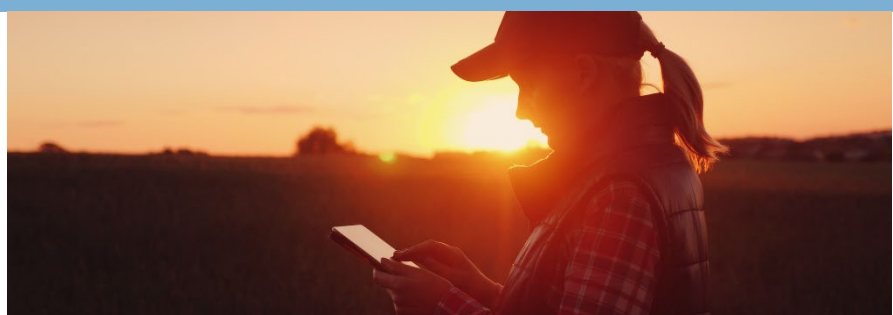


Western Australian Auditor General's Report



Opinion on Ministerial Notification – Agriculture Digital Connectivity Report



Report 2: 2020-21

30 July 2020

**Office of the Auditor General
Western Australia**

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The Office of the Auditor General acknowledges the traditional custodians throughout Western Australia and their continuing connection to the land, waters and community. We pay our respects to all members of the Aboriginal communities and their cultures, and to Elders both past and present.

WESTERN AUSTRALIAN AUDITOR GENERAL'S REPORT

Opinion on Ministerial Notification – Agriculture Digital Connectivity Report

Report 2: 2020-21
July 2020



**THE PRESIDENT
LEGISLATIVE COUNCIL**

**THE SPEAKER
LEGISLATIVE ASSEMBLY**

**OPINION ON MINISTERIAL NOTIFICATION – AGRICULTURE DIGITAL CONNECTIVITY
REPORT**

This report has been prepared for submission to Parliament under the provisions of section 24 of the *Auditor General Act 2006*.

It deals with a decision by the Minister for Regional Development; Agriculture and Food; Ports, the Hon Alannah MacTiernan MLC, to provide Parliament with a redacted version of the *Study on Improvements in WA Agriculture Digital Connectivity Infrastructure* report.

A handwritten signature in black ink, appearing to read 'C Spencer'.

CAROLINE SPENCER
AUDITOR GENERAL
30 July 2020

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Ministerial decision not to provide information to Parliament

Introduction

This report deals with a decision by the Minister for Regional Development; Agriculture and Food; Ports, the Hon Alannah MacTiernan MLC, to provide Parliament with a redacted version of the *Study on Improvements in WA Agriculture Digital Connectivity Infrastructure* report.

Section 82 of the *Financial Management Act 2006* (the FM Act) requires a Minister who decides that it is reasonable and appropriate not to provide certain information to Parliament, to give written notice of the decision to both Houses of Parliament and the Auditor General within 14 days of the decision.

Section 24 of the *Auditor General Act 2006* requires the Auditor General to provide an opinion to Parliament as to whether the Minister's decision was reasonable and appropriate.

What we did

The Audit Practice Statement on our website (www.audit.wa.gov.au) sets out the process we follow to arrive at our section 82 opinions, including:

- a review of entity documents
- a review of any advice provided to the relevant Minister by entities, the State Solicitor's Office or other legal advisers
- interviews with key entity persons including discussions about our draft findings and the Auditor General's opinion.

Our procedures are designed to provide sufficient appropriate evidence to support an independent view to Parliament on the reasonableness and appropriateness of the Minister's decision.

We have not performed an audit, however our procedures follow the key principles in the Australian Auditing and Assurance Standards.

Opinion

The decision by the Minister for Regional Development; Agriculture and Food; Ports, the Hon Alannah MacTiernan MLC, to provide Parliament with a redacted version of the *Study on Improvements in WA Agriculture Digital Connectivity Infrastructure* was reasonable and appropriate.

Background

In Parliament on 4 June 2019, the Hon Martin Aldridge MLC asked the Minister for Regional Development; Agriculture and Food; Ports, in Legislative Council Question on Notice 2187, for a copy of the *Study on Improvements in WA Agriculture Digital Connectivity Infrastructure*. The question was:

- (1) Will the Minister please table the "Study on Improvements in WA Agriculture Digital Connectivity Infrastructure" commissioned by Department of Primary Industries and Regional Development at a cost of \$70,159?
- (2) If no to (1), why not?

On 6 August 2019, the Minister responded as follows:

(1) Yes, with commercially sensitive information redacted. See tabled paper no. #[2897]¹

(2) Not Applicable.

On 14 October 2019, the Auditor General received the Minister's notification of the decision to provide a redacted version of the requested information in accordance with section 82 of the FM Act.

Key findings

The decision by the Minister to provide the redacted report was reasonable and appropriate.

The Minister properly sought advice from the Department of Primary Industries and Regional Development (Department) before responding to the request. The Department recommended the Minister provide the report to Parliament, with confidential information redacted. The Minister followed the Department's advice.

The Department sought advice from the external party that authored the study prior to providing the Minister with a recommendation. The Department commissioned the study, which used information gained through the State Telecommunication Infrastructure Audit. State entities and commercial partners provided information to the audit with an expectation it would remain confidential. The Minister tabled the majority of the report, with the redacted information representing around 10% of the total document.

We used our criteria for assessing commercial-in-confidence information² and considered the approach the Department took was reasonable because:

- the commercial-in-confidence information was specifically identified
- the information was not generally known or ascertainable. However, 2 images which represented a very small component of the report, were redacted despite being publically available
- disclosure of the information could have caused unreasonable detriment to the State.

In our view, the Minister's decision to provide a redacted version of the report is consistent with the public interest of protecting and reducing the risk of damage to the State and third parties. Releasing the full study would have revealed commercially sensitive information from third parties to the wider telecommunications market and could negatively impact the State in future procurement negotiations on telecommunications infrastructure projects.

¹ Legislative Assembly, Parliament of Western Australia, *Tabled Paper – Hon Martin Aldridge – QON No. 2187 - Study on Improvements in Western Australia Agricultural Digital Connectivity Infrastructure – Executive Summary Report (June 2018)*

² Office of the Auditor General Audit Practice Statement (www.audit.wa.gov.au), p. 18

Auditor General's 2020-21 reports

Number	Title	Date tabled
1	Working with Children Checks – Managing Compliance	15 July 2020

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Western Australia