrorism in which they are bogging down the wheels of government by asking the most pathetic questions. I will highlight another question. Question on notice 3954 from my good friend the member for Perth to the Minister for Water; Mental Health at the time. This was one of the most riveting questions I have ever seen! Mr Hyde asked —

In relation to the Royalties for Regions–subsidised Margaret River Cow Parade, I ask whether any agencies, departments, associated entities or ministerial offices within the Minister's portfolio have directly purchased any cows, or further subsidised the creation or purchase of a cow, from the Royalties for Regions–subsidised; and —

This is where it gets good —

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- (a) if so, how many cows were purchased;
- (b) if so, how much did each cow cost;
- (c) if so, where is the cow intended to be located;
- (d) if so, what is the handover date for the cow; —

We need a cow act, minister! —

- (e) if so, have any embellishments been made to the purchased cow;

We are talking about plastic cows here. I like this one —

- (f) if so, what pen, fencing or housing will host the cow; and —

We do not want them running away, do we? —

- (g) if so, what percentage of the cost involved copyright and royalties payments to overseas copyright holders?

Are members opposite serious! Some people need to be drug tested; someone around here has been smoking a bit of crack. Seriously! Let me make the second point, which comes down to the very important point of double standards. I have raised this issue in this place a number of times. We do not have to look back too far to understand what I am referring to when I talk about the river of hypocrisy that flows through the Labor Party. Under Labor in Western Australia, the public and the media in Western Australia were very, very aware that this was the state of secrecy. We read headline after headline about the secrecy and the cover-ups by the previous Labor government. I find it absolutely amazing that members opposite walk in here today and dare raise this issue.

Some of these articles are great. In November 2007, the headline is “A State of secrecy”, and the article reads —

In a new blow to accountability, Government keeps Aboriginal report under wraps

Alan Carpenter has refused to release reports on Aboriginal affairs compiled by —

Members might remember this; it is a good one! —

former governor Lt-Gen. John Sanderson — despite paying him \$200,000 a year of taxpayers’ money for the advice.

The Premier denied *The West Australian* access under Freedom of Information laws to Lt-Gen. Sanderson’s three quarterly reports on the basis it “would reveal the deliberative process undertaken by the special advisor.

This was a request that was not even lodged by the opposition but a newspaper. Time and again there was cover-up after cover-up. Former Labor governments consistently sat on reports. This article is again from *The West Australian* in 2007 and reads —

Cabinet confidentiality and the deliberative process of government are the two reasons most commonly quoted to *The West Australian* as reasons documents must be kept secret.

In the past five months these two exemptions have been used to refuse access to key information sought by *The West Australian* —

Mr B.S. Wyatt: For *Hansard*, who wrote the article?

Mr J.M. FRANCIS: Keryn McKinnon.

Mr B.S. WYATT: And the one before that—the one you just quoted?

Mr J.M. FRANCIS: Keryn McKinnon.

There are articles about an independent report into the Perth Convention and Exhibition Centre; documents relating to delays and funding for the Northbridge Link, submissions to the review of the Public Interest Disclosure Act, also known as the whistleblower legislation; and the functional review into the Department of Indigenous Affairs by Dawn Casey. It was consistent to the point that *The West Australian* and other newspapers wrote editorials —

Mr B.S. Wyatt: They did back then; that’s right!

Mr J.M. FRANCIS: Does the member for Victoria Park look in the mirror when he shaves of a morning?

Mr B.S. Wyatt: What about the Peter Collier report?

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Mr J.M. FRANCIS: Does he go and say, “I think I might go and move a motion in Parliament today. I think I might find the thing we have the worst possible record on!”

Mr B.S. Wyatt: On your standard, the Peter Collier report would be released!

The ACTING SPEAKER (Ms A.R. Mitchell): Member for Victoria Park, you have had the opportunity to speak; you do not need to call out during this debate.

Mr J.M. FRANCIS: I will conclude by reading some of this editorial into *Hansard* for the purpose of the members of the class of 2008. The editorial in *The West Australian* on 8 December 2006 is headed, “Tardy FOI office defunct as instrument of accountability”, and reads —

Even by public sector standards, the unconscionable procrastination over a request for the release of officially suppressed pages of a critical health report is an outrage beyond normal comprehension. It is now 2½ years since this newspaper sought the release under Freedom of Information laws of the so-called missing chapters of the final report of the inquiry into deaths and other problem births at King Edward Memorial Hospital between 1990 and 2000.

There could be no more compelling issue of public interest than the wellbeing of the newborn and their mothers—literally an issue of life and death for some of the most vulnerable and cherished members of the community. Yet Acting FOI Commissioner Darryl Wookey has failed in all that time to arrive at a decision on the request.

The time for patience is over. Hard questions have to be asked and answered about how the FOI system has come to be in such a state of disrepair that it serves merely as an insult to accountability and the public interest while pandering to the comfort and convenience of bureaucrats and politicians.

I complete my comments by reminding the Parliament and the people of Western Australia that it was Labor politicians who sat on FOI requests for two and a half years on things that were not deemed important enough by the Labor government to release and make public. It was an absolute disgrace and absolutely shameful. I honestly do not know how the Leader of the Opposition and the member for Victoria Park look at themselves in the mirror when they shave in the morning.

The ACTING SPEAKER: I give the call to the member for Balcatta.

Mr J.M. Francis interjected.

The ACTING SPEAKER: Member for Jandakot, that was inappropriate. I call you to order for the first time today.

MR J.C. KOBELKE (Balcatta) [3.47 pm]: Accountability is incredibly important if we are to have good government. The lack of accountability by this government reflects that it is a very poor government. Both the Leader of the Opposition and the member for Victoria Park outlined a number of instances in which information was simply denied by this government to the Parliament, when the Parliament itself is the key area in which government’s accountability is to be presented and demonstrated. I will take a couple of examples in which this government says things that are simply not true. That is very different from refusing to answer a question. Time after time this government says things that are not true when it is asked questions. Just this week, on Tuesday, the member for Victoria Park asked the Premier for information for which he had put in an FOI request and had asked questions on notice. In answering that question the Premier berated the member for Victoria Park and said that his FOI application was incorrect. The Premier was saying something in this Parliament that was false. The member’s application was absolutely in keeping with the FOI act. Section 4 of the FOI act makes it very clear that the agency should give effect to the act in a way that assists the public to obtain access to documents, and section 15(1) makes it clear that if a request goes to a related agency that the agency transfer it. There was nothing wrong with the application, but the Premier had to come in here and try to weasel out of answering by saying something that he knew was false. That is what the Premier did, and he does it time after time. We had the Minister for Transport responding with his buffoonery and with false statements today.

Mr T.R. Buswell: Which ones?

Mr J.C. KOBELKE: The Minister for Transport was asked a specific question during estimates about a number of sites relating to the road trauma trust fund, and he gave us a very clear undertaking that he would answer that question. When the supplementary information came back, the minister gave an answer on a different issue.

Mr T.R. Buswell: No, I didn’t. You misread it.

Mr J.C. KOBELKE: It was absolutely clear in estimates what the minister was asked. During estimates, he agreed to answer it, and now he interjects and says that we misread it. These are the lies that are being told by members opposite all the time. No-one misread it; it was there in black and white. The minister gave a clear and

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unequivocal undertaking to answer the question, yet when the supplementary information came back, he had answered a different question. This happens day after day with this government. It simply cannot deal with the truth. It is quite different to refuse to answer a question, as the Minister for Lands said. When this government is supposed to be accountable, it tells us things that are not true in answers to questions.

Question put and a division taken with the following result —

Ayes (23)

Ms L.L. Baker	Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell
Dr A.D. Buti	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Ms A.S. Carles	Mrs C.A. Martin	Mr E.S. Ripper	Mr M.P. Whitely
Mr R.H. Cook	Mr M. McGowan	Mr T.G. Stephens	Mr B.S. Wyatt
Ms J.M. Freeman	Mr M.P. Murray	Mr C.J. Tallentire	Ms R. Saffioti (<i>Teller</i>)
Mr W.J. Johnston	Mr P. Papalia	Mr P.C. Tinley	

Noes (27)

Mr P. Abetz	Mr V.A. Catania	Mrs L.M. Harvey	Ms A.R. Mitchell
Mr F.A. Alban	Dr E. Constable	Mr A.P. Jacob	Dr M.D. Nahan
Mr I.C. Blayney	Mr M.J. Cowper	Dr G.G. Jacobs	Mr C.C. Porter
Mr J.J.M. Bowler	Mr J.H.D. Day	Mr R.F. Johnson	Mr M.W. Sutherland
Mr I.M. Britza	Mr J.M. Francis	Mr A. Krsticevic	Mr T.K. Waldron
Mr T.R. Buswell	Mr B.J. Grylls	Mr W.R. Marmion	Mr A.J. Simpson (<i>Teller</i>)
Mr G.M. Castrilli	Dr K.D. Hames	Mr P.T. Miles	

Pairs

Mrs M.H. Roberts	Mr J.E. McGrath
Mr D.A. Templeman	Mr D.T. Redman
Mr A.P. O’Gorman	Dr J.M. Woollard

Question thus negatived.