

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES — FIFTY-FIFTH REPORT —
STATE SOLICITOR'S OFFICE

908. Hon MICHAEL MISCHIN to the Leader of the House representing the Attorney General:

I refer to the Attorney General's refusal to advise Parliament of the procedure followed by the State Solicitor's Office to identify and remove documents provided to it that "may" be the subject of parliamentary privilege, and to identify the officers and staff who had access to those documents and made those decisions.

- (1) On what basis is that information regarding process and by whom it was carried out, absent of any disclosure of legal advice, subject to legal professional privilege?
- (2) Is his answer of 20 August supported by legal advice; and, if so, from whom and when was it sought and obtained?
- (3) Will the Attorney General now reconsider his refusal to provide information to Parliament and supply the information sought?

Hon SUE ELLERY replied:

I thank the honourable member for some notice of the question.

- (1) The process by which documents that constituted proceedings in Parliament could be identified, which of necessity requires the application of legal considerations, including the precise parameters of the term "proceedings in Parliament", forms part of the legal advice provided to the state on the matter. That information forms part of a confidential communication between the state and its legal advisers and is properly the subject of legal professional privilege. It has already been made clear that that process was undertaken by the State Solicitor's Office, whose officers are officers of the state. Even if it were the case that their names were not the subject of legal professional privilege, I do not propose to provide their names. They are officers of the state who were acting under instructions from the Department of the Premier and Cabinet.
- (2) Legal advice was sought and received from the State Solicitor's Office.
- (3) Noting the above, no.