

*Standing Committee on Estimates and Financial Operations — Eighty-fifth report —
Consideration of the 2021–22 budget estimates — Motion*

Resumed from 10 May 2023 on the following motion moved by Hon Peter Collier (Leader of the Opposition) —

That the report be noted.

Hon NICK GOIRAN: This report has been on the table of the house for more than two years. Members would think that after two years somebody in the WA Labor government might have thought to not only read the report that has been in this house two years, but also care to respond to it.

I want to take a moment to bring to members' attention chapter 5 of this report found at page 11 entitled "Provision of information". In this chapter, there are eight occurrences in which a minister of the Crown has made the deliberate decision and has purposefully decided not to provide information to Parliament. This report has been listed on no less than eight occasions. The ministers who were affected at this time—as I said, this has been in the house for more than two years—were the Minister for Housing on one occasion, the Attorney General of Western Australia on two occasions, the former Premier on two occasions, the Treasurer on two occasions and the Minister for Emergency Services on one occasion. The Standing Committee on Estimates and Financial Operations brought to the attention of this chamber, one of the two houses of the Western Australian Parliament, that members of the executive government decided on eight occasions not to provide information to Parliament—not accidentally, but on purpose.

It might be worth reminding members, particularly members opposite, that there is a law in our state about this. It is found in the Financial Management Act 2006. The relevant provision that must be complied with is section 82, which demands that if a Western Australian minister of the Crown decides not to provide information to Parliament, they must do two things as a matter of law—not if they feel like it or arrogantly wave it away and pretend that it does not exist. One is to provide a notice in this chamber and the second is to provide a notice to the Auditor General. The question that remains unresolved after more than two years is: has this occurred? Do members opposite care about the rule of law in Western Australia or not? This is at least the fourth occasion that this matter has been before us. Under, I believe, standing orders 110(2A) and 110(2B), these types of debate get adjourned. Those standing orders apply after these debates have continued for more than one hour. The absolute maximum time for debate is four hours. I predict that after this final hour of debate on this issue, the arrogant WA Labor government will have said nothing about this breach of law regarding section 82, and this matter will simply go off into the ether. After two years of debating this and drawing it to the chamber's attention, not one member opposite will have risen to their feet and said, "Actually, we thank the committee." Remember, there were five members of this committee—two from the opposite party. No members opposite will say, "We thank the members of this committee for drawing this to the attention of the chamber, and we're pleased to report that the Minister for Housing, the Attorney General, the Premier, the Treasurer and the Minister for Emergency Services have complied with their obligations under the Financial Management Act 2006." Is that too much to ask—that someone might respond to the particulars of this report, which has been sitting on the table for more than two years? It would seem that, after three adjournments of this debate, that that is too much to ask and that there is no member opposite who is capable of getting to their feet and answering those questions.

In fairness to members of the backbench, it is the responsibility of the government frontbench to do that. There must be a minister who is responsible for representing the government regarding this report. Has the Minister for Housing—who has no doubt changed since this originally occurred—complied with this provision? Have the Attorney General, the Premier, the Treasurer or the Minister for Emergency Services done this or have they not? If they have, we can move on, but I suspect the reason there has been deafening silence on this issue for more than two years is that they have not complied with the law of Western Australia and they are ashamed of that, and so they should be. I hope, in this final hour of debate—noting that we will probably adjourn at some point today and take this up again next month—that we will finally resolve this matter.

Time is of the essence and marching on, and I want to draw to members' attention other interesting things that can now be observed, more than two years after this report was tabled by the Standing Committee on Estimates and Financial Operations. Members will see at page 20 of the report that there was a hearing with the Department of Transport on 19 October 2021. Two and a half years ago, members of the executive government were cross-examined by the committee. One of the issues that arose were waiting times for accessing a driver's licence assessment. Now that we are two and a half years on, do members think that the waiting times for accessing a driver's licence assessment are now better than they were at the time of that hearing? The feedback I get from my constituents is that it is worse now. It was appalling then, but now constituents are saying that they have just given up. They have teenagers, they have done the 50 hours of driving supervision, but they cannot get an assessment time. It is far worse now than what it was before.

I also note that the Department of Education appeared before the committee on 20 October 2021. One of the issues addressed was harmful sexual behaviours in schools. There is reference to the then recent report from the Commissioner for Children and Young People and the risk assessment management plan framework, numbers and

charges laid—what is referred to as RAMPs. There is a bill that has been before this house since June last year that would address this issue. This was first brought to the attention of the chamber back on 20 October 2021, but it does not seem to get any priority. It is constantly buried by the government. It would meaningfully address victims of sexual abuse who, at the moment, are forced to face their attackers at school. This is something that I have raised repeatedly for years, yet it does not get the priority it deserves.

The last thing I want to draw to members' attention is the plethora of matters addressed on 21 October 2021, when the Department of Justice and the State Solicitor's Office appeared before the committee. One of those issues was the legal costs associated with Crawford v Quail. Can members believe that this fiasco involving Magistrate Crawford and President Quail continues, two years later? It continues in the form of expensive litigation in which the state of Western Australia is seemingly trying to defend a piece of legislation pushed by the retiring Attorney General, and we are waiting for a court decision on that matter. The legal costs associated with the genesis of this matter continue to increase.

Most disturbingly, another thing that was addressed on that day was initiatives to address elder abuse. Members may recall that earlier this week I gave notice of a motion. It has been seven years since the infamous commitment was made by WA Labor that it would expedite changes to our elder abuse laws, yet here we are seven years later and nothing has been done. I note also that the Coroner's Court supposedly had a backlog of 810 cases on 30 June 2021, which is two and a half years ago. Again, I encourage members to ask themselves: Has the backlog in the Coroner's Court improved over the last two and a half years? Is it the same or, indeed, has it got worse?

Last but not least, two cases involving the Legislative Council of Western Australia were infamously caused by the retiring Attorney General of Western Australia.

Hon KLARA ANDRIC: I rise to take this opportunity to speak on the eighty-fifth report of the Standing Committee on Estimates and Financial Operations. I have made previous contributions to this report. However, I welcome the opportunity to speak on the report titled *Consideration of the 2021–22 budget estimates*. The eighty-fifth report was tabled in November 2021 by Hon Peter Collier, who is over there now—I noted the member there—and is a consideration of the estimates of spending contained in the 2021 appropriation bills.

Hon Peter Collier: I move around.

Hon KLARA ANDRIC: The honourable member can stay there; I have noted it for now. The report considered the 2021 appropriation bills and the 2021–22 budget papers. I know that I have spoken a few times on this report so I will try not to be too repetitive. However, I thought I would outline the key findings and recommendations listed within the eighty-fifth report. The committee's inquiry was quite extensive, with the thorough examination of 15 agencies and then less detailed examinations of a further 12 agencies, totalling 27 agencies. I was pleased to read in the report that the level of scrutiny given to the 2021–22 budget estimates was considered appropriate by the committee.

As I said, the committee made three findings and two recommendations, which can be found in the executive summary of the report. I will read them out to members —

Finding 1

The Committee's capacity to scrutinise agencies improved with the expanded level of information in the Budget Statements for government trading enterprises.

...

Finding 2

The Committee's consideration of the 2021–22 estimates of expenditure was not adversely affected by Ministers' decisions not to provide certain information.

I know Hon Nick Goiran touched on page 11 of the report. It continues —

Finding 3

The Committee's consideration of the 2021–22 estimates of expenditure was not adversely affected by the omission of the provision for the Social Housing Investment Fund in the table in Appendix 7 of the Economic and Fiscal Outlook.

Three findings and, as I have said, two recommendations were made in the eighty-fifth report. Recommendation 1 of the report is —

The Department of Treasury ensure that the term 'forward estimates' is consistently applied in the budget papers to improve readability.

On the next page, recommendation 2 is —

For the occasions of non-provision of information due to legal professional privilege, commercial sensitivity or agency resourcing, the relevant Minister consider issuing a notice under section 82 of the *Financial Management Act 2006*.

When I previously spoke on this committee report, I talked about the role of agencies, and I take this opportunity to briefly speak on agencies again. Agency-level information to support the estimates is provided in chapter 3 of budget paper No 2; I believe I spoke about this when I last made a contribution to this report. The budget statements outline how an agency fits into the government's broader roles, the services an agency intends to deliver, how effectively and efficiently an agency has performed and intends to perform, and financial information. The agencies examined can be found under paragraph 3.5, "Agencies examined in detail", on pages 3 and 4 of the eighty-fifth report. The committee examined the following agencies in detail: the Commissioner of Main Roads, the Department for Communities, the Department of Education, the Department of Jobs, Tourism, Science and Innovation, the Department of Justice, the Department of Primary Industries and Regional Development, the Department of the Premier and Cabinet, the Department of Transport, the Department of Treasury, the Forest Products Commission, the Public Transport Authority of Western Australia, the State Solicitor's Office, WA Health and the Western Australia Police Force. Collectively, the agencies had 51 desired outcomes, 89 services, 200 key effectiveness indicators, 148 key efficiency indicators and seven other key performance indicators.

Chapter 5, "Provision of information", which Hon Nick Goiran referred to in his contribution, discusses the non-provision of information. As members know, ministers can exercise a power to not provide information for certain reasons, such as legal professional privilege or the unreasonable impact on the privacy, security and safety of those directly or indirectly involved with an agency. Other reasons for the non-provision of information include commercial sensitivity, security reasons and when the disclosure of information would require a substantial amount of resource allocation. It should be noted that the table on the non-provision of information does not apply to certain things, such as hearings, in which members can pursue information, and when a minister has advised that the information requested does not exist or is not held within the relevant department. The occasions on which there was non-provision of information are outlined in table 4 on pages 11 and 12 of the report. With 50 seconds to go, I will not be able to list all the examples. I might just leave my contribution there because if I were to start, it would take me a lot longer than 30 seconds. I will instead use this opportunity to thank the members of the committee, who work very hard in what they do. I commend the committee for the very diligent work it completed on the eighty-fifth report. I am sure that I will have another opportunity to speak on this report, and look forward to continuing my remarks at that time.

Hon DARREN WEST: That is a great segue from the honourable member, because she finished her fine contribution with an acknowledgement of the members and staff of this committee. I have been in Parliament a little while now, and I acknowledge the great work done by the Standing Committee on Estimates and Financial Operations. The committee is a very important part of our parliamentary process, and I acknowledge Hon Peter Collier for his work in chairing this committee. It is really important that we go back over budget estimates. I remember that when I first came to this place—others may remember—Hon Ken Travers was Chair of the Standing Committee on Estimates and Financial Operations. He was a very diligent chair. Hon Ken Travers is one of the few people I know who can recite every standing order off by heart. He really knew his way around parliamentary processes. He has been a great friend and mentor to me. As members may know, he occasionally arrives at our farm to drive a hay rake. He is the tallest hay rake driver in Western Australia and was a great chair of the estimates and financial operations committee. That good work continues. I acknowledge all members of the committee, the committee staff and, in particular, the chair, Hon Peter Collier.

As has been stated, this report is the consideration of the 2021–22 budget estimates. Members should cast their minds back to that time, towards the end of COVID, when the budget and expenditure were very much affected by COVID. The Premier of the day, Hon Mark McGowan, was determined that our economy would remain strong. We had come through a period of recession in Western Australia. We had come through a period when there was a lot of uncertainty. I do not know whether members can recall it now, but at the time we came to government it was actually very difficult to sell a house. A lot of people were out of work, so local jobs was our number one priority. Has that not been a successful legacy of the government so far? We were at the back end of COVID and the government was very popular. We had just won an election, with the best electoral result ever by a government in the history in Australia. With that massive majority, the responsibility was on us to act responsibly with the budget, as we had done since we came into government in 2017. We had to make some difficult decisions, deal with the massive debt and deficit that beset us and manage our way to economic prosperity. We have done that and we continue to do that. Obviously, keeping the mining industry operating through COVID was a big part of that. We were able to keep our mining industry strong and keep those jobs. We made some decisions that were unpopular around Australia with certain mining tycoons, but we stand by everything that we did during that period, and we were rewarded by the Western Australian people. We were coming back into government with the 2021–22 budget estimates, beginning to get through the worst of COVID and beginning to reopen the economy with a fierce determination to keep people at work, keep COVID out and keep our economy strong.

This excellent eighty-fifth report is the result of the Standing Committee on Estimates and Financial Operations' consideration of the estimates of expenditure contained in the 2021 appropriation bills and detailed in the 2021–22 budget papers. It made some good findings, including finding 1, which states —

The Committee's capacity to scrutinise agencies improved with the expanded level of information in the Budget Statements for government trading enterprises.

I think government trading enterprises are a very important part of government, but I believe we have a difference in philosophy about them. Some of us believe it is best if they are publicly owned while others believe they should be privately owned. That is a debate for another day. However, I think this mechanism will give everyone a full view of the operations and workings of those vital public utilities. The report continues —

Recommendation 1

The Department of Treasury ensure that the term 'forward estimates' is consistently applied in the budget papers to improve readability.

That is actually an excellent recommendation. For all of us who do not mind a bit of a look through budget papers, I think that will make it easier to pour over the outyears and what the potential investment by government might be. It continues —

Finding 2

The Committee's consideration of the 2021–22 estimates of expenditure was not adversely affected by Ministers' decisions not to provide certain information.

There are many reasons that ministers might not want to provide information, but it is good to know that it has not had an impact on this committee's important work. It continues —

Recommendation 2

For the occasions of non-provision of information due to legal professional privilege, commercial sensitivity or agency resourcing, the relevant Minister consider issuing a notice under section 82 of the *Financial Management Act 2006*.

That is a very wise recommendation, I would say. It continues —

Finding 3

The Committee's consideration of the 2021–22 estimates of expenditure was not adversely affected by the omission of the provision for the Social Housing Investment Fund in the table in Appendix 7 of the Economic and Fiscal Outlook.

It is very good to bring that point to the government's attention. I guess the bit that jumped out at me about the appropriation bills was in chapter 2 of the report. I am going about this in this way for those watching today who are not as familiar with the way budgets work. The bit that jumped out to me was about what is new in the appropriation bills. A comparison was made with the appropriation bills from the year before; 12 items were added and 11 items removed from the 2021 appropriation bills. The report states at paragraph 2.3 —

Of these:

- the Department of Treasury will administer ten new payments, of which five relate to new commitments notionally funded by the higher than expected operating surplus in 2020–21.

It is a nice change to have an operating surplus from the decade before. That is great. The footnote mentions three new recurrent items and seven new capital items. That is a combination of the two. It continues —

- the decision to make the State Solicitor's Office a sub-department of the Department of Justice on 1 October 2021 means new recurrent and capital items were required. The State Solicitor's Office is now separately listed in the budget papers.

That is a very good point that is worthwhile bringing to the attention of the reader of the report. It continues —

- the decision to incorporate the Equal Opportunity Commission into the Department of Justice on 1 December 2020 means a separate recurrent item is no longer necessary. The Equal Opportunity Commission is no longer separately listed in the budget papers.

Again, it was worthwhile pointing that out. It continues —

- most removed items were foreshadowed in the 2020–21 Budget, as they related to payments of a temporary nature.

We know that there were many of those around at that time.

The request for funds in the 2021 appropriation bills is \$5.2 billion higher than in the 2020 appropriation bills, of which \$3.6 billion related to funds transferred to a list of projects, such as the women's and babies' hospital account, which received \$1.8 billion. We look forward to the awarding of a tender on that important piece of public infrastructure. The social housing investment fund received \$750 million. We know that housing has become an issue in Western Australia. There are those who may remember that, when we came into government, houses could not be sold. Houses were on the market for six months with no buyers. Houses could not be rented. Naturally, the number of houses being built at that time declined to about 5 000 dwellings a year. We are now behind in housing as a consequence of that difficult financial time in the state, when there was poor financial management as well.

The digital capability fund received \$500 million. Of course, that is very important. Information technology and digital capability is probably not that sexy, but when things go wrong, it is a big problem, so it is good that there has been investment into that.

The softwood plantation expansion fund received \$350 million. For 10 years we hardly planted any pine trees in Western Australia, so it is really good that the forestry initiative of the Forest Products Commission and the Minister for Forestry got around that. The climate action fund of course is something that we are working with, and it received \$168 million.

Those were the significant investments for the future of Western Australia made by the state government at the time. I am pleased that the Standing Committee on Estimates and Financial Operations saw fit to list those investments in the report, because it is important that people understand that investments are scrutinised and know where their money is going when they pay their taxes and charges.

Like Hon Klara Andric, I am running a bit short on time; however, this is a really extensive report and it is a good read. There is some great information in section 3 of the report about the application of higher operating surpluses and a chart that refers to how those funds will be allocated, which people can access. I commend the work of the committee. I give a shout-out to the committee staff. All of us who are on committees know the importance of their work.

Hon KLARA ANDRIC: Given the opportunity, I thought I would speak again on this report. I will continue my remarks from where I had left off—table 4, “Occasions of non-provision of information”, on pages 11 and 12 of the eighty-fifth report. Although I will not make members listen to every single one of those occasions, I will read out some of the examples that I noted. The examples include the withholding of property condition reports for Government Regional Officers' Housing by the Department of Communities to protect the privacy, security and safety of occupants, which I think is a self-explanatory reason, and the redacting of the names of Western Australian police officers who accompanied ministers on chartered aircraft, once again for both privacy and security reasons.

With this in mind, I wish to take the opportunity to turn members' attention to finding 2, which I read out earlier. It states —

The Committee's consideration of the 2021–22 estimates of expenditure was not ... affected by Ministers' decisions ...

I am pleased that the committee performed its inquiry, and I agree that it is reassuring that the committee's scrutiny was not affected by the decisions that I have just mentioned. In fact, it indicates the effectiveness of the committee's oversight role.

Consideration of report postponed, pursuant to standing orders.

Progress reported and leave granted to sit again, pursuant to standing orders.