

EX GRATIA PAYMENT — DHU FAMILY

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

I refer to the payment of \$1.1 million to relatives of Ms Dhu.

- (1) Was a formal request for an ex gratia payment made on behalf of the Dhu family; and, if so, when and from whom?
- (2) Was legal advice sought and received regarding the appropriateness of such a payment and the amount?
- (3) If no to (2), why not?
- (4) If yes to (2), from whom and on what date was that advice sought and on what date was advice received?
- (5) When was the decision to award an ex gratia payment made and by whom, what was the basis for the decision to do so, and was it recorded and how?
- (6) Was the decision to award an ex gratia payment consistent with or contrary to “the general conclusion” of the advice received?

Hon SUE ELLERY replied:

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

- (1) Yes, it was made by letter dated 21 March 2017 from legal representatives of family members and a letter dated 26 May 2017 from legal representatives of further family members.
- (2) Yes, advice was sought and is subject to legal professional privilege, and accordingly I am unable to provide the requested information. I am cognisant of my obligations under section 82 of the Financial Management Act and will provide any notice required by that section to Parliament and to the Auditor General in accordance with the legislative requirements.
- (3)–(4) See (2).
- (5) The Attorney General disclosed during the Legislative Assembly budget estimates hearing on 20 September 2017 that the government had paid an ex gratia payment to the Dhu family. The member would be aware that the making of an ex gratia payment is a matter for cabinet upon the recommendation of the Attorney General. I am unable to provide an answer to remaining aspects of this question as the information being sought is cabinet-in-confidence. Again, I will comply with any obligation I have to provide notification of this to the house and to the Auditor General in accordance with section 82 of the Financial Management Act 2006.
- (6) See (2).