

McGOWAN GOVERNMENT — TRANSPARENCY

Standing Orders Suspension — Motion

MR R.S. LOVE (Moore — Leader of the Opposition) [2.53 pm] — without notice: I move —

That so much of standing orders be suspended as is necessary to enable the following motion to be debated forthwith —

That this house condemns the McGowan Labor government for its history of targeting whistleblowers and complete disregard for transparency in government.

I understand that there has been discussion with the government and an agreement has been reached.

Standing Orders Suspension — Amendment to Motion

On motion by **Mr D.A. Templeman (Leader of the House)**, resolved —

To insert after “forthwith” —

, subject to the debate being limited to 10 minutes for government members and 10 minutes for non-government members

Standing Orders Suspension — Motion, as Amended

The DEPUTY SPEAKER: As this is a motion without notice to suspend standing orders, there will need to be an absolute majority in order for it to succeed. If I hear a dissenting voice, I will be required to divide the Assembly.

Question put and passed with an absolute majority.

Motion

MR R.S. LOVE (Moore — Leader of the Opposition) [2.55 pm]: I move the motion. I started question time today with a question to the Premier. The Premier seemed to be unaware of some of the discussions that took place in Parliament yesterday, so I am going to give the background for the benefit of the house and the Premier. I will be quoting from an article that was written by Josh Zimmerman. It was put out at 4.20 pm yesterday and is titled “Perth Mint: Mines Minister Bill Johnston’s claims about gold-doping exposé stoke furore”. That is quite a mouthful! It states —

Mines Minister Bill Johnston has told Parliament the author of a Perth Mint report that formed the basis of an ABC Four Corners episode exposing gold-doping at the refinery was terminated from her role —

Several members interjected.

The DEPUTY SPEAKER: Sorry, Leader of the Opposition, just wait. Excuse me, members, can we take it down a couple of tones. I think Hansard is having a bit of trouble hearing what is actually being said.

Mr R.S. LOVE: The article continues —

because of a failure to ensure compliance with financial regulations.

The comment—protected from legal repercussions by parliamentary privilege—came as Mr Johnston continued to talk down the significance of the gold dilution, an issue Premier Mark McGowan was last week caught on microphone labelling a “storm in a ... teacup”.

Responding to a question from —

Me —

... about the Mint’s now defunct gold-doping program, Mr Johnston said the bombshell report underpinning much of the Four Corners exposé was “never provided to the board or to me”.

“Now I’m not going to speculate on who gave that to Four Corners,” he said.

“And the fact that the author of the report was subsequently terminated because of her failure to implement the changes (required by the Anti-money Laundering and Counter-Terrorism Financing Act) I’m sure is not related to the story given to the ABC.”

They were weasel words to say that that is the person he believes gave the report to the ABC. They are complete weasel words from the minister, who has actually used parliamentary privilege—a privilege that does not exist for that individual—to identify that individual. Everybody who has worked at Gold Corporation and people who are in the gold industry will know exactly who that individual is. I expect that the journalist had already worked out who the person is that the minister was referring to at the time he wrote that article. This was out in the press within an

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hour. It has not escaped publicity. It is known and will be known across the community and the country that this person has been implicated in providing *Four Corners* with that information and report.

That is particularly worrying, given the onerous legal structure that exists around Gold Corporation. First of all, Gold Corporation is not considered to be part of the public service under the Public Sector Management Act. That is clearly laid out in section 68(4) of the Gold Corporation Act. The provisions of the Public Sector Management Act do not apply to Gold Corporation. Under the Industrial Relations Act 1979, Gold Corporation is not considered a public authority. There is a range of penalties in sections 71 to 75, which include anything from one to five years' imprisonment, substantial fines and potential reparations for anybody who comes under that legislation.

This person is being put in a very difficult position by a desperate, worn-out minister who is, again, trying to throw somebody under the bus.

Several members interjected.

Mr R.S. LOVE: Today in question time, when I asked the minister about the situation with power in the midwest, he threw everybody under the bus except himself. Everybody else was to blame for there being no power in the midwest except this minister. He throws everybody under the bus. He has thrown this person under the bus, just as he would throw the Minister for Education under the bus if it would save his skin. He has used this place in a way that was, in my view, quite cowardly in not naming, but clearly implicating, this individual in this way. I believe that he should be called to account for that. This is part of a continuing pattern that we see when government members are questioned. They do not like it and they respond by attacking and not providing information. I asked the Premier today whether he thought what had happened was appropriate. Fair enough, the Premier had not been briefed on this issue and did not know what the question was about, but there was an opportunity for the Premier to say that he would look into it and get back to me. Instead, he attacked the opposition for raising issues in this house. He attacked me for raising issues about the potential for the situation at the Mint to have enabled money laundering. I have not accused anybody at Perth Mint of any such thing. What I have done is set out that failing to comply with the requirements of a federal law would potentially enable money laundering.

Several members interjected.

The ACTING SPEAKER: Members!

Ms R. Saffioti interjected.

The ACTING SPEAKER: Minister for Transport!

Mr R.S. LOVE: That is what I have said. You have attacked me for doing what is the role of opposition—to hold the government to account, to ensure that —

Point of Order

Ms L. METTAM: We cannot hear the debate because of the constant interjections.

The ACTING SPEAKER (Mr D.A.E. Scaife): There is no point of order, because I am satisfied that the interjections were part of some willing debate, but I do hope that we can get through the rest of the Leader of the Opposition's contribution in silence.

Debate Resumed

Mr R.S. LOVE: Thank you, Acting Speaker.

Time is moving on very quickly. I move on to a situation that we saw with this same minister when he was named as a person who had been unable to deal with the situation at Banksia Hill Detention Centre. He was singled out by an eminent Western Australian, Fiona Stanley, who made some comments on 29 November 2022 about the situation at Banksia Hill. Professor Stanley singled out Johnston and the then Minister for Community Services, Simone McGurk, for responses they gave to questions during the meeting. What did we see happen? He came into Parliament and said that he will get legal advice to attack one of the most eminent Western Australians that we have ever had. A hospital is named after her; it is down the freeway. I doubt there will be a hospital named after the Minister for Mines and Petroleum at any time in the future. What was his reaction to that? He threw her under the bus, just as he throws everybody under the bus—just as this government refuses to be transparent and accountable.

MS L. METTAM (Vasse — Leader of the Liberal Party) [3.02 pm]: I rise to support this worthy motion. The opposition is outraged by the actions of the McGowan government since the airing of the *Four Corners* investigation into Perth Mint. It has failed in being able to provide proper transparency, and, as a result, the Perth Mint's reputation is in tatters. This government stooped to a new low yesterday, when it used parliamentary privilege to accuse a public

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servant of leaking confidential information to ABC's *Four Corners* program. The minister identified an alleged scapegoat who cannot defend themselves, tarnishing their reputation and exposing them to public scrutiny.

The government's choice to identify an alleged scapegoat is not surprising. It is straight out of this government's playbook. We know that this could have significantly damaging ramifications. We recently saw a situation with a Department of Education participation coordinator, a dedicated public servant, who had exposed issues of significant truancy and issues within the department at Halls Creek District High School, and, as a result, the Department of Education referred the leak to police, which searched Mr Burston's home. They charged him, but he was ultimately cleared of any wrongdoing. This is straight out of the McGowan government's playbook. These issues have significant implications.

The Labor Party has a history of doing this. This lack of transparency and accountability can have tragic consequences as well. Who can forget the tragic case of Penny Easton, a Perth lawyer who committed suicide in 1992 after a petition containing false allegations about her Family Court case was tabled in the Western Australian Parliament under Dr Carmen Lawrence when she was Premier? The McGowan government has failed time and time again to be transparent with the WA public, and this approach of attacking public servants who cannot defend themselves can have tragic consequences. It was made very clear in the media. It is very clear to this individual's colleagues, and her reputation has been tarnished and she cannot defend herself.

MR M. McGOWAN (Rockingham — Premier) [3.05 pm]: The government will not be supporting this motion. I do not know to whom members opposite are referring, but they are obviously very sensitive about this issue for some reason. Maybe the opposition can explain that. I note some of their questions in relation to Gold Corporation going back to last year—a whole range of detailed questions that indicates they had some information about the matters they are now talking about. Opposition members obviously had considerable information. If the Leader of the Opposition wants to be transparent, perhaps he can tell us where it came from. His motion is about transparency. Where did your information come from?

Mr R.S. Love: Which questions are you asking about?

Mr M. McGOWAN: I have one here from 1 December 2022—a four-part question with about 15 subparagraphs. We were able to provide a three-page answer to the Leader of the Opposition on various aspects of those matters, including on the Australian Transaction Reports and Analysis Centre, GoldPass and all those sorts of things. Obviously, this question came about because of something. Questions do not just magic themselves out of thin air. If you want to be transparent, where did your information come from?

Mr R.S. Love: Freedom of information requests, questions to the minister —

The ACTING SPEAKER: Leader of the Opposition!

Mr M. McGOWAN: No, you are talking about transparency, but you do not indicate where your information came from, which is hypocrisy writ large.

In any event, in relation to the Leader of the Opposition's points about transparency, it is a common drumbeat: in opposition you just say it. You will just say these things in the hope someone will pick it up, write a story and it will be in a headline.

Ms L. Mettam interjected.

The ACTING SPEAKER: Member for Vasse.

Mr M. McGOWAN: I am asking you where your information came from; it is actually a specific question. That is what it was, but you do not reveal.

Several members interjected.

Mr M. McGOWAN: Do you want to be transparent? I am asking you a simple question. Why are you so sensitive about this matter?

Dr D.J. Honey: We know what happens to whistleblowers.

The ACTING SPEAKER: Member for Cottesloe, the Premier has the call.

Mr M. McGOWAN: There are a couple of things to indicate. The opposition talks about transparency. Just today, this house passed our government trading enterprise legislation, which the opposition said is an enhancement to transparency. Every other state has it. The opposition was in government for eight and a half years and it did not do it, and we have enhanced transparency with the government trading enterprise legislation that we passed through this house and expect to pass through the upper house shortly.

Mr R.S. Love: You did not bring the Gold Corporation into that, did you?

The ACTING SPEAKER: Member!

Mr M. McGOWAN: We will. There are about eight to 12 GTEs as part of its first phase, but it is an accountability and transparency initiative.

Late last year, we passed through Parliament the new Auditor General legislation, which gives the Auditor General access to cabinet documents for the first time ever. These are two significant pieces of legislation to enhance transparency in Western Australia. They are landmark reforms, both of which will enhance transparency. I realise that when we enhance transparency, it does not get a word in the media because it does not suit the narrative or the opposition's narrative, but that is the fact. Both of them are major landmark pieces of legislation that will achieve both of those outcomes.

I also note that our changes to the way that government trading enterprises report in the budget enhanced transparency. We did that two years ago. I quote no less than the former Leader of the Opposition, the member for Central Wheatbelt, on 14 March 2023. She said —

I compliment the government for the changes in the budget estimates reporting of the Water Corporation to make it more transparent. When we were in government, I found the ... process to be a very strange way to report. Again, if we seek to improve accountability mechanisms, that is one thing this government can take credit for. In the estimates process, instead of just a one-line entry with very little detail, people will see more information in the budget papers and the information will be available through annual reports.

They are three major measures to enhance transparency: the new government trading enterprises legislation, the reforms to the Auditor General Act and our reporting of government trading enterprises in the budget. They are massive improvements in transparency for the people of Western Australia, the press, anyone who wants to look at government accounts, the Auditor General's access to information, government trading enterprise reporting to government and all the processes of transparency we were referring to earlier today. If the opposition wants to talk about transparency in government, all of those things are massive improvements in transparency, and we are happy to talk about it any day because that is what we have done. I do not recall any of that under the last government—none of that. There were no improvements to transparency. There was no effort whatsoever to improve transparency of government. These are landmark reforms—three of the major reforms that we have achieved in government. If we want to talk about transparency, we can talk about it any day of the week.

MR W.J. JOHNSTON (Cannington — Minister for Mines and Petroleum) [3.10 pm]: The Leader of the Opposition has this problem that he never remembers what he says. We pointed out to him that the other day in the matter of public interest debate he accused the government. He did not say he wanted to find out whether there had been illegal conduct. He said these things. These are my notes of what he said. He said, "That is what it means to fail to act according to law." He did not say, "I want to hold you to account"; his allegation was that we had broken the law. He said that the government "was involved in serious criminal matters", and he also said, "It is a criminal matter." They were the direct quotes from the Leader of the Opposition. But today the Leader of the Opposition wants to rewrite *Hansard* and what he said in the past by saying, "No, I didn't say that. I didn't accuse you of criminal behaviour, I accused you of not being aware of whether there was criminal behaviour." That is not what the Leader of the Opposition said. He said we were involved in criminal conduct, and that is unacceptable behaviour from the Leader of the Opposition. I know he is inexperienced at the job, but that does not give him an excuse.

The Leader of the Opposition also talked about investigating our own. I remind the Leader of the Opposition that in 2015, just as an example, the former government spent almost \$1 million investigating its own staff, hiring private investigators. It did not meet the requirements of the law to refer a matter to the police through the Public Sector Commission; instead, it hired private investigators to investigate those individuals and whether they had leaked to the media. That is what the former government did. We have not done that ever.

Let us get to the heart of this issue. A report was written by an executive at Perth Mint. The report said that the Mint would have to buy back 100 tonnes of gold at the cost of \$9 billion. That report went to the CEO; the CEO said it was not a good report and did not hand it to the board. At a later date, that report was leaked to *Four Corners*. *Four Corners* accurately reported and said what was in the report. But other media businesses have reported that statement in the original report written for the CEO as if it was a fact. It was never a fact. I have made the observation on a number of occasions that there was never this \$9 billion question in front of the government. The debate last week in this chamber, when the opposition was attacking the Premier on this question of Gold Corporation, was based on the idea that there was \$9 billion at risk. That was never true. There was never \$9 billion at risk. When I was referencing the report, I pointed that out. I had to contextualise the report because the report was used as the basis of the claim that we had to buy back 100 tonnes of gold. I could not refer to the claim without referring to the report. Then I pointed out, accurately, that the person who authored the report that was rejected by the CEO, that was not given to the board and that I did not know about, which the new CEO had to dig out of the archive to read after the *Four Corners* report talked about it, was subsequently terminated because they were the person in

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charge of the anti-money laundering and counterterrorism financing work that was not being done satisfactorily. They are just statements of fact. I do not understand why the opposition gets upset about facts.

In question time, the opposition then accused me of not taking responsibility for Western Power. The opposition said I was blaming everybody else. I went through and explained in technical detail what had happened on 14 and 17 March. I explained that in technical detail, and I am sure many people were bored by the end of my answer. I provided a comprehensive, accurate, detailed answer and was then accused of blaming somebody else. All I did with that answer was say what occurred. I do not understand. This is the problem with the Leader of the Opposition; this is why he will never be Premier. I know he wants to be Premier and I know he thinks he can become Premier without doing any work, but he has to be up to the job and he is clearly not. That is the difference between this side of the chamber and that side. We have a Premier who puts the interests of Western Australians first and whose every decision is about making Western Australia a better place to live. On this side of the chamber, we all know there is more work to be done, but we are not afraid to do the work.

Division

Question put and a division taken, the Acting Speaker (Mr D.A.E. Scaife) casting his vote with the noes, with the following result —

Ayes (6)

Ms M.J. Davies	Mr R.S. Love	Mr P.J. Rundle
Dr D.J. Honey	Ms L. Mettam	Ms M. Beard (<i>Teller</i>)

Noes (39)

Mr S.N. Aubrey	Mr T.J. Healy	Mr D.R. Michael	Mr D.A.E. Scaife
Mr G. Baker	Mr M. Hughes	Mr K.J.J. Michel	Ms J.J. Shaw
Dr A.D. Buti	Mr W.J. Johnston	Mr S.A. Millman	Mrs J.M.C. Stojkovski
Mr J.N. Carey	Mr H.T. Jones	Ms L.A. Munday	Dr K. Stratton
Mrs R.M.J. Clarke	Mr D.J. Kelly	Mrs L.M. O'Malley	Mr D.A. Templeman
Ms C.M. Collins	Ms E.J. Kelsbie	Mr P. Papalia	Mr P.C. Tinley
Mr M.J. Folkard	Dr J. Krishnan	Mr S.J. Price	Ms C.M. Tonkin
Ms K.E. Giddens	Mr P. Lilburne	Mr J.R. Quigley	Mr R.R. Whitby
Ms E.L. Hamilton	Mr M. McGowan	Ms R. Saffioti	Ms C.M. Rowe (<i>Teller</i>)
Ms M.J. Hammat	Ms S.F. McGurk	Ms A. Sanderson	

Question thus negatived.