

*Standing Committee on Estimates and Financial Operations — Sixty-second Report —
“Provision of Information to the Parliament” — Motion*

Resumed from 14 September on the following motion moved by Hon Alanna Clohesy —

That the report be noted.

Hon RICK MAZZA: I rise to make a few comments on the sixty-second report of the Standing Committee on Estimates and Financial Operations on the provision of information to the Parliament. An extensive amount of work went into this inquiry. We held many hearings and deliberated over many months to produce the report, so it is very disappointing that the government has supported only nine of the committee's 13 recommendations. A lot of the recommendations surrounded commercial-in-confidence. Quite often when we held hearings with different departments there was always a claim of commercial-in-confidence being the reason for not providing information. This can be very frustrating for a committee that is looking into the estimates and financial operations of the state. Sometimes we can accept that the reason for not providing the information is that it is cabinet-in-confidence, but quite often the commercial-in-confidence reason might be given a little too quickly and it is easier to issue a section 82 notice and say that it is commercial-in-confidence. Unfortunately, in many contracts produced and constructed by solicitors it is a pretty standard confidentiality clause that comes out of the word processor. During our hearings with departments, quite often their reason for not providing information was that the contract contains a confidentiality clause and they were in fear of breaching that contract. It is incumbent upon government to scrutinise contracts more thoroughly to see how those confidentiality clauses are constructed and whether they can be tempered a little so that maybe the state can have more information when inquiring into state agreements et cetera.

Last week I asked a question in here about the fact that the government has purchased shares in InterGrain. We know that Monsanto bought the shares for \$14.5 million but we have no idea what the government actually paid to buy them back. It is in the public interest to find out how much we paid for those shares, but it was quoted as being commercial-in-confidence and so we could not have that information. Also of interest is that of the 32 section 82 notices scrutinised by the Auditor General, 15 were found to be inappropriate and he was undecided on three of them. The Auditor General found that 50 per cent of the section 82 notices were found to be not appropriate—that is a half! Ministers are a little too quick to issue a section 82 notice. I understand that on occasion there are prudent reasons to not provide commercial information for fear of exposing commercial secrets or that maybe the information is cabinet-in-confidence and probably not appropriate, but there are many occasions on which we could have that information. The Standing Committee on Estimates and Financial Operations believes that a lot of that information could be very valuable to us as a state.

I hope that this report gives notice to some departments that it should not be a standard response and that a lot more effort will go into determining whether a section 82 notice should be issued or whether it is appropriate to provide the information to a parliamentary committee.

Question put and passed.