

SECTION 82 NOTICE – FINANCIAL MANAGEMENT ACT 2006

Pursuant to Section 82 of the *Financial Management Act 2006*, I give notice to both houses that I am unable to table information requested in Legislative Assembly Parliamentary Question on Notice 4316.

A copy of this notice is also being provided to the Auditor General, as required by Section 82 of the *Financial Management Act 2006*.

The attached questions 3991 and 3795 provide a description of information not being provided.

I am unable to provide the information requested as the contract was between Perth Theatre Trust and a private company (Kay and McLean Productions Pty Ltd), and as such the details of the contract are commercial-in-confidence.

To respond to this request would jeopardise the Perth Theatre Trust's relationship and future commercial arrangements with private production companies. Maintaining and respecting the confidential nature of contracts with private enterprise is key in achieving partnerships such as this in the future.



**JOHN DAY
MINISTER FOR CULTURE AND THE ARTS**

LEGISLATIVE ASSEMBLY
Question on notice

Tuesday, 16 November 2010

4316. Mr J.N. Hyde to the Minister for Culture and the Arts.

In relation to the answer to Questions on Notice 3795 and 3991 where the Minister for Culture and the Arts cites commercial-in-confidence as the reason for not providing Parliament with certain information, I ask:

(a) has the Minister complied fully with Section 82 of the Financial Management Act 2006, which includes requiring the Minister to give written notice within 14 days to the Auditor General; and

(i) if not, why not?

Answer

(a) No

(b) The Minister has recently provided written advice to the Auditor General.

Question On Notice No. 3795 asked in the **Legislative Assembly** on **19 August 2010** by **Mr J.N. Hyde**

Question Directed to the: **Minister for Culture and the Arts**

Minister responding: **Hon J.H.D. Day**

Parliament: **38** Session: **1**

Question

In relation to the State subsidy for the commercial production of *The Graduate*, I ask:

- (a) how much funding is the Perth Theatre Trust, or any agency in the Minister's portfolio, contributing to this commercial production;
- (b) what are the anticipated paying audience numbers which were presented to justify the State subsidy?
- (c) What other reasons did the commercial promoters present to justify WA Government subsidy; and
- (d) what previous sponsorship commitments to the arts have been cancelled/reviewed in order to fund this new commitment to production of *The Graduate*?



Answered on 8 September 2010

- (a) Perth Theatre Trust presents productions in the State run venues either as a sole presenter or in partnership with another presenter. *The Graduate* is presented in partnership with a private entity, Kay and McLean Productions and all details of the contract are commercial-in-confidence.
- (b) *The Graduate* is a 21 performance season at His Majesty's Theatre which has a maximum capacity of 1200 seats per performance.
- (c) *The Graduate* is presented in partnership with a private entity, Kay and McLean Productions and all details of the contract are commercial-in-confidence between the parties.
- (d) Nil

Question On Notice No. 3991 asked in the **Legislative Assembly** on **16 September 2010** by **Mr J.N. Hyde**

Question Directed to the: **Minister for Culture and the Arts**

Minister responding: **Hon J.H.D. Day**

Parliament: **38** Session: **1**

Question

In relation to the Minister's answer to Question on Notice No. 3795 where he used the excuse of commercial-in-confidence when providing an answer regarding public funding for *The Graduate*, I ask:

- (a) why could the Minister reveal commercial-in-confidence details regarding the Peggy Guggenheim exhibition in his answer to Question on Notice No. 3048, but chooses not to for *The Graduate*;
- (b) what case was put to the Government for a State subsidy of this production;
- (c) how much funding is the Government contributing to the production of *The Graduate*;
- (d) will the Minister now table the contracts; and
- (e) if the Minister will not provide this information to the Parliament, has he notified the Auditor General as to his reasons for refusal?

▼

Answered on 12 October 2010

- (a) The answer provided in Question on Notice No. 3048 refers to a contract between two government agencies (Eventscorp and the Art Gallery of Western Australia), as such the details of the contract can be provided.

The contract for *The Graduate* is between Perth Theatre Trust (PTT) and a private company (Kay and McLean Productions Pty Ltd), and as such the details are commercial in confidence.

Perth Theatre Trust seeks to partner with private enterprise in the future to bring world-class productions such as *The Graduate* to Perth. Maintaining and respecting the confidential nature of private contracts is key in achieving this.

- (b-c) These details are commercial in confidence; however it should not be assumed that a State subsidy necessarily eventuated.

- (d-e) No.