



THIRTY-NINTH PARLIAMENT

REPORT 36
STANDING COMMITTEE ON PROCEDURE AND
PRIVILEGES
NIGEL RODNEY LAKE
DEPUTY CLERK OF THE LEGISLATIVE COUNCIL

Presented by Hon Barry House MLC (Chair)

August 2015

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

Date first appointed: 24 May 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“1. Procedure and Privileges Committee

- 1.1 *A Procedure and Privileges Committee* is established.
- 1.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.
- 1.3 With any necessary modifications, Standing Order 163 applies to a co-opted member.
- 1.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.”

Members as at the time of this inquiry:

Hon Barry House MLC (Chair)

Hon Adele Farina MLC (Deputy Chair)

Hon Nick Goiran MLC

Hon Martin Aldridge MLC

Hon Kate Doust MLC

Co-opted Members: all remaining Members of the Legislative Council

Staff as at the time of this inquiry:

Paul Grant (Acting Deputy Clerk)

Grant Hitchcock (Usher of the Black Rod)

Russell Bremner (Consultant to the Committee)

Rob Hunter (Consultant Assistant)

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REPORT OF THE STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

IN RELATION TO NIGEL RODNEY LAKE, DEPUTY CLERK OF THE LEGISLATIVE COUNCIL

1 REFERENCE

- 1.1 On Wednesday, 12 August 2015 the *Procedure and Privileges Committee* (“the PPC”) considered the matter of Nigel Rodney Lake, Deputy Clerk of the Legislative Council.

2 BACKGROUND TO THE REFERENCE

- 2.1 On Wednesday, 18 February 2015 the President of the Legislative Council, Hon Barry House MLC instructed Mr Lake not to undertake any work for the Legislative Council, or to attend the workplace. This action was a result of the matters that came to light that day and which led to Mr Lake being charged by Western Australian Police with serious criminal offences.
- 2.2 On Thursday, 11 June 2015 Mr Lake pleaded not guilty to all charges.
- 2.3 From 18 February 2015 to the present Mr Lake has been suspended on full pay and other entitlements. The President wrote to Mr Lake and subsequently to his solicitors stating there had been a fundamental breach of trust and that a continuation of Mr Lake’s Office of Deputy Clerk would be untenable. Additionally, the President asked Mr Lake to provide reasons why his Commission should not be withdrawn.
- 2.4 In response to claims by Mr Lake’s solicitors that such a response could prejudice Mr Lake’s defence, the President provided an assurance that any response provided by Mr Lake would be received as an *in camera* submission to the PPC.
- 2.5 On Tuesday, 14 July 2015 Mr Lake provided an *in camera* submission to the PPC for its consideration.

3 LOSS OF CONFIDENCE IN NIGEL RODNEY LAKE, DEPUTY CLERK OF THE LEGISLATIVE COUNCIL

- 3.1 At its meeting on Wednesday, 12 August 2015 the PPC was provided with a briefing on the known facts relating to the matter and related correspondence. The evidence provided has satisfied the PPC that under no circumstances would it be tenable for Nigel Rodney Lake to retain his Commission as Deputy Clerk of the Legislative Council.
- 3.2 The PPC is satisfied that there is a loss of confidence in Nigel Rodney Lake and that Her Excellency, the Governor, should be requested by this House to withdraw the commission relating to his appointment as Deputy Clerk.
- 3.3 The PPC acknowledges that the recommendation contained below is based on its finding of a loss of confidence in Mr Lake. This finding is not dependent upon the outcome of the criminal charges faced by Mr Lake. The acquittal or conviction of Mr Lake has no bearing on whether there is a loss of confidence by the House in his capacity to discharge his duties as a senior officer of the Legislative Council.

4 RECOMMENDATION

- 4.1 Accordingly, the PPC recommends that the House address Her Excellency, the Governor, by passing a resolution as contained in the recommendation below:

Recommendation 1: The Committee recommends that the House resolve as follows:

That the following address be presented to Her Excellency, the Governor:

“To Her Excellency, the Honourable Kerry Sanderson AO, Governor in and over the State of Western Australia and its dependencies in the Commonwealth of Australia.

May it please your Excellency –

We the Members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, declare a loss of confidence in Nigel Rodney Lake, Deputy Clerk of the Legislative Council, and humbly request that Her Excellency withdraw the commission granted to Nigel Rodney Lake forthwith.”



Hon. Barry House MLC
Chair
12 August 2015