



## Section 82 Notice – Financial Management Act 2006

Pursuant to section 82 of the *Financial Management Act 2006* (the Act), I give notice to both Houses that that based on advice I am not in a position to table a document in answer to a part of a question (Legislative Council Question on Notice 2753) asked by Hon Martin Aldridge MLC.

Question On Notice 2753, materially, stated:

*I refer to the Road Traffic Code 2000 Review of Penalties 2019 released in September 2019, and I ask:...*

*...(d) I note on page 48 of the report a reference to a 'Mobile Phone Offence Options Paper', and I ask that this paper be tabled?*

The *Mobile Phone Offence Options Paper* (**the Paper**) is not able to be provided for the following reasons:

The Paper is a paper which deals with options for mobile phone use offences whilst driving in Western Australia. It is *prima facie* likely that such a paper would be prepared for consideration at the highest levels of Government. It is further the case that the topic of the Paper must, by its nature, involve a description of regulatory change as any change to offence provisions is a regulatory matter.

I have considered the document and sought appropriate advice and, based on that advice, formed the view that the Paper is subject to public interest immunity because it deals with matters put to, or likely to be put to, Cabinet and also because it is clearly linked to the drafting of legislative amendment.

I have also had regard to the content of the Paper, which includes information which would, if the relevant option was accepted, amount to instructions to legal advisors including Parliamentary Counsel. Such instructions would constitute legal advice and as such should not be disclosed to Parliament as they are subject to legal professional privilege.

Notice is also being provided to the Auditor General, as required under section 82 of the Act.

A handwritten signature in blue ink that reads "Michelle Roberts".

**HON MICHELLE ROBERTS MLA  
MINISTER FOR POLICE; ROAD SAFETY**

28 APR 2020