

MOORA RESIDENTIAL COLLEGE — HON DARREN WEST — COMMENTS

Matter of Privilege

HON JIM CHOWN (Agricultural) [10.36 am]: I rise under standing order 93 to raise a matter of privilege. For the reasons I will outline, I request, Madam President, that you consider that the matters I raise here have sufficient substance to establish a case for further consideration by the Standing Committee on Procedure and Privileges and for its decision on whether there have been breaches of privilege resulting in substantial interference in the Legislative Council proceedings resulting from statements made to the house based on information provided by Hon Darren West.

This is not an action that I take lightly. Indeed, during my nine years in this place, I have never previously been involved in circumstances in which I felt compelled to request such an action. However, from recent information provided by Hon Darren West to the Leader of the House and the leader's answers to my questions in reliance on the information provided, I hold grave concerns for the integrity of the Legislative Council's information-gathering and accountability functions in relation to this matter. In this regard, I table two statutory declarations that I read into the house on 14 June 2018.

Leave granted. [See paper 1524.]

Hon JIM CHOWN: Having raised this matter on a number of occasions previously, I do not intend to take up much more of the time of the President, nor of members; however, I remain committed to having this matter resolved.

The matter relates to commitments that Hon Darren West is said to have provided to two Moora shire councillors regarding his willingness to engage an independent assessor to assess the repairs required for Moora Residential College to remain open and operational and his undertaking to provide \$500 000 if that was the amount required to repair the college. Both statutory declarations were delivered to and received by Hon Darren West on Tuesday, 26 June 2018. In addition, I also read both statutory declarations in their entirety in the house while Hon Darren West was present during my speech delivered on 14 June 2018. Under standing order 40, Hon Darren West had ample opportunity but chose not to provide a personal explanation regarding his version of events in reply to questions I have asked and the statement I made.

Members are aware that statutory declarations are binding under law and are required to be factual in their subject matter; otherwise, severe repercussions are prescribed under the Criminal Code of Western Australia. These include a maximum prison term of five years or, for a summary conviction, a maximum of two years' imprisonment and a \$24 000 fine. Suffice it to say, answers provided by the Leader of the House in reliance on information provided to her by Hon Darren West are in stark factual conflict to information received from the two shire councillors, as outlined in the two statutory declarations I have just tabled. One version of either Hon Darren West's or the councillors' conversation is factually incorrect and the veracity of each version ought to be tested. It is my view that, in the event that Hon Darren West had intentionally provided factually inaccurate information to the Leader of the House and she has based answers to my questions on that information, he has interfered substantially with the proper conduct of Legislative Council proceedings.

For completeness, I believe it is worth replying to comments recently reported in the *Farm Weekly* of 21 June 2018 and attributed to Hon Alannah MacTiernan, in case they are views possibly shared by others. I am not suggesting Hon Alannah MacTiernan confirmed that the commitments were provided by Hon Darren West. However, she did comment on the conversation's setting by stating, "You've got to look at the context. It was a festive dinner. It wasn't a formal meeting." My reply to that is twofold. Firstly, a parliamentary secretary is a senior member of the government who in any public forum, whether it be an official engagement or otherwise, is wholly responsible for their actions and utterances, especially those utterances about government policies and actions. Secondly, despite any perceived informality in which the statements may have been initially made, any informality was removed when the related questions were raised and answered twice in this place, based on the information provided by Hon Darren West. Although I do not condone such practices, it may be that some members think little of providing inaccurate or misleading commitments when out in the community. However, if a member provides misleading information for responses to questions in this place and he or she knows that information to be inaccurate, he or she is intentionally misleading the house and, in doing so, the member may well be determined as having committed a contempt of Parliament.

The subject matter of the statutory declarations now tabled is of immense public interest in Western Australia, particularly regional Western Australia, as well as this house of Parliament. The government's policy to close Moora Residential College is extremely controversial in regional Western Australia, if not the entire state. The Standing Committee on Procedure and Privileges is the only authorised parliamentary body with the ability and power on behalf of the Parliament and the public to clarify whether the said statements are correct or otherwise. If

the statutory declaration signees are correct, then Hon Darren West, by his responses to the Leader of the House in regard to questions without notice 284 and 329, has raised a concern of privilege regarding the integrity of the Parliament's information-gathering and accountability functions. In the event that the President refers this matter to the Standing Committee on Procedure and Privileges, it would, of course, be for the committee to determine which version of the contradicting events is correct and whether there was any justification for making the factually incorrect statements that would be reiterated in this house.

On the grounds that I have outlined here and through the documents that I have tabled, it is my firm opinion that the matter of whether Hon Darren West has misled the house, by providing factually inaccurate information for use in answers to this house, ought to be considered and determined by the Standing Committee on Procedure and Privileges. Madam President, to resolve this matter, I believe I have no alternative but to request your consideration to refer this matter of privilege to be investigated by the Standing Committee on Procedure and Privileges of the Legislative Council.

The PRESIDENT: Hon Jim Chown has raised a matter of privilege under standing order 93. It is my intention to defer the matter, to have a look at the documents tabled today and to review today's *Hansard* and the *Hansard* from previous days about this particular matter. It will be my intention to take some time to look at that and provide a ruling to the house at a later stage.

HON SUE ELLERY (South Metropolitan — Leader of the House) [10.44 am]: Madam President, can I just ask a question to check the language? My understanding of standing order 93 is that, in the first instance, you need to give consideration to whether the issue is a matter of substance. Have you already determined that?

The PRESIDENT: No, I have not. I said that I will take all that information on board and go away, give it consideration and then come back at a later stage with a ruling.