

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) ACT — ATTORNEY GENERAL

Matter of Privilege — Ruling by Speaker

THE SPEAKER (Mrs M.H. Roberts) [2.48 pm]: Members, the member for Moore has raised a matter of privilege under standing order 109 concerning the member for Butler. In my view, the member for Moore has brought this matter forward in the correct way and has raised it at the earliest opportunity. I have been provided with a draft motion by the member which he has indicated he would like to move. I have considered the motion and I am prepared to give the member for Moore priority to move the motion forthwith without notice. In making this ruling, I wish to make it clear that I am not making a determination as to the merits of the matter raised by the member for Moore. My ruling is limited to permitting the motion to be moved without notice. It will be for the house, and the house alone, to debate and determine the matter.

Referral to Procedure and Privileges Committee — Motion

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [2.49 pm] — without notice: I move —

That this house requests the Procedure and Privileges Committee to inquire into and report to the house at the earliest opportunity —

- (1) whether the member for Butler —
 - (a) failed to disclose gifts in his annual return as required by the Members of Parliament (Financial Interests) Act 1992; and
 - (b) failed to declare gifts and benefits as required by section (5) of the Code of Conduct for Members of the Legislative Assembly; and
- (2) whether any such failures amount to a breach of privilege or contempt of Parliament; and, if so, what actions should be taken.

Madam Speaker, I want to be quite clear about this. I am seeking here a proper opportunity for a proper examination of the matters that I raised earlier today. I am not making a judgement at this point, I am not saying that right or wrong has happened, but I am asking for the Procedure and Privileges Committee to inquire into and look at this matter. That is the proper body to be doing such an investigation. There is nothing for members on the other side to fear from the privileges committee. As we know, it is chaired by the Speaker. We know that there are two other members of the Labor Party, a Liberal member and a member of the Nationals WA on that committee, so the committee has quite strong Labor Party representation, and one would expect that any investigation would be done in a bipartisan way to ensure that the regulations that surround the conduct of members of Parliament have indeed been adhered to.

I want to be quite clear: this is not a discussion as occurred yesterday around matters to do with the Ministerial Code of Conduct. I am not suggesting anything about the Ministerial Code of Conduct. This is about the code of conduct for all members of this place and the requirement for all members of this place to make disclosure of gifts and travel in their annual returns under the Members of Parliament (Financial Interests) Act 1992. This is not to do with a declaration on a register for ministerial interests; this is to do with the need for members to register in their annual return that all members file, which were tabled in this place yesterday.

I went through a number of those registers just to see whether, indeed, proper disclosures had been made by members of Parliament. Also, at that stage, I had been furnished with a link to a website that had been published by *The West Australian* following an article that was published on Friday last week. There is a link on that website to a ministerial register of gifts, which I was unaware actually existed, I must admit. I have never seen it tabled here in this place. On that register, there is a pretty detailed level of gifts for many of the ministers in this house, and when I crosschecked those—I took a sample of them; I did not go through every one of them, although I have been through many of them—with the register in the annual returns and the register on that ministerial online gift register, I found a level of compliance amongst most of the ministers. I will be clear about that.

Mr P. Papalia: How would you know?

Mr R.S. LOVE: Most ministers had reported the same gifts on both their ministerial register and their annual return. That is appropriate, and I have no issue with any minister who has done that. Most ministers have a very strong correlation between what is written on their ministerial register and their annual return. That is appropriate. Just because a member is a minister, does that mean that there is a different place for them to disclose their gifts, and does that mean that they do not have to disclose their gifts on their annual return? I think that is something that the privileges committee could look at. It is clear that the Parliament has not had access to that or been furnished directly with that ministerial register on a regular basis. As a member of Parliament, I did not know that that register was available in that particular form. I have not looked at that before. I asked the Parliament whether it had been tabled, and extracts of that register have been tabled going back, I think, to the first couple of years of the former Parliament. When this government was first in office, in 2017 and 2018, documents were tabled that outlined that ministerial

register, I think in response to questions that had been asked directly of the government about it, and I have no issue that they were tabled. The fact of the matter is that most members of the ministry seem to be quite compliant in recording the gifts that they receive as ministers on both their ministerial records and their annual returns.

A member may be a minister, but that does not mean that they are not a member of Parliament first. I imagine that it is quite appropriate to consider that a minister has a duty to disclose on both their ministerial register and their annual return, and many members opposite are doing that. But it is staggering to see that the one person who does not seem to have done it in this case is the Attorney General. Maybe he knows something about the law that I do not, and maybe he knows something about the procedures of Parliament that does not seem to be laid down in the code of conduct or in the financial disclosures act, but it appears to me that he should in fact have disclosed those gifts that I outlined earlier today. I will just go through them.

This is the website that is up on *The West Australian* website now. It was published on 8 October by Josh Zimmerman, and this is the front piece of it, but there is also an attached online register that lists the gifts. In regard to the return for the Attorney General; Minister for Electoral Affairs, the hospitality register, Hon John Quigley, MLA, it has here listed on Wednesday, 22 July 2020, so that is within the reporting period of the last annual return, tickets to an AFL Fremantle versus Eagles match. Tickets to the value of \$1 350 were received and declared on the ministerial register. There was a smaller amount for some hospitality in October, which does not meet the minimum threshold for reporting in the Legislative Assembly, so we will skip past that one. On 11 April 2021, there was further hospitality, again at the football, this time Fremantle versus Hawthorn. The chairman of the West Australian Football Commission was the provider, and it was to the value of \$900. On Thursday, 6 May, hospitality was received at a gala dinner at the WA awards, and this was two tickets worth \$500 each. My understanding is that if gifts of a certain value are received from the same person, members can expect to add those together, and that brings the value to \$1 000, which is above the disclosure level. On the relevant disclosure level in the Legislative Assembly, the Legislative Assembly gift register states that gifts must be declared “excluding gifts to the value of \$500 or less in total from any one person during the period, or gifts from a relative”, so if a member receives a gift worth \$500 or more, the expectation is that they will declare it. That is quite clear. In this case, it is a matter of law that members are required to declare those gifts, under the Members of Parliament (Financial Interests) Act 1992.

On that register for the Attorney General, the member for Butler, there are gifts for hospitality listed that total \$3 250, yet nothing is listed on the gifts register for the relevant period, 2020–21. He has put in the figure “nil”. I am not trying to judge but I suggest that the member for Butler has actually taken the time to fill in the register; he did not deliberately skip past that piece. He has not left it blank; it says nil. Similarly, point 5 is contributions to travel received. We know that there was a discussion about a helicopter flight. I do not know the value of the helicopter flight, but if it was in fact over \$500, then it would be travel received and perhaps should also be recorded. That would be a matter for the Procedure and Privileges Committee to examine.

I am not trying to set myself up as judge, jury and executioner; I am pointing out that there is an inconsistency in the member’s disclosures as a minister on the ministerial register that sits on the web. It does not sit within this Parliament; it has not been tabled in this Parliament in its current form for a number of years—at least some of these expenses have never been tabled—and it does not form a part in any way of the annual returns that we are all required to make. All members of this place are required to make an annual return. I am sure the new members of this place made a primary return when they first entered Parliament and then a short time later, seemingly just a few months later, they would have been asked to make another return. That is normal and it is proper. I compliment a number of ministers who I saw have made very diligent disclosures of relatively minor matters that they had received. This is not a lash out at the whole state government, but we have one member who appears not to be registering his interests in the way that everyone else is registering their interests. I would like the support of all members of this house to get to the bottom of what is going on so that we can all be sure that the requirements of both the Code of Conduct for Members of the Legislative Assembly and the returns required to be registered under the Members of Parliament (Financial Interests) Act 1992 are complied with.

I am sure a number of members of this place have had some level of induction and would have been told how important it is to fill in these returns. Some members have legal qualifications, and I am sure that they know very well how important it is to make sure that these matters are scrupulously examined. We have a senior member of Parliament who does not seem to be aware of his requirements. It could be a perfectly innocent mistake. I am not sure. That is something that the parliamentary Procedure and Privileges Committee could look at. It is not for me to judge. I am not setting out to judge; I am asking government members, who have the numbers in this place to ensure that the integrity of our parliamentary system is safeguarded and who have, in the main, diligently reported gifts that they have received and, in the case of some ministers, have done so over many years, to ensure that everybody is comfortable that what has been recorded on our annual returns is in fact what has been received. As members of Parliament, we know how important it is that people have confidence in our integrity and the integrity of the system in which we operate as well. If we, as a Parliament, ignore what appears to be an inconsistency of this nature without

examination, then we will be doing no good to the reputation of this place, the proper administration of our Parliament and, in the long run, probably to the member for Butler.

At this point, this will be public information throughout the community. There is an opportunity for this issue to go to the proper place—that is, the committee—for bipartisan examination by a member of the Nationals WA, a member of the Liberal Party and three members of the Labor Party, with one a very senior member of the Labor Party, the Speaker. We have a group that members would expect will be quite fair in its examination of this matter. The committee would not seek to pointscore or take down anyone, but I hope that it will come back with a report that outlines the nature of the inconsistency and perhaps how it occurred and that might give instruction to future ministers on what is required of them on not just the ministerial registry under the Ministerial Code of Conduct, but also their annual returns lodged to the Legislative Assembly under the Legislative Assembly code of conduct. I think that principle is well understood by most government members, but perhaps not all, and we need to get to the bottom of what has gone on. In my view—I will say this much—there seems to be a level of evidence that there has been a lack of reporting under the Legislative Assembly’s annual reports. We will see whether or not the minister felt that putting it just on the ministerial record was enough. I am not sure that that is the case; it is a matter for the committee to investigate. The committee will have to decide whether there has been a contempt of the Parliament or some transgression of the law that would constitute such a matter and then set about ascertaining the recommended course of action.

I will remind members again of the Members of Parliament (Financial Interests) Act 1992. I am sure it is a document that many members would have had pointed out to them when were inducted into this place and told of the need to fill out annual returns. In fact, it is referenced quite clearly on the annual return. I will read section 9, “Gifts”, again —

- (1) A Member shall disclose in an annual return —

It does not say “a member who is not a minister”; it says “a member” —

- (a) the description of each gift received by the Member at any time during the return period; and —

In this case, it is from July 2020 to 30 June 2021 —

- (b) the name and address of the person who made each such gift.

- (2) A gift received by a Member need not be disclosed in an annual return if —

- (a) the amount of the gift did not exceed \$500 unless —

- (i) the gift was one of 2 or more gifts made by one person at any time during the return period; and
(ii) the amount of those 2 or more gifts exceeded in the aggregate \$500;

or

- (b) the donor was a relative of the Member.

The donations listed on the ministerial register do not appear to be from a relative; they are from the Joondalup Health Campus, the chairman of the West Australian Football Commission and the WA award. Clearly, they are not relatives. The gift amounts are clearly in excess of \$500 and it would seem to me that they are required to have been listed on the member for Butler’s annual return. They are not. In doing so, I think that that would be an indication that there has potentially been a breach of the duty to disclose gifts in the annual return and potentially a breach of section (5) of the Code of Conduct for Members of the Legislative Assembly.

I want to remind people of what section (5) of the Code of Conduct for Members of the Legislative Assembly says. It says, under “Gifts” —

- (a) Members must declare all gifts and benefits received in connection with their official duties, in accordance with the requirements for the disclosure of pecuniary interests.
(b) Members must not accept gifts that may pose a conflict of interest or which might give the appearance of an attempt to corruptly influence the member in the exercise of his or her duties.
(c) Members may accept political contributions in accordance with Part VI of the *Electoral Act 1907*.

The code of conduct goes on to say, under “Procedure for breaches of the Code” —

Alleged breaches of the Code of Conduct should, at the earliest opportunity be dealt with under the procedures prescribed for raising a matter of privilege under the Standing Orders.

That is what I have done. I have put it to the house that it needs to make a referral to the Procedure and Privileges Committee so that there can be an examination and we can all learn exactly what has gone on. This is a serious matter. The Premier is laughing. It is a serious matter. Gifts worth \$3 250 have been received and not declared on the annual return. They have been declared on the ministerial return, which is not actually published anywhere, although it has been published at the request of *The West Australian*. It is not tabled regularly in Parliament, as the annual returns are required to be. That in itself would constitute, as I have said, a breach of our code of conduct.

It would also constitute a breach of section 21 of the Members of Parliament (Financial Interests) Act 1992, which states —

A Member who contravenes or fails to comply with any provision of this Act shall not be punished except as provided in section 19 or 20.

Section 20 states —

A Member of either House who wilfully contravenes or fails to comply with section 4(1) is guilty of a contempt of the House of which he is a Member, and that House may deal with him accordingly.

Under the act, it would appear that it is up to the house to decide this matter. It is not to be decided by someone else. The code of conduct also refers to this as a matter of privilege that is to be dealt with under those processes. The house needs to ask the Procedure and Privileges Committee to inquire into and report on this very important matter.

Let us not forget that the member for Butler is a senior and longstanding member of the Parliament. He is also the Attorney General. He is the person who is in charge of ensuring the integrity of a whole range of very important processes. He is involved with the management of courts, the management of the justice system and the management of the legal framework of our state. He is even involved in some ways with the conduct of the Corruption and Crime Commission. This is a very, very serious situation that needs proper examination.

I implore the house not to take a position that is based just on party lines. A majority of the members of the Procedure and Privileges Committee are from the Attorney General's own side and will be examining this matter if the government supports the motion that this matter be sent to that committee. We need this matter to be properly and fully considered. We need to understand whether there have been any failures, what that amounts to, and how that should be treated, and it would also provide some education for us all about the proper way in which we should report our financial interests to the Parliament so that all members can take heed and ensure that they do the right thing into the future.

DR D.J. HONEY (Cottesloe — Leader of the Liberal Party) [3.13 pm]: I rise to make a short contribution to this debate. This is a critical matter for us as members of Parliament. As I said yesterday, members of Parliament in general, ministers in particular, and in particular, of all the ministers, the Attorney General, not only have to maintain the highest standards of transparency and accountability, but also have to be seen to maintain the highest standards of transparency and accountability. That is important, so that the people in this state can have confidence in this Parliament, in senior ministers and in the Attorney General.

I want to make it clear at the very outset in my brief contribution to this debate that I am a member of the Procedure and Privileges Committee. I have no formal opinion on this matter, and I am not going to express a formal opinion on this matter. If this matter were to come before the Procedure and Privileges Committee, I would look at all the information that was brought before me, including the information that would be, I am certain, provided by the Attorney General, and I am confident that that committee—which, as the member for Moore has pointed out, is dominated by government members—would look at this in a proper way. However, it is appropriate to state that I believe this matter should go to the Procedure and Privileges Committee for its consideration—that is, to investigate as a matter of fact whether there has been a contravention of the Ministerial Code of Conduct, a contravention of the Members of Parliament (Financial Interests) Act 1992 or a contravention of the Code of Conduct for Members of the Legislative Assembly?

The member for Moore has outlined in very temperate and good detail why that should be the case, and why there is concern. I have a concern, which was touched on by the member for Moore, that there appears to be a complete inconsistency in the level of reporting on this matter by the Attorney General and in the level of reporting by other ministers. I will give members a simple example. Another minister in this place, who had in fact been the chair of a member's campaign committee, was given an expensive bottle of wine by that member, who was ultimately elected to Parliament, to thank them. It seems pretty appropriate that a member would do that. That minister declared that bottle of wine. It was a gift from someone who I am sure was that minister's friend. That minister, who is maintaining the highest standards of transparency, has said, "I am even going to declare that; I am even going to declare a gift from someone for whom I have worked hard." I am sure that minister worked hard on that campaign and put in many hours of their personal time, and was recognised with a pretty nice bottle of wine. That minister has been above and beyond reproach. As the member for Moore said about this matter, that appears to be the case for the majority of members. Therefore, I say to the Premier and to members in this place that, if for no other reason, it is important to clarify what the standard of reporting is.

I will say that I find it concerning as a member of Parliament that it appears that there is a separate register of information that was clearly available to the journalist but was not easily available to this place, other than through that journalist's particular article. One of the purposes of a register of gifts is so that the community, and we in this place, can have confidence that a minister is not being influenced in their decision-making. I will give a purely hypothetical example. If the Minister for Planning was receiving gifts worth tens of thousands of dollars from people who worked in the development area and that minister was making decisions that were favourable to people

in the development area, it would be appropriate for us in this chamber to raise questions about that and to ask whether that is an appropriate thing to do. As I said, I am not making that assertion. I am purely using that example to show the sorts of questions that could arise. We have the disclosure of gifts for one reason—to ensure that things are not done quietly, and that information is not hidden but, rather, is completely transparent. Certainly, the information that has been provided by the member for Moore raises a serious question about whether the minister has complied with the disclosure requirements for members of Parliament. That is important not only for members of Parliament, which we all are, whether or not we are a minister, but also for the Ministerial Code of Conduct.

That being the case, and especially given that in this case we are referring to the most senior law officer in this Parliament, I am certain it is appropriate that this matter should go to the Procedure and Privileges Committee. That committee should look at all the information and then form an opinion. It may be that the committee will form an opinion that this was an oversight. Even if it forms the opinion that this was an oversight, it may find that there is no clarity in the reporting requirements, because it seems that there is a very clear difference in the reporting standards that are maintained by different ministers. From what we see, a great majority of ministers have a consistency between this ministerial register and what they declare to this Parliament in their members' annual return.

It would be a tragedy for the government if the Procedure and Privileges Committee did not have an opportunity to look at this matter. I know that there is a temptation in a tribal political environment to sometimes look at things in a defensive way, and we have to defend people on our side, but this is much bigger than any partisan political interest. In terms of the reputation of the government, it is very important that the government goes through a transparent process. I have said before in this place that I have the greatest respect for the committee process in this place. I believe that every committee I have been on acts in the interests of Parliament and in the interests of the people of Western Australia, not in a partisan way. Certainly, that is my experience. I know that committee members are very respectful of this place and very respectful of their responsibilities. I am certain that is the case with the Procedure and Privileges Committee. If the government were to defeat this very temperate, reasonable recommendation in the motion moved by the member for Moore, that would cast a shadow on the government. Unfortunately, I think it would cast a shadow on all of us in this place. As I said yesterday, I know that the Premier believes in proper process. I urge him and all members in this place to support the motion. That is how we can clarify in a very calm and considered way whether this is an issue and then respond appropriately.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [3.22 pm]: I rise to support the motion moved by the Deputy Leader of the Opposition and the words of the Leader of the Liberal Party. The motion has been put in a very respectful and temperate way, as the Leader of the Liberal Party said. Clearly, the member for Moore outlined that a question needs to be answered before this matter is dismissed. I clearly hope that the Premier and the government are not intending to use their numbers to make that occur. Ministers of the Crown and members of this Parliament must be seen to prosecute their duties with absolute honesty and integrity. There are processes in this house that ensure we do that and assist us to do that. We must be beyond reproach. It is more complex for ministers because they have decision-making capabilities, as we have discussed already on several occasions this week; they have the ability to impact the lives of many people in this state.

We are all in privileged positions in this house. We are all expected to discharge our duties whilst being aware that there is always the potential for a conflict of interest. We must seek to avoid that at all costs. That is what I mean when I say there are mechanisms in this place to assist us in doing that—the annual return, the register of interests and the Ministerial Code of Conduct. As laid out by the member for Moore, it appears that an anomaly needs to be addressed. I understand that disclosing information on the ministerial register is not the same thing. It would be very disappointing if this matter were simply dismissed and the government chose to use its numbers to vote down this motion to avoid any further due process or scrutiny being applied. That would be seen outside this chamber as closing ranks and shutting down a very necessary process that should occur.

If the Attorney General—the member for Butler in this case—and the Premier are confident that there is not a question to answer, it can be of no ill to send the matter to the Procedure and Privileges Committee. It has already been mentioned that the committee is chaired by the Speaker, who has significant experience in this chamber and this Parliament. It goes without saying that she has always acted with the greatest integrity to protect the proceedings of this house. I have sat in this chamber with the Speaker for the duration of my time as a member of Parliament. I have great respect for her ability to navigate that committee, along with the other members on the Procedure and Privileges Committee. There is nothing to fear. It is incumbent on us in this chamber to make sure that standards are appropriately adhered to.

Like other members, I am not making a judgement on this matter. It certainly would appear that we are not prepared to at least hold our own members in this chamber to account if we vote down this motion. It will reflect on us when questions about the integrity of a member are asked, even if it is just a question. This referral motion gives the member for Butler the opportunity for his name to be cleared or, as the Deputy Leader of the Opposition has said, it provides potential instruction for members and ministers now and into the future if any anomaly is discovered as a result of further discussion. If the government has no concerns, there can be no issue with taking some time to look into this matter. Sadly, I suspect that we might see the government use its numbers in the house. I truly hope that that is not

the case. We already have a gag order hanging over our heads with another piece of legislation that is incredibly important. I urge the Premier and his government to think carefully before they simply dismiss this motion without allowing the matter to be referred to the PPC.

MR M. McGOWAN (Rockingham — Premier) [3.26 pm]: I respond on behalf of the government to this matter. The opposition is suggesting that the Attorney General's disclosure of all gifts in a relevant year by way of the Ministerial Code of Conduct is not sufficient. It is saying that even though all gifts were disclosed and details were released publicly and published, that is not good enough. That is what members opposite are saying. The Attorney General has disclosed all gifts. They have all been made public. Just so that it is totally clear to anyone who is listening: everything was disclosed in the relevant period—everything. It was released publicly. People can see it on *The West Australian* online. It is right there. It has been published.

The opposition seems to be arguing that it was not published twice. Under the Members of Parliament (Financial Interests) Act, the opposition is asking why the Attorney General did not publish it again. That is the argument. The answer is that that was not the past practice of the Leader of the Opposition. I have her parliamentary disclosures here from when she was a minister. She did not disclose gifts. I assume that she disclosed them as part of a ministerial gift register. Perhaps if we ask questions, we could probably uncover that. I have her annual disclosures here. She did not disclose gifts. I assume she must have gone to a function and received a pair of socks from someone. At some point in time, someone may have given her a bag of potatoes at a function. As we know as members of Parliament, it happens every day; people give us a cap or a shirt. When we go to a function, we are provided with a meal. It happens all the time. When we go to the football or any other event, we receive what could broadly be termed as a gift. I have the disclosures of the Leader of the Opposition here. She did not disclose anything. If her argument is that someone should be referred to the Procedure and Privileges Committee, she should be referred to the privileges committee.

I have the disclosures of the former Premier, Colin Barnett. There is nothing in there either. I am absolutely sure that he went to a lot of functions. He would have received free dinners. He would have received a cap or a shirt. I got a bag of Smarties today at a function that I was at this morning. The little bag of Smarties was my gift for making a speech at a Housing Industry Association function. I actually condemned the organisers for only giving me a bag of Smarties. I thought that was pretty weak! They gave everyone a bag of Smarties, so I did not even get special treatment! Colin Barnett did not. Here is his parliamentary disclosure. Colin Barnett did not; the member did not; and the former Attorney General, Hon Michael Mischin, did not. That is because it is disclosed as part of the ministerial disclosure, which is then tabled in response to any questions. Questions are asked, and they are tabled, as we saw recently. I have the disclosure of Hon Brendon John Grylls in the year in which he took a helicopter ride with Clive Palmer. That was not disclosed.

That is the history of these things. If opposition members' argument is that someone should be referred for that, they need to amend this motion to refer themselves.

Dr D.J. Honey: Why?

Mr M. McGOWAN: Oh, my God—why? Did the member listen to what I just said to him? If opposition members' argument is that ministers need to declare every single gift as part of parliamentary disclosure, even though they have already disclosed them as part of their ministerial disclosure, they need to refer themselves. They need to refer Colin Barnett, the member for Central Wheatbelt, Michael Mischin, Peter Collier and everyone else who was a minister in the last government. That is what they need to do. All these things are disclosed; they are all made public and it is all out there for everyone to see. As I said, members can go to *The West* online and see that I went to the football and to all sorts of events and functions and whatever else it might be. I have received shirts and caps. The other day I was given a spear!

As members know, members of Parliament are criticised if they do not do those things. People will say, "Why didn't you attend that event?" If I had not gone to the AFL grand final, people would have said, "What a terrible snub to the greatest sporting event in Western Australia in the last 50 years."

Ms M.J. Davies: It's not about saying he's not going.

Mr M. McGOWAN: He declared it. It was declared. The member did not declare it when she was a minister. Does the member want to refer herself? Let me explain the system once again. There are ministerial gift disclosures; they are published. Then there are parliamentary disclosures, in which members publish shares, property or whatever it might be. That is published. Any gifts the Attorney General has received have been published as part of the ministerial gift disclosure. They are published and out there. If the concern of members opposite is that people who are ministers have not disclosed twice, they need to refer the Leader of the Opposition, Colin Barnett, Michael Mischin, Peter Collier, Brendon Grylls and other former ministers, because they did not publish twice; they published once.

Dr D.J. Honey interjected.

Mr M. McGOWAN: Does the member think that the Leader of the Opposition should be referred? If so, he should amend the motion to refer the Leader of the Opposition.

Dr D.J. Honey interjected.

Mr M. McGOWAN: Yes, but the Leader of the Opposition did not do it. I just want to ask the member a simple question —

Dr D.J. Honey interjected.

Mr M. McGOWAN: Honestly. It is a silly motion. No-one is taking any notice of the member, because this is silly. It is all disclosed and it is all published. The practices followed are completely transparent; they follow exactly what members opposite did when they were in office, obviously. It would be a waste of the committee's time for it to carry out an examination of that.

MR R.S. LOVE (Moore — Deputy Leader of the Opposition) [3.33 pm] — in reply: I take it from the Premier's response that there will not be any support for the idea of sending this matter to the Procedure and Privileges Committee. I put on the record my disappointment that that is the case. The Premier has exposed the problem we have here. The Premier does not think it is important to be transparent or for ministers, as they are required to do as members of Parliament, to disclose their gifts; they are MPs first and ministers after that. The ministerial records referred to by the Premier came to light only because *The West Australian* asked for them, and they are now on *The West Australian* website. The Premier did not table them in Parliament or make them available. If someone wanted to look at the annual returns of the Attorney General thinking this will show them where his financial interests are and what gifts and travel assistance he has received they would be fooled because it says "Nil". It is not even blank; it says "Nil". The Attorney General is saying that he received nothing. It is not appropriate for this to continue. Some government ministers publish in full everything they receive in both the ministerial register and in this parliamentary disclosure record because they believe, as I believe, it is important for them as MPs to fully disclose everything in this document.

If there is confusion in this place about the appropriate level of disclosure, it is important that we get to the bottom of it. It is important that it is examined by the Procedure and Privileges Committee so we can get a clear indication as to whether it is acceptable for ministers to simply not report their gifts. It needs to be put somewhere on an electronic register that will be published in three years' time only because *The West Australian* asks about it. I expected that I could go there and see what you had received as the Premier, what you received as the police minister or what you as the Minister for Mines and Petroleum had received.

Mr M. McGowan: We did our job.

Mr R.S. LOVE: The Premier looked at the annual return, did he? He is required by law to put his records in that. The law specifies gifts that have been received. It is in an act of Parliament. If the Premier does not respect the law, he has no right to be a lawmaker. This is a disgrace. All the government needs to do is to simply send this matter to the Procedure and Privileges Committee so that it can examine it, report back, and tell us what the rules are and what we should be doing. The government is not going to do that; it is hiding behind some sort of party political thing. We have been at pains not to make this party political. We have been at pains to make this a matter for the Parliament in ensuring the integrity of the system we all operate under. For that we are greeted with derision and laughter—when we are actually trying to protect the place we all work in.

The Premier might not think it is important for the gift received by the Attorney General to be listed on the parliamentary register, but I do—and many of the Premier's ministers do. That is why they are fully disclosing both. If the Attorney General had simply left it blank, that would have been one thing, but he actually wrote "Nil" in a document that was tabled in Parliament after he had received gifts. If the Premier thinks that is acceptable, I have real concerns for the state of Western Australia—that is, if the people who form the executive government think it is okay to write on a document that they have received no gifts when they have. I am absolutely staggered and amazed. I cannot believe that this is allowed to continue without examination and without referral to the Procedure and Privileges Committee, which the government dominates. I am absolutely staggered, disgusted and lost for words. I cannot imagine how this Parliament can have any sort of integrity when this is the result of a discussion like this. The records have not been kept properly and disclosures have not been made, and, in fact, in my mind a wrong disclosure has been recorded. The Premier knows that the Attorney General has received gifts; the Attorney General knows that the Attorney General has received gifts, but he wrote "Nil".

Division

Question put and a division taken, the Deputy Speaker casting his vote with the noes, with the following result —

Extract from *Hansard*
[ASSEMBLY — Wednesday, 13 October 2021]
p4377c-4384a

Speaker; Mr Shane Love; Dr David Honey; Ms Mia Davies; Mr Mark McGowan

Ayes (6)

Mr V.A. Catania
Ms M.J. Davies

Dr D.J. Honey
Mr R.S. Love

Ms L. Mettam
Mr P.J. Rundle (*Teller*)

Noes (38)

Mr S.N. Aubrey
Mr G. Baker
Ms H.M. Beazley
Mr J.N. Carey
Ms C.M. Collins
Mr R.H. Cook
Ms D.G. D'Anna
Mr M.J. Folkard
Ms K.E. Giddens
Ms M.J. Hammat

Ms J.L. Hanns
Mr M. Hughes
Mr W.J. Johnston
Mr H.T. Jones
Mr D.J. Kelly
Ms A.E. Kent
Dr J. Krishnan
Mr P. Lilburne
Mr M. McGowan
Ms S.F. McGurk

Mr D.R. Michael
Mr K.J.J. Michel
Mr S.A. Millman
Mr Y. Mubarakai
Ms L.A. Munday
Mrs L.M. O'Malley
Mr P. Papalia
Mr S.J. Price
Mr J.R. Quigley
Ms A. Sanderson

Mr D.A.E. Scaife
Mrs J.M.C. Stojkovski
Mr C.J. Tallentire
Mr D.A. Templeman
Mr P.C. Tinley
Ms C.M. Tonkin
Ms S.E. Winton
Ms C.M. Rowe (*Teller*)

Question thus negatived.