

**JUSTICE — PRISONER EMPLOYMENT PROGRAM
QUESTION WITHOUT NOTICE 1496 — ANSWER VERACITY**

Statement

HON NICK GOIRAN (South Metropolitan) [5.19 pm]: Deputy President, I rise to draw to your attention a false answer given during question time today by Hon Stephen Dawson, Minister for Emergency Services, who, regrettably, is away from the chamber on urgent parliamentary business. The question that was asked of the minister in his capacity as minister representing the Minister for Corrective Services was whether the minister was aware of a research report. The answer that was provided today was no. That answer must be false. In drawing this to your attention, Deputy President, there is no doubt in my mind that that answer must be false. The reason that I am so certain to draw this to your attention and ask you and/or the President to consider this over the coming recess is that on 21 September this year, I asked that same minister a question about that very same research report and the response to question without notice 1156 that was provided by Hon Stephen Dawson, Minister for Emergency Services representing the Minister for Corrective Services, was as follows —

I thank the honourable member for some notice of the question.

Honourable member, this is the first time I have seen the answer. It was in somebody else's file. I am advised that this question falls under the corrective services portfolio and the Minister for Corrective Services is unable to answer for the Attorney General. The minister requires the question to be referred to the Minister for Corrective Services to respond accordingly. He should have given that answer. I will get the member an answer for the next sitting day.

That was on 21 September 2023. Obviously, Hon Stephen Dawson knew of this research report on that particular day, albeit in a representative capacity. When we next sat, Hon Stephen Dawson decided in a very shifty fashion to not provide the answer orally in the house, but to instead table the answer. The answer in response to the question about that same research report was tabled on 10 October 2023. Hon Stephen Dawson said in a representative capacity at that time in this tabled answer, which is another issue I wish to draw to your attention in a moment, Deputy President, the following —

I thank the Honourable Member for some notice of the question. The following information has been provided to me by the Minister for Corrective Services.

Noting that this question refers to the previous Minister, I understand that a briefing was provided. As I was not involved in the meeting further details are unable to be provided to the Honourable Member.

Obviously, Hon Stephen Dawson and the Minister for Corrective Services were aware of this research report as at the day that the Minister for Corrective Services signed the answer that was tabled by Hon Stephen Dawson. It is dated Monday, 9 October 2023. In accordance with my notes and records, it was tabled in this house the following day. It was obviously the case that Hon Stephen Dawson and the Minister for Corrective Services knew about this at least as early as 10 October this year. A minister of the Crown cannot come into the house today and say that, no, they are unaware of that particular report. The parliamentary record reflects that they are aware of the report. It makes a complete mockery of the system to have a minister say one thing one day and then the opposite the next day, with no explanation provided.

This is no trivial matter, Deputy President. Let me draw to your attention what Hon Sue Ellery had to say about a similar circumstance on 17 March 2016 when an answer provided to the house was also no when, actually, the answer was yes. Hon Sue Ellery said this, and I quote from *Hansard* of 17 March 2016 —

In providing any answer, every minister and parliamentary secretary is responsible for the answer they give. Irrespective of the fact that the answer may be prepared by staff and signed off by the responsible minister—in this case the Premier—every answer given is in fact the answer of the person giving it to the house whether in a representative capacity or not. The answer given to the question was the answer of the Leader of the House. There is a trend for parliamentary secretaries in this house who answer questions in a representative capacity to give answers prefaced by expressions like “The department for X advises” or “The minister for X advises”. Those prefaces do not absolve the person from ensuring that they are confident the answer is correct. If in doubt, do not give the answer. Those prefaces do not alter the fact that the answers are theirs in this house.

That is what Hon Sue Ellery had to say on 17 March 2016. That particular matter was then referred to the Standing Committee on Procedure and Privileges for an investigation.

Hon Sue Ellery: So refer it; move a motion to refer if you think you've got something to refer, but you won't. You just threaten it. You do it all the time.

The DEPUTY PRESIDENT: Order.

Hon NICK GOIRAN: Honourable Leader of the House, you would know, having been here for a very long time, that it is entirely within order for a member to draw something like this to the attention of the Presiding Officer. That is what I am doing at this particular time.

Hon Sue Ellery: They're not in a position to check the facts. You need to refer it. If that is what you want to do, refer it.

Hon NICK GOIRAN: Is that what the standing orders say? Is there an obligation on my part to refer it? The member knows that is not true, so stop with your not only unruly interjections but inaccurate ones.

Hon Sue Ellery interjected.

The DEPUTY PRESIDENT: Order.

Hon NICK GOIRAN: Deputy President, I am drawing to your attention, and to the President's attention through you, the question of whether a false answer has been given in this instance and whether the house ought to be concerned about that. Was the person responsible the Minister for Emergency Services or the Minister for Corrective Services? The other matter, Deputy President, that I wish for you to consider at this time, is whether it is permissible for a minister to table an answer. Is it permissible? If it is permissible for a minister to table an answer, I do not know why we bother to go through the charade of question time. We may as well just give notice of the questions and every responsible minister or parliamentary secretary can simply stand up, table the answer and we will move to the next question. It would certainly be a far more efficient system. I would like to know, when we resume, whether it is permissible for that to happen. If it is permissible, is it conventional? More to the point, as the Presiding Officers, do you and the President think that it is desirable? Is it desirable to have a minister of the Crown table a response? As I say, the response at that time indicates that the minister here and the minister in the other place obviously knew that this research report exists. This has to do with a research report prepared by the Institute of Public Affairs in March this year.

I have been pursuing this matter since March this year. I draw to the Deputy President's attention, and to the honourable President's attention, question without notice 298, which I asked around 15 March this year, as well as the matter I referred to earlier, on 21 September—the tabled answer by the minister on 10 October 2023 and today's question and answer. I draw to your attention and to the honourable President's that sequence of four events. Why? It is because this particular report from the Institute of Public Affairs in March of this year advocates for the introduction of work-focused community service orders for all nonviolent and non-sexual offenders who are prepared to work full-time. In other words—a translation for those who need it—there are people who are incarcerated who are referred to as nonviolent and non-sexual offenders. This report is asking whether those people are best served to continue to be incarcerated or whether it is possible to put them to work. It is a genuine policy question that ought to be considered by honourable members, especially those within government. That is why, since March this year, I have drawn this serious matter to the attention of the Minister for Corrective Services. I accept that during that time there was a change in the Minister for Corrective Services, as is the right of the government of the day. At the end of the day, it does not change this material fact. Hon Stephen Dawson and the Minister for Corrective Services were both well aware of this report since at least 10 October 2023. I would argue that the Minister for Corrective Services knew about it from 9 October 2023. Why? It is his signature here on this document. I would argue that Hon Stephen Dawson knew about it from at least 21 September 2023 when he said in this place in response to my question —

I will get the member an answer for the next sitting day.

Deputy President, I draw these matters respectfully to your attention and also to the honourable President's attention. I would like them considered over the coming recess.

Statement by Deputy President

THE DEPUTY PRESIDENT (Hon Martin Aldridge) [5.29 pm]: Before I give the call to the next member, I want to respond to a number of matters raised by Hon Nick Goiran. One was that Hon Nick Goiran sought some advice in relation to the tabling of answers during question time. There are obviously clear standing orders in relation to the tabling of papers, but he asked a broader question around conventions. For that reason, I will ask the President to consider the issues the member has raised and to report to the house as she sees fit.

Hon Nick Goiran also raised an issue with respect to an answer he received in question time today. There is a fine but clear line between taking issue with an answer that has been provided and making a claim that a member has misled the house. If it is the latter, the member should rise under standing order 93, which relates to matters of privilege, and formally refer the matter to the President for her consideration.