

ATTORNEY GENERAL — UNFAIR DISMISSAL CASE

784. Ms M.J. DAVIES to the Attorney General:

I have a supplementary question. If the Minister for Health has nothing to hide and he did nothing wrong, why is the Attorney General shielding him and what is he hiding?

Several members interjected.

Mr J.R. Quigley: There were too many words. I could not hear. He has nothing to hide, so why —

The SPEAKER: Why are you sheltering him—shielding him, sorry.

Ms M.J. DAVIES: Do you want the question again?

Mr J.R. Quigley: Yes, thank you.

Ms M.J. DAVIES: If the Minister for Health has nothing to hide and has done nothing wrong, why is the Attorney General shielding him and preventing him from answering the questions that the Public Service Appeal Board would like to ask?

Ms R. Saffioti interjected.

The SPEAKER: I would just like the Attorney to answer, thanks.

Mr J.R. QUIGLEY replied:

I have not delved into the facts of the case, and I am not shielding anybody. All I am doing, as the Attorney General, which Attorneys have done before me and will do after me, is my sworn duty—that is, to assist courts with proper statutory interpretation. I have done it probably more than a dozen times since I have been Attorney General, and I anticipate that I will be doing it in the future.

Ms M.J. Davies: To that board?

Mr J.R. QUIGLEY: No, across any tribunal, from the High Court down to the Public Service Appeal Board. It is a function of the Attorney General, on behalf of the state of Western Australia, to make submissions to tribunals and boards on correct statutory interpretation, and it just happens to be that there is no source of power in the legislation for the board to issue subpoenas—none. For any tribunal or court to have that power, a corollary to it must be the power to punish those who do not comply with the subpoena. There is no such power in the appeal board. The appeal board cannot go around punishing people for contempt; it does not have the power. I am not shielding anyone. It is just a matter of running the case according to the proper law. I have taken advice from the Solicitor-General. Once the matter was drawn to my attention by the State Solicitor, I took advice from the Solicitor-General, and written submissions were made. The Public Service Appeal Board said I was right: there is no power.