

LAND RELEASES AND DEVELOPMENT - PORT HEDLAND PRETTY POOL SUBDIVISION

4469. Hon Ken Baston to the Parliamentary Secretary representing the Minister for Planning and Infrastructure

I refer to the answer given to Part 3 of my question number 1159 on 5 December, and I ask -

- (1) Is the Minister aware that the Statutory Declaration form in the Pretty Pool information packs distributed by LandCorp's authorised agent states, directly above the space allocated for signatures - 'This declaration is true and I know it is an offence to make a declaration knowing that is false in a material particular. This declaration is made under the *Oaths, Affidavits and Statutory Declarations Act 2005*'?
- (2) Is the Minister aware that this statement is used on generic Statutory Declaration forms downloaded from the Office of the Attorney General and that those statutory declarations are binding without further warning either within the document or in an addendum?
- (3) Was this, or a similar statement, included on the Statutory Declarations submitted by the five successful applicants for the Pretty Pool ballot who subsequently withdrew their applications following scrutiny by the Western Australia Electoral Commission?
- (4) If no to (3), why not?
- (5) If yes to (3), why were these Pretty Pool Statutory Declarations not considered equally as binding as the generic Statutory Declarations from the Office of the Attorney General, and therefore referred to the relevant agency in cases where false testimony was suspected?

Hon ADELE FARINA replied:

- (1)-(3) The Statutory Declaration did contain the words as outlined in Question 1. These words are in accordance with Clause 12(2) of the Oaths, Affidavits and Statutory Declarations Act 2005 ("the Act") and are taken from Schedule 1 of the Act.

However as stated in response to Question 1159 the statutory declaration did not clearly point to the fact the making a false declaration was a breach of the Criminal Code. As such the Minister requested that in order to better inform future applicants of their obligations under the Act and to improve the clarity of the statutory declaration an extra statement be added to subsequent ballots. This statement expressly declares that making a false declaration is a breach of the Criminal Code.

- (4) Not applicable
- (5) Subsequent to legal advice, LandCorp did not refer the matter to the Western Australian Police Service, as it was not legally obligated to do so. LandCorp achieved its outcome to exclude ineligible applicants from the ballot process. (Ineligible applicants withdrew their ballots when contacted by the State Electoral Commission). The expenditure of time, resources and legal costs to further the matter could not be justified. In any event there were ambiguities in the ballot form that would make it difficult to prosecute. The text of the subsequent forms is much more explicit and requires more precise information.