

ATTORNEY GENERAL — UNFAIR DISMISSAL CASE

Statement

HON NICK GOIRAN (South Metropolitan) [9.56 pm]: I rise to reflect on a couple of answers that I received in parliamentary question time. The first was on 22 February and it is question without notice 85. I asked the Leader of the House who was representing the Premier —

I refer to the unfair dismissal case brought by a former electorate officer of the member for Kwinana and Public Service Appeal Board matter 31/2020.

- (1) Is the Premier aware that external counsel has been used to oppose the case?
- (2) What has been the cost to WA taxpayers for this case to be defended?
- (3) Was it the Deputy Premier or the Attorney General who first alerted the Premier about this case?
- (4) When was the Premier last briefed about the status of this case?

The Leader of the House, who I emphasise is and was responding on 22 February in a representative capacity, said —

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

(1)–(4) As this matter is currently before the board, it would not be appropriate to respond.

What the Leader of the House said on 22 February 2022 is partly true. The matter that I have referred to, Public Service Appeal Board matter 31/2020, is currently before the board. That is on the public record and is not in dispute by anybody. However, it is not true to say that it would not be appropriate to respond. A minister of the Crown might say that it was not appropriate to respond if the type of interaction that was taking place could fall foul of the sub judice rule, but that is not what is occurring here. The question was: is the Premier aware that external counsel has been used to oppose the case? There is nothing inappropriate about the Premier of Western Australia, who also holds the office of Treasurer of Western Australia and is the primary person responsible for taxpayers' funds, to indicate whether or not he is aware that a case before the Public Service Appeal Board is using external counsel. In other words, there is an extra cost to the taxpayers of Western Australia by deciding to use external counsel. In all of that, I am not necessarily having an argument about whether it is appropriate or inappropriate. That will be a debate for another day. I am simply asking whether the Premier is aware of that fact. For him to respond, through his representative here, saying that it is not appropriate to respond because the matter is currently before the board is false. There is nothing inappropriate about responding to that. Equally, when I asked what the cost has been to WA taxpayers for this case to be defended, it is false for the Premier, through his representative, to say that it would not be appropriate to respond. Why would WA taxpayers not be entitled to know how much they have paid so far on this case? We know that that type of information can be made available because it has been provided previously through the work of the estimates committee.

In addition, I asked the Premier, through his representative, whether it was the Deputy Premier or the Attorney General who first alerted the Premier about this case. Why would it be inappropriate to indicate whether it was Mr Quigley or Mr Cook who first discussed the matter with him? There is nothing inappropriate about disclosing that information. Lastly, I asked when he was last briefed about the status of the case. Again, apparently, the same response was provided that it would not be appropriate to respond. These are false answers being provided by the Premier through his representative. It was for that reason that today, at the next available opportunity, I asked a follow-up question. I drew to the Premier's attention the remarks made by the Leader of the House at the time in her capacity of Leader of the Opposition on 17 March 2016, when, in part, the honourable member said —

Accurate and timely information to Parliament and its transparent dissemination is essential.

I could have gone on to quote the next line by the honourable member at the time, but I did not. It says —

Secrecy, obfuscation, avoidance and inaccuracy, whether deliberate or not, and dishonesty, are in fact the enemies of our parliamentary democracy.

That is what the honourable member said in 2016. These are comments that I support and I supported at the time, because the great irony is that at the time the honourable member, the then Leader of the Opposition, was rising under standing order 93 to raise a matter of privilege, because the then Leader of the House, who was also responding to a question on behalf of the then Premier, had inadvertently, as time has since told us, provided a false answer to Parliament. It was the Leader of the Opposition at the time, the now Leader of the House, who was quite rightly outraged and moved for the matter to be considered as a matter of privilege. The record is now clear about the outcome of that particular matter.

The answers provided in question time are a serious matter. I draw to members' attention the response that I received today. Regrettably, I do not have a printed copy of the uncorrected proof, but Hansard has kindly forwarded the

answer that was provided. It includes this response from the Premier of Western Australia through his representative, the Leader of the House, who in part—for those who were not here and might have been away on urgent parliamentary business—responded to my questions. I was drawing these matters to the attention of the government and inviting the Premier to reconsider his response and to, in an open and transparent way, simply advise whether it was Mr Cook or Mr Quigley; what has been the cost to the taxpayers of Western Australia; when was he first informed about this matter; and when was he last briefed? I was simply asking him to reconsider those matters. The response in part falsely says, and I quote from the uncorrected proof —

It is worth noting the apparent hypocrisy of the member asking this question, who commenced defamation proceedings against his own party ...

Hon Sue Ellery interjected.

Hon NICK GOIRAN: I am letting you know now, Leader of the House, so just hold your horses, because under “Schedule 4: Contempts of the Council”, you would be aware that if a member knowingly commits an act, it is going to be a contempt.

At the moment, I am working on the basis that the Leader of the House did not knowingly commit it. She actually ignorantly provided that information to the house. It is false. What the Premier asked the Leader of the House to read in earlier today is false. I have taken no such proceedings at any time. I am not intending to move a matter of privilege, President, because I am quite genuinely operating on the basis that the Leader of the House was simply doing what Hon Peter Collier had to do a couple of Parliaments ago—he had to read in the answer provided to him by the Premier; in this case, Hon Sue Ellery had to read in a response from Hon Mark McGowan—and that she did so in good faith, assured that the response had been prepared in a competent fashion by the advisers and signed off by the Premier, and fulfilling her duty. I am not suggesting that the Leader of the House has committed this intentionally, but I am putting it on the record: it is false. It is garbage. It is untrue. If members are not sure about it, they can refer me to the Standing Committee on Procedure and Privileges right now for misleading the house—no problem! But I am not going to tolerate this garbage, which has imbeciles in the backroom preparing these kinds of answers to serious matters and falsely making these kinds of statements with respect to me in particular. It is unacceptable. I invite the Leader of the House to reflect on this matter overnight and, if she thinks it appropriate tomorrow, to remedy the record. At that point, I do not intend to take it any further, President.

Statement

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [10.06 pm]: I have lost count of the number of times Hon Nick Goiran has stood in this place and threatened obliquely or otherwise to refer something I have said to the Standing Committee on Procedure and Privileges. If you think that I have misled the house, that is what you need to do. You know how to do it.

Hon Nick Goiran interjected.

Hon SUE ELLERY: You know how to do it.

Hon Nick Goiran interjected.

Hon SUE ELLERY: You know how to do it.

The PRESIDENT: Order! Leader of the House.

Hon SUE ELLERY: He just has to have something to talk about night after night after night. If he wants to refer me to procedure and privileges, go ahead.

Several members interjected.

The PRESIDENT: Order!

Several members interjected.

The PRESIDENT: Order! There is a member before us who has the call and who may also speak from her seat, if she were to have a seat in the chamber.