

Notice under section 82 of the *Financial Management Act 2006 (WA)*
Parliamentary Questions Without Notice no. 107

Pursuant to section 82(1)(a) of the *Financial Management Act 2006*, I give notice to both Houses that I have decided not to provide information to Parliament in response to the following questions without notice asked by the Hon Dr Stephen Thomas in the Legislative Council on 12 March 2024:

"(1) *What monthly payments has the State directed to Ashurst for provision of legal services pertaining to the insolvent and foreign owned Griffin coal?*

...".

The detail of those questions and the answers provided is set out in the attached Schedule.

I declined to provide the information sought in question (1) on the basis that the information is confidential and disclosure may prejudice the State's commercial position. Specifically:

- (a) information about payments made to Ashurst, may tend to disclose the scope and ambit of advice sought and obtained by Government, which may affect the State's legal and strategic position generally, and when negotiating with other stakeholders;
- (b) this matter is still ongoing, including as to the Government's intentions for the Collie coal mines and the transition to renewable energy sources and the role that Government might assume in relation to those matters; and
- (c) the information could provide a tactical advantage to parties involved in the Collie coal mines and could allow those parties to gain insight into the State's consideration of legal issues relating to this matter.

The reasons set out above are provided in accordance with my obligations section 82(2) of the *Financial Management Act 2006*. Notice is also being provided to the Auditor General in accordance with section 82(1)(b) of the *Financial Management Act 2006*.



JOHN QUIGLEY MIA
ATTORNEY GENERAL

SCHEDULE

Question Without Notice No. 107 asked in the Legislative Council on 12 March 2024 by Hon Dr Steve Thomas

GRIFFIN COAL — CONSULTANTS

107. Hon Dr STEVE THOMAS to the parliamentary secretary representing the Attorney General:

I refer to my question without notice 1391 of 9 November 2023 pertaining to the partnering arrangement between the State Solicitor's Office and Ashurst for the provision of legal advice relating to the foreign-owned and insolvent Griffin Coal, and since the inception of the SSO and Ashurst partnering agreement on 2 December 2022 to 27 February 2024.

- (1) What monthly payments has the state directed to Ashurst for the provision of legal services pertaining to Griffin Coal?
- (2) How many Ashurst operatives or employees or subcontracted staff have been engaged in, advised or contributed to the partnering arrangement for the provision of legal services to the SSO pertaining to Griffin Coal?
- (3) Has there been any alteration, amendment or contractual variation to the open-ended duration and valuation of the SSO and Ashurst partnering arrangement; and, if so, what?

Hon MATTHEW SWINBOURN replied:

I thank the member for some notice of the question.

An answer cannot be provided within the time available. A response will be provided before the end of this sitting week

GRIFFIN COAL — CONSULTANTS

Question without Notice 107 — Answer

HON MATTHEW SWINBOURN (East Metropolitan — Parliamentary Secretary) [5.04 pm]. I would like to provide an answer to Hon Dr Steve Thomas' question without notice 107 asked yesterday.

I seek leave to have it incorporated into Hansard

[Leave granted for the following material to be incorporated]

- (1) This matter is ongoing. The payments made to Ashurst for legal services pertaining to Griffin Coal is confidential.
- (2) Eighteen solicitors from Ashurst have worked on various issues relating to this matter.
- (3) No.