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Hon Tjorn Sibma; Hon Peter Collier; Hon Jacqui Boydell; Hon Alannah MacTiernan; Hon Simon O'Brien; Hon Colin Tincknell; Hon Darren West; Hon Martin Pritchard; Acting President

McGOWAN GOVERNMENT — PERFORMANCE

Motion

HON TJORN SIBMA (North Metropolitan) [10.14 am] — without notice: I move —

That the house register its concern with the McGowan government's continued failure to conduct itself in a manner that is open, transparent or accountable.

We commence this year in a similar vein to where we left off last year. A feature of this house has been its continued concern with the government's apparent incapacity to conduct itself in an open, transparent or accountable manner. The difficulty in registering concerns such as this with this house is the significant breadth of material available to the opposition and the crossbench parties. We will not, it appears, ever want for concern. It is in fact a defining feature of this government. It is an expectation of this house, and the public at large, that governments that serve the public do so in an open, transparent and accountable manner. The Premier himself made it the defining feature, it would appear, on the verge of being sworn in as Premier, that he would conduct himself according to the standard of decency attached to those virtues. Conducting government business in a suitable manner rests upon the Premier demonstrating the appropriate sense of leadership. I think that he has failed to do so. Quoting the adage that the fish rots from the head down, I think that the Premier of this state is setting an appalling example for governance and accountability. This standard is demonstrated in not only his own conduct, but also that of his ministers and, unfortunately, it would seem, through to the public servants who serve the government. I will cite just three examples.

I will start with a series of questions without notice that I have asked this week about the Premier's interstate travel in the second last week of November last year. It is not a great concern of mine that the Premier travels interstate; Premiers, ministers and parliamentary secretaries do that in the conduct of government affairs. It is natural and appropriate, but there needs to be sufficient justification to support that travel, because it comes at some expense. On Tuesday I asked the Premier, through the Leader of the House, to confirm some details for me about interstate travel he undertook in late November last year. To provide a quick overview of the response, the Premier confirmed that he travelled to Sydney in late November. The primary purpose of the visit was to meet with Hon Andrew Constance, the New South Wales Minister for Transport and Infrastructure, and departmental officials, to discuss major infrastructure projects, as well as to meet with Hon Bob Hawke, Hon Geoff Gallop, Hon Bob Carr and the newly installed New South Wales opposition leader, Michael Daley. He travelled domestically by Qantas and took his deputy chief of staff.

I did not ask all the questions I could possibly have asked with that first question; I wanted to see what I would get before I asked my next one. The simple question was: how much did this all cost? The cost was \$12 351.70. I sought an assurance or confirmation from the Premier that there were benefits to Western Australian taxpayers for this expense incurred by the WA government. The Premier responded —

Overall, the appointments —

He has not told me exactly when those appointments occurred, or what they were —

delivered a benefit to Western Australia through various discussions about important matters facing the state. The primary purpose of the trip, learning from the experience of the current New South Wales infrastructure program, will deliver an ongoing benefit to the state as we roll out Metronet and implement Infrastructure WA.

That may well be the case, but to spend \$12 000 to speak to the New South Wales infrastructure minister, I would have thought that, as a courtesy he would have tried calling on the Premier of that state, or if there was a real concern about how we learn from New South Wales infrastructure rollout in the transport portfolio perhaps he would have sent his Minister for Transport to meet with the appropriate minister over there. He filled in the rest of his time conversing, and potentially carousing, with a host of Labor luminaries. Why should the Premier not have a good time?

It is appropriate that I register this concern on St Valentine's Day. I wish everyone here a lovely evening. It might involve a box of chockies or a bunch of flowers. It might also involve an intimate dinner.

The PRESIDENT: Member, I will just interject. I have always thought St Valentine's Day was about the martyrdom of a saint, not a box of chocolates.

Hon TJORN SIBMA: That may well be the case, Madam President, but I hope you still receive a box of chocolates! I have in my hands an invitation to an intimate dinner. I will table this document, but let me read it out —

Join us for an intimate dinner with WA Premier, the Hon Mark McGowan

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Time: 7pm for 7:30pm start

Location: Sydney CBD—TBC upon registration

Tickets: \$3000 + GST per person

There is a discount —

\$2000 ... Labor Business Dialogue Discount

So a member of that fundraising committee would get a discount. I have redacted this to protect the innocent. I go on —

On behalf of NSW Labor General Secretary Kaila Murnain, —

I hope I have pronounced her name correctly —

I would like to offer the opportunity to attend an Intimate Dinner with Western Australia **Premier Hon Mark McGowan**.

Hon Jim Chown: So we paid for the trip for the fundraiser?

Hon TJORN SIBMA: Yes, it would appear so. I am not making that allegation; I am just asking the question. I have this document in my hot little hand, which I am going to table later, and that would seem to be the real purpose for the trip. The answers were provided through the Leader of the House, whom I do not criticise because she works with the material that she is offered. I am also sorry for all Labor members who work with the same kind of material. I feel for them.

Hon Jim Chown: So the public paid for a fundraising trip for the Premier of Western Australia to visit New South Wales?

Hon TJORN SIBMA: That may well be the case, honourable member. That is for the Premier to defend. I will ask a question without notice today, which I will lodge after I finish my contribution, asking for a full accounting of the Premier's time while in Sydney. It may well be that this intimate dinner did not occur; however, the Premier was paired from Parliament on 22 November to attend, it appears, a fundraiser. His travel and accommodation, and the travel and the accommodation of his deputy chief of staff, were paid for, it would appear, by the Western Australian taxpayer, in the order of \$12 000.

When I asked my question on Tuesday, had the answer been, "Thank you, honourable member, for your curiosity. This is what I did. I met with this minister, I met with these significant public figures, and, yes, I attended a fundraiser", perhaps I would have thought, "Well, on the balance of probabilities, do I raise this issue today?" But no; this government grudgingly responds to every single question I ask—it does not matter on what issue. It provides misdirection and piecemeal information. When I see that, I smell smoke, and when I smell that smoke, I look for fire. When government members deal with me, deal with me honestly and directly. If they do not, I will table things like this day in and day out to embarrass the government. Government members need to choose how they will conduct themselves, because I know how I will respond. This is just one example.

As to this government's commitment to openness, transparency and accountability, let me just say that because ministers do not answer questions in this house, we must, by necessity, put in freedom of information applications. How are they treated? They are treated with contempt. They are treated grudgingly. What is happening now? It appears it is government policy to charge for the process. I am not referring to just the application fee, which is a fair fee to charge; I am referring to any freedom of information request. The Leader of the Opposition's office lodged an FOI application regarding the Southern Ports Authority. I am not sure whether it was lodged before the Minister for Ports took on that portfolio and what I am about to say is absolutely no reflection on her.

Hon Alannah MacTiernan: When it was lodged?

Hon TJORN SIBMA: I believe it was 18 December. It may have been around the time that the minister was appointed, but that is neither here nor there.

This application was to do with contacts and contracts between Mineral Resources Limited and the Southern Ports Authority. I will table this letter also.

Hon Alannah MacTiernan: Who was the application actually made to?

Hon TJORN SIBMA: I will table the document and the minister will get all the information.

Hon Alannah MacTiernan: If you could tell us, because you know.

Hon TJORN SIBMA: No. I have limited time. The minister will get her opportunity. I have a letter here dated —

Hon Alannah MacTiernan interjected.

Hon TJORN SIBMA: No, no. The minister will get what she wants.

The PRESIDENT: Order!

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Hon TJORN SIBMA: I have a letter dated 22 January 2019, which is addressed to Hon Mike Nahan, titled "FOI Application—MRL contracts with Southern Ports". It is signed off by a gentleman by the name of Stephen Cannon, who is the freedom of information officer. I will get to the point. I quote from the document —

None of the information you are seeking is your personal information and it is therefore subject to an access charge. Pursuant to section 16 of the *Freedom of Information Act 1992 (WA)* and relevant regulations, I have estimated the access charge for this FOI request as follows:

Application fee: \$30 (PAID ON 18/12/2018)
Time to deal with the application: (90 hrs @ \$30 per hr)
Time for photocopying and photocopy charges
\$410.00

Below in parenthesis it states —

(1000 pages @ 20c page and 7hrs of time @ \$30 per hr)

Total: \$3110.00

That is the price of openness, transparency and accountability under the McGowan government. I will table this document later too.

That might be consistent with the letter of the law, but it is certainly not consistent with the spirit of it, and it is certainly not consistent with the Premier's claim that he would establish gold-standard transparency in government conduct. It certainly is not. Those two things cannot be hung together. There might be disputation, but I think that is rather damning. It is cash for information.

Hon Alannah MacTiernan: Could you just help us here and tell us who the application was made to?

Hon TJORN SIBMA: No. I am not taking interjections.

Hon Alannah MacTiernan interjected.

Hon TJORN SIBMA: I am not taking interjections—get used to it.

Hon Alannah MacTiernan interjected.

The PRESIDENT: Order! Several members interjected.

The PRESIDENT: Minister, just let him continue and you will have an opportunity to respond shortly.

Hon TJORN SIBMA: The third issue I will raise, which I will not go into in great detail because it has been extensively canvassed in the other place, but on which there is also some additional information, I assume, that my colleagues might wish to speak to, deals with the Huawei contract. I have asked about 10 questions on this contract, its decision-making process and whether or not it went to cabinet. I have deduced from an interesting series of answers provided by Hon Ben Wyatt through his representative in this place, Hon Stephen Dawson, that although that contract did not go to cabinet, it was subject to the Expenditure Review Committee processes. ERC ministers will know exactly what has been going on. By virtue of that contract and the decision-making process attended to it, that could not be tabled in this place because it was labelled a cabinet-in-confidence document.

The PRESIDENT: Member, I am just going to stop you for a second. Members, there is just a bit of very audible noise around the chamber. It is hard to hear Hon Tjorn Sibma.

Hon TJORN SIBMA: It is disingenuous of a government to claim that a contract of this magnitude did not go to cabinet, yet effectively invoke cabinet-in-confidence provisions to prevent that documentation being tabled in Parliament, particularly when the sum total of those contracts is some \$200 million. The entire process of decision-making and then post—decision-making action reflects very poorly on this government. At the start of my contribution, I mentioned the old adage that a fish rots from the head down and, unfortunately, a disposition or a cultural orientation towards accountability and transparency that the Premier models appears to be modelled down through certain segments of ministerial officers and into the public service. I would like to table another document. It was released under the freedom-of-information process as well. It has probably not been given the prominence that some other documents have, but it is out there. It is an email sent by the stakeholder interface manager for major projects at the Public Transport Authority of Western Australia. It is generally not my practice to name public servants when I can avoid it. The email is to Minister Saffioti's chief of staff and it is dated 22 May 2018. The subject is "Commercial in Confidence – FW: Radio Systems Replacement Project — Letter sent to the Commonwealth." I will read the email —

FYI

I have been working closely with Justin on this.

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I do not know who Justin is —

We are around 2 weeks away from finalising contracts so there is no immediate impact to procurement timeframes / project delivery (just part of appropriate due diligence).

I expect Justin will apply appropriate pressure to ensure a speedy response and will let you know how things progress.

Okay, boring, but this is the interesting bit —

Assuming we get a thumbs up —

Presumably, this is a thumbs up from the commonwealth —

it would be good to discuss announcement strategy. The two schools of thought are probably:

This is it; this is the culture of the McGowan government, nearly halfway through its term —

1. 'Too hot to handle' and just let things move along without formal announcement of preferred proponent

Keep it secret, under the carpet; no-one needs to know about it. That was the first of two strategies. The second is interesting and would be confronting for a McGowan government minister. It is —

2. 'Nothing to hide' and formal announcement as a sign of transparency and comfort

It refers to a sign—a symbol, an emblem. I expect a lot more of you guys. The email continues, which is interesting too —

I'd appreciate your thoughts. I expect a measured Commonwealth response indicating general support rather than resounding support of the preferred proponent so I'm still leaning towards 'too hot to handle' as of today. What happens in the US / further media reporting may also have an impact i.e there may be pressure to show our hand so proactive announcement maybe a better option if that occurs.

Associated documents were provided, including frequently asked questions and a draft media release. I will table these too. I have the draft media release from the Minister for Transport concerning this contract, deemed "too hot to handle" and never, ever publicised. It is a very interesting departure from her usual practice when it comes to anything to do with Metronet, her conduct or her portfolio.

The PRESIDENT: Before I give the call, member, you wanted to table four separate documents, so you will need to seek leave.

Hon TJORN SIBMA: I seek leave to do so, Madam President.

Leave granted. [See paper 2400.]

HON PETER COLLIER (North Metropolitan — Leader of the Opposition) [10.34 am]: I stand to enthusiastically support this motion by Hon Tjorn Sibma. This government's lack of transparency is appalling. It has transparency before 11 March 2017 and transparency after 11 March 2017. Let me remind members what the now Premier said on 18 June 2016. I quote —

"The public interest must come first, transparency must come first, openness must come first.

That is great and fine, but that is the conditional transparency of this government. It is conditional because the government is saying that it will be transparent until 11 March 2017, but not transparent post–11 March 2017. There is a litany of examples of this, and every single time there is a sensitive issue, these guys clam up. They do not mind standing arm in arm when they provide media releases to open stadiums that we built. They do not mind standing arm in arm when they name the new drillers in the tunnel that we built. Where are they now when things go wrong? Not on your life. We try to get information on it, not on your life. They scurry away like rock crabs. Every time there is a sensitive issue, these guys go into hiding. For example, do members remember the double dipping on the cars? It took me about 20 questions to get to the bottom of that and, when I did, is it any wonder that they scurried away? Not on your life, because nine ministers on that side of the chamber got an additional \$5 300. When they were sitting there saying that public servants could have \$1 000 a year over four years, they got \$5 300 overnight. Did they pay it back? Not on your life. Every time there is an issue, they scurry away.

Carnegie is one issue that I have been dealing with over the last 12 months. Trying to get information on Carnegie has been absolutely appalling. I have asked dozens of questions and put in numerous freedom-of-information requests, and every single time I basically get the hand. This is the government's new standard of transparency. It is called "Tell them nothing." That is the government's default position for transparency. When it gets difficult, "Tell them nothing." When there is a good media opportunity, they go out there arm in arm with their colleagues

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and put out media releases but, when the going gets tough, "Tell them nothing." That is this government's new transparency level.

I brought up the Carnegie issue again because it continues to grow and grow. All roads lead to the Minister for Regional Development. She has a clear and evident conflict of interest. Right from the start, all roads have led to the Minister for Regional Development. I moved a specific motion on the Minister for Regional Development on the last day of sitting last year. What was her response to my claims? She got down and dirty. Of course, her comments were ruled unparliamentary, as they should have been. Her response was to get down and dirty. Do members know what? This minister had to apologise to the house. Do members know why she had to apologise to the house? It was because she misled the house. Do members know how I found that out? It was through an FOI application, through questions. If I had not been through that process, I would never have known and this house would never have known that the minister misled the house. I will explain it to members. I put in an FOI application and found that a month after the election on 11 March 2017, the minister asked for a meeting with Carnegie. Why did she request a meeting with Carnegie? A pile of other companies out there also do wave energy. Did she meet with any of them? Not on your life. I asked why she did not meet with them and she said that she had a roundtable meeting in Albany with all the renewable energy companies. How many of the companies that she met with in Albany—all three of them—put in an application for that tender process? There was one, and that company was Carnegie. Who else attended that meeting? This is an absolute joke. There were six officers from ministers' or members' offices, five people from the University of Western Australia, five people from government departments and three people from renewable energy companies, and one of them was Carnegie. The minister did not meet with anyone other than Carnegie! Who got the contract? It was Carnegie. I remind members that I asked the minister why she met with Carnegie. She said —

(1) Engaging with relevant industry stakeholders and undertaking market sounding during the tender development stage is generally accepted as best practice procurement.

That is the standard of this government—ministers meet with the people who are going to apply for a tender process. The minister says that is not corrupt or compromised. It is okay to meet with a pile of people. But the minister met with just one. That happened to be Carnegie, the company that got the contract. I asked the minister why she did not meet with the other companies. Her response was, "I have not been advised which companies submitted a proposal." I remind members that the minister did know the names of the other companies that had applied, because, on 5 October 2017, she signed off on a briefing statement. The minister knew who the other companies were, but she did not meet with them. She tried to handball and push me away every single time I asked the question. The minister said she met with all these renewable energy companies in Albany. It was only because I kept pursuing the issue that I was able to get to the bottom of it. If I had not done that, I would have assumed that the minister met with every one of those companies. But she did not. She met with only one company, Carnegie.

Carnegie has problems. The minister was on the board of a company that was consumed by Carnegie. The person who appointed the minister to that board was an executive director of Carnegie up until a few months ago. We are being asked to believe that the minister does not have a perceived conflict of interest. I can tell members that the minister would be the only person in the whole of Western Australia who does not think she has a conflict of interest. If the minister opened her mouth in cabinet when that decision was made, every minister who sat around that cabinet table, including the Premier, is complicit in that decision-making. If this minister opened her mouth at that cabinet meeting and did not excuse herself, that is even more disgraceful.

I want to show members how difficult it has been for me to get to the bottom of what has happened with Carnegie. On 13 November 2017, I put in my first FOI application. On 8 December, I got a request for an extension, and I gave it. On 16 December, I got a request to narrow the scope, and I gave it. On 13 January, I got a second request to narrow the scope, and I gave it. On 23 January, I got a third request to narrow the scope, and I gave it. On 25 January, I got a second extension request, and I gave it. On 16 February, I got a third extension request, and I gave it. Finally, five months later, I got a response. That is how I was able to get to the bottom of the fact that the minister had met with only one of the companies, and that was the company that got that contract.

Immediately after that, I put in another FOI application for the next 12 months. I was notified that for that 12-month period, 947 documents had been identified, and I was asked to reduce the scope, so I reduced the scope to half that time. I was then notified that there were actually 1 000 documents in that period. There were more documents in that six months than there were in the total 12 months! I could not work out what was going on there. Not only did I narrow the scope, but then, on 19 December, I got an extension request. On 17 January, I got a second extension request. The response to my FOI was due to come back last Monday. I said to the guys in the Leader of the Opposition's office, "Mark my words; we're going to get another request." Sure enough, on 7 February, another extension was requested. We will have reached the end of this government's term by the time we get to the bottom of this.

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I can tell the minister that I will keep putting in FOI requests. As soon as this one comes back, the minister will get another one. The minister will not get away with this. It is not just me; it is also the Auditor General. Hon Martin Aldridge asked the minister to provide the business case. This is not a political stunt. The Auditor General said in his report that the decision by the minister to redact all the proposal in the financial assistance agreement was not reasonable and therefore not appropriate.

All roads lead to this minister. The minister will get a PhD in the McGowan Labor government's new affirmation of transparency, "Tell them nothing." The Minister for Regional Development is holier than thou. She thinks she is above Parliament. She has been a member of every Parliament in the nation, so she should know. The minister is not above the Parliament. The minister had to apologise to this house because she misled the Parliament. That is embarrassing. If the minister had been open and transparent from the start, she would not have had to embarrass herself in that way. If the minister and the government want to retain the confidence of the Western Australian people, they should do exactly what the now Premier said when he was in opposition. He said that the public interest must come first. He said that transparency and openness must come first. However, at the moment, the government's affirmation is, "Tell them nothing." That is why this government will be a one-term government.

HON JACQUI BOYDELL (Mining and Pastoral — Deputy Leader of the Nationals WA) [10.44 am]: I thank Hon Tjorn Sibma for bringing this motion to the house today. I wholeheartedly agree with the principle of this motion. Today, we have heard about some of the exceptionally concerning ways in which this government is operating. I want to talk about the lack of transparency of this government and its impact on regional Western Australia. Without question, Premier Mark McGowan told this Parliament in March 2017 that his government would be transparent and accountable. Those were his words—transparent and accountable. He said that his government would deliver a rolled-gold standard of accountability. It is exceptionally disappointing that to date we have seen the complete opposite of that. Members of this government when in opposition pursued the Liberal–National government relentlessly about its standards and procedures. However, now that the shoe is on the other foot, this government is showing complete disregard for the processes of government and the transparency that the people of Western Australia expect.

What is of greatest concern to me is that the McGowan government has effectively cut the \$1 billion royalties for regions scheme by cost shifting royalties for regions into programs that would normally be paid for by government expenditure. That includes \$79.9 million for orange school buses, \$134 million for regional TAFE subsidies, \$795 million for water subsidies and \$31 million for education assistants. That is concerning because the principle of the royalties for regions program, in its purity, since 2008 and while we were in government, was to support regional communities to enable them to deliver on their development aspirations and to grow and attract people to live in regional Western Australia. One of the greatest issues in regional Western Australia is that there are not enough people on the ground to deliver on the aspirations of their communities. Karratha is a perfect example of that. Many local jobs are being advertised on the ground, but there are not enough people in the community to fill those jobs. That is why I will continue to say it is not about local jobs; it is about attracting people to live in regional communities and take up those local jobs. Without people, we cannot have regional development.

There is absolutely no doubt that under this government, the focus of the royalties for regions program has shifted. It is not a priority of this government to support regional development through the royalties for regions scheme. This is cost shifting by stealth. The government has said that it is continuing with the royalties for regions scheme. However, the feedback I get on the ground is that communities no longer know how to access the program. Under our government, communities could apply for grants to assist regional development. There is no longer that opportunity on the ground. There is a level of dysfunction within the development commissions. The process has been scattered. It is absolutely lost. Under our government, the stewardship of the royalties for regions program was very clear. Under the McGowan government, it is not clear, because all it has delivered into the royalties for regions scheme is cost shifting after cost shifting. There is absolutely no doubt about that.

I will move to a number of concerning decisions that the McGowan government has made, seemingly out of the blue, with no consultation with the community, and no opportunity for any community members or key stakeholders to have input into the decision-making process of this government. Many of those decisions have backfired on this government. These decisions concerned the gold tax, the Schools of the Air, the closure of the Moora Residential College, the closure of camp schools and the continued secrecy around the contracts to continue to operate the camp schools, community resource centres and, more recently, the rock lobster quota. We have also had a continual conversation in this chamber about the Local Projects, Local Jobs program. Last year, I moved a motion that called for a special inquiry into the Local Projects, Local Jobs program. This government denied that, but late last year the Standing Committee on Estimates and Financial Operations started investigating this program after many concerns about that program were raised by community members and by members of the opposition and the Nationals WA.

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We have even had concerns about the Local Projects, Local Jobs program put on the record by the department. The Department of Local Government, Sport and Cultural Industries advised its minister that it was seriously concerned that a large amount of money, \$350 000, had been pledged to the Stephen Michael Foundation to help at-risk youth. It is a great foundation and a great idea—I have no issue with that—however, the department advised the minister that it was concerned about the process. There was no business case. There was no governance around the decision-making. When that issue was brought to this Parliament for discussion, no member of the Labor government stood and said that that is a fair point and if we are going to hold ourselves to a gold standard of transparency, that is not the process that any government should follow. That was a very concerning decision. Numerous incidents regarding that program have been raised in this Parliament.

I want to touch briefly on the rock lobster decision by Minister Dave Kelly. It was exceptionally concerning to the industry and the community when it became clear that the minister had, I suggest, sought to hold his decision in a deal that he signed with the Western Rock Lobster Council that he then relied on when it went public to say, "Well, it agreed to this deal. I got them to sign a deal, a contract, and it agreed to it." However, in that discussion he told members of the Western Rock Lobster Council that they could not disclose that deal. He held that over them—that they could not make that public. When he then went to the public and made that decision that he would impose a quota on the rock lobster catch and that the state government would, basically, buy into their industry, he then said, "Oh, but they agreed with me." If that is not a standover tactic, I do not know what is.

Darren West, a member for Agricultural Region, then said —

The PRESIDENT: Hon Darren West.

Hon JACQUI BOYDELL: Hon Darren West—I apologise, Madam President. As a member for the Agricultural Region, he went on radio and said that the government got what it wanted out of that deal and it was happy with it. That indicates to me that the government sought to say to the Western Rock Lobster Council, "This is what we want to achieve. This is the deal we want. Sign this secret agreement and, by the way, you can't talk about it." Then it becomes public that the government got what it wanted out of it and that was really great. Never mind all the angst caused to the community and the lack of consultation with the actual community and restauranteurs on the ground et cetera, which then became apparent after that decision was made. It is a very concerning way to operate.

I want to touch briefly on the current situation with the BHP royalty rate. All those decisions and discussions are being held behind closed doors. It is an exceptional amount of money for Western Australian ratepayers and that is concerning.

HON ALANNAH MacTIERNAN (North Metropolitan — Minister for Agriculture and Food) [10.54 am]: I was waiting to see whether we had more speakers, because we wanted to make sure that we had a comprehensive response to this motion. I must say that I found this a bit reassuring this morning, because we thought Hon Tjorn Sibma was one of the rising stars of the opposition. We thought: he is a smart guy; he does some forensic work. But I have to say that I have been quite relieved that perhaps he is not going to pose what we thought he might pose as a potential new leader, because this was a particularly temperamental critique. First, he was very offended because the Premier, through the Leader of the House, has answered only the questions that he was asked. He did not go into the mind of the honourable member and wonder: what might he really be getting at here; what more could I give? He just played a straight bat and he answered those questions.

I will quickly go through these couple of questions because it is quite extraordinary. The Premier has been completely frank and honest. On Tuesday, 12 February, the member asked the Premier for details of all and any state travel that he undertook. The member provided a couple of dates and wanted to know the —

- (a) destination or destinations;
- (b) reasons for travel;
- (c) mode of air transport taken;
- (d) names of accompanying companions; and
- (e) accommodation used?

Every single one of those questions was asked, but apparently it was an outage that the Premier had not answered things that Hon Tjorn Sibma had not asked. I mean: diddums! This is terrible! The next day Hon Tjorn Sibma had to go and ask another question because the member had something else on his mind that he had not put in the first question. Hon Tjorn Sibma asked a further question about the cost of the travel. The Premier was completely open about the cost of the travel, and he once again listed the primary purpose of the trips. The member is outraged that the Premier did not tell him about things that he might have been doing in his own private time—that he did not talk about those things he did incidentally. I find this sense of outage quite extraordinary.

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Prime Minister Scott Morrison came over to WA on, probably, the official federal government jet. He came over and did business during the day, and at night he had fundraisers for the Liberal Party. I mean, this is not an unusual practice. The Premier travelled over there. I tell the member that it is critically important that we understand this issue of infrastructure planning. I know that when I was infrastructure minister in our last term of government, we would often have ministers and Premiers coming over and wanting to exchange information and understand the detail of these complex infrastructure programs that were being held. Often, people wanted to establish alliances to improve infrastructure delivery. There is absolutely nothing unusual about this at all. What I find extraordinary is the tantrum. The member feels it is an outrage that the Premier did not predict that he might have wanted some other information and he just answered the question with a straight bat, and poor diddums here had to come back and ask a question on the second day! Oh, my God; what an outrage! There was then another outrage.

Hon Tjorn Sibma interjected.

Hon ALANNAH MacTIERNAN: I am not going to take an interjection because the member would not either when I asked him the simple question: who on earth was the FOI from that he wanted to express concern about?

Hon Tjorn Sibma: Is that a usual practice to charge fees?

Hon ALANNAH MacTIERNAN: That is why I was trying to find out to whom the member had made that application. We do not charge those fees for applications made to our office. I was trying to extract enough information from the member, but he was so high in his outrage that he was unable to provide that! That was a decision made by the Southern Ports Authority.

My good friend and colleague Hon Adele Farina is someone who understands that there is nothing unusual about a diligent opposition member launching a freedom of information request. Hon Tjorn Sibma has a sense of outrage because "I've had to put in an FOI." That is the bread and butter of politics. For those members who have spent many years in opposition, we understand that role. Hon Adele Farina, who was an absolute tiger with FOI requests in her time in opposition, has spent tens of thousands of dollars —

Hon Adele Farina: Definitely thousands.

Hon ALANNAH MacTIERNAN: She has definitely spent thousands of dollars on FOIs. I was just seeking some indication of the practice of the Southern Ports Authority under the previous government.

As I said, Hon Adele Farina can confirm that it was the practice of many government agencies in the last government to exercise their right under the legislation to charge. I must say that when I was in the federal Parliament I can recall FOI-ing the state government, and I likewise spent thousands of dollars to obtain information about the freight route.

The next series of concerns raised by Hon Tjorn Sibma related to Huawei. The member expressed concern that there had been some discussion going on within government about a strategy. The member of course conveniently did not mention that the strategy a staffer had considered was not the strategy adopted by the minister. The minister came out and gave a complete —

Hon Tjorn Sibma interjected.

The PRESIDENT: Order! Member, you wanted to be heard in silence. I would ask that you accord that same privilege to the minister on her feet.

Hon ALANNAH MacTIERNAN: It is true, and I think everyone would know. The travails of Senator Michaelia Cash and her office would indicate that people in offices talk about strategy. The important thing here with the Huawei contract is that the decision made by the minister was one, indeed, to make maximum disclosure.

I now turn to comments made by Hon Peter Collier. This is very strange. He has taken great umbrage at the fact that I came into Parliament at the end of the last session to acknowledge that I had made a misleading statement and had genuinely not been aware that a briefing note had included the names of the companies involved in that tender process. I certainly had not recalled it. It was only a footnote on a briefing note. This was after the tender process had been completed and a briefing note was coming up. I had not recalled seeing the names of those particular companies. I came in and made an apology for inadvertently misleading the house. I would say that the Leader of the Opposition has probably spent 10 notices of motion and other various formats demanding that I apologise for a variety of different things or that I acknowledge various different things. I explained exactly how it was that I had not recalled having seen those entities on a footnote. It was presumed that because they were on a footnote I had seen them. I certainly did not recall seeing them. I came into this house and acknowledged that. I am happy to acknowledge what I have done because I am not ashamed of anything that I have done.

I want to say to the member that it is really important to understand I have never had any interest in Carnegie. I have never had any shares in a company that had an interest in the Carnegie wave farm. I have had shares that

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were completely unconnected—shares in a Carnarvon solar farm—but in order to stop any suggestion of any connection whatsoever, even though they were totally separate and discrete, I donated those shares, at considerable cost to myself, to a charity.

Hon Peter Collier: So you had no perceived conflict of interest?

Hon ALANNAH MacTIERNAN: No. There is the company Carnegie and another company that, five years before, I was on the board of.

Several members interjected.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Members! There was an interjection and the minister is answering the interjection. We do not need other people having a conversation. The minister has taken the interjection and is responding to it. I do not want to hear any cross-conversations while the minister does so. The Minister for Regional Development has the call.

Hon ALANNAH MacTIERNAN: Thank you.

I have never had any financial interest in Carnegie or the wave farm. Five years ago, I was on the board of a company that, very recently, was acquired by Carnegie. I ceased to have any connection with that company. I had been on the board five years before. But because there might have been some suggestion of conflict, I disposed of those shares, even though they had absolutely nothing to do with that combined entity.

The advice from the department at that time about the FOI from Hon Martin Aldridge was that I should claim a commercial confidentiality provision. Carnegie felt very concerned, as companies do when they put in tenders and give all their commercial information, that this document contained a lot of information that it might not want its competitors to know. It expressed great concern about this being made a public document. The matter went to the Auditor General. The Auditor General found that parts of the document could be released. Unlike what happened with the previous government, where they just ignored the Auditor General, I went back and instructed the department to work very closely with Carnegie to work out how we could release as much as possible of that document without undermining the financial position of the company. We have to understand that if government is going to be dealing with companies, there are areas of commercial sensitivity. We undertook that work. I came into this Parliament on Tuesday and tabled that document—the first opportunity I had to do so—which was the result of very intensive work to try to release as much of this information as possible.

I find it extraordinary that the Leader of the Opposition was saying that there was great accountability before the election. We just need to look at the article produced by Gareth Parker in which he writes about the 32 state secrets and goes through chapter and verse the abuse of these provisions—pretty basic stuff that was not accounted for.

HON SIMON O'BRIEN (South Metropolitan) [11.10 am]: The Minister for Regional Development was quite correct when she described the mover of the motion, Hon Tjorn Sibma, as being not only a rising star, but also someone who is meticulous in the work that he does on behalf of his constituents, the Liberal Party and the Parliament. He has done so again in demonstrating his focus on matters of importance and moment as he raises the business before the house by his motion today. I strongly support it.

I will give a specific example that I want members opposite, in particular ministers and aspiring ministers, to have regard to. Not only are the people of Western Australia, the opposition and the Parliament being kept in the dark about this government's activities and its motives, but also I suspect the government is a victim as well. I am in possession through FOI of a briefing note dated 27 February 2018 directed to the Minister for Transport, describing how a contract was expected to be awarded to a firm called Huawei in March 2018. The contract with Huawei is an issue of the day and it will continue to be. There are a number of items of interest in this document. The thing that I particularly noted is the recommendation —

The Minister to advise Cabinet that:

This was on 27 February last year. The advice on the document is redacted under clause 1(1) of the FOI act. What was the minister meant to advise cabinet? It must have been important because the minister circled the word "approved" but did not do so until 20 June—a three-month gap. What suddenly made it such a matter of moment in June, which is a long time after that in political terms?

I was also made aware of a memo, obtained via FOI, to the Premier dated 2 July 2018, which reports a number of things, including —

Huawei and UGL are expected to sign the contact on Monday, 2 July 2018. The PTA is expected to sign on Tuesday, 3 July or Wednesday, 4 July 2018. The signing of the contract is expected to become public before the end of the week.

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The government did not say, "We're going to announce it" but "We expect it's going to become public. Someone is going to get the information out there."

The next part of the memo to the Premier, most of which has been redacted, is headed "Security risks". That was on 2 July. One security risk that was not redacted stated —

The consequences of interference with ATC could be severe and the protective security of the network would need to be reconsidered to ensure these risks are appropriately managed.

This is a red flag being raised with the Premier himself on the eve of information becoming public.

It certainly was an issue of the day because again, thanks to an FOI release, suitably redacted in parts of course, we have a copy of an email sent by the media manager at the Public Transport Authority to several government advisers—Richard Farrell, Justin Court and Amy McKenna—advising them —

As you are aware we are on track to sign a contract with Huawei ... later this week.

In preparation for this we have prepared the following;

1. Ministerial media statement

And some FAQs and what have you. It continues —

All documents have been reviewed by the relevant state ... and Federal ... agencies.

Then a telling comment —

I understand there is no appetite for the Minister to announce this proactively, but a media statement has been prepared just in case.

So this government is media shy. This is news to me. I went looking for a media statement. I have the draft media statement, showing a smiling Minister for Transport—"One-metre Rita", as she is known in some circles. It is headed "Public transport radio communications upgrade".

Hon Alannah MacTiernan: You have trouble with women, don't you, on your side?

Hon SIMON O'BRIEN: No. There is a smile on the minister's face and a laugh in her voice, but for the record, I reject that.

The ACTING PRESIDENT (Hon Dr Steve Thomas): Order, members! Members, I am not going to accept a reference to members or ministers except via their appropriate titles and neither do I expect to hear a gender debate in the house shouted across the floor. Hon Simon O'Brien was discussing accountability and he has the call.

Hon SIMON O'BRIEN: Some of the comments in the draft media statement, to be attributed to transport minister Rita Saffioti, spoke very positively about the upgrade that will support passenger rail and what have you. Interestingly, it states —

"Operational security has been a key element of the procurement process. On several occasions the PTA has sought and received advice from Commonwealth agencies, and that advice has been considered in awarding this contract to Huawei."

Clearly, some toing and froing had been going on behind the scenes. It is a matter of concern.

I went looking for a media statement. I did not find one on or about 3 July in that form but I did find one from the Premier and the Minister for Transport. I thought, "Hello, here we go." What was it about? It said that the government had project definition plans for the Thornlie–Cockburn Link and the Yanchep rail extension and that 3 000 jobs would be created and all the rest of it. That was the issue that the government wanted to dominate the news. It would appear that something else had to be hushed up. I noticed with great interest on 14 August, when Parliament reconvened after the winter recess, that in another place the Leader of the Opposition asked question without notice 505 to the Premier, stating —

Can the Premier explain to the house why a \$136 million contract was awarded to the Chinese company Huawei without it going to cabinet and why cabinet was not made aware of or given an opportunity to consider the significant national security concerns raised by Australian security agencies in respect of the contract?

In the Premier's response, he made it clear that it did not go to cabinet and that the government did not think it was the sort of thing that should go to cabinet, that this is the sort of contract that ministers cannot interfere in. They just let their agencies go off and sign up to these sorts of things, yet we have all sorts of toing and froing going on behind the scenes between ministers when trying to address security and other concerns. A \$136 million contract was awarded in such controversial circumstances and a document signed as approved in June saying, "Yes, cabinet should be advised of this", yet we are being told that it never went to cabinet. What is the truth?

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Where is the transparency? What is the purpose of the cover-up? It is not about trips to Sydney and fundraisers, as the minister opposite wants to trivialise this argument.

Hon Alannah MacTiernan: That's what he said! That's what his debate was! He led on it! He led on it!

Hon SIMON O'BRIEN: It is about transparency and accountability.

The opposition in various forums, including in another place—members can refer to questions without notice 539 and 540 asked by Hon Liza Harvey—pursued further questions about Huawei and security concerns. What was the Premier's response regurgitated as recently as yesterday? He does not want to talk about any of this. He does not want to be accountable for what goes and does not go to cabinet about who makes decisions behind closed doors without telling the public and without giving out draft media releases as in the normal course of business. What does he want to do? He wants to start playing the nationality card, saying, "You've got a Leader of the Opposition who owes money to the US government." That shows a measure of desperation, as well as having something to hide. Cabinet ministers opposite need to watch out, because they are collectively responsible for things that are being done by their government. They are collectively responsible. They should not be asleep on their watch.

HON COLIN TINCKNELL (South West) [11.20 am]: I am going to speak very briefly on this motion. I am speaking mainly because even before I came into Parliament and the now government and opposition were on the other sides of the house, the conversation would have been pretty much the same. For the crossbench and possibly the Greens, this sort of conversation does not usually achieve a lot. I understand what transparency and accountability are. When I came into Parliament I made a promise to myself and my family, number one, that I would act in the right manner in every matter that I dealt with in Parliament. I also look at what the public thinks of parliamentarians generally right across the board, both federal and state, and it is not a very good look. Over the last 10 or 15 years there seems to have been a pattern that when major parties become the government, there tends to be a change of attitude about what will be released and the way the government will conduct itself. Transparency means transparency whether a party is in opposition or in government. For the last two years I have asked many questions of ministers and parliamentary secretaries, and most of the time I have not had an answer to the question. That is very disappointing, because I represent Western Australians and I am trying to find answers to problems or issues that I can take back to the people of WA so that we can work through them and maybe work with the government to achieve some outcomes. It is very, very hard to achieve outcomes if someone is either too lazy to answer the question or has not done the consulting work to know the public feeling or thinking or just wants to hide something. In the end it does not achieve much at all.

I commend Hon Tjorn Sibma, whom I do not think the government should underestimate. I think he is a rising star in this place —

Hon Alannah MacTiernan: There's not a lot of competition!

Hon COLIN TINCKNELL: But that will be up to him and the way he conducts himself in the future. I am fortunate enough to work with him on the Standing Committee on Estimates and Financial Operations and I know how well he conducts himself. I know how important that committee is to him, as it is to me and other members of the committee.

Look, my take is that now that the Labor Party is in government it needs to take on that responsibility and really enjoy its opportunity to put in place all the plans it put together during its eight or nine years in opposition. But let the people know, let the opposition know, let the crossbench and the Greens know, and be transparent, because if it does not that will be the one thing that will bring the government down. The Labor Party had a very good election result and deserves to be in government. It needs to make the most of it, because those days could be short. We just do not know what the next election will bring, but the public of Western Australia will decide and base their decision on the government's performance. It will not base it on the performance of the opposition or crossbench; it will base its decision on the government's performance. The government makes the final decision, and if it wants success, it needs to be open, transparent and accountable on all occasions, and it should pride itself on that. Some members on the government side have a pretty good record and have been in Parliament for a long, long time and know what all that means. I think with the games that go on in here and the other place, the public just looks at us and thinks, "What a waste of time." That is what I am asking for from both sides of Parliament. I have gotten to know the Greens pretty well in the last two years, and they and the crossbench are looking for exactly the same thing. That is all I have to say.

HON DARREN WEST (**Agricultural** — **Parliamentary Secretary**) [11.25 am]: I would like to make a few comments about the motion moved today by Hon Tjorn Sibma. I agree with the Minister for Regional Development—Hon Tjorn Sibma is a talented rising star of the Liberal Party; there are not many of those these days! He certainly is a talented and smart guy who uses his forensic skills to snoop around and find out what the government is really up to.

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On this side of the chamber, I think we were all heartened to hear, after two years of investigation, that he has a sense of humour. He has to be kidding us—is that it? After two years, is that it? The Premier went to Sydney! Is that it? That is all that Hon Tjorn Sibma has been able to come up with in all his skilled and forensic work—the Premier went to Sydney, met with the New South Wales transport minister and did some other activities on the way. He has to be kidding us—is that it? Is that it really? Is that it?

Several members interjected.

Hon DARREN WEST: When I saw this motion I thought: Hon Tjorn Sibma is a clever guy; he might have something here that could cause the government some embarrassment. But it was that the Premier went to Sydney. That is it. We have yet again been flogged with a wet lettuce leaf by the opposition. To use a cricketing analogy, because I love cricket—I am captain of the parliamentary cricket team; the successful team—Hon Tjorn Sibma has sent down a little doorknob and the Minister for Regional Development has hit him back over his head for six once again. After two years, is that it? The Premier went to Sydney; that is what we have. Seriously!

All the opposition has had in two years, rather than any positive policy announcements or anything of any substance for the Western Australian people, is, "Be afraid. Be very afraid of the Labor government." That is all I have heard in two years—"Be afraid of the Labor government. Be scared; be afraid. We'll look after you; we'll save you." But what members opposite do not remember is that the Western Australian people booted them out of office in the single biggest election loss ever in history and installed a Labor government. I think they are actually quite happy with this government that has got on with the job of restoring the state's finances, getting people back to work and getting on with some visionary infrastructure projects in Western Australia. They threw out the worst-ever government in Western Australian history, and that is what makes this even funnier. This motion comes from the remnants of the Barnett Liberal—National government, the worst we have ever seen—ever—in Western Australian history. Those members were the worst economic managers and the poorest performers—there was no transparency, accountability and openness from them either—and the people made their judgement.

We are getting on with the job. It is not easy fixing a forty thousand million—dollar mess. It is not easy fixing that. We will have to make some hard decisions that will be scrutinised by the opposition and judged by the people. But, fair dinkum, after two years—the Premier went to Sydney!

I will to refresh members' memories with a couple of words they may be familiar with—Langoulant report. John Langoulant conducted an inquiry into the performance of the previous government. When that inquiry was announced and tabled, the Premier of Western Australia, Hon Mark McGowan, put out this press release to refresh people's memories about the significance of what was in the Langoulant report. I quote —

Special Inquirer John Langoulant AO today handed down his comprehensive report into the programs and projects of the former Liberal National Government.

The Special Inquiry characterises the former government's poor governance culture, lack of financial discipline and unsustainable spending decisions as the key factors behind the record debt and deficit created.

This motion is brought by the remnants of that government.

Hon Simon O'Brien interjected.

Hon DARREN WEST: I have got more, honourable member. I have got some documentation that supports this.

Hon Simon O'Brien: What document are you quoting from?

Hon DARREN WEST: This is from a press release from the Premier, and I will support it. The document continues —

A total of 32 projects were examined in close detail, with all State Government departments required to cooperate with the Special Inquiry by providing access to relevant documentation as requested.

The McGowan Government broadly endorses the recommendations of the Special Inquiry and will begin an implementation program across government to address the key findings.

Premier Mark McGowan stated that Royalties for Regions would continue with a hypothecated account following significant improvements, including strengthening the governance and accountability of the program and a new rigorous oversight regime installed over the past year.

"For those responsible, the only honourable thing to do now is to reflect on the lessons learned and apologise to the people of Western Australia.

"The damning report provides a clear guide to my Government and future governments.

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We have learnt from the mistakes of members opposite. The media release continues —

"My Government will continue to strengthen governance, accountability, transparency and focus on the key economic and social benefits of government decisions when dealing with taxpayers' money.

"We will continue to govern in the interests of all Western Australians.

"I thank Mr Langoulant and his team for his comprehensive examination. I will provide my Government's immediate response to the Special Inquiry tomorrow."

And he did. To support the Premier's press release, I will quote some key points from the report titled "Special Inquiry into Government Programs and Projects: Final Report" tabled in February 2018.

Hon Simon O'Brien: What about current government projects, not that there are many of them, but this is what the issue is about?

Hon DARREN WEST: Member, I am just making the point that Hon Tjorn Sibma clearly has a sense of humour, from the remnants of the Barnett government—the worst government ever in Western Australian industry—to come in here thinking he has something on the government, and it is the fact that the Premier went to Sydney. I find that funny. I do not find it funny laughable; I find it funny in its hypocrisy.

Hon Tjorn Sibma: Do you actually think that is what I am concerned about—that the Premier went to Sydney?

Hon DARREN WEST: It would appear so, member. It was the cornerstone of the member's contribution. It is right that members ask questions, and I will take Hon Colin Tincknell's point: it is right that members ask questions. They will always get an answer. They may not be happy with the answer, and it may not be the answer that they wanted to get, but it is an answer.

Hon Tjorn Sibma interjected.

Hon DARREN WEST: The member got an answer; he will always get an answer.

Several members interjected.

The ACTING PRESIDENT: Order, members. It has been a relatively sedate debate, and we are not going to lose it in the last minute. If we could step backwards, Hon Darren West has the call.

Point of Order

Hon MARTIN PRITCHARD: The clock did not stop while you were speaking, Mr Acting President.

The ACTING PRESIDENT (Hon Dr Steve Thomas): That means that the member is running out of time, and I suggest we allow him to continue.

Debate Resumed

Hon DARREN WEST: I will leave members with a quote from the overview of the final report of the Langoulant inquiry. It states —

Overall, there was a significant deficit in the rigour applied to project selection and poor targeting of funding towards projects that would deliver lasting economic and social outcomes to regional Western Australia. A range of trends emerged, including inconsistent use of economic and financial analysis to support a funding case, poor definition of project needs, inadequate consideration of project sustainability, and a lack of measurable project outcomes.

Among the ten programs and projects referred to the Special Inquiry, the lack of supporting business cases, which even where they did exist were inadequate, was concerning.

It goes on, but I will leave members opposite with this point: they really need to have more than the fact that the Premier went to Sydney, coming from such a poor, incompetent and unaccountable government as theirs was.

Motion lapsed, pursuant to standing orders.