

IRON ORE PROCESSING (MINERALOGY PTY. LTD.) AGREEMENT ACT —
HON MARK McGOWAN — DEED OF INDEMNITY

614. Hon TJORN SIBMA to the Leader of the House:

I refer to the Leader of the House's ministerial statement yesterday advising that the state government has entered into a deed to provide the former Premier with contractual indemnity in respect of matters indemnified under the Iron Ore Processing (Mineralogy Pty. Ltd.) Agreement Act 2002 and other matters connected with Mr Clive Palmer.

- (1) Will the Leader of the House table this deed; and, if not, why not?
- (2) Regarding the penultimate paragraph of your statement—which asserted that throughout history, there has been a steadfast principle of indemnifying public servants and public officials in the discharge of their official responsibilities and that this principle recognises the importance of allowing individuals to fulfil their duties without fear of personal liability or persecution—on how many other occasions has this principle manifested in a similar deed of indemnity between the state government of Western Australia and a retired Premier or retired minister of the Crown?

Hon JACKIE JARVIS replied:

I thank the honourable member for some notice of the question. The following response has been provided by the Leader of the House and I answer on her behalf.

- (1) In summary, the deed will provide indemnity in relation to actions that are related to Clive Palmer and Mineralogy, cover reasonable costs and provide that the state will direct the defence. Tabling the deed could provide Mr Palmer with the upper hand and an unfair advantage in any future legal proceedings, which would not be in the interests of Western Australia.
- (2) The State Solicitor's Office has advised that a longstanding principle is in place to provide indemnification to both public officials and individuals for conduct that is a direct result of carrying out their official responsibilities. This principle serves to protect and support these individuals in fulfilling their duties without the threat of personal legal consequences. It underscores the significance of allowing them to act in the best interests of the public without fear of reprisal. I am not aware of any other occasions when a public official has been provided contractual indemnity, noting that other possible occasions may never have been disclosed as a decision of a cabinet, which then therefore carries cabinet-in-confidence.