



**THIRTY-EIGHTH PARLIAMENT**

**STANDING COMMITTEE ON PUBLIC  
ADMINISTRATION  
SPECIAL REPORT**

Presented by Hon Max Trenorden MLC

May 2012



## STANDING COMMITTEE ON PUBLIC ADMINISTRATION

### **Date first appointed:**

**17 August 2005**

### **Terms of Reference:**

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

#### **3. Public Administration Committee**

3.1 *A Public Administration Committee* is established.

3.2 The Committee consists of 5 members.

3.3 The functions of the Committee are to –

(a) inquire and report on –

(i) the structure, efficiency and effectiveness of the system of public administration;

(ii) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;

(iii) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;

(iv) any Bill or other matter relating to the foregoing functions referred by the Council;

and

(b) consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, the Inspector of Custodial Services, and any similar officer.

3.4 The Committee is not to make inquiry with respect to –

(a) the constitution, functions or operations of the Executive Council;

(b) the Governor's Establishment;

(c) the constitution and administration of Parliament;

(d) the judiciary;

(e) a decision made by a person acting judicially;

(f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or

(g) the merits of a particular case or grievance that is not received as a petition.”

**Members as at the time of this inquiry:**

Hon Max Trenorden MLC (Chairman)

Hon Jim Chown MLC

Hon Jon Ford MLC (Deputy Chairman)

Hon Ed Dermer MLC

Hon Ken Baston MLC

**Staff as at the time of this report:**

Dr Colin Huntly, Advisory Officer

Ms Christine Kain, Advisory Officer (Legal)

Ms Margaret Liveris, Committee Clerk

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**EXECUTIVE SUMMARY AND RECOMMENDATIONS FOR THE  
REPORT OF THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION  
IN RELATION TO A  
SPECIAL REPORT**

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*... for corporations being composed of individuals subject to human frailties are liable as well as private persons to deviate from the end of their institution. And for that reason the law has provided proper persons to visit inquire into and correct all irregularities that arise in such corporations either sole or aggregate and whether ecclesiastical civil or eleemosynary.<sup>1</sup>*

**EXECUTIVE SUMMARY**

- 1) The Committee's "*Inquiry into Electricity Transmission and Distribution Management by Western Power and Horizon Power*" (the **Inquiry**), terminated on 20 January 2012 with the publication of Report 14 - *Unassisted Failure*.
- 2) During the course of the Inquiry, the Committee was concerned that the conduct of a number of witnesses, acting for Electricity Networks Corporation, trading as "*Western Power*" (**Western Power**), within the scope of their actual and apparent authority, may constitute contempt, and or a breach of privilege of the Legislative Council. General warnings were given to witnesses so that all witnesses were made aware of the requirements of relevant parliamentary law, customs and usages. In addition, specific warnings were given to witnesses in the course of their evidence.
- 3) Following the publication of this Committee's Report 14 – *Unassisted Failure*, the Committee carefully considered the extent to which unsatisfactory conduct of Western Power, and its duly appointed corporate representatives, warranted reference to the Legislative Council for determination.
- 4) While the Committee was deliberating on these matters, Western Power announced that its Managing Director, Mr Doug Aberle was resigning. Two weeks after Mr Aberle's departure, the Chairman of the Board of Western Power, Mr Mark Barnaba announced his decision not to seek a further term on the Board. As a result of these and related announcements by Western Power, the Committee sought to determine the current view of Western Power regarding its conduct during the Inquiry, and that of its duly appointed

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<sup>1</sup> Sir William Blackstone (1765) *Commentaries on the Laws of England*, Book I at 467, Legal Classics Library, New York, USA (Reprint).

representatives before the Committee. To this end, the Committee sent the letter reproduced in Appendix 1 to the Board of Western Power on 7 March 2012.

- 5) In response to the Committee's letter, on 4 April 2012 the Board of Western Power provided the Committee with the correspondence reproduced in Appendix 2 under the common seal of Western Power. In this response, Western Power acknowledged and accepted that aspects of its conduct and those of its duly appointed representatives may have obstructed or impeded this Committee.
- 6) In light of Western Power's unreserved apology, and related undertakings to this Committee on behalf of the Legislative Council, the Committee has resolved to report the relevant communication to the Legislative Council.
- 7) The Committee draws the attention of the Legislative Council to a discernible diminution in appreciation of the role and function of Parliament and its Committees within the system of responsible government, on the part of certain senior public sector officials. The ability of the Parliament to scrutinise the administration of government on behalf of the people of Western Australia is a cornerstone of our democracy. Given the hard lessons learned about the importance of public sector accountability from the Royal Commission into Commercial Activities of Government, which reported in 1992,<sup>2</sup>, is timely to remind all public sector officials of their fundamental accountability to the people of Western Australia through the Parliament and its Committees.

#### RECOMMENDATIONS

- 8) Recommendations are grouped as they appear in the text at the page number indicated:

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**Recommendation 1: The Committee recommends that the Legislative Council do refer this Special Report to the Privileges Committee to determine what action might be taken to ensure that Senior Executive Service personnel, and their equivalents throughout the public sector, who are to appear before either a House or Committee of Parliament, understand the nature and consequences of appearance before parliamentary committees.**

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**Recommendation 2: The Committee recommends that the Legislative Council do call upon the Government, to ensure that all Senior Executive Service personnel, and their equivalents throughout the public sector, who are to appear before either a House or Committee of Parliament, have access to a person possessing an appropriate understanding of parliamentary privilege, law and procedure.**

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<sup>2</sup> Report I presented to His Excellency the Deputy Governor, on 19 October 1992.

## 1 REFERENCE AND PROCEDURE

### Terms of Reference

- 1.1 On 9 September 2009, the Committee resolved to undertake an inquiry into electricity transmission and distribution management by Western Power and Horizon Power, and in particular:
1. issues raised in the report released by EnergySafety, 2008 Distribution Wood Pole Audit Review (May 2009);
  2. maintenance procedures;
  3. current wood distribution pole management practices;
  4. current wood transmission pole management practices;
  5. the use of other materials beside wood for electrical transmission and distribution poles;
  6. electricity pole management practices in other jurisdictions; and
  7. any other relevant matter.
- 1.2 On 15 September 2009 the Committee advised the Legislative Council of the above own-motion inquiry (the **Inquiry**), by way of Special Report.<sup>3</sup>

### Inquiry Process

- 1.3 This Committee reported its substantive findings arising from the Inquiry in Report 14 - *Unassisted Failure (Report 14)* by presentation to the President of the Legislative Council on Tuesday, 17 January 2012. Pursuant to Standing Order 338, the President advised that the Report 14 should be published on Friday, 20 January 2012.
- 1.4 During the course of the Inquiry, it became evident to the Committee that certain evidence provided to it by Western Power, and a number of its duly appointed representatives and officers, may have been unsatisfactory, false or misleading. Consequently, on a number of occasions, formal warnings were given to certain witnesses. Accordingly, the Committee had cause to consider whether or not the conduct of certain witnesses prima facie, may have been a contempt.

### *Conduct of Bodies Corporate - Directing Mind and Will*

- 1.5 It is well settled that corporations can only act through corporate organs or through their properly appointed agents.<sup>4</sup> It is also accepted as a matter of law that those persons who exercise plenary management power over a corporation at the direction

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<sup>3</sup> Hon Max Trenorden MLC, WA, Legislative Council, *Parliamentary Debates (Hansard)*, Tuesday, 15 September 2009, p6844.

<sup>4</sup> *Freeman & Lockyer v Buckhurst Park Properties (Mangal) Ltd* [1964] 2 QB 480.

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of the Board, may, within the scope of their authority, constitute the directing mind and will of the corporation.<sup>5</sup> The knowledge of such officers may be imputed to the corporation. In addition, when acting in such a capacity, and within the scope of their actual and implied authority, such persons bind the corporation by their actions.

- 1.6 The Committee notes that, while court proceedings are adversarial, and therefore not analogous to committee proceedings, Courts often supervise interrogatory process of discovery. During such processes, interrogatory inquiries are answered by affidavit, and under oath. For these purposes, the person answering by affidavit on behalf of a corporation answers to the knowledge held on behalf of the corporation.<sup>6</sup> Accordingly, such a person is required to exercise due diligence, make reasonable inquiry within the corporation and ensure that all relevant information in the possession of the corporation, its agents and servants, is duly disclosed.<sup>7</sup> When the relevant information is sought from the Managing Director of a corporation, it is presumed that they answer on behalf of the corporation.<sup>8</sup> These are matters of general applicability in the corporate sphere.
- 1.7 The Committee is not aware of any resolution of the Legislative Council that might suggest that the above principles of corporate representation should not apply with equal force and effect within a Parliamentary context.

*Changes in the Internal Administrative Arrangements within Western Power*

- 1.8 On Friday, 3 February 2012 Western Power announced the early retirement of its Managing Director, Mr Doug Aberle. On Thursday, 16 February 2012 it was publicly announced that the Chairman of the Board of Western Power Mr Mark Barnaba would not seek re-appointment to the Board at the conclusion of his term of office as Chairman at the end of April 2012.
- 1.9 In light of these developments, the Committee resolved to enquire of Western Power what its corporate position was, regarding its evidence to the Committee during the conduct of the Inquiry. Ascertaining the current corporate position, prior to the Committee forming a final view as to what further report should be made to the Legislative Council, was a matter of significance in the deliberations of the Committee.
- 1.10 As will be seen from the letter dated Wednesday, 7 March 2012, attached at Appendix 1 to this Special Report (the **Letter**), the Committee made it clear to the Board of Western Power that the Committee considered the conduct of Western Power, and its

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<sup>5</sup> *Tesco Supermarkets v Natrass* [1972] AC 153. Approved in *Hamilton v Whitehead* (1988) 166 CLR 121.

<sup>6</sup> *Smith Kline & French Laboratories Ltd v Inter-Continental Pharmaceuticals (Aust) Pty Ltd* (1969) 123 CLR 514.

<sup>7</sup> *Derham v AMEV Life Insurance Co Ltd* (1978) 20 ACTR 23; and, *National Trustees and Executors Company of Australasia Ltd v Christian* [1933] ALR 111.

<sup>8</sup> *Fraser Henleins Pty Ltd v Cody* (1945) 70 CLR 100 at 134 per Williams J.

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duly appointed representatives, before this Committee to have been unsatisfactory in numerous respects.

- 1.11 In addition, the Letter sought clarification from Western Power regarding its current view of dealings with the Committee by Western Power, and its duly appointed representatives, during the course of the Inquiry.

*Subsequent Response from Western Power*

- 1.12 On Wednesday, 4 April 2012 the Committee received a substantive response (the **Response**) from Western Power to the Committee's Letter. Western Power's Response was delivered in person by the Chairman of the Board together with the Acting Managing Director of Western Power. A copy of the Response is reproduced in full at Appendix 2 below.

- 1.13 In its Response, Western Power has unreservedly apologised to the Committee for its unsatisfactory conduct, and for that of its duly appointed representatives, during the conduct of the Inquiry. In addition to an apology, Western Power has provided the Committee with the following undertaking:<sup>9</sup>

- *Western Power recognises that it is directly accountable to Parliament and the people of Western Australia. It understands this accountability exists through the oversight of the Minister, the statutory reporting obligations imposed on it and its Minister, and in particular, its obligations pursuant to the Parliamentary Privileges Act 1891 to account to and assist inquiries undertaken by Parliamentary committees,*
- *Consistent with such direct accountability, from now on, and at all times, Western Power's conduct with respect to Parliamentary committees will be frank, direct, open and in every respect, truthful. All reasonable steps will be taken in the future to ensure that any information provided to Parliamentary committees by, and on behalf of, Western Power is both factually accurate, and complete in all material respects, before it is provided to the committee in question. Further, Western Power will ensure that all its staff clearly understand their responsibility to cooperate fully with Parliamentary inquiries, in a manner that is consistent with standard public sector guidelines.*
- *In the course of a Parliamentary inquiry, should it emerge that previous evidence provided by Western Power or its duly authorised representatives is incomplete or incorrect, Western Power will promptly apologise and correct the record accordingly*

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<sup>9</sup> Formal apology and undertaking from Western Power dated 4 April 2012.

- 1.14 The Committee is unaware of any public sector entity in the history of the State having made such an apology.
- 1.15 Nevertheless, the Committee accepts Western Power's apology in its terms. The Committee further accepts the assurance, provided by the Chairman of the Board of Western Power, that the corporation acknowledges, and will address, the operational failings identified by the Committee in Report 14.
- 1.16 The Committee also notes Western Power's written undertaking as to Western Power's future conduct with respect to Committees of the Parliament. It is regrettable that such an undertaking should have been necessary.
- 1.17 As the undertaking given by Western Power on this occasion has wider application than the Standing Committee on Public Administration, the Committee acquaints the Legislative Council with the terms of the undertaking accordingly.

*Committee Comment*

- 1.18 Recently, this Committee has observed that certain senior public sector officials have exhibited a less than satisfactory working knowledge of core democratic concepts including the sovereignty of parliament, and the nature and consequences of parliamentary privilege. The Committee's recent experience with senior management representatives of Western Power, as discussed in this Special Report, is merely an extreme instance of a phenomenon that this Committee has experienced more widely in its dealings with the State public sector. Such is the level of the Committee's concern about this matter, that it has resolved to expressly draw it to the attention of the Legislative Council on this occasion.
- 1.19 The importance of the work of parliamentary committees as a means of enhancing accountability of the State public sector to the people of Western Australia was one of the issues specifically addressed, 20 years ago this year, in the second Report of the *Royal Commission into Commercial Activities of Government*. The Committee believes that it may be timely to restate those propositions, espoused by the Commissioners, that were of direct relevance to the work of parliamentary committees:<sup>10</sup>

2.4.2 *As the Commission has emphasised, accountability can only be exacted where those whose responsibility it is to call government to account are themselves possessed of, or are able to obtain, the information necessary to make considered judgments. Information is the key to accountability. Given Parliament's role as the primary accountability agent of the public, accurate information is*

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<sup>10</sup> Western Australia (1992) *Royal Commission into Commercial Activities of Government*. Report II (presented to His Excellency the Governor on 19 November 1992) at p 2-12. See [http://www.slp.wa.gov.au/publications/publications.nsf/DocByAgency/EB7A73F79B8C4FCA482569850012E10E/\\$file/report2.pdf](http://www.slp.wa.gov.au/publications/publications.nsf/DocByAgency/EB7A73F79B8C4FCA482569850012E10E/$file/report2.pdf) (accessed 2 May 2012).

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*its lifeblood. Without it, Parliament can be neutralised, the public left vulnerable.*

2.4.3 *Our concern must be to enhance Parliament's roles as the gatherer of information about government and as the public's informant. ...*

...

2.4.7 *The information conditions to which we referred at the beginning of this chapter are of fundamental importance to Parliament. First, Parliament should have optimal access to information of and about government. This requirement has a number of implications. It requires that both the obligations of the agencies of government and the machinery of Parliament itself be so tailored that information can be obtained in a comprehensive and systematic fashion and that information not be withheld without full justification. ...*

...

2.4.11 *The Commission believes that it is of the first importance that a more realistic approach be taken to the obligation of the various arms of government to satisfy Parliament's information needs. Parliamentary committees in particular must be entitled as of right to exact, from responsible officers of government, information falling within their spheres of actual responsibility. The actual manner in which government is being conducted and the actual responsibilities discharged by officials, and not an inflexible principle of ministerial responsibility, should ordain who is the appropriate officer from whom information properly can be sought by Parliament and, importantly, what is the information that appropriately can be sought from that official. The performance management approach, now being pursued in the public sector, accentuates the importance of this principle.*

1.20 The Committee therefore makes the following recommendations:

**Recommendation 1: The Committee recommends that the Legislative Council do refer this Special Report to the Privileges Committee to determine what action might be taken to ensure that Senior Executive Service personnel, and their equivalents throughout the public sector, who are to appear before either a House or Committee of Parliament, understand the nature and consequences of appearance before parliamentary committees.**

**Recommendation 2: The Committee recommends that the Legislative Council do call upon the Government, to ensure that all Senior Executive Service personnel, and their equivalents throughout the public sector, who are to appear before either a House or Committee of Parliament, have access to a person possessing an appropriate understanding of parliamentary privilege, law and procedure.**



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Hon Max Trenorden MLC  
Chairman

3 May 2012

**APPENDIX 1**  
**LETTER TO MR MARK BARNABA, BOARD CHAIRMAN,**  
**WESTERN POWER, DATED 7 MARCH 2012**



**APPENDIX 1**  
**LETTER TO MR MARK BARNABA, BOARD CHAIRMAN,**  
**WESTERN POWER, DATED 7 MARCH 2012**

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**STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

Your Ref:  
Our Ref:

Mr Mark Barnaba  
Board Chairman

Western Power  
GPO Box L921,  
Perth, WA 6842

7 March 2012

Dear Mr Barnaba

**Parliamentary Committee Inquiries**

As you are aware, on 20 January 2012, this Committee tabled its Report 14 - *Unassisted Failure (Report 14)*. You will also be aware that the focus of Report 14 was Western Power's management of its wooden power pole asset base (the **Inquiry**). As a body corporate, Western Power was represented in all of its dealings with this Committee by its duly appointed officers. At all relevant times those individuals were acting within the scope of their actual and apparent authority, and on behalf of, Western Power. Accordingly, Western Power as a corporate citizen bears ultimate responsibility for its own corporate conduct, and the conduct of those persons acting on its behalf during the Inquiry.

Parliamentary committees exist to provide the Parliament and people of Western Australia with the best possible information about matters of public interest, and to assist the House in making informed decisions. Anything that obstructs or impedes the inquiries of Parliamentary committees is entirely unacceptable in a modern representative democracy because it undermines the right of the ordinary people of the State to know how they are being governed. As the High Court of Australia stated in a federal context:<sup>1</sup>

*Similarly, those provisions which prescribe the system of responsible government necessarily imply a limitation on legislative and executive power to deny the electors and their representatives information concerning the conduct of the executive branch of government throughout the life of a federal Parliament. Moreover, the conduct of*

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<sup>1</sup> *Lange v Australian Broadcasting Corporation* (1997) 189 CLR 520 at 561, per Brennan CJ, Dawson, Toohey, Gaudron, McHugh, Gummow and Kirby JJ. The same principle was cited with approval by the High Court in a State parliamentary context in *Egan v Willis* (1998) 195 CLR 424 at 451 per Gaudron, Gummow and Hayne JJ.

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*the executive branch is not confined to Ministers and the public service. It includes the affairs of statutory authorities and public utilities which are obliged to report to the legislature or to a Minister who is responsible to the legislature.*

As you are aware, the *Criminal Code*, at section 57, makes giving a false answer to any lawful and relevant question from a Parliamentary committee a criminal offence. This demonstrates in, stark terms, how gravely the community views any attempt to obstruct or impede the lawful and relevant inquiries of the duly appointed representatives of the people.

Evidence that does not satisfy the technical elements of a criminal offence may still reasonably be regarded as either; quibbling; prevaricating; misleading; or false. Any such unsatisfactory evidence has the potential to obstruct or impede the inquiries of Parliamentary committees. Accordingly, unsatisfactory evidence that does materially obstruct or impede the inquiries of a Parliamentary Committee, or has the tendency to obstruct or impede those inquiries may constitute a grave contempt of the Parliament and is contrary to the wider public interest.

In particular, the Committee draws your attention to the following specific example of “*Matters constituting Contempts*” provided at Schedule 4 of the Standing Orders of the Legislative Council:

*That, without derogating from its power to determine that particular acts constitute contempts, the Council declares, as a matter of general guidance, that breaches of the following prohibitions, and attempts or conspiracies to do the prohibited acts, may be treated by the Council as contempts.*

...

**13. Obstruction by Witnesses**

(1) *A witness before the Council or a Committee shall not -*

...

(c) *give any evidence which the witness knows to be false or misleading in a material particular, or which the witness does not believe on reasonable grounds to be true or substantially true in every material particular.*

The Committee is bound to advise Western Power that, during the Inquiry, in a number of specific instances, the conduct of Western Power and its duly appointed representatives has been unsatisfactory. In addition, when the particulars of these instances were brought to the attention of Western Power, subsequent responses from Western Power have also been unsatisfactory. Indeed, Western Power has gone so far as to repeatedly assert to this Committee that it is not directly accountable for its conduct to the Parliament and people of Western Australia.

The Committee is currently considering to what extent Western Power’s unsatisfactory conduct during the Committee’s most recent inquiry may have been such that the Committee should refer Western

Power to the Legislative Council for providing quibbling, prevaricating, misleading, and/or false evidence that has materially obstructed or impeded a Parliamentary inquiry.

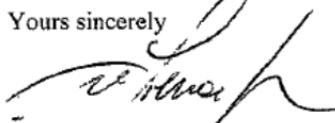
The Committee is aware that internal administrative arrangements within Western Power are currently under active review. Accordingly, it would assist the Committee in its ongoing deliberations in this matter if Western Power could indicate clearly to the Committee the current view of Western Power to the issues addressed above.

At this time, the Committee asks if Western Power is prepared to acknowledge its past conduct, and that of its duly appointed representatives, during the Inquiry which may have obstructed or impeded the Committee. In addition, the Committee asks if Western Power is prepared to provide the Committee with an undertaking substantially in the following terms:

- That, as an emanation of the State, Western Power understands that it is directly accountable to the Parliament and People of Western Australia in addition to any particular statutory accountability mechanisms that may be applicable to Western Power.
- Consistent with such direct accountability, henceforth, and at all times, Western Power's conduct with respect to Parliamentary committees will be frank, direct, open and, in every respect, truthful. All reasonable steps will be taken in the future to ensure that any information provided to Parliamentary committees by, and on behalf of, Western Power is both factually accurate, and complete in all material respects, before it is provided to the committee in question. Further, that Western Power will ensure that all its staff clearly understand their responsibility to co-operate fully with Parliamentary inquiries, in a manner that is consistent with standard public sector guidelines.
- That, in the course of a Parliamentary inquiry, should it emerge that previous evidence provided by Western Power or its duly appointed representatives is incomplete or unsatisfactory, Western Power will promptly apologise and correct the record accordingly.

Western Power's response to this request will be a material factor in the Committee's consideration of Western Power's conduct, and that of its duly appointed representatives, during the course of the Inquiry. The Committee would appreciate Western Power's response to this letter by close of business on Wednesday, 11 April 2012.

Yours sincerely



**Hon Max Trenorden MLC**  
Chairman

Cc: Hon Peter Collier MLC

Minister for Energy; Training and Workforce Development; Indigenous Affairs

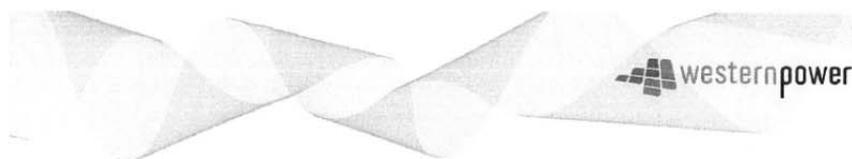


**APPENDIX 2**  
**LETTER FROM MR MARK BARNABA, BOARD CHAIR,**  
**WESTERN POWER, DATED 4 APRIL 2012**



**APPENDIX 2**  
**LETTER FROM MR MARK BARNABA, BOARD CHAIR,**  
**WESTERN POWER, DATED 4 APRIL 2012**

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**Mark Barnaba** Chairman

Our ref: JP:LEX514  
Your ref: pc.wpp.120307.let.001.WP (A326767)

4 April 2012

Hon Max Trenorden, MLC  
Chairman  
Standing Committee on Public Administration  
Parliament House  
PERTH WA 6000

Dear Mr Trenorden,

**Parliamentary Committee Inquiries**

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I refer to your letter dated 7 March 2012 and my interim response dated 14 March 2012.

At the outset, please accept the Board's sincere gratitude for drawing our attention to the Standing Committee's concerns as detailed in your letter and for giving us an opportunity to address and respond to them.

I confirm that the Board has carefully reviewed the Standing Committee's report and the contents of your letter. We agree that aspects of Western Power's conduct and that of its representatives during the course of the Standing Committee's extensive inquiry were regrettable, albeit that there was never any intention to disrespect the Committee, nor to impede or obstruct its inquiry.

I have **enclosed** Western Power's formal apology and undertaking. You will note that the latter is substantially in the terms of the example that you provided.

You have my assurance that the Board has worked closely with Western Power's executive management team to prepare a raft of proposed initiatives that both recognise and address the failings identified by the Standing Committee in its report. I cannot emphasise strongly enough how seriously the Board and Executive of Western Power have taken this matter and our collective resolve to deliver on the proposed actions.

Yours sincerely

A handwritten signature in black ink that reads "Mark Barnaba".

**MARK BARNABA**  
**BOARD CHAIR**

cc: Hon Peter Collier MLC  
Minister for Energy; Training and Workforce Development; Indigenous Affairs

Connecting people with energy

363 Wellington Street Perth WA 6000 T (08) 9326 4651 | F (08) 9225 2642 Electricity Networks Corporation  
GPO Box L921 Perth WA 6842 westernpower.com.au ABN 18 540 492 861

DM#9205511



Standing Committee on Public Administration  
**Inquiry into Western Power's electricity  
transmission and distribution management**

Western Power acknowledges and accepts that, during the course of the Standing Committee's inquiry, aspects of its conduct and that of its duly appointed representatives, may have unintentionally obstructed or impeded the Standing Committee.

Western Power unreservedly apologises to the Standing Committee and further provides the following undertaking:

- ▶ Western Power recognises that it is directly accountable to Parliament and the people of Western Australia. It understands this accountability exists through the oversight of the Minister, the statutory reporting obligations imposed on it and its Minister, and in particular, its obligations pursuant to the Parliamentary Privileges Act 1891 to account to and assist inquiries undertaken by Parliamentary committees.
- ▶ Consistent with such direct accountability, from now on, and at all times, Western Power's conduct with respect to Parliamentary committees will be frank, direct, open and in every respect, truthful. All reasonable steps will be taken in the future to ensure that any information provided to Parliamentary committees by, and on behalf of, Western Power is both factually accurate, and complete in all material respects, before it is provided to the committee in question. Further, Western Power will ensure that all its staff clearly understand their responsibility to cooperate fully with Parliamentary inquiries, in a manner that is consistent with standard public sector guidelines.
- ▶ In the course of a Parliamentary inquiry, should it emerge that previous evidence provided by Western Power or its duly authorised representatives is incomplete or incorrect, Western Power will promptly apologise and correct the record accordingly.

Dated: 4 April 2012<sup>1</sup>

EXECUTED under seal by ELECTRICITY  
NETWORKS CORPORATION  
ABN 18 540 492 861 in accordance with  
paragraph 135(2)(a) of the Electricity  
Corporations Act 2005 (WA) and Board resolution  
BD/09/2006:



*Mark Barnaba*

Signature of a Board Chair / Director

MARK BARNABA

Full name

*Paul Italiano*

Signature of a Acting Chief Executive Officer

PAUL LEONARD ITALIANO

Full name

<sup>1</sup> This apology and undertaking approved by the Board on 16 March 2012 (see resolution #018/2012/BD).