



Attorney General; Minister for Electoral Affairs

Our Ref: 67-35079

Clerk of the Legislative Council
Parliament House
Harvest Terrace
WEST PERTH WA 6005

Dear Clerk

Section 82 Notice - *Financial Management Act 2006* – Standing Committee on Estimates and Financial Operations - Answers to Supplementary Information

I **enclose** a copy of a notice made under section 82 of the *Financial Management Act 2006* (WA) signed by the Hon. Attorney General. This relates to questions No. A3, A4, A8 and A9 taken on notice at the Department of Justice and the State Solicitor's Office hearing on 11 October 2023 before the Standing Committee on Estimates and Financial Operations.

If you have any enquiries regarding the matter, please contact the Office of the Attorney General on (08) 6552 6800.

Yours sincerely

Wendy Pryer
**CHIEF OF STAFF TO THE
ATTORNEY GENERAL; MINISTER FOR ELECTORAL AFFAIRS**

Encl.

24 NOV 2023

Notice Under Section 82 of the *Financial Management Act 2006*

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 taken on notice at the Department of Justice and State Solicitor's Office hearing on 11 October 2023 before the Standing Committee on Estimates and Financial Operations:

No. A3;

No. A4;

No. A8;

No. A9.

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

I declined to provide the information sought in No. A3, A4 and A8 on the basis that the specific details of what the State Solicitor's Office did, or did not as the case may be, provide advice to the Government on and the particular timing of any such advice that might have been given in connection with those issues are matters that are subject to legal professional privilege and remain confidential to the State. It is reasonable and appropriate that the information not be provided in order to maintain that privilege.

I declined to provide the information sought in No. A9 on the basis that the question sought information concerning the current status of, and history of advice provided on, a proposed enactment that has not been introduced to the Parliament. The approval of drafting and printing of proposed enactments and the priority given to those proposed enactments are matters for cabinet and are therefore subject to cabinet confidentiality and it is reasonable and appropriate that I decline to provide them.

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 MLA
ATTORNEY GENERAL**

SCHEDULE

SUPPLEMENTARY INFORMATION NO. A3

Hon NICK GOIRAN MLC asked:

- 1) Pursuing that line of inquiry a little bit further, did the State Solicitor's Office, during the reporting period, provide any advice to the Premier or any minister with regard to the proposed impact on Western Australia of the federal referendum for the creation of a Voice?
- 2) Unaware and with the caveat that you had been there for the final month of the reporting period, or that no such advice provided?

Answer: Whether or not advice was provided on the specific question of the impact on Western Australia of the Federal referendum for the creation of a Voice is subject to legal professional privilege.

SUPPLEMENTARY INFORMATION NO. A4

Hon NICK GOIRAN MLC asked:

- 1) Again, in the reporting period, did the State Solicitor's Office provide advice to the Premier and the minister in respect of changing the WA Constitution? That is something that the health minister has said she is certainly in favour of doing.

Answer: Whether or not the State Solicitor's Office provided advice to the Premier or any Minister in relation to changing the WA Constitution is subject to legal professional privilege.

SUPPLEMENTARY INFORMATION NO. A8

Hon PETER COLLIER MLC asked:

- 1) Just to confirm, the State Solicitor's Office was asked for advice on amendments to the Aboriginal Cultural Heritage Act 2021 in June of this year?
 - i) I would like it to include whether amendments were considered-within that question.

Answer: Whether or not advice was provided in relation to the specific issue of amendment of the Aboriginal Cultural Heritage Act 2021 at a specific point in time is subject to legal professional privilege.

SUPPLEMENTARY INFORMATION NO. A9

Hon DR BRAD PETTITT MLC asked:

- 1) I have got a similar question in relation to the reform to the Gender Reassignment Act 2000. Similarly, has that work commenced, and has the advice been provided?
 - i) That was in relation to the Gender Reassignment Act 2000.

Answer: Matters regarding the drafting of Bills is a matter for Cabinet and the status of this proposed enactment is Cabinet in confidence.