

CABINET MEETINGS, GOVERNMENT'S ELECTION PROMISE

Motion

MR R.F. JOHNSON (Hillarys) [4.00 pm]: I move -

That this House condemn the Premier for breaking his election promise to be open and accountable by failing to ensure that all items discussed at cabinet meetings are recorded.

The reason for this motion stems from a question I asked the Premier in this House on Thursday, 13 March. I referred the Premier to recommendation 15 of the Commission on Government Report No 1 of August 1994, which recommends that the role of the cabinet secretary should include the accurate keeping of cabinet records. My question was as follows -

- (1) Can the Premier confirm that the current cabinet secretary, a permanent public servant, is barred from attending the informal part of cabinet meetings?
- (2) What written records are kept of the informal parts of cabinet meetings, and are these filed with other cabinet records, as has been the accepted practice in the past?

I asked that question because I wanted to know exactly what happens now in what is known as the "informal" part of cabinet meetings. That is probably the wrong description, because cabinet meetings usually commence about 10 o'clock in the morning and continue until, on average, about three o'clock in the afternoon, with an hour or half an hour taken for a working lunch. That was the practice when I was a member of Cabinet and the practice now is probably similar. The only difference is that when I was cabinet secretary for two and a half years and then a minister, records were kept and notes were taken of discussions and decisions made in what is known as the informal part of cabinet meetings. However, that informal part of cabinet meetings should be renamed to reflect more truthfully the informal part of those meetings. Perhaps it should be renamed "discussions held and decisions made at cabinet meetings not signed off by the Premier". We all know that the Premier signs off on all the official cabinet minutes from government agencies. They must be signed off. That is a very important aspect of cabinet meetings. However, the other part of cabinet meetings is just as important. It goes to the very heart of the integrity that the Premier claims and his election promise to be the most open and accountable Government Western Australia has ever had.

Dr G.I. Gallop: I think it is.

Mr R.F. JOHNSON: Now Cabinet comprises a "secret seven" times two. Cabinet meetings are now veiled in secrecy. We do not know what is said because a record is not kept -

Dr G.I. Gallop: All cabinet meetings are secret.

Mr R.F. JOHNSON: I will come to that. Records are not kept of that very important segment of cabinet meetings. I cannot stress strongly enough that it is part of cabinet meetings. The Premier's answer was the wrong answer. He said -

- (1)-(2) It is quite appropriate for the ministers of the Cabinet of Western Australia to get together to discuss matters relating to politics in Western Australia. As a group we are entitled to do that, and we do it.

Dr G.I. Gallop: Exactly.

Mr R.F. JOHNSON: That was the wrong answer. It was below the Premier's usual standard. He obviously did not think quickly on his feet that day. The question probably came as something of a surprise to him and he was not prepared for it. His minders had not prepared him with a reasonable spin on the answer. We are not talking about an informal meeting at which he shares a few beers around a barbecue with some of his cabinet colleagues. That is what his answer reflects.

Dr G.I. Gallop: No.

Mr R.F. JOHNSON: It does not relate to a formal cabinet meeting.

Dr G.I. Gallop: Yes it does.

Mr R.F. JOHNSON: Not when 14 cabinet ministers are present. I will demonstrate why it is essential that records be kept of what occurs in cabinet meetings when the cabinet secretary is barred from the room. The Premier has paid lip service to the Commission on Government and lip service to the Royal Commission into Commercial Activities of Government and Other Matters. The Premier has appointed a public servant as cabinet secretary. She is a first-class public servant with the highest integrity. I have no problems with her whatsoever. I am sure that person does the job diligently and honestly and ensures that the cabinet records she is allowed to

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peruse and administer are kept very safe and secure. My argument is not with that person whatsoever; it is with the Premier and his broken election promise.

Dr G.I. Gallop: Can I ask you a question to explore the logic of your mind? What is your interpretation of the situation in which federal cabinet ministers ask the notekeepers to leave the room because they want to discuss a matter?

Mr R.F. JOHNSON: That is a good interjection, but it is the Premier who is on trial.

Mrs C.L. Edwardes: Is that what happens to the Labor Government?

Dr G.I. Gallop: It is in the federal cabinet records.

Mr R.F. JOHNSON: Is that in federal cabinet records? Has the Premier seen the federal cabinet records of this federal Government? I do not think so.

Dr G.I. Gallop: No. The notekeepers leave sometimes.

Mr R.F. JOHNSON: I think the Premier is guessing.

Dr G.I. Gallop interjected.

Mr R.F. JOHNSON: Perhaps that was the case in previous Labor government cabinet meetings. As I said, under Labor Governments, cabinet meetings are veiled in secrecy because those Governments do not want the public to know what is said. What is more important, this Labor Government does not want people to know what happened in 30 years when other cabinet documents -

Dr G.I. Gallop: What do you mean we don't want anyone to know?

Mr R.F. JOHNSON: The Premier will not keep a record. He is a Rhodes Scholar, an intellectual person and an academic. He knows what I mean. He is just playing silly to try to excuse inexcusable behaviour in his cabinet meetings when very important issues are discussed. I will come to them.

When I asked this question without notice on 13 March, I did not know that my colleague the member for Kingsley had already put a question on notice. She told me afterwards that she had done so. It was a very good question. I have since seen the Premier's answer. The question read -

- (1) Since the election of the Labor Government, how many cabinet meetings have been held and on what dates?

The Premier replied that a total of 109 cabinet meetings had been held. The next part of the question reads -

- (2) At each cabinet meeting was the cabinet secretary in attendance?

He answered yes. That was not very truthful. He should have said, "Yes - for part of the meetings." That would have been a more accountable answer. We need to hear the truth in this place today. I hope the Premier will tell the truth when he responds to this motion. The third question was -

- (3) At each cabinet meeting are there formal and informal meetings?

The Premier answered yes.

Dr G.I. Gallop: Yes. So much for being untruthful.

Mr R.F. JOHNSON: I misquoted the Premier then; he said, "Generally." That is fine. The fourth part, which is the most important part, reads -

- (4) If so, does the cabinet secretary attend both types of meetings for the duration of each meeting?
(5) If not, why not?

The answer was no.

Dr G.I. Gallop: No. That is right.

Mr R.F. JOHNSON: The cabinet secretary is barred from attending the whole of the cabinet meeting.

Dr G.I. Gallop: This is rubbish.

Mr R.F. JOHNSON: It is not rubbish, at all, my friend.

Dr G.I. Gallop: It is.

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Mr R.F. JOHNSON: The Premier knows it is not rubbish. I always know that my questions are hitting the mark when the Premier says, "That is rubbish" or "That is stupid." The Premier cannot think of a better answer. For the benefit of people in this Chamber who are not aware of how cabinet meetings work, I will outline it for them, because a lot of the Premier's backbenchers would not have a clue what goes on in cabinet. Our cabinet meetings normally started at 10 o'clock, and I suggest that it is probably 10 o'clock for this Cabinet, and they finished whenever the business was finished - an average of three o'clock in the afternoon. However, backbench members on that side of the House are probably not aware of the importance of what is commonly known as the informal part of cabinet meetings compared with the formal part. They probably have not seen a cabinet minute in their lives, unless the Premier shows the minutes around and I do not think he does.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: Sorry? Unless the member for Girrawheen has something sensible to say, she should not interject.

Ms M.M. Quirk interjected.

Mr R.F. JOHNSON: The member is in the exalted position of Government Whip, so I make an exception for her. However, she would not have seen a cabinet decision sheet, that is for sure.

Ms M.M. Quirk: I have written them.

Mr R.F. JOHNSON: The member has written a cabinet decision sheet? I hope not.

Mr C.J. Barnett: They seek to know some of ours.

Mr R.F. JOHNSON: They probably do. For the benefit of the backbenchers who are in the Chamber today, formal submissions come from government agencies through the ministers' offices. The ministers must sign off on those submissions for them to go to Cabinet. Once the decision is made on a particular cabinet submission, and there is general discussion around the cabinet table, the Premier signs off on it. That is a very important document and it is the duty of the Cabinet Secretary of Cabinet Services to ensure that those cabinet submissions, together with all the enclosures, and the cabinet decision sheet are signed off by the Premier. The cabinet secretary then keeps those and they are stored in a very secure place. They can be accessed only by the Government of the day which has made those decisions, and that has happened since time immemorial. However, the public can have access to them 30 years down the track, when they become accessible to every member of the public.

Let us go back to the dark old days of WA Inc, because that is what the Premier is taking us back to. In those days -

Mr C.J. Barnett: You were in cabinet at the time.

Mr R.F. JOHNSON: Absolutely; the Premier was a cabinet minister.

Dr G.I. Gallop: When was I a cabinet minister? What year?

Mr R.F. JOHNSON: I will find out for the Premier.

Dr G.I. Gallop: No; you just said that you knew. Why did you say that then?

Mr R.F. JOHNSON: The Premier was a cabinet minister during the WA Inc years.

Dr G.I. Gallop: Was I?

Mr R.F. JOHNSON: That was for 10 years - under Burke, Dowding and Carmen Lawrence.

Dr G.I. Gallop: When did I become a minister? Under which Premier was I a minister?

Mr R.F. JOHNSON: Under Carmen Lawrence.

Dr G.I. Gallop: So you are saying that Carmen Lawrence was a WA Inc minister.

Mr R.F. JOHNSON: Yes, and I will come to Carmen. I think the Premier is setting himself up for a memory loss, just like Carmen. She has the worst memory on record. At least the Premier can remember some of the conversations in cabinet when he was a minister.

Several members interjected.

The DEPUTY SPEAKER: Order, members! Discussion across the Chamber is absolutely unacceptable. The member shall address his comments to the Chair.

Mr R.F. JOHNSON: I referred to the dark days of WA Inc for a reason. Today's cabinet records are a shambles because there is no record of some very important discussions and decisions that took place.

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Dr G.I. Gallop: How do you know that?

Mr R.F. JOHNSON: Tell us the truth. I will ask the Premier in a minute.

Dr G.I. Gallop: Why do you say that?

Mr R.F. JOHNSON: I know how cabinet meetings work. The important point is what do ministers talk about during the informal part of cabinet meetings. Is it somebody's birthday? I will tell members in a moment what they talk about.

The reason I keep referring to the dark days of WA Inc is that that is what we are returning to. Cabinet is being subverted now in the record keeping, not by the public servant - the cabinet secretary - but by the Premier and his cabinet ministers. They are the "secret seven times two"; that is what I call them now. The Premier has broken his election promise. During those dark days of WA Inc - the Minister for Health is smiling about some very important issues - cabinet records were altered and interfered with. By whom? I wonder whether the Premier can tell us. Was it a public servant? No. Was it somebody in the Department of the Premier and Cabinet? Was it the cabinet secretary, who is a member of Parliament? There is silence from the Premier, because I am hitting home now.

Dr G.I. Gallop: I don't know what you're on about.

Mr R.F. JOHNSON: I will tell the Premier. I am glad he said that he does not know what I am on about because I thought he had a good memory. I will briefly refer to chapter 4 of part II of the report of the WA Inc royal commission. Paragraph 4.1.1 refers to cabinet records and states -

Important decisions involving the finances of the State were taken, not only behind a veil of secrecy, but in ways which left little or no record of the reasons for those decisions.

Paragraph 4.1.2 states -

If the trust owed to the public by our institutions and officials is to be a practised reality, and if the public is to be able to place its confidence in those institutions and officials, reassurance beyond mere words is an imperative. There must be, and be seen to be, integrity in the processes and practices of government.

There are many findings in the WA Inc royal commission report to which I can refer. Another finding states -

What we do wish to emphasise is the central place that cabinet has in our system of responsible government. . . . in the period of the Burke and Dowding Governments, Cabinet became a diminished institution. . . . There was a disturbing trend towards the denial of any collective consideration on an informed basis of some major decisions.

I am saying to the Premier that I know he is making some major decisions in cabinet, but not during the formal part when an independent cabinet secretary is present.

Dr G.I. Gallop: How do you know that? Why do you say that?

Mr R.F. JOHNSON: I will come to it; just be patient.

Dr G.I. Gallop: How can you say that? That is typical of your approach. You don't know what happens.

Mr R.F. JOHNSON: I will give a few more quotes from the WA Inc royal commission report. It continues -

Pervading all of this period was a clear disregard of the formal cabinet procedures to which both the Burke and Dowding Governments were ostensibly committed. Nowhere was this more apparent than in the attitude taken to record keeping.

Members should remember that - record keeping. It continues -

. . . no record ever appears to have come into existence, no agenda, no submissions, no recorded decisions.

Dr G.I. Gallop: That is not how we operate.

Mr R.F. JOHNSON: Yes, it is, but not when the cabinet secretary is in the room; it is when she is barred.

Dr G.I. Gallop: No decisions are reached when the cabinet secretary is not in the room.

Mr R.F. JOHNSON: Yes, they are; it is when she is barred from the cabinet room. The shutters come down and the Premier and his government ministers surround themselves with a veil of secrecy. They are the Executive Government and they are letting this State down.

Mr C.J. Barnett: That is when they do their grubby stuff like the Halden petition.

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Mr R.F. JOHNSON: I will come to that. Another comment from the WA Inc royal commission report states -
Dr G.I. Gallop interjected.

Mr R.F. JOHNSON: I would not interject if I were the Premier, because if he does, I will ask him a couple of questions.

Mr R.C. Kucera: Don't forget that a lot of us were in government for a long time.

Mr R.F. JOHNSON: The Minister for Health was in government for a long time, was he? It has been only two years.

Mr C.J. Barnett: I think he is trying to threaten.

Mr R.F. JOHNSON: Is the minister trying to threaten me?

Mr C.J. Barnett: It is the old copper trying to intimidate and threaten. He thinks he is still on the beat.

The DEPUTY SPEAKER: I remind members once again that conversations across the Chamber are absolutely unacceptable. If members have comments to make, they should address them directly to the Chair and members should address the motion at hand.

Mr R.F. JOHNSON: This is another finding from the WA Inc royal commission report and a very important one for the Premier. It states -

The Premier, as the person who chairs cabinet meetings, should be expected to bear ultimate responsibility for ensuring the effective operation of the system.

There are many findings in this report. The Premier went very silent when I said that cabinet records were altered and tampered with during those years. He knows they were, the royal commission found that they were, and the Government of the day admitted that they were. I will quote one more extract from the royal commission's findings -

Unfortunately, the contemporaneous Cabinet record failed to record the decision. A recent insertion, however, made by Mr Thomas, the Parliamentary Secretary of the Cabinet, purported to record the decision, but did so inaccurately.

It was done after the event -

As we have noted elsewhere, Cabinet records serve two important purposes: first as an accountability mechanism, and second, as an accurate historical record of government in this State. Mr Thomas' actions offend both objectives.

They were the dark days of WA Inc. Those were the dark days when the Premier was a minister during that 10-year period.

Dr G.I. Gallop: Was I?

Mr R.F. JOHNSON: The Premier certainly was. He cannot recall; the memory loss is coming in already! We have the famous Labor motto, "I can't recall." That is what we are approaching. The WA Inc royal commission recommended the establishment of the Commission on Government to look into many areas of government, not least of all the workings of cabinet and who should be a cabinet secretary handling cabinet records. The Leader of the House is a previous cabinet secretary so he knows what I am talking about; he has done the job. I am not suggesting that he did not do it properly, because there is no evidence to suggest that. We know for a fact that a previous Labor parliamentary secretary to the Cabinet did do things that were not right and which the royal commission found him guilty of.

Mr C.J. Barnett: I wonder how the Leader of the House behaved when he held that position.

Mr R.F. JOHNSON: I am sure he probably did not keep any records when he was cabinet secretary.

Mr C.J. Barnett: Did he attend the informal part of the meetings? If he did, it begs the question of why a public servant did not attend that part.

Mr R.F. JOHNSON: Because that is when the secret stuff comes up. That is when the shutters come down and they discuss the important political, moral and social aspects. That is when decisions are made by the Cabinet that have cost implications for the public. That is the way this lot works. However, there is no record. How can we ever truly judge this Executive Government when no records are kept of significant parts of cabinet meetings? We know that a lot of the other decisions are made public when it suits the Government. It is generally on a Saturday or Sunday or whenever it wants a doorstep interview with television cameras. We all know that. There are usually a couple of them beaming over the Premier's shoulder with smiles from ear to ear.

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They do not say much but they nod a lot. Those decisions are made properly in cabinet. It is down to them when they release those decisions to the public. I thought the Premier once said that all decisions would be put on the Internet within two weeks.

Mr A.D. McRae: You are making things up.

Mr R.F. JOHNSON: No, my friend. We did not have a royal commission into our term of government and we will not have one.

The Marks royal commission was very important. It examined the tragic death of a young lady, which was caused by certain actions by people in the Labor Party that were totally inappropriate. Let me take the Premier back to a cabinet meeting on 2 November 1992. He was there, as was the Leader of the House and the Deputy Premier. Those three were there. The Leader of the House was the cabinet secretary to that meeting. They are three significant players in today's Executive Government. They were present on the day that the petition that John Halden was going to present in the upper House was discussed. It was known as the Easton petition. Carmen "I can't recall" Lawrence does not remember whether it was discussed. To his credit, the Premier said he thought it was discussed. I do not know whether the then cabinet secretary was asked. The spin that the then Government was trying to put on the issue to try to save Carmen was that it was not discussed. It was claimed it was discussed later and that she did not know about it until the morning it was presented in the upper House even though the press gallery had never before been so packed. We know it had been leaked and that the people in the Department of the Premier and Cabinet then were not much different from those who are there today. The spin doctors know what is a good story. It was done to try to deflect issues away from Carmen Lawrence. She had taken \$5 000 from her imprest account and not repaid it. She eventually paid back the money but her memory must have started going bad then because she could not recall that she had applied for the imprest amount but did not take the trip.

The Marks royal commission found very serious discrepancies between some cabinet ministers. The one for whom I have the most admiration was Keith Wilson. He was a very decent person. He was isolated at one point and sent to Coventry because he had spoken out. He felt very bad that the young lady had tragically committed suicide because of the media coverage and the tabling of the petition, which was known to be false. I am pleased to also say that Pam Beggs, who was a minister of the day, and the person whom I stood against and defeated in 1993, told the truth about the matter. She backed up Keith Wilson. Once that started happening some of the other cards started to fall over. Because two reasonably decent people said they did recall that it was discussed at that cabinet meeting some of the others admitted it may have been. Some of them did not want to know. The keeping of records would have been done in what the Premier calls informal sessions. It involves a few ministers having an informal chat about political issues and so on. That is the seriousness he puts on an issue as important as this. We could have another situation where tragic consequences occur and, because there is no record of those sorts of things being discussed in cabinet meetings, we know that the truth can never come out fully. We know that Labor ministers of the past and of today seem to suffer an immediate memory loss and they cannot recall certain things that happened. They know it is the easiest way out. Unfortunately, it is a line that some police officers are taking at the royal commission. They have taken a leaf from the Labor ministers' books because, when asked a question, they say they cannot recall. It has become a well-known saying, even in England. I am visited by friends from England who have read the local history. If they forget something they will jokingly say that they cannot recall. That is the famous saying of the Labor Party.

Mr C.J. Barnett: Did they discuss Brian Burke's input into cabinet submissions?

Mr R.F. JOHNSON: That is a good interjection from the Leader of the Opposition.

Mr C.J. Barnett: Informal cabinet or whatever.

Mr R.F. JOHNSON: Certainly. I will tell members about the sort of things I suggest are discussed in the informal part of cabinet meetings. I do not accept that it is informal. It is a properly structured cabinet meeting, but with no formal submission from a government agency that has been signed off by a minister. How long do the informal parts of cabinet meetings take? That is an interesting question, and I will have to put it on notice if the Premier will not answer now. If I put it on notice, I know that the cabinet secretary, who is a person of integrity, can say that the formal part of the cabinet meeting started at a certain time, and then she was barred from the room at a later time. They would know what time ministers leave, because when I was in cabinet, as cabinet secretary and then as minister, a record was kept of when ministers came to the meeting and when they left. That record is kept by the public servants, not by the cabinet secretary, although that may be the case now. The cabinet secretary is the person who has been head of cabinet services for some years now, and she has the highest integrity. I will explore the sort of things I would suggest are discussed at the cabinet meeting that are not actually deemed to be the formal part. This is the part of the meeting at which items are discussed and

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decisions made, but they are not signed off by the Premier, and no record is kept. They put nothing in writing, because they might be caught out.

Mr C.J. Barnett: They all think they are smart, because they have learnt nothing from the 1980s. They are all sitting there like Cheshire cats, and they think being sneaky and deceitful is clever.

Mr R.F. JOHNSON: Absolutely. I will tell members some of the things I am pretty certain are discussed in the informal part of cabinet meetings. The beleaguered Minister for Health and the situation over the Lewandowski affidavit would without a doubt have been discussed in a cabinet meeting. The allegations about the Ripley affair would also have been discussed, again involving the beleaguered and embattled Minister for Health.

Mr C.J. Barnett: Do you reckon they discussed the decision to release the affidavit to the Minister for Health?

Mr R.F. JOHNSON: They may have discussed why it was released, but not whether it was to be released, because we know there was no time between when it was released and the next cabinet meeting. Without a doubt it came up in the following cabinet meeting, and some questions may have been asked by some ministers about why the Minister for Health got the Lewandowski affidavit. Why would he get it as the Minister for Health?

Mr C.J. Barnett: No reason. He is the one person in Western Australia who should not have been given it.

Mr R.F. JOHNSON: Absolutely. That discussion would have taken place, and a decision may well have been made on how it was to be handled. The Government was in total damage control, and it had to discuss how to handle this very significant issue that would damage it through the Minister for Health. Other issues discussed would have included the Brookdale issue involving the Minister for the Environment and Heritage for whom I have a lot of time. I guarantee that that issue was discussed in cabinet. There would not have been a formal cabinet minute, but the way to handle it and whose fault it was would have been discussed. The lobbyists Brian Burke and Julian Grill would also have been discussed in cabinet.

Mr C.J. Barnett: They might as well be in cabinet today. They are making the decisions.

Mr R.F. JOHNSON: They control some of the cabinet ministers, much to the chagrin of the Premier. We know for a fact that, with the Burke and Kevin Reynolds connections, he is not flavour of the month. I would be surprised if he even got a Christmas card this year from some of those people. I guarantee that those issues would have been discussed recently in cabinet meetings. However, we would not know, and we will never know, because the Premier will not tell us, and no record is kept of that part of the cabinet meeting. I would love to have been a fly on the wall in some of these discussions and some of these decisions.

Mr J.C. Kobelke: I have killed the fly!

Mr R.F. JOHNSON: The Leader of the House is more like the fly than I am. I am a wasp, if anything, and I will sting him.

What else would have been discussed? I know because I have been there, I have done the job and I know the sort of things that are discussed. The Cole royal commission would have been among them, along with the effects it would have on Western Australia and the Government's union mates - the thugs and bullies in the CFMEU - and what the Minister for Consumer and Employment Protection will do about it. A decision would have been made about what to do. Ministers cannot tell me they have not discussed the police royal commission at any stage since it was formed, or before, and made decisions that have not gone through the formal cabinet minute system. That would have been done in what the Government calls the informal cabinet meeting. I call it a meeting of discussions and decisions that the Premier does not sign off on to ensure that no record is kept at all. The Premier is heading for a memory loss, because if someone asks him a question in a few years about something that went on today, tomorrow or the next day, or at any cabinet meeting at which we know for a fact those items were discussed he will say that he cannot recall. He must have caught it off Carmen Lawrence. He cannot recall. If the Premier had some integrity, he would ensure that he kept his promise made before the last election and see that records were kept of those 109 meetings held until a few weeks ago. Not one record has been kept in that time. He looks at me blankly and disagrees with me when I tell him he has gone back to the dark days of WA Inc.

Mr E.S. Ripper interjected.

Mr R.F. JOHNSON: The Deputy Premier was there in the dark days of WA Inc.

Mr E.S. Ripper: Which years were those?

Mr R.F. JOHNSON: The latter part of the 10-year period. I know when he was in there, because I can remember when he was Minister for Community Development, or Family and Children's Services. I know when the Deputy Premier was in there. He came to the city I represented.

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Mr E.S. Ripper: I would be very interested to know about the discussions the previous Cabinet had about the tariffs to be charged to Epic Energy on the natural gas pipeline. Do you think you might have had some discussions about that?

Mr R.F. JOHNSON: If the Deputy Premier wants to bring on a motion, I would happily discuss it, because when I was cabinet secretary, and then a minister, I kept records of all the discussions that took place.

Mr R.C. Kucera interjected.

Mr R.F. JOHNSON: This is the embattled Minister for Health, who has so many problems that one police officer said that, when the minister was a member of the Police Service, wherever he went they had to send a fire engine after him to hose down the trouble. Has the minister ever been on holiday to Lombok? He does not answer. That is an interesting question. I will ask him again sometime, and he might give me a truthful answer.

Mr R.C. Kucera: By all means.

Mr R.F. JOHNSON: Does that mean he has been to Lombok? No answer. I am very interested to know if he has been to Lombok.

Mr D.F. Barron-Sullivan: The Minister for Health was happy to interject on you earlier, but not now.

Mr R.F. JOHNSON: He likes to interject, but he is frightened to answer interjections. There is a history now. Without question, one of the other issues that would have been discussed in that part of the cabinet meeting, though not in relation to any particular minister, is the health crisis in general.

I do not believe for one minute that at the social gathering - this was not a few beers around a barbecue, but a formal cabinet meeting without a formal cabinet submission - the health crisis would not have been discussed. Questions would have been asked by other ministers. Some would not have been happy because they knew that the health portfolio and the Minister for Health were letting them down badly. Members opposite know that the Minister for Health does not come across as credible. They are concerned - I know they are. It depends upon which faction members are in. The only person holding Cabinet together is the Attorney General. Without him, the Government would be in desperate trouble.

I ask the Premier, through you, Madam Deputy Speaker: has the health crisis been discussed in part of any cabinet meeting that has not been part of a formal cabinet submission?

Dr G.I. Gallop: There is no-one up in the gallery looking at you.

Mr R.F. JOHNSON: I am sure we are on the screens. People will read this debate and see whether we have a Premier who is prepared to be truthful and tell us whether some items were discussed in cabinet.

Dr G.I. Gallop: It is called cabinet confidentiality.

Mr R.F. JOHNSON: Oh - cabinet confidentiality.

Dr G.I. Gallop: I will quote your leader.

Mr R.F. JOHNSON: I know about cabinet confidentiality. That is why there is a 30-year moratorium in place. At least we put records in place.

Dr G.I. Gallop: In 30 years, we will compare your records with ours and see which are best.

Mr R.F. JOHNSON: At least our records will be found of the discussions that took place and the decisions that were made, certainly from when I was cabinet secretary and a minister following that. Records of the discussions that took place and the decisions that were made will be found. When they look in the little cubby hole for the records of this cabinet's four-year term, none will be found. It will be a single four-year term because the Premier is losing credibility with the public at a rapid rate. This will undo any good work the Premier may have thought he had done to date. People do not like broken promises such as those of the Premier who, when Leader of the Opposition, promised that he would be the most accountable Premier Western Australia had ever seen.

Mr D'Orazio interjected.

THE DEPUTY SPEAKER (Ms D.J. Guise): The member for Ballajura is out of his seat.

Mr R.F. JOHNSON: It will be seen in 30 years that a portion of cabinet meetings are unrecorded. No records will be found. The Premier might have some sheets saying "Informal Cabinet Meeting" or "Premier's Comments", but they will contain no substance.

Dr G.I. Gallop: Let us come back and compare them in 30 years. I will take your speech down when I am in a Vic Park nursing home, and you and I can get together and compare them.

Mr Rob Johnson; Deputy Speaker; Dr Geoff Gallop; Mr Max Trenorden; Mrs Cheryl Edwardes; Mr John Kobelke; Mr Colin Barnett; Dr Janet Woollard; Acting Speaker

Mr R.F. JOHNSON: The trouble is that people will not find any records from the Premier because he bars the cabinet secretary from the meetings. The Premier bars the person he espoused -

Several members interjected.

Mr R.F. JOHNSON: Madam Deputy Speaker, enough is enough.

When records are made available in 30 years, Western Australians will not find anything to examine. Nothing will be available from the single four-year term of this Premier. It will be significant because there will be zilch in the pigeon hole containing cabinet records. Only the formal cabinet minutes will be found because this Government does not keep records. The Premier knows that to be the case - I know it. I hope when the Premier responds to this debate, he will tell the House whether he keeps record. I know he does not.

Dr G.I. Gallop: You know that, do you? That's interesting.

Mr R.F. JOHNSON: If the Premier keeps records, who takes them down? The cabinet secretary does not. The Premier tried desperately to gain some respectability by putting a spin on a story about not having a member of Parliament as cabinet secretary, but, instead, a trusted and dedicated public servant.

Mr C.J. Barnett: But the public servant is not allowed inside the room!

Mr R.F. JOHNSON: Indeed. What is the good of having a public servant if he or she can attend only meetings dealing with submissions from government agencies?

Mr A.D. McRae interjected

Mr R.F. JOHNSON: The member for Riverton does not have a clue. He will never get into cabinet. He will not be a member of Parliament in two years.

Mr E.S. Ripper: You have had your last days in cabinet.

Mr R.F. JOHNSON: No, I have not. I will remind the Deputy Premier of this speech in two years. He is one of the ministers who should hang his head in shame over what happened on 11 November 1992. He was at the cabinet meeting that day; he is recorded as attending. I refer to the tragic death of Penny Easton because no-one in cabinet had the guts to stand up to Carmen "I Can't Recall" Lawrence when she brought to the attention of cabinet the petition to be presented in the upper House by John Halden.

Mr E.S. Ripper: Did you read the evidence?

Mr R.F. JOHNSON: The Deputy Premier had the decency at a later stage to state that he remembered that the item came up. Some members were a little uneasy about it. However, no cabinet record stated that Carmen Lawrence raised the matter or that the member for Belmont mentioned anything. No record was made of any speeches on the issue or whether a decision was made - it was left open. The three musketeers facing me across the Chamber - the Premier, his deputy and his Leader of the House, who was then cabinet secretary - were the three current members of this House who were at the cabinet meeting when the Penny Easton petition was discussed. Unfortunately, they did not have the guts to ensure the petition was not presented because it went against the rules of the Family Court. It resulted in the tragic death of a young lady. The Premier and ministers have blood on their hands in my view because they did not do enough when in cabinet.

I conclude because I am desperate to hear how the Premier will excuse himself in response and say that everything I have said is wrong and everything he will say is true. History will indicate who is telling the truth here. We may have to wait 30 years, but I know without doubt that what I say today is the truth. As cabinet secretary and then as minister, I know that under the previous Liberal Government records were kept of the discussions that took place and the decisions that were made by Cabinet, but not signed off by the Premier. Has the Minister for Health ever been to Lombok?

Mr R.C. Kucera: I've been to Lombok on a number of occasions.

Mr R.F. JOHNSON: When did you first go there?

Mr R.C. Kucera: Often.

Mr R.F. JOHNSON: Was it a costly holiday?

Mr R.C. Kucera: Mind your own business.

Mr R.F. JOHNSON: Interesting.

Mr R.C. Kucera: I've never been to a wedding in Esperance, though.

Mr R.F. JOHNSON: Neither have I, I do not think, but Lombok is much more interesting than Esperance.

Mr Rob Johnson; Deputy Speaker; Dr Geoff Gallop; Mr Max Trenorden; Mrs Cheryl Edwardes; Mr John Kobelke; Mr Colin Barnett; Dr Janet Woollard; Acting Speaker

Mr R.C. Kucera: No, it's not!

Mr R.F. JOHNSON: It depends how much it costs.

As I say, history will judge whether this Premier has the integrity needed of a Premier to ensure that records are kept properly. The cabinet meeting is the most important meeting ministers can hold. They had socials and meetings in the three different caucus rooms and the joint caucus meetings, for which records were kept - these were produced at the royal commission. However, no records were kept of the cabinet meeting at which the three ministers in the House today were present and where the Easton petition was discussed. No records were kept and none has been kept for the past two years. I suggest that the Premier get his act together and start to act with integrity. He should ensure that the cabinet secretary be allowed to remain in the room during an entire cabinet meeting. If not, the Premier may as well appoint a colleague to the position of cabinet secretary, because all the credibility of having a public servant present is lost if that person cannot listen to and record the important decisions made by Cabinet.

DR G.I. GALLOP (Victoria Park - Premier) [4.49 pm]: My response to the motion moved by the member for Hillarys is the "Commission on Government Report No 1", and I will use that as the basis of my response. First of all, it is interesting to ask what is Cabinet. It is an interesting question, and I believe the Commission on Government has helped us enormously by giving a comprehensive definition of Cabinet and the way it operates in our system of government. The report states -

Cabinet is the name given to a meeting of all ministers (or some smaller number), chaired by the Premier to make key decisions about government policy and appointments in the State. Cabinet has no formal recognition in constitutional documents and the government of the day decides its system of operation. Its decisions have no legal standing until they are put into effect, either by a decision of Executive Council or by the responsible minister. Established conventions, such as collective ministerial responsibility and cabinet secrecy, are said to give substance to the institution and its formal operation.

It is a meeting of all the ministers, and of course it effectively brings together what we call the Government of Western Australia. However, the Government of Western Australia is much bigger than the Cabinet itself. The decisions of Cabinet have no legal standing whatsoever until they are put into effect. There are conventions that relate to Cabinet, one of which is cabinet confidentiality, which we on this side of the House will certainly preserve, so we will not respond to any of those questions put by the member for Hillarys.

Mr C.J. Barnett: Thirty years of concealment. Will that be the story?

Dr G.I. GALLOP: Yes, that is exactly right. It is called the 30-year rule, and that applies to all Governments.

Mr C.J. Barnett: No-one is asking you to divulge a single cabinet decision. We are only asking you whether the public servant is in there for all the cabinet discussions.

Dr G.I. GALLOP: I will come to that. I will deal with the way in which the Cabinet operates. I go back to the Commission on Government report, and it is very important to note this. It states -

Unlike corporate bodies or business associations, cabinet and its sub-committees have no legally binding record keeping requirements. Its procedures are set out in a *Cabinet Handbook* which is prepared by the Ministry of Premier and Cabinet. To a limited extent such handbooks, which are now a common feature in all Australian jurisdictions, introduce an element of formality to proceedings. These handbooks have no legal status and there is no legal requirement on the part of ministers to observe the procedures set out in them. They can be changed at the direction of the government of the day. While no doubt assisting in the operation of the cabinet process, they are merely prepared as a useful guide for the information of ministers and officials responsible for the handling of cabinet matters.

That is the general framework within which we talk about Cabinet, and they are the procedures that exist in relation to it. Without doubt, there is quite a looseness with these issues, and that is clearly understood when we see that various Cabinets all operate a little differently.

Let us look at the record of my Government and compare what is happening now with what happened under the previous Government. The first and most obvious difference is that under the previous Government, every cabinet meeting had only politicians in attendance, and they were politicians only of the governing party or parties. The notion has been put forward of there being some sort of secret item on the agenda under our system as opposed to the system of the previous Government. According to the logic of the argument of the member for Hillarys, the whole process under which the previous Government operated was secret. The fact is that we have appointed a cabinet secretary who is a public servant. It is the first time in the State's history that that has been done, and it is working very well.

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Mr C.J. Barnett interjected.

The DEPUTY SPEAKER: I call the Leader of the Opposition to order for the first time.

Dr G.I. GALLOP: That is the first reform we have made. The second one is that we have a ministerial code of conduct that is used as a basis to assess the performance of the Government. Unfortunately, it will be difficult for me to illustrate the third point, because it will only come out in 30 years. The way in which our records are kept and the information in them will be much more useful to historians than the records of any previous Cabinet. When we are all in nursing homes in 30 years, we will see that. They are the three points. We have a public servant as the cabinet secretary, a ministerial code of conduct and good record-keeping procedures.

How do we organise the Cabinet? When people read about Cabinet, they see that it essentially has two parts. It has that part of its proceedings that leads to a decision, and those decisions feed into the Executive Council and into the departments of State and become part of what it means to be in government. However, there is another part of Cabinet, of course, when general discussion occurs and decisions are not made.

Mr R.F. Johnson: Yes, they are. Tell the truth.

Dr G.I. GALLOP: I will read from the Commission on Government report. This is my text.

Mr R.F. Johnson: We know what you say and what you do are two different things.

Dr G.I. GALLOP: No. Listen to this. The Commission on Government states -

We recognise cabinet may discuss many issues of which there is no clear resolution. It is also recognised that cabinet discusses political strategies, the disclosure of which would negate the effectiveness of the strategy. With this in mind, we believe the distinguishing feature of what is included on the register should be that a decision has been reached to commit the government to implementing a course of action. General discussions that do not reach a conclusive course of action would not be required to be recorded on the register. Nor would the individual opinions of ministers.

That is the position of the Commission on Government on the way in which Cabinet should operate in Western Australia.

We have been quite open about this. In our procedures we have what we call an informal section of the Cabinet, in which we engage in general discussion about the nature of the political situation and make observations about what is happening around the State of Western Australia. Occasionally ministers might request advice of their colleagues about certain matters that come up. There might be expressions of concern about issues of government, or reports on meetings that ministers have held and they want to feed back information to their colleagues about what is happening in the State of Western Australia. Most importantly, it might be just a general sharing of ideas, thoughts and concerns. That is exactly what happens in the informal section of Cabinet. If in the informal section of Cabinet it is clear that we are leading up to a decision, that goes off to the formal section of the Cabinet, where it is recorded and signed off in the normal process. We are quite open about the formal versus the informal parts of Cabinet. They are both parts of Cabinet. However, when it comes to the decisions that flow through to the Executive Council and to the departments, that is recorded in the formal section of Cabinet.

I conclude by saying that the Commission on Government recognised the distinction in our system between general cabinet discussions and clear decision making. There is no doubt that we recognise that in the way we operate. There is nothing surprising about this. It is made clear in the handbook of the federal cabinet procedures that there will be times when the public servants who take the notes will leave the cabinet room because issues may be discussed in the Cabinet that are not the sorts of issues for which the public servants would be present.

A government member interjected.

Dr G.I. GALLOP: It never happened in the time of the previous Government because there was never a public servant in the Cabinet. Under our system, we have a procedure whereby we can have general discussions and the cabinet secretary is not present. We are quite open about that. I suspect that when those opposite go back into government, they will abolish that system. They will go back to the system under which the job of cabinet secretary is given to a member of Parliament, and there will never be an independent person in the process.

Mr R.F. Johnson: We will ensure all records are kept.

Dr G.I. GALLOP: What is the Opposition's commitment on that? Will it maintain a public servant as cabinet secretary?

Mr C.J. Barnett: Probably not, no.

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Dr G.I. GALLOP: There we go! There is the accountability! It will not maintain an independent public servant as cabinet secretary.

Mr C.J. Barnett: I'll do better. I'll tell you right now. We will have a cabinet secretary who is a member of Parliament.

Dr G.I. GALLOP: They will go against a major recommendation of the Commission on Government.

In summary, my main points are: we have established the position of cabinet secretary as a public servant; there are times when Cabinet meets without that public servant present; a ministerial code of conduct is required. In 30 years time when people compare our records with previous records they will find we did a much better job than previous Governments in making sure the records were properly kept.

Several members interjected.

The DEPUTY SPEAKER (Mrs D.J. Guise): I call the Minister for Health to order for the first time and the Leader of the Opposition to order for the second time.

Dr G.I. GALLOP: I remind the House of the previous Government's record on Cabinet. The previous Government made three major decisions which had very large implications for the people of Western Australia. The first was the funding of Elle Racing - the boat that was supposed to come through Western Australia and never actually arrived. The second concerned the Global Dance Foundation. Do members remember that - the dance contest that never occurred? The third was the decision to use the proceeds of AlintaGas for the rail project. Not one of those issues went to Cabinet. So much for major issues of Western Australian government being properly recorded.

Mr C.J. Barnett: AlintaGas did.

Dr G.I. GALLOP: That is interesting. The Leader of the Opposition said that matter went to Cabinet. How reliable is the Leader of the Opposition? I refer to the parliamentary debate of 11 March 1999, when I asked a question of the then Minister for Energy, now Leader of the Opposition, about the planned sale of AlintaGas to fund the rail link to Mandurah. The question related to where the money would be spent. This is what the Leader of the Opposition said -

The Government has made a decision now to proceed with the south west railway, something that the Leader of the Opposition should be supporting . . . Clearly, although those two decisions are separate and independent decisions, there is a relationship between them; that is, if AlintaGas is sold and the proceeds are available and can be used for the railway . . .

I asked -

Was it a cabinet decision?

He said -

There is no formal decision to link the two.

Mr C.J. Barnett: Because at that stage AlintaGas had not been sold, you clown.

Dr G.I. GALLOP: This was a major government policy to link money from the sale of AlintaGas with the railway. He goes on to say -

Clearly, Cabinets do not make decisions like that. There is no cabinet decision like that, nor should there be.

That is the Government's position.

Mr C.J. Barnett interjected.

The ACTING SPEAKER (Mr A.J. Dean): Order, Leader of the Opposition!

Dr G.I. GALLOP: Then we come to the famous decision on Elle Racing. On 29 April 1997 my colleague the member for Bassendean, now Minister for State Development, asked the then Premier -

Did the decision to fund Elle Racing go to Cabinet?

The reply was -

The decision did not go to Cabinet.

Then there was the famous decision on Global Dance. That matter was not referred to Cabinet.

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Today we have a different form of Cabinet. Major issues for Western Australia that require formal cabinet approval go to the Cabinet. Those matters are properly recorded, and in 30 years time the way we recorded those decisions will show there had been an improvement in the way things operated in Western Australia. It is true that we have an informal session of Cabinet that deals with general political issues for debate in Western Australia.

Mr R.F. Johnson: Do you learn nothing from history?

Dr G.I. GALLOP: I have learnt lots of things, and it is clear to me that only one group of people in Western Australia does learn things, and that is the Australian Labor Party. The Australian Labor Party is in contact with the people of Western Australia. It is always developing ideas and processes, and it is a Government of change. In 30 years time people will say that the Labor Government of 2001 introduced a public servant as cabinet secretary, improved the record keeping procedures of Cabinet, had a ministerial code of conduct, and made sure that the big decisions of government went through the cabinet processes. That is what we do and we are very proud of our record.

MR M.W. TRENORDEN (Avon - Leader of the National Party) [5.04 pm]: That was a pretty poor effort by the Premier. I am a little passionate about Global Dance because I got beaten up rather substantially by the Press and other people for conducting that inquiry through the Public Accounts Committee with two Liberal members, two Labor Party members and one National Party member. I happen to know that case like the back of my hand. The problem was that the Western Australian Tourism Commission made a decision and the argument was whether the Premier of the day had instructed the Tourism Commission to make that decision. It was nothing remotely to do with Cabinet. I repeat that for those members on the backbench who may not know about that situation. The Tourism Commission had made a decision about \$430 000 worth of expenditure and the question was whether it had been instructed to do that by the Premier of the day. It had nothing to do with Cabinet. I suspect the yachting issue would fall into a similar category. I do not know about the other argument presented by the Premier.

This issue is of some note and we need to put it in context. Cabinet is important in the operation of this place. I went with the Leader of the Opposition and the President of the other place to a discussion on this issue when a paper was presented by Hendy Cowan at the Constitutional Centre only a few days ago. The Executive has rampant control in the Western Australian Parliament, the Australian Parliament and other western Parliaments. The concept of Parliament has developed over several centuries in the Westminster system and a shorter time in the American system, and ours is a mixture of both. Parliament is now less able to carry the day - it is the Executive that makes the decisions; the members on the backbench are not even cannon fodder. I have been there. The Executive makes the decisions. What happens in cabinet becomes paramount.

I return to the Commission on Government report. It is no accident that some 50 or 60 pages relate to the role of Cabinet. The operation of Cabinet and the recording of the proceedings of Cabinet are really important. It happens to be more important during the time of Labor Administrations than coalition Administrations because of the role of the Caucus. In a coalition caucus, the cabinet members have no vote; in a Labor Party Administration, cabinet members do have a vote. That makes the passage of legislation from Cabinet to Caucus to this Chamber far more important.

I made the point during the meeting at the Convention Centre that in my 15 years here, one of the things that I consider to be wrong in the operation of this Parliament - I am not talking about any particular Government - is that people get involved in politics or a political party, they establish a view, they get to be ministers, they force legislation through the ministry, and they push it through a caucus or a cabinet meeting and that it is the end of the process. They think it is just a matter of walking a Bill into this place and getting it stamped. That is why the Commission on Government spent so much time on the issue of Cabinets and recording the actions of Cabinets.

Yesterday's edition of *The West Australian* reported that Phil Anning had tried to get in touch with the Minister for Planning and Infrastructure. The article contains a list of two columns of correspondence that a shire chief executive officer had to go through to get in touch with a minister, all with no response. The only way he could get an appointment with the minister was to write to "Inside Cover", which made an appointment for him. That is an important matter in the context of this debate. The Executive runs this State. If people cannot get in touch with the Executive and talk to a minister, how do they get their points of view across? That type of comment is constantly made to me as I travel around the State. For the first time during my time in Parliament I cannot get a reaction from ministers. Some ministers in this Government are better than others. The better ones have lesser workloads. It is not a matter of attitude; it is a matter of the ministers' workloads. Those ministers who can be contacted have much less onerous workloads.

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Page 156 of volume 1 of the Commission on Government's report gives us the answer for this debate from the Premier's point of view. Dr Gallop's submission to the Commission on Government is quoted on that page. Has this been read out before today?

Mrs C.L. Edwardes: No.

Mr M.W. TRENORDEN: In his submission to the Commission on Government, Dr Gallop strongly argued for support of cabinet secrecy. Today we have heard the Premier's position. He has a strongly held belief in cabinet secrecy.

Mr E.S. Ripper: The previous Leader of the National Party also supported cabinet confidentiality.

Mr M.W. TRENORDEN: That is a different matter. If the Deputy Premier cannot understand the difference between the two matters, we have a problem. It is not matter of recording information and giving it to me next week; the issue is about recording information, full stop. The Deputy Premier recalls a debate four or five years ago when the member for South Perth introduced Bills on record keeping. I have a faint memory of the Deputy Premier and the Premier strongly supporting those Bills. This is more a matter of do as I say, not do as I do. The Government's record is not flash.

This matter goes to the core of why we are here. There is no point the Premier saying that the Government is greater than the Executive. In 15 years of watching the actions of Governments, I have never seen them be greater than the Executive. For all intents and purposes, the Executive is the Government. It would be quite right to say that technically I am wrong; however, in fact and in practice, the Executive is the Government. What is recorded in those cabinet meetings is absolutely critical for the future of the State and the future performance of this term of government. The Premier might get a shock when the history books are written. They might not say wonderful things about the Labor Party's administration; they might say a few other things.

Mr C.J. Barnett: History will record a lot of blank pages in the Labor Party's cabinet records. Cabinet started at 10.00 am and the minutes started at about 1.30 pm.

Mr M.W. TRENORDEN: The Commission on Government said a lot of things. I was on the parliamentary committee that spent countless hours on that process. I did not agree with every recommendation in the report; however, someone on the Government's side did. The Premier clearly said that he would introduce all the recommendations of the Commission on Government -

Mr R.F. Johnson: Bar four.

Mr M.W. TRENORDEN: But this is not one of the four. The Premier does not have any ground to stand on. There is no honour in his position. I am not that saying he is a dishonourable person; I am saying there is no honour in his argument. He has not kept to the recommendations of the Commission on Government. It could be said that I have contradicted myself because the Premier has always said he is strongly in favour of secrecy, and that is on the record in volume 1, page 156 of the Commission on Government report. He is true to his word. He is on the public record as saying that he will support this section of the Commission on Government report.

I do not feel inclined to keep on quoting, although I have quote after quote from the Premier regarding the Commission on Government report. I do not believe there is any point in continuing to quote because people can look them up and read them if they want to. However, as the Premier likes to say, in summary, the Commission on Government wrote a whole section on cabinet secrecy and the dealings of the Cabinet. The commission thought it was such an important issue because of the Labor Party's administration of government during the 1980s. I read in today's *The West Australian* that that era continues to cause the current Administration some pain. Nevertheless, the process went wrong at that time. The Commission on Government clearly pointed out that it is important that the cabinet records be kept so that people can make judgments, even if they make them in 30 years. When things go badly wrong, as they did in the late 1980s, a record is then immediately available.

This matter is so important that the Commission on Government spent a considerable time on it. The Premier is on record as saying that he would institute the commission's recommendations. Although he instituted the recommendation that a public servant attend cabinet meetings to record the proceedings, we have heard that the public servant is there only occasionally or for only a proportion of the meeting. I cannot say what proportion of a cabinet meeting the public servant attends. The Premier has said that there are times when the public servant does not attend, which contravenes the recommendation of the Commission on Government. It also contravenes the Premier's statements.

I am afraid that the Premier's argument is not very good. The motion is very good and important. We play a lot of games in this Chamber and a lot of noise is made. However, this goes beyond those circumstances. This is an

Mr Rob Johnson; Deputy Speaker; Dr Geoff Gallop; Mr Max Trenorden; Mrs Cheryl Edwardes; Mr John Kobelke; Mr Colin Barnett; Dr Janet Woollard; Acting Speaker

important issue. The public will not realise just how important it is, but the Executive is everything in the Western Australian parliamentary system. If the cabinet process is not recorded, we are in very poor shape.

MRS C.L. EDWARDES (Kingsley) [5.18 pm]: I support the motion. The Premier has highlighted that although the Cabinet is not recognised under our Constitution, it plays a pivotal role in our system of government. Apart from highlighting the headings of a cabinet agenda, he did not explain that the types of issues that are generally discussed in cabinet are public policy, the drafting of legislation, approval to print, appointments to boards and committees and other appointments that require appointment by legislation. Traditionally, the major decisions of government are made in cabinet. Often a matter goes to Cabinet if more than one minister is involved. A planning and environmental issue, for example, would go to Cabinet as a matter of course if it were outside those matters I have just highlighted. Generally, if ministers want to have a chinwag and network and the like, they can do so on other occasions. If they need to seek advice from some of their cabinet colleagues, a phone is usually readily available.

Most cabinet ministers work in two buildings - up here on the hill and the GST building in St Georges Terrace. They have many opportunities to take the lift to each other's office, knock on the door and have a quiet chat about issues. They do not need to set aside part of Cabinet's agenda to chinwag and to seek advice among colleagues. Of course they have an opportunity during lunchtime to speak to ministers if they are available. Cabinet meetings should not generally be occasions on which a specific time is set aside for a chat.

The Premier identified clearly that regardless of whether the agenda is formal or informal, it is still Cabinet. What he does not quite appreciate is that, as it is part of Cabinet, it is very important that a record is kept of the meeting. He held up the recommendations of the Commission on Government as gospel and proceeded to quote from them, but he did not quite get it. COG recommended the appointment of a permanent public servant as cabinet secretary for a specific reason; namely, to avoid self interest. It was to ensure that the person would be objective in the reporting function and record keeping would be undertaken in what COG saw as a more impartial manner. However, if the record keeper is thrown out the door during the informal discussion, the opportunity to provide impartiality and objectivity is denied. There is no point in the Government's holding up COG's recommendations as the gospel and saying that it has implemented one of COG's recommendations when it fails to understand fully the reason for that recommendation. The appointment of a permanent public servant is of no value to the COG recommendation if records are not kept of the entire cabinet meeting. The Premier has said clearly that records are not kept of the whole meeting.

In answer to part (5) of my question on notice 1093, I was advised that matters that relate to Executive Government that require a formal decision, record or follow-up action are not dealt with in the informal discussions. Therefore, we can presume that the cabinet secretary does not attend any of those discussions that do not require a formal decision, record or follow-up action. That is not in keeping with the COG recommendations. Therefore it flies in the face of the substance and premise behind the implementation of the COG recommendation to appoint a permanent public servant. If, in the formal discussion, matters are discussed that do not require a formal decision, record and/or follow-up action, it will not be subject to the 30-year rule. Therefore, the Premier should have no difficulty providing an answer to my question, given that he stated that matters requiring a formal decision are not dealt with in informal discussions. What matters have been discussed in those informal discussions as outlined above? Even though we preserve the confidentiality of Cabinet and its records are kept for 30 years, if no records are kept of those informal discussions, the Premier should have no difficulty providing an answer to that question. He tended to say when he was on his feet in this debate that he would not breach cabinet confidentiality. However, hang on, if matters arose that required cabinet confidentiality, it begs the question: why was a record not kept of it? The permanent public servant, the cabinet secretary, should be in attendance. That is why COG made that recommendation.

Given that the Premier does not allow the cabinet secretary to be in attendance for the whole of the cabinet meeting and no records are kept of informal discussions we must ask, why? It is not to network and have general discussions about football. Really! The cabinet secretary could be in attendance for that. That is not an issue. He probably supports the West Coast Eagles or the Dockers over which Cabinet might be split in any event. I do not think that is one of the reasons the cabinet secretary is asked to withdraw. We can presume only that it is self interest. Is it the case that the powers of government are not being exercised for the benefit of the people of Western Australia? That is what Cabinet is for. Cabinet is there exercising the powers of government for the benefit of the people of Western Australia. If the cabinet secretary is not present and no record is kept, matters should not be subject to confidentiality and the Premier should have no difficulty telling us what was discussed in those informal discussions. Otherwise the question must remain: what is it about those discussions that is not in the best interests of the people of Western Australia? That is the difference between secrecy and confidentiality to which the Leader of the National Party referred. Chapter 3 of the COG report contains a considerable amount of information on cabinet secrecy and at page 135 it reads in part -

Mr Rob Johnson; Deputy Speaker; Dr Geoff Gallop; Mr Max Trenorden; Mrs Cheryl Edwardes; Mr John Kobelke; Mr Colin Barnett; Dr Janet Woollard; Acting Speaker

The investigations into the commercial dealings of government by the Royal Commission were frequently frustrated by records which were lost, deliberately destroyed, and by the absence of some records of key events.

Mr C.J. Barnett: Do you reckon a decision about pouring some money through the back door of Rothwells was a formal cabinet decision? I don't think so.

Mrs EDWARDES: I will get to that issue. The report continues -

... the Royal Commission frequently raised the links between record keeping, accountability ...

That is the critical issue. This Government has long claimed to stand for openness and accountability. Under the heading of "EXECUTIVE SUMMARY" in its policy of accountability it reads -

A Gallop Labor Government will aim for:

the highest standards of openness and accountability in government;

Further down it indicates that Labor will -

review technological and administrative trends in government practices and record-keeping to ensure Western Australia's laws and practices are up to date and effective;

That is, except for that part of Cabinet when the cabinet secretary is not in attendance. Obviously the Government will not improve that level of record keeping. COG raised very clearly, as did the Royal Commission into Commercial Activities of Government and Other Matters, the link between record keeping and accountability. I refer to page 111 of the COG report, which states, in part -

In relation to the importance of cabinet accountability the Royal Commission made the following statement:

Regardless of the particular form in which a cabinet shapes its collective deliberations and decisions, -

I acknowledge what the Premier has said. Cabinets around Australia have different models, formats and the like. I do not have a problem with that. If they want a formal agenda, I have no problems with that. It continues -

the integrity of its procedures is fundamental both to the government's conduct of the public's business and to its accountability for the performance of its public duty.

That is the critical issue. It is not the form or model that one uses for Cabinet, it is the integrity of its procedures; that is, that part of the informal discussion in which the cabinet secretary, a permanent public servant - as recommended by COG - is not in attendance and no records are kept.

Page 110 of the COG report goes to some of the examples. There were times when Cabinet held subcommittee meetings and made decisions that went to Caucus. The decisions at Caucus were referred back to the cabinet subcommittee. Unfortunately, someone forgot to send them back to the Cabinet. When there is an informal session in cabinet and matters are discussed, who remembers that the matters have not gone formally back to the Cabinet for a decision? It may have been discussed ad nauseam in the cabinet subcommittee meeting and the Caucus, but it did not get back to the Cabinet. The decisions on the casino were a prime example of that. Many decisions were made outside the formal cabinet process; they went through the cabinet subcommittees, people were walking in and out of offices and there were no formal cabinet minutes, only drafts. Nothing ever went back to the Cabinet in respect of the decisions although the decisions of the cabinet subcommittee meetings and those of Caucus were implemented. Those were the issues. The royal commission commented on the operation of Cabinet in the second part of its report. The COG report states at page 110 -

In its Part II *Report*, the Royal Commission commented on the operation of cabinet. It stated that '... in the period of the Burke and Dowding Governments, Cabinet became a diminished institution' and that there '... was a disturbing trend towards the denial of any collective consideration on an informed basis of some major decisions' ...

There is the critical likeness in terms of moving into informal proceedings when there is no cabinet secretary in attendance. When we reach an imbalance between informal and formal discussions, it will lead to the diminution of the institution of Cabinet, which was an issue with the royal commission. If matters are discussed in an informal way, what material is before people, even if it is only a lead-up to whether a decision should be made? What information is given to cabinet ministers in respect of that matter? Are the ministers making informed decisions? The extract continues -

The Royal Commission further stated that the:

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Processes of decision making were often shrouded in secrecy. The reasons for decision in many cases were not documented. The proper role and function of Cabinet itself was either poorly understood or deliberately abused by the Premier and senior Ministers.

I am not saying that that is happening today. There is a perception that, if a formal session is held with the cabinet secretary and records are kept and then an informal session without the cabinet secretary or records kept, what has occurred previously may occur and that there is an element of self-interest. I have already mentioned the casino decision. The royal commission report at page 110 also reports the decision to buy the Fremantle Gas and Coke Company as a similar example. The cabinet process was circumvented when that important decision was made.

David Parker was reported as making an unfortunate statement. He was quoted as saying -

Government worldwide is built on the basis of concealment.

The commissioner's response was -

This reveals a profound misconception of the proper role of Government. It is a misconception which, unfortunately, seems to have been commonplace amongst some of his government colleagues . . .

Again, this is the issue about the informal side of Cabinet. It is an issue of concealment and secrecy; it is not an issue of confidentiality.

I will not go through the records of the Cabinet about the decision to purchase the casino. It was quite clear that Cabinet became the relevant aspect of that matter. The Petrochemical Industries Co Ltd project was another issue. The cabinet meeting of 28 July 1988 authorised Julian Grill to sign the memorandum of understanding on the Government's commitment to the project. David Parker was absent from the State. Therefore, the presentation was given by the then Premier, Peter Dowding. No record was made or kept of the cabinet meeting or Grill's authority to sign the memorandum of understanding. We all know the history of that matter. One need only go the COG report or the WA Inc report to follow the steps that led to the decision and see the meetings held outside the Cabinet that committed the Government to a major expenditure of money. Commitment was made to PICL other than for the benefit of Western Australia.

Learning from history is a critical point. The Premier said he has learned a lot from history. I know he has a very strong interest in history. It cannot be interpreted in a way that one would like to for the time in which one lives. It cannot be reinterpreted for the time it was 10 years ago or in the 1980s.

Chapter 7 of the COG report states, in part -

The WA Royal Commission raised significant concerns about the quality of cabinet records. The lack of documentation clearly frustrated its investigations. It commented:

Pervading all of this period was a clear disregard of the formal cabinet procedures ... Nowhere was this more apparent than in the attitude taken to record keeping. In some crucial meetings of Cabinet in late 1987 and 1988, for example, no record ever appears to have come into existence, no agenda, no submissions, no record decisions.

[Leave granted for the member's time to be extended.]

Mrs C.L. EDWARDES: The next page of the report highlights COG's frustration; it reads -

One of the responsibilities of that body will be to monitor compliance with standards set for record creation, maintenance and retention. That responsibility should extend to cabinet records.

That relates to the State Records Act. It continues -

The monitoring process should be exercised in consultation with the Parliamentary Secretary of the Cabinet.

In 1993, *Circular to Ministers No 39/93* carried a statement by the Premier, which reads -

... [cabinet] documents are the property of the Western Australian Government. When a Minister ceases to hold Cabinet office for any reason, all Cabinet documents held by the Minister must be returned immediately to the Department of the Premier.

It is appreciated that the Cabinet documents of the Government are extensive. If a Minister wishes at any time to reduce the volume of his or her Cabinet documents, those regarded as surplus must be returned to the Cabinet Secretariat.

That is saying that those documents are very important. This highlights the value of that documentation, and the record keeping of the Cabinet. It is not just records of decisions or action to be taken. It is Cabinet, and the

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Premier has identified and acknowledged that the informal discussions that take place are part of the cabinet meeting. As such there should be record keeping. In the Commission on Government report No 1 were a number of recommendations about the type of records that should be kept by Cabinet and public access to those records under freedom of information legislation. One of the submissions highlights the Easton royal commission, which followed the circumstances referred to by the member for Hillarys, and the royal commission into Western Australian government business dealings. They demonstrated that record-keeping procedures for Cabinet have been built around party and individual requirements, as much as around a view of Cabinet as a properly constituted arm of Executive Government responsible to Parliament. Where is the line drawn? That is the critical question. This Government is now drawing that line - party and individual requirements - as part of the informal discussion process, and therefore the properly constituted arm of the Executive Government responsible to Parliament is the formal process. That is clearly wrong, if that informal process is happening. Because Cabinet is not recognised as a legal entity, the Premier highlighted the fact that its decisions do not have any legal standing unless they have been signed off by the individual minister or the Executive Council. It has a pivotal role in our system of Government. The Commission on Government said that the records created by Cabinet are vital for accountability, historical and social reasons. Consequently, cabinet records are absolute critical for the whole of the time that Cabinet sits. The mere fact of a permanent public servant being cabinet secretary does not relieve the Government of the necessity to have cabinet records for the whole of the cabinet process.

MR J.C. KOBELKE (Nollamara - Leader of the House) [5.42 pm]: The matter that this motion meanders around is very important, relating to accountability and the way in which Cabinet functions. It is a pity that the majority of what the House has heard so far has been a large load of cant. It has no substance, and just reflects the practice of the Liberal Government when it was in power and projections that somehow the present Government is behaving in the same way. That is certainly not true. In speaking to the motion, the member for Hillarys accused the Government a number of times of keeping cabinet matters secret. When a member becomes a minister and a member of Cabinet, it is actually a requirement that he maintain the secrecy of matters that take place in cabinet.

Mrs C.L. Edwardes: That is confidentiality. It is a different issue.

Mr J.C. KOBELKE: Confidentiality of the matters in cabinet - the accusation is that somehow the Government should not do that. The real issue is that, in 30 years when the records are available, will the records of Labor's time in government be accurate, extensive and useful to people at that time, and how will they compare with the records kept for the last eight years of Liberal Government in their accuracy and the degree to which they covered the matters discussed?

Mr R.F. Johnson: They will not come anywhere near it, because you do not keep the records.

Mr J.C. KOBELKE: That is the member's assertion. He made many assertions based on his experience. In fact at one stage he said that was what he did. He made it very clear that he behaved in a certain way, and he was making an assumption about how Cabinet now functions and what records are kept. That had been elucidated a little by some questions answered in the Parliament. He made a whole range of assertions based on his own experience. I will just put on record who used to keep the minutes for Cabinet when the member for Hillarys was in government. Was it the parliamentary secretary?

Mr R.F. Johnson: When I was the parliamentary secretary to Cabinet, I kept notes of all the discussions that took place during what you call the informal part of cabinet meetings, and also on the official submissions that came through the ministers' offices from agencies. There was a separate cabinet sheet that had that item, whether it was draft legislation or whatever, and a note for comments. I would note the relevant comments that were brought up during the meeting. I kept very good records when I was cabinet secretary.

Mr J.C. KOBELKE: Did the member keep notes, or minutes?

Mr R.F. Johnson: I kept notes.

Mr J.C. KOBELKE: Were there typed minutes of the meetings?

Mr R.F. Johnson: There was a schedule of the meeting that was printed -

Mr J.C. KOBELKE: The decisions?

Mr R.F. Johnson: It was not a decision sheet. The decisions were separate. There was a schedule of the meeting, with all the items - what you would call the official agenda -

Mr J.C. KOBELKE: Were there minutes saying which minister said what in speaking to those items.

Mr R.F. Johnson: Not word for word, no.

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Mr J.C. KOBELKE: Were there minutes of any form that reflected who spoke and the nature of the issues they spoke to?

Mr R.F. Johnson: Very often, yes.

Mr J.C. KOBELKE: Who took those?

Mr R.F. Johnson: I did.

Mr J.C. KOBELKE: The parliamentary secretary - so an elected member of the Government kept his form of notes and minutes of what took place. The member is suggesting that that also applied to the informal session. What about the lunch that he spoke of?

Mr R.F. Johnson: What about the lunch?

Mr J.C. KOBELKE: Did the member keep minutes during the lunch?

Mr R.F. Johnson: No; you are going from the sublime to the ridiculous now with your comments.

Mr J.C. KOBELKE: The point I am trying to make is that there is a need to keep records of decisions. I accept that what the member for Kingsley said in quoting from the royal commission is correct. She indicated that there had been a lack of accountability in parts of the 1980s, and maybe even into the early 1990s, when major decisions were made of which there was no record as to how they were made. That major deficiency was highlighted by the royal commission, and correctly alluded to by the member for Kingsley.

Mrs C.L. Edwardes: I might also add that the background material that led to the decisions was also missing.

Mr J.C. KOBELKE: That may be, in the light of trying to find some evidence of how a decision was made, but the principal issue was that a decision of government was made, directly or indirectly, of which there was no formal record. That was the key issue that led to the Commission on Government looking at a whole range of matters. In this Government, no decision is made that does not go through proper formal process, and is recorded and minuted. The Premier has given that undertaking. The issue, then, is whether at lunchtime, when members also might wish to talk about something of a political nature affecting the Government, in informal cabinet, whether it be at lunch or in the meeting room, that is a matter that does not have to be minuted. It was not minuted in the time of the previous Government, and it is not minuted now. As the member said, the political person who was the parliamentary secretary took some notes of some parts of the informal cabinet session. It was not minuted by an independent person.

As I said earlier, most of what has been presented by way of argument is sheer cant. What flowed from the royal commission was the Commission on Government, which has been put to a very twisted use. In the years of the Liberal Government, none of the Commission on Government recommendations was implemented in a formal way. Now the Opposition tells the Government that the Labor Party said it would do it all. It has done all that, but it has not done all these other things that the Opposition now says the Commission on Government said it should have done, though they were not the subject of recommendations.

Members opposite referred to a lot of record-keeping recommendations that underpin the Commission on Government report, upon which the Government has delivered, but it has failed to deliver on the Opposition's made up, hocus-pocus recommendations. The motion is simply a load of cant. Members opposite did nothing in government. They say we should do all these things we promised, which we have done, but we should also do certain things that COG implied. It is a nonsense. When records are available in 30 years and comparisons can be made, the big difference will be that the current Government has an independent public servant recording formal cabinet decisions. It was recommended by COG, but members opposite would not allow themselves to be accountable to an independent public servant. That is the record of members opposite. No independent record exists of what happened in the coalition's cabinet room. In contrast, the Labor Government implemented the COG recommendation, and appointed a senior, dependable public servant, who, as stated by members opposite, is not party political and takes objective, independent minutes. This is a record of not only decisions, but also the course of events in cabinet. That is a level of accountability that members opposite when in government were too frightened to adhere to. It was recommended by COG, but they would not do it.

What will we find in 30 years? The Leader of the Opposition will not even agree to the release of cabinet minutes in relation to the Windimurra mine. This is a key issue in which the State has potentially lost tens of millions of dollars. A decision was made when the Leader of the Opposition was the responsible minister. The current Government must clean up the mess, but the Leader of the Opposition will not let us have the cabinet minutes and cabinet material because he has something to hide and does not want us to be fully informed to clean up the mess.

Mr C.J. Barnett: Do you want to know something? You've never requested it.

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Mr J.C. KOBELKE: We asked in the Chamber and the Leader of the Opposition would not say yes. If we request it, will the Leader of the Opposition release it?

Mr C.J. Barnett: If you request it, I will look at it on its merits.

Mr E.S. Ripper: That's progress! Last time he was refusing; now he will consider it.

Mr J.C. KOBELKE: The Leader of the Opposition takes more direction changes than the wind in the middle of a willy-willy. He turns so fast that if asked at any time, he would not know which way he faced. When asked in this Chamber some time ago whether we could have access to Windimurra information, he said no. He now says, "Ask me and I'll consider it." However, I suspect his consideration will be as it was when he was last in government and dealing with the COG recommendations; that is, he will consider it and do absolutely nothing.

Mr C.J. Barnett: When I have received requests, with one exception, I have provided the information. The one exception was with the Minister for Planning and Infrastructure, who circulated stuff improperly and accessed cabinet records without my approval. I have provided information on all other occasions, when done formally through the head of the Department of the Premier and Cabinet, Malcolm Wauchope.

Mr J.C. KOBELKE: I accepted the interjection and have given the Leader of the Opposition more opportunity to make his point than he affords us.

The member for Hillarys showed a lack of understanding in asking the Premier to disclose what happened in cabinet.

Several members interjected.

Mr J.C. KOBELKE: Check the *Hansard*. The member asked the Premier to interject answers to specific questions. The confidentiality and secrecy that applies to Cabinet should not be breached. It is appropriate to release certain matters. However, to be simply quizzed about what one did or did not do in cabinet shows that this motion is a game and a whole pile of cant. The Opposition had no appetite for accountability in government. However, because the Labor Government has delivered on a range of COG recommendations, the Opposition has made up new recommendations suggesting we should do more than COG outlined. It is a pile of cant.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [5.55 pm]: I refer to the policy of the Labor Party leading into the last state election. Under the somewhat ironic heading of "Ministerial Code of Conduct", the policy reads -

Labor will:

...

have record-keeping and administering the Ministerial Code of Conduct the responsibility of a senior public service position of Cabinet Secretary, as recommended by COG. As with other public agencies, the work of the Cabinet Secretary will be subject to oversight by the Auditor-General;

The commitment was that the cabinet secretary would be a public servant. Fair enough - that was a COG recommendation. However, the implication of the recommendation was that the cabinet secretary would be in cabinet. Nowhere did it state in Labor's policy that the cabinet secretary would attend only for the formal part of the meeting. If someone is to perform the function of cabinet secretary, the person must actually be in cabinet. That is the point of the motion. The Government has a cabinet secretary who is a public servant, but that person is not in cabinet all the time. The tradition of Parliament in this State, and one I would continue as Premier, is for the cabinet secretary to be a member of Parliament. I see the role as going beyond simply record taking.

Mr R.C. Kucera: And making political decisions when recording it.

Mr C.J. BARNETT: No, because we were honest in government. As was done under the previous Government, the cabinet secretary recorded what was discussed in informal cabinet and recorded the formal decisions of Cabinet. These were immediately passed on to the public servant who looked after the integrity and safekeeping of the record. There was a dual role. The cabinet secretary position was held by a member of Parliament and the record maintenance and record integrity role was the responsibility of the public servant. We never veered from that at all. A full record is available of the eight years of the coalition Government. There is a full record of the Cabinet of the previous Government. The current Government has no record of its informal cabinet meetings. There is a full record of the Cabinet of the previous coalition Government. That is it. It was not the coalition Government for which a royal commission was called to look into it. The Labor Government in the 1980s and early 1990s was an out-and-out corrupt Government. That is absolutely undoubted. Corruption went to the

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highest level of that Government. It was the worst Government in the history of this nation, and probably one of the worst Governments of any developed nation anywhere in the world. It was corrupt to the core. Two members of that Government went to jail, and a number of others were forced to resign their positions.

Mr E.S. Ripper: Was a former Liberal Party Premier not sent to jail?

Mr C.J. BARNETT: For his actions as Premier or as a member of Cabinet? No. That is the difference.

I will refer to informal cabinet briefly. I do not know what members opposite discuss in informal cabinet, but it is not a matter of recording who has said what, but recording the topics of discussion. Let us talk about the Leader of the House, the Deputy Premier and the Premier, who is missing again - whenever we discuss accountability, he goes running. The Premier was a minister at the end of the WA Inc period in the early 1990s. As the member for Hillarys explained, the three current ministers were present during the cabinet meeting on the infamous Penny Easton affair. That issue clearly would have been discussed at informal cabinet. I imagine a decision was made with an understanding that John Halden would drop the petition in the upper House to try to cover the tracks of the Premier of the day, Dr Carmen Lawrence, who had not returned \$5 000 of public money. The fact that that discussion took place and had such tragic consequences indicates that the discussion should have been recorded. The fact that the Easton petition had been discussed should have been recorded. Had it been recorded, one may not have had the royal commission at huge expense in public funds.

I refer to the portfolios of the current Premier during the time of the former Labor Government. Maybe he was not minister at the time: when the SGIC invested hundreds of millions of dollars in Bell Resources, the minister of the day would have instructed, I presume, the SGIC to make that investment. It involved a massive loss of taxpayers' money. Was it a decision of formal cabinet? I bet it was a decision of informal cabinet that cost the State hundreds of millions of dollars. That is another example of why discussions in informal cabinet should have been recorded. The record should have shown - I will bet it did not - that the Labor Government of the day discussed the issue of the State Government Insurance Commission buying shares in Bell Resources Ltd, because that decision - probably not a formal cabinet decision but a ministerial instruction to an agency - cost this State hundreds of millions of dollars; yet there will be no record of that when the records become public in 20 years.

I will give a more recent example, and this relates to the current Premier. When he was the minister responsible for the SGIC, prior to the election he would have received advice from the SGIC that it was technically insolvent in 1992. He would also have received advice that, therefore, he must increase compulsory third party insurance premiums. I would be willing to bet that he went to Cabinet and raised that issue in informal Cabinet, and in informal Cabinet it was decided that, leading up to an election, it would be politically unwise to increase compulsory third party insurance premiums. That decision forced the SGIC into an insolvency that the coalition inherited when it came into government. The SGIC was, by any commercial standard, insolvent. That was an important commercial decision, and one that I imagine was made in informal Cabinet. It should have been recorded that the issue of third party insurance premiums and the state of the SGIC's finances were discussed. That should have been recorded and noted as a topic. It was not done.

In recent history, when a number of current ministers and the Premier were in cabinet, there has been the disastrous Penny Easton saga as well as the failure to act on SGIC advice about compulsory third party insurance premiums. While some current ministers were in the Cabinet, there were probably some decisions on the WA Inc wash-up. All those issues were discussed in informal Cabinet. I will bet the decision by former minister Julian Grill to pre-purchase coal from Western Collieries Ltd was not a formal cabinet decision. I will bet it was discussed in informal Cabinet, as would have been all the WA Inc decisions. I will bet that some of the political tricks that the Government plays now are discussed in informal Cabinet. If one of them goes wrong - one could have gone wrong quite recently - as did the Penny Easton issue, it should be recorded that Cabinet discussed it. However, it is not. Therefore, the Government should not come into this place and try to pretend that it is accountable and open. It is not. It has not learnt. It conceals, discusses, plots and intrigues, but it does not record. It will be judged exactly the same way.

Discussions will now be taking place in informal Cabinet about the involvement of Brian Burke and Julian Grill. It is relevant. If, for example, something corrupt comes out of that, and if a minister is compromised or forced to resign over it, it should have been noted that informal Cabinet had discussed the issue. Under this Government, there will be no record. Therefore, the Government should not come into this place and pretend it is accountable. The Government's commitment to have a public servant as cabinet secretary is an absolute sham. If it wants a public servant as cabinet secretary, fair enough. That cabinet secretary should be there for all the cabinet discussions. However, the cabinet secretary is barred from important discussions. The history of Labor Governments recently, in the early 1990s and in the 1980s shows that major decisions that had tragic effects, such as in the Penny Easton affair, and had huge financial implications, such as with the SGIC, Bell Resources,

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Western Collieries and the like, were decisions made in informal Cabinet that were never formalised. That is why the Labor Government in the 1980s was without doubt corrupt, and this Government is making the same sorts of mistakes today.

DR J.M. WOOLLARD (Alfred Cove) [6.03 pm]: I have not heard all the debate on this issue, but I have heard what some members of the Opposition have said and some comments of government members, in particular the Leader of the House. The Leader of the House appeared to me, as a newcomer, to be saying that he believes the previous Government did not take proper minutes; therefore, it is okay if this Government does not take full minutes. He said that it is really the case of a yardstick and how high one sets the measurement. I cannot comment on the previous Government. However, I am concerned about some of the issues that this Cabinet is possibly discussing, because they are issues of great concern to my community. On one occasion I sent correspondence to every cabinet member about the Raffles Hotel redevelopment, pointing out the inconsistencies in the application from the City of Melville and the way in which the process was not followed. I also pointed out that the Heritage of Western Australia Act was not adhered to, that there was no cultural heritage assessment of the development application, that the first recommendation of the Swan River Trust was to reject the application for the redevelopment and that there was a difference in the photo montages that were presented to the community. There was a difference of 24 metres - seven storeys - between what the developer indicated in the drawings was the height and what the height really was when a crane was put on the site. That correspondence was sent to all cabinet ministers. My concern is that no response came back from any of those cabinet ministers. If a backdoor deal is going on, I do not know whether this is one of the items that was discussed when the public servant was excluded from the cabinet meeting. My gut feeling at the moment is that it might have been one of the things that was discussed when the public servant was not at the meeting, because the whole process seems to have been pushed through and assisted by this Government.

I have received some correspondence, and I had hoped today to ask the Premier whether ministers are responsible for their portfolios. It all comes under accountability, because the ministers are not ensuring that the legislative requirements of their portfolios are being met from within their departments. Is this being discussed by the whole Cabinet? Is the whole Cabinet aware of this? Are the ministers being questioned, or is this being hushed up and pushed through? As much as I would like to know what is being discussed, I am sure the backbenchers on the government side would also like to know whether the issues that they are putting before the ministers, which they believe are of grave concern, are being discussed at cabinet level.

I do not believe it is acceptable that the Leader of the House should state today that the Government does not have to be accountable because it does not believe the previous Government was accountable. This Government was elected on a platform of accountability. On that platform of accountability, it is inappropriate that a true record of cabinet meetings is not kept. It is disappointing. I am sure some of us will not be here in 30 years to look at those minutes. However, some people will want to look at them. Many historians will want to look back to see just what was decided by the Cabinet and what discussions took place.

I will support this motion because I have grave concerns about the discussions that are going on when the public servant is absent from the meeting.

Mr A.D. McRae interjected.

Dr J.M. WOOLLARD: A government member is questioning how I will vote. I am questioning the Government. Where is its accountability? The member for Riverton has asked whom I will vote with.

Mr A.D. McRae: I didn't say that. Don't misrepresent me.

Dr J.M. WOOLLARD: That was the comment I thought I heard.

Mr A.D. McRae: No. I said to you that it is no surprise that you would decide to vote with the Liberal Party. Since you have been here, you have done nothing other than vote with the Liberal Party.

The ACTING SPEAKER (Mr P.W. Andrews): Members should address their comments through the Chair. The member for Alfred Cove has the call.

Dr J.M. WOOLLARD: Like many members of the community, I am very disappointed that this Government came in on a platform of accountability and has broken one promise after another. The key issues that got this Government across the line were -

Mr M.P. Whitely interjected.

The ACTING SPEAKER: Order!

Dr J.M. WOOLLARD: It is all right, Mr Acting Speaker, I am happy to take the interjection. The member for Roleystone asked whether I could name one broken promise. This Government said that it would protect the

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old-growth forests. It is disappointing to watch this Government repetitively criticise the Liberal Party, while we still see the trucks carrying old-growth trees coming out of the forests down south. This Government has not stopped the old-growth logging. Another broken promise! This Government came in on a platform of protecting our heritage and not selling off our community assets. Does the member want another promise that has been broken? Let us look at my electorate and Duncraig House. Thousands of people have signed petitions. Did this Government listen? Was this Cabinet aware of all those petitions? Yes, it was, and the promise this Government made to the community was not to sell off community assets. Let us look at some of the other promises this Government has made. Health care - what a joke! The member for Murdoch asked the minister today to give a guarantee that services would not be closed down. Services are being closed down now and people are being told the budget has gone. Members should look at the situation in the hospital in Mandurah and other country areas, as well as hospitals in the metropolitan area where the minister is bringing in care assistants rather than registered and enrolled nurses to care for patients. Is this an example of the Government keeping its promises to improve health care? I think not. This Government has certainly done nothing to improve health care. That is another broken promise. Let us look at all the wonderful things this Government was going to do for education. I notice things are being done in Labor and marginal seats, but what is happening in my area?

Several members interjected.

The ACTING SPEAKER: Order! The member for Alfred Cove took an interjection from the member for Roleystone and that has led her somewhat off the subject of the motion at hand, and she will come back to that. I warn members to my right that I will call each of them to order individually. I ask the member for Alfred Cove to speak to the motion. The member for Roleystone should resume his seat, and I suggest that the member for Stirling return to his.

Dr J.M. WOOLLARD: Thank you, Mr Acting Speaker. I will return to the motion. I would be happy at some other time to return to the broken promises of this Gallop Government.

Today's motion is about the record keeping of the cabinet meetings. This Government is breaking one promise after another and, because of those broken promises, it is very important that minutes are kept of the whole cabinet meeting so that when people look back in 30 years time there will be a record of all the election commitments that were made by the Labor Party. People will be able to see whether the issues that took up the time at the cabinet meetings were the key issues that the Government went to the election on. Were the issues health, education and law and order, or did they involve deals in other areas? We do not know because there is no record, and I do not think there will ever be a record, because I do not think the Government and this Cabinet wants the community to know what decisions are being made, with whom discussions are being held and what deals are being made. The community has a right to know those things; it has a right to know that the Gallop Labor Government came to power on a platform of health, education and law and order.

What about the finance broking issue? I would be interested to hear what discussions have taken place in cabinet in relation to the finance broking scandal. That issue got this Government across the line, yet I have heard that the cases going before the judge are being dismissed because of insufficient evidence.

Mr P.B. Watson interjected.

The ACTING SPEAKER: Order! I call the member for Albany to order for the first time.

Dr J.M. WOOLLARD: I would like to know what is being discussed, because the finance broking scandal was one of the key issues, particularly for the Attorney General, that helped get this Government across the line, yet the court cases are being dismissed because the judge says that there is insufficient evidence. If one case had insufficient evidence, that would be fair enough, but when two or three cases have been knocked back for this reason, one has to wonder whether this was a token gesture. An amount of \$3.5 million - instead of \$5 million - was spent on the Temby royal commission. The people who were affected by that finance broking scandal put a lot of faith in this Government and they are now seeing their cases roll over one after another. They see a Director of Public Prosecutions in this State who is possibly inadequately resourced. This Government cannot afford to pay back the people who have been affected by the finance broking scandal, but it can afford to bring Queen's Counsel from the eastern States to represent it. The people who are affected by the finance broking scandal are seeing one case after another dismissed because of insufficient evidence. That was one of this Government's key promises. How much time has this Government spent at cabinet meetings looking at the promises it made to the community, and what has its record been like? It should ask itself how many of those promises have been kept. This Government criticised the Liberal Government because of the finance broking scandal but what has it done in all of these cases? Why is it that one case after another is being dismissed due to insufficient evidence? This Government should ask itself whether it should put more resources into the DPP so that he can do a proper job.

Extract from Hansard
[ASSEMBLY - Wednesday, 2 April 2003]
p6009b-6031a

Mr Rob Johnson; Deputy Speaker; Dr Geoff Gallop; Mr Max Trenorden; Mrs Cheryl Edwardes; Mr John Kobelke; Mr Colin Barnett; Dr Janet Woollard; Acting Speaker

Mr P.B. Watson: Will you take an interjection?

Dr J.M. WOOLLARD: I am happy to take an interjection, through the Chair.

Mr P.B. Watson: You were saying that this Government did not do anything about the finance brokers. Can you explain what we have not done? We fixed up the forests. That was one of your platforms. What else do you want us to do?

Dr J.M. WOOLLARD: Sometimes I wonder whether members opposite can hear me. It is sometimes difficult to hear members from this part of the Chamber. I know the microphone is on, but I have previously explained to the Government that it is still logging old-growth trees and high-conservation forests. I have also explained to the Government that it has not lived up to the promises it made to the community, especially the people who were involved, about the finance broking scandal. Those people have seen their cases dismissed because of insufficient evidence. After the first or second time that happened, the Government should have asked why it was not hiring - I believe the legal expression might be outsourcing - its own QCs to go against the QCs who the borrowers and brokers are employing to defend them. Hopefully, if these cases fall down, the matter will go to a civil court and charges may be laid there. The community is very disappointed. It elected this Government because when the Labor Party was in opposition, it gave a firm commitment to look after those people. The Government made it across the line at the last election on a platform of accountability. However, this accountability is not transparent; the community cannot see it. Many people are concerned at the issues the Government considers to be its highest priorities and wonder whether they are the issues that the Labor Party stated prior to the last election that it would pursue.

I support this motion. I hope that the Government and the Cabinet will not say that the Liberals did only this much, therefore the Government need only do that much. I hope the Government says that if a job is worth doing, it is worth doing well. I hope also that a public servant will attend future cabinet meetings for their duration. People will not see the cabinet papers in six or 12 months; they will not be seen for 30 years. The community has a right to look back and see whether the promises that were made during the election campaign were the issues that were discussed at the cabinet meetings and whether they were the issues that the Government considered a priority.

Question put and a division taken with the following result -

Ayes (18)

Mr R.A. Ainsworth	Ms K. Hodson-Thomas	Mr B.K. Masters	Ms S.E. Walker
Mr C.J. Barnett	Mr M.G. House	Mr P.D. Omodei	Dr J.M. Woollard
Mr M.J. Birney	Mr R.F. Johnson	Mr P.G. Pandal	Mr J.L. Bradshaw (<i>Teller</i>)
Mrs C.L. Edwardes	Mr W.J. McNee	Mr R.N. Sweetman	
Mr B.J. Grylls	Mr A.D. Marshall	Mr T.K. Waldron	

Noes (26)

Mr A.J. Carpenter	Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr R.C. Kucera	Mr M.P. Murray	Mr P.B. Watson
Dr J.M. Edwards	Mr F.M. Logan	Mr A.P. O'Gorman	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Mr J.R. Quigley	Ms M.M. Quirk (<i>Teller</i>)
Mrs D.J. Guise	Mr M. McGowan	Ms J.A. Radisich	
Mr S.R. Hill	Ms S.M. McHale	Mr E.S. Ripper	

Pairs

Mr M.W. Trenorden	Mr C.M. Brown
Mr D.F. Barron-Sullivan	Ms A.J. MacTiernan
Mr J.P.D. Edwards	Mr J.J.M. Bowler

Independent

Dr Constable

Question thus negatived.