Report 52

STANDING COMMITTEE ON PROCEDURE AND PRIVILEGES

A matter of privilege raised by Hon Jim Chown MLC

Presented by
Hon Kate Doust (Chair)
September 2018
Standing Committee on Procedure and Privileges

Members as at the time of this inquiry:
Hon Kate Doust MLC (Chair)           Hon Simon O'Brien MLC (Deputy Chairman)
Hon Martin Aldridge MLC             Hon Adele Farina MLC
Hon Rick Mazza MLC

Staff as at the time of this inquiry:
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EXECUTIVE SUMMARY

1.1 On 14 August 2018 a matter of privilege raised by Hon Jim Chown pursuant to Standing Order 93 was referred to this Committee for inquiry and report.

1.2 The matter of privilege is that the Council may have been misled by information provided to it in answers to two parliamentary questions.

1.3 The information relates to alleged commitments that Hon Darren West provided to two Moora shire councillors, regarding his willingness to engage an independent assessor to assess the repairs required for Moora Residential College to remain open and operational, and his alleged undertaking to source $500,000 if that was the amount required to repair the college. Hon Jim Chown has tabled statutory declarations from two witnesses that support the giving of these alleged commitments. Hon Darren West has made no comment in the House regarding the alleged commitments.

1.4 On 12 April 2018, Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training, provided a response to Hon Jim Chown’s question without notice 284. The response was that the minister did not agree that Hon Darren West gave such a commitment. On 9 May 2018, Hon Jim Chown asked the Minister for Education and Training the following in question without notice 329 —

(1) Has the minister asked Hon Darren West whether he provided such a commitment?

(2) If yes, what was the honourable member’s reply?

The minister replied —

(1) Yes.

(2) That he did not say what they claimed he said.

1.5 The Committee has held hearings and gathered oral and documentary evidence from all relevant parties.

1.6 The Committee undertook detailed inquiries into the conversation between the Hon Darren West and the two Moora councillors at a pre-dinner drinks function at the Western Australian Local Government Association Wheatbelt Conference on Thursday, 5 April 2018. The Committee was, however, unable to resolve a clear conflict of evidence as to what various witnesses claim was or was not said.

1.7 The unresolved conflict of evidence does not necessarily lead to the conclusion that any of the witnesses were untruthful. Many factors can affect a witness’ recollection of events, even when the witness is examined immediately after those events.

Findings and recommendations

FINDING 1

The Committee finds that there is conflicting evidence regarding what was said between the Hon Darren West and Moora councillors, Cr Tracy Humphry and Cr Tracy Lefroy at the pre-dinner drinks function for the 2018 WALGA Wheatbelt Conference on the evening of 5 April 2018.
The Committee finds that the alleged contempt of the Legislative Council by Hon Darren West arising from the information that he gave to the Minister for Education and Training for the purpose of answering Question without Notice 329 is unproven.

The Committee finds that no other person committed a contempt of the Legislative Council in relation to this matter of privilege.

The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.
CHAPTER 1
Referral of a matter of privilege

The matter of privilege

1.1 On Thursday, 28 June 2018, Hon Jim Chown raised a matter of privilege pursuant to Standing Order 93.¹

1.2 The President having ruled, pursuant to Standing Order 93(5), that there was “some substance to the matter”, referred the matter of privilege to the Procedure and Privileges Committee (Committee) on 14 August 2018.²

1.3 The matter of privilege relates to whether any contempt of the Legislative Council was involved in the provision to the Council of information contained in answers by the Minister for Education and Training to questions asked by Hon Jim Chown. The basic facts are summarised in the President’s ruling as follows:

In this particular case, the matter relates to alleged commitments that Hon Darren West provided to two Moora shire councillors, regarding his willingness to engage an independent assessor to assess the repairs required for Moora Residential College to remain open and operational, and his alleged undertaking to source $500 000 if that was the amount required to repair the college. Hon Jim Chown has tabled statutory declarations from two witnesses that support the giving of these alleged commitments. Hon Darren West has made no comment in the House regarding the alleged commitments.

On 12 April 2018, Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training, provided a response to Hon Jim Chown’s question without notice 284, in which it was stated that the minister did not agree that Hon Darren West gave such a commitment. On 9 May 2018, Hon Jim Chown asked the Minister for Education and Training the following in question without notice 329 —

(1) Has the minister asked Hon Darren West whether he provided such a commitment?
(2) If yes, what was the honourable member’s reply?

The minister replied —

(1) Yes.
(2) That he did not say what they claimed he said.

1.4 The Committee notes that, in its 44th Report,³ it found that it was a contempt of the Legislative Council for a public servant to knowingly provide inaccurate or misleading information to a Minister for the purposes of the Minister answering a parliamentary question.

¹ Hon Jim Chown, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 28 June 2018, p 4077-78.
² Hon Kate Doust, President, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 14 August 2018, p 4225.
³ Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report No. 44, A Matter of Privilege raised by Hon Sue Ellery MLC, 8 November 2016.
1.5 The Committee adopted the following terms of reference for its inquiry on 15 August 2018:

In relation to the answer to Legislative Council question without notice No. 329 asked by Hon Jim Chown, and answered on Wednesday, 9 May 2018 by the Minister for Education and Training, the Hon Sue Ellery:

(1) Did Hon Darren West commit a contempt of the Council?

(2) Did any other person commit a contempt of the Council?

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4 Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report No. 50, A matter of privilege raised by Hon Jim Chown MLC - Terms of reference, 16 August 2018.
CHAPTER 2

The timeline of established facts

2017 planned upgrades to the Moora residential college abandoned

2.1 In its 2016-17 Budget, the then Liberal-Nationals ‘alliance’ State Government allocated over $8.7m out of its ‘Royalties for Regions’ Program towards its capital works budget for 2018-19 for upgrades to regional residential colleges, including Moora.5

2.2 On 12 September 2017, in answer to a parliamentary question, the Hon Sue Ellery, the Minister for Education and Training, advised the House that the upgrades to the Moora Residential College would no longer be proceeding.6

2.3 In a media statement issued on 13 December 2017 the Minister advised that the Moora Residential College would close from 2019, as part of a number of budget measures to fix the State’s finances.7

13 March 2018 — Minister’s statement

2.4 On 13 March 2018 the Minister for Education and Training made the following statement in the House regarding limited continuing funding for the Moora Residential College:8

Today, I table all the building condition reports undertaken at the college since 2007. ... There are five reports. Firstly, the February 2012 building condition assessment, costed at $161 723.32; secondly, the February 2015 order of magnitude assessment, costed at $17.76 million; and, thirdly, the April 2016 Moora Residential College preliminary project brief, costed at $8.701 million. The fourth report, the June 2017 Moora Residential College project definition plan, contains the following options: option 1, light refurbishment, costed at $7 233 500; option 2, major refurbishment, costed at $8 529 600; option 2A, major refurbishment, costed at $8 701 000; and, option 3, a new build, costed at $11 222 800. The fifth report is the October 2017 Moora Residential College fire upgrade opinion, with an indicative cost of $696 800.

For Moora Residential College to remain open in 2018, some essential maintenance must be carried out. Specifically, the various fire reports commissioned by the Department of Finance’s Building Management and Works in late 2017 identified the need to improve fire detection and warning systems and to improve egress by upgrading the emergency lighting. To safeguard the students and staff for the remainder of 2018, these minor but essential works will proceed at an estimated cost of $59 000. It is anticipated that work will be completed by April 2018. This is an appropriate response to the risks identified for the residential college to remain open until the end of 2018 only.


6 Hon Sue Ellery, Minister for Education and Training, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 12 September 2017, p 3645.


8 Hon Sue Ellery, Minister for Education and Training, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 13 March 2018, p 502.
5 April 2018 — 2018 WALGA Wheatbelt Conference

2.5 The 2018 Western Australian Local Government Association (WALGA) Wheatbelt Conference was held at the Jurien Bay Sport and Recreation Centre on Thursday, 5 April and Friday, 6 April 2018. A dinner function was held at the Centre on the Thursday evening.

2.6 During the approximately half hour to one hour of pre-dinner drinks at the Jurien Bay Sport and Recreation Centre on the Thursday evening, Hon Darren West had a conversation with two Moora councillors, Cr Tracey Humphry and Cr Tracy Lefroy. The topic of the pending closure of the Moora Residential College was discussed.

7 April 2018 — Facebook posts

2.7 In a post on the Facebook page of the “Save Moora College” public group on Saturday, 7 April 2018, an Administrator of the group wrote:

> Please note, we do not take this seriously as this particular politician is fond of fabrication

> It was announced by Darren West MLC, on Thursday night at the WALGA Conference that he would arrange for an Independent Consultant to assess the College for maintenance and repairs.

> He also stated if the repairs came to $500,000 he would find the funds to have them carried out.

> Thank you Darren, we have a consultant on stand by awaiting confirmation of a date

2.8 Shortly after the above post was made, the Hon Darren West made the following comment in reply to the post on the group’s Facebook page:

> I made no such announcement. In fact I didn’t even make a speech at the Conference. I think it is really unfair that you continue to misrepresent me and give affected families false hope about the future of Moora Residential College.

2.9 Cr Tracy Lefroy also commented on the post as follows:

> Darren, you said this to me during a conversation involving myself, Cr Tracy Humphry and Minister Templeman

> Please do not do yourself further disservice by denying it occurred.

2.10 Copies of the Facebook posts are attached at Appendix 2

2.11 On either Saturday, 7 April 2018, or Sunday, 8 April 2018, the Hon Sue Ellery, the Minister for Education and Training was contacted by a staff member from her Office regarding the Save Moora College group’s Facebook post. The Minister then had a telephone conversation with Hon Darren West and discussed what he had said to the two Moora councillors regarding Moora Residential College at the pre-dinner drinks function on Thursday, 5 April 2018.

8 April 2018 — Email from Cr Tracy Lefroy to Moora Shire President Mr Ken Seymour and Hon Jim Chown

2.12 On Sunday, 8 April 2018, at 6.33pm Cr Tracy Lefroy sent the following email titled “words with Darren West” to Mr Ken Seymour (Moora Shire President) and the Hon Jim Chown (and

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10 Facebook post, viewed on 4 September 2018.
cc’d to Cr Tracy Humphry and the Moora Shire CEO, Mr Alan Leeson). Hon Jim Chown later read the contents of the email into *Hansard* on Thursday, 14 June 2018.\(^{11}\)

Hi Ken and Jim

This is my recollection of a discussion with Darren West on Thursday evening at pre-dinner drinks before the WALGA Conference Dinner.

Involved in the conversation were Tracy Humphry, Darren West and myself. Off having a side conversation were Jan (cannot remember surname but she is from Gingin and is Chair of the Avon–Midland Zone) and Minister David Templeman.

The discussion moved to the fact that the Moora campaigners were suggesting it would cost $500K to the Residential College open. Darren refuted this and said that if we were so confident we should get an independent assessor in. We said that we wanted to but were not allowed access to the College. Darren West then said he would get an independent assessor through during the school holidays. He then followed this up with “if the assessor comes back with a quote of $500K, then I’ll give you the $500K. I can do that”.

Let me know if you need any further information

Best wishes

Tracy

2.13 A copy of the email is attached at Appendix 3.

12 April 2018 — Question without Notice 284

2.14 Hon Jim Chown asked the following question without notice of the Minister for Education and Training, which was answered on 12 April 2018 by the Minister, but delivered in the Minister’s absence by the Hon Samantha Rowe, Parliamentary Secretary to the Minister:\(^{12}\)

**MOORAA RESIDENTIAL COLLEGE — HON DARREN WEST — COMMENTS**

284. Hon JIM CHOWN to the Minister for Education and Training:

I refer to informal discussions Hon Darren West had at the Western Australian Local Government Association conference on 5 April 2018, with two Moora Shire Councillors, regarding Moora Residential College.

(1) Is the minister prepared to have an independent assessment take place into Moora Residential College, over the upcoming school holidays in April 2018, as stated by Hon Darren West to two Moora shire councillors?

(2) During that same conversation, Hon Darren West provided assurances that $500 000 would be found, if the independent assessment indicated that the expenditure of this amount will allow the college to operate. Does the minister agree with this statement?

**Hon SAMANTHA ROWE replied:**

On behalf of the minister, I thank the honourable member for some notice of the question. The following answer has been provided by the Minister for Education and Training.

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\(^{11}\) Hon Jim Chown, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 14 June 2018, p 3388.

\(^{12}\) Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 12 April 2018, p 1964.
Detailed reports on the condition of Moora Residential College have been tabled and are available for review. These reports provide comprehensive information prepared by independent consultants on the facility.

I do not agree with the premise of this question or that Hon Darren West gave such a commitment.

27 April 2018 — The statutory declarations

2.15 Cr Tracy Lefroy, in a statutory declaration sworn at the Moora Shire offices on 27 April 2018 in the presence of Moora Shire President Ken Seymour, sincerely declared:

This is my recollection of a discussion with Darren West on Thursday evening at pre-dinner drinks before the WALGA Conference Dinner.

Involved in the conversation were Tracy Humphry, Darren West and myself. Off having a side conversation were Jan (cannot remember surname but she is from Gingin and is Chair of the Avon–Midland Zone) and Minister David Templeman.

The discussion moved to the fact that the Moora campaigners were suggesting it would cost $500K to the Residential College open. Darren refuted this and said that if we were so confident we should get an independent assessor in. We said that we wanted to but were not allowed access to the College. Darren West then said he would get an independent assessor through during the school holidays. He then followed this up with “if the assessor comes back with a quote of $500K, then I’ll give you the $500K. I can do that”.

2.16 Cr Tracy Humphry, in a statutory declaration also sworn at the Moora Shire offices on 27 April 2018 in the presence of Moora Shire Chief Executive Officer Mr Alan Leeson, sincerely declared:

Darren West in conversation with Tracy Lefroy and myself in Jurien Bay at the WALGA Wheatbelt conference dinner on 5th April 2018 stated that he would arrange for an independent assessor to go through the Moora Residential College during the school holidays. He continued on to say if the assessor’s quote was $500,000, he would get us the $500,000.

He stated “I can do that”.

2.17 Copies of both statutory declarations are attached at Appendix 4.

9 May 2018 — Question without Notice 329

2.18 Hon Jim Chown asked a follow-up question without notice of the Minister for Education and Training, which was answered on 9 May 2018 by the Minister:

MOORA RESIDENTIAL COLLEGE — HON DARREN WEST — COMMENTS

329. Hon JIM CHOWN to the Minister for Education and Training:

I refer to the answer to my question without notice 284 asked on 12 April 2018 regarding comments made by Hon Darren West to two Moora shire councillors and his commitment to them that he would find $500 000 if an independent assessment undertaken during the April 2018 school holidays indicated that that expenditure would enable the college to remain operational.

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14 ibid.
Has the minister asked Hon Darren West whether he provided such a commitment?

If yes, what was the honourable member’s reply?

Hon SUE ELLERY replied:

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

Yes.

That he did not say what they claimed he said.

14 June 2018 — Hon Jim Chown foreshadowed his intention to pursue the issue during his speech on the motion to note the Budget Papers

On 14 June 2018 Hon Jim Chown read into Hansard the statutory declarations of the two Moora councillors. He also read out the email that Cr Tracy Lefroy sent to Mr Ken Seymour and himself on 8 April 2018.

Hon Jim Chown stated:\(^{15}\)

At this stage, a matter of privilege is certainly under consideration, but I may have a bit more to say on this matter before we get there. It may be that a matter of privilege does not have to take place immediately; it can take place at any time in the future.

26 June 2018 — Statement by the President and statement by Hon Sue Ellery, Minister for Education and Training, in response to the Hon Jim Chown’s speech on the Budget Papers

As a consequence of Hon Jim Chown’s Budget Papers’ speech indicating the possibility of him raising a matter of privilege, the President made the following statement in the House on the proper procedure for raising a matter of privilege on 26 June 2018:\(^{16}\)

**MATTERS OF PRIVILEGE**

Statement by President

Members, I have a statement about raising matters of privilege. Before proceeding with our formal business today, I just want to remind members of the correct protocol for raising a matter of privilege about the conduct of any member of this House. As a starting point, the Standing Orders provide that imputing improper motives against a member or reflecting on a member’s character in general debate is highly disorderly. On a point of order, or unilaterally, a Presiding Officer may require a member to withdraw remarks that are contrary to Standing Order 45. This Standing Order provides—

All imputations of improper motives and all personal reflections on Members shall be considered highly disorderly.

In acting under this Standing Order, a Presiding Officer does not judge the accuracy or truthfulness of the member’s statement. An exception to the rule against making imputations of improper motives or reflecting on another member’s character is where a member raises a matter of privilege under Standing Order 93. This exception arises because a matter of privilege will ordinarily involve allegations that a member has acted in a way that would constitute a breach of the

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\(^{15}\) Hon Jim Chown, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 14 June 2018, p 3387.

\(^{16}\) Hon Kate Doust, President, Western Australia, Legislative Council, *Parliamentary Debates (Hansard)*, 26 June 2018, p 3734.
privileges of the House or a contempt, and as such may impute improper motives or reflect on their character. An example would be an allegation that a member has deliberately misled the House. It should be noted that a remark to the effect that a member’s statement is untrue or misleading is not necessarily out of order, and for the Chair to intervene there must be some implication that a member has deliberately and knowingly made an untrue statement.

There is, therefore, a clear dichotomy between the rules governing what is acceptable in general debate and what is acceptable when raising a matter of privilege. All suggestions in general debate that a member has lied—that is, deliberately and knowingly made untrue statements—would be highly disorderly, whereas the same allegation made when raising a matter of privilege is not.

This House has previously determined that a contempt was committed by a person who had deliberately and knowingly provided false and misleading information in an answer given by a minister to a parliamentary question. If an equivalent allegation were to be made against a member of this House, it should be raised as a matter of privilege under Standing Order 93; otherwise, such an allegation made against a member in general debate would be considered highly disorderly under Standing Order 45.

2.22 Hon Sue Ellery, the Minister for Education and Training, then responded in the House to the comments of Hon Jim Chown, both inside the Chamber on 14 June 2018 and by media statement, in her own statement on 26 June 2018:17

During the member’s speech on the estimates of revenue and expenditure motion, he made an accusation against me that I had misled the House. He made the same allegation three times during the course of his speech. The member’s allegation concerned an answer that I had given to question without notice 329, which was asked and answered on Wednesday, 9 May 2018. For members’ benefit, the question was from Hon Jim Chown to the Minister for Education and Training and states—

I refer to the answer to my question without notice 284 asked on 12 April 2018 regarding comments made by Hon Darren West to two Moora shire councillors and his commitment to them that he would find $500 000 if an independent assessment undertaken during the April 2018 school holidays indicated that that expenditure would enable the college to remain operational.

(1) Has the minister asked Hon Darren West whether he provided such a commitment?

(2) If yes, what was the honourable member’s reply?

My reply was—

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

(1) Yes.

(2) That he did not say what they claimed he said.

To make it clear, I was asked whether I had asked Hon Darren West what Hon Darren West had said to the two Moora shire councillors. I said yes because I had asked him. That answer is 100 per cent correct. Hon Jim Chown then wanted to know what Hon Darren West had told me. In the second part of my answer I

17 Hon Sue Ellery, Minister for Education and Training, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 26 June 2018, p 3778.
replied that Hon Darren West had told me that he did not say what they—that is, the councillors—claimed he had said. That is 100 per cent accurate; that is what Hon Darren West told me. Hon Jim Chown asked me what Hon Darren West had told me and I relayed that accurately. The essential fact that I am addressing here is that I was asked what Hon Darren West had told me and I relayed accurately what he had told me. I did not mislead the House and I would expect an apology from Hon Jim Chown for saying three times that I misled the House.

The second allegation made by Hon Jim Chown is very serious and potentially libellous because it was made outside the protection of parliamentary privilege. It is in relation to the member’s media statement released in his name on Friday, 15 June 2018. There is an inaccuracy in that media statement. The media statement that I have just tabled states—

Minister for Education Sue Ellery recently told Parliament Mr West had not committed the Government to fund $500,000 in repairs to the Moora College ...

That is incorrect. I did not tell Parliament that. I told Parliament that Hon Darren West had told me that he did not say what he was alleged to have said. That is an important point, because I was answering the question asked of me, not the question that I think Hon Jim Chown claims I answered.

There is another false statement in Hon Jim Chown’s media statement that was not directed at me but, for the sake of accuracy, I will clarify it. The member’s media statement reads—

… Mr Chown yesterday tabled statutory declarations from two Moora shire councillors ...

Hon Jim Chown did not, in fact, table those documents.

There is another statement directed at me that is particularly insulting as it speculates, without foundation, that I could have been involved in some kind of collusion. I quote from the media statement again, and this time these comments in the media statement are in quotation marks, so they are words attributable directly to Hon Jim Chown. It states—

“He —

That is Hon Darren West —

has either told the Minister to tell Parliament he didn’t make the commitment or colluded with the Minister to mislead Parliament ...

To allege, even as an alternative scenario, that there was collusion on my part to mislead Parliament is untrue and disgraceful. But, in any event, if that is what the member genuinely believes, he should have referred that to the Standing Committee on Procedure and Privileges as a matter of privilege. To make matters worse, this inaccurate claim about me colluding was then repeated in *The Weekend West* the next day on Saturday, 16 June. This is a serious allegation to make, made even more serious given it is based on a flawed description of the question asked and the answer given, and was made in a media statement that I assume was distributed far and wide, not simply some sort of private conversation, and was repeated in a state wide newspaper.

Madam President, I did not mislead Parliament. There has been absolutely no collusion of any description to mislead Parliament. I invite Hon Jim Chown to issue me with an apology tonight and to withdraw the comments he made in this place
suggesting that I had said something I had not and suggesting that I had been involved in collusion. Because of the media statement, I request that Hon Jim Chown issue a public apology outside of this place for his media release that he issued outside of this place that repeated his allegation made inside this House that I had misled the House and colluded to mislead the House.

27 June 2018 — Member’s statement by Hon Jim Chown

2.23 On 27 June 2018, the Hon Jim Chown made the following personal explanation to the House in response to the statement of the Hon Sue Ellery, the Minister for Education and Training, in the House on the previous day.¹⁸

Last night the Leader of the House made a statement regarding comments that I made in this place on 14 June 2018 and in a media release later that day. The suggestion I made that the leader has, by her answer to my question without notice 329, deliberately misled the House or that there was any collusion between her and another member to deliberately mislead the House in that answer is wrong. I therefore apologise unreservedly to the honourable Leader of the House for my inaccurate comments and withdraw them. I intend to make a public apology to Hon Sue Ellery in relation to this matter by media statement outside the House today.

2.24 Later on 27 June 2018 the Hon Jim Chown made a Member’s Statement in which he commented on the Hon Darren West not responding to the statutory declarations made by the two Moora councillors. He stated:¹⁹

Until such time as Hon Darren West provides an explanation from his perspective regarding the assertions of the conversation, the only evidence of what occurred are answers to my parliamentary questions provided by Hon Sue Ellery and the two statutory declarations, the content of which I have read into the public record in their entirety. Those are clearly in stark contradiction to each other and, quite clearly, both cannot be correct. As I have previously advised, the making of a statutory declaration is a serious undertaking. The making of a false statutory declaration is a crime potentially resulting in imprisonment or, at the very least, a substantial fine. Indeed, one of the councillors sought legal advice prior to her making the statutory declaration. Substantial weight must go to the evidence of those statutory declarations, particularly recognising the fact that not one but two statutory declarations were signed by two separate individuals, both of whom hold responsible positions as shire councillors and both of whom are aware of the penalty for making a false declaration.

We have an obvious conflict regarding the statutory declarations and the answers provided by Hon Sue Ellery. Her answers relied on the information given to her by Hon Darren West. The answers provided by Hon Sue Ellery are diametrically opposed to the recollection of the two shire councillors. The Leader of the House was not present during the conversations, so she can base her answers only on the information provided to her by Hon Darren West. It is my view that this House and the public deserve to hear directly from Hon Darren West about what, if any, commitments he did or did not make on 5 April regarding Moora Residential College.

¹⁸ Hon Jim Chown, Western Australia, Legislative Council, Parliamentary Debates (Hansard), 27 June 2018, p 3893.
¹⁹ ibid, p 3953-54.
28 June 2018 — Hon Jim Chown raises the alleged matter of privilege

2.25 Hon Jim Chown stated:\textsuperscript{20} I request, Madam President, that you consider that the matters I raise here have sufficient substance to establish a case for further consideration by the Standing Committee on Procedure and Privileges and for its decision on whether there have been breaches of privilege resulting in substantial interference in the Legislative Council proceedings resulting from statements made to the House based on information provided by Hon Darren West.

14 August 2018 — The matter of privilege is referred to the Committee

2.26 The President ruled that there was some substance to the matter of privilege on 14 August 2018 and referred the matter to the Committee for inquiry and report.\textsuperscript{21}

4 September 2018 — Moora Residential College upgrades funded

2.27 On Tuesday, 4 September 2018, the Premier, Hon Mark McGowan MLA, issued a media statement advising that the Moora Residential College was to stay open following an $8.7m funding contribution from the Federal Government.\textsuperscript{22}

\textsuperscript{20} Hon Jim Chown, Western Australia, Legislative Council, \textit{Parliamentary Debates (Hansard)}, 28 June 2018, p 4077.

\textsuperscript{21} Hon Kate Doust, President, Western Australia, Legislative Council, \textit{Parliamentary Debates (Hansard)}, 14 August 2018, p 4225.

CHAPTER 3
The evidence before the Committee

Committee procedure

3.1 The Committee held private hearings with the following witnesses, all of whom gave their evidence under a sworn oath or affirmation, on Friday, 31 August 2018:
• Cr Tracy Humphry;
• Cr Tracy Lefroy;
• Hon Darren West;
• Hon Sue Ellery, Minister for Education and Training; and
• Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training.

3.2 The Committee also held a private hearing with Ms Donna Plummer, Research Officer to the Hon Darren West, again under sworn oath or affirmation, on Monday, 3 September 2018.

3.3 The transcripts of evidence for all these hearings are attached at Appendix 1.

3.4 Pursuant to Standing Order 164, Hon Darren West exercised his right as a Member of the Legislative Council to participate in the Committee’s private hearings held on 31 August 2018 and to ask questions of the witnesses. He did not, however, participate in the deliberations of the Committee.

3.5 The Committee wrote to the Hon David Templeman MLA, Minister for Local Government. The Minister’s written response is attached at Appendix 5.

3.6 The Committee wrote to Cr Jan Court, Gingin Shire Councillor. The Councillor’s response is attached at Appendix 5.

3.7 Given the nature of the inquiry as a limited fact-finding endeavour, the Committee did not advertise for, nor otherwise seek, written submissions from the general public.

Who said what at the pre-dinner drinks function?

3.8 The Committee sought to establish whether a contempt of the House had arisen in this matter. In order to do so, the Committee must satisfy itself that what Hon Darren West said at the pre-dinner drinks function on 5 April 2018 differs materially from the information that was conveyed to the Minister for Education and Training and/or the Legislative Council for the purposes of answering question without notice No. 329 on 9 May 2018.

3.9 The Committee established that Cr Tracy Humphry and Cr Tracy Lefroy spoke to the Hon Darren West about the Moora Residential College at the WALGA pre-dinner drinks function. The Committee understands that there were several hundred people at the function, which lasted for approximately 30 to 60 minutes. It was also the evidence of the witnesses that the conversation in question was considerably briefer than the duration of the function. No other person was within hearing distance of the conversation, except Ms Donna Plummer who joined the conversation at its very end, just before the function ended and the attendees moved into the dining area. Although it was apparently a crowded function in a

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23 Tracy Lefroy, Councillor, Shire of Moora, Transcript of evidence, 31 August 2018, p 2.
24 ibid.
25 Donna Plummer, Research Officer to Hon Darren West, Transcript of evidence, 3 September 2018, p 2-3.
confined area, none of the participants in the conversation described any difficulty in hearing each other speak.

3.10 The evidence of the Hon Darren West was that he was not well acquainted with either of the two Moora councillors:26

I did not know either of them very well before this. I met Councillor Humphry at a rally—a save Moora college rally. I have been to the council, as we do in our roles as members of Parliament; I have 61 local governments and I visit them all as regularly as I can. But I really could not make an assessment on what they were like, because I had only just known them in a professional capacity.

3.11 Mrs Humphry confirmed that she knew the Hon Darren West only in a professional capacity:27

The PRESIDENT: Have you had dealings with Hon Darren West in the past?

Mrs HUMPHRY: Yes, I have spoken to him about this subject previously.

The PRESIDENT: About this subject, about other matters in the area?

Mrs HUMPHRY: He comes to and addresses us—he has been to the Moora council and addressed us.

3.12 The oral evidence of Mrs Humphry regarding the content of the conversation was consistent with her statutory declaration:28

The PRESIDENT: Do you remember how the conversation started? Do you remember what he actually said?

Mrs HUMPHRY: I could not tell you the exact words. I think it was the normal banter of trying to explain to us that the college would close and that the government at this time is not going to give us the money and why are we still fighting. That was when we continued the conversation.

The PRESIDENT: Was it a pretty calm conversation?

Mrs HUMPHRY: Yes, it was very calm until Mr West said that he would actually organise for an independent assessor to come to the college, and we said we are not allowed, and then Councillor Lefroy said that we could get in there because it was the school holidays the following week. That was when Mr West said that he would get an independent assessor and if the independent assessor came up with the figure of $500 000 that we want, he would find us the $500 000. I vividly spun around to him, pointed my finger at him and said, “I will hold you to that.” That is when the conversation finished and it was at that time that we were going in to dinner.

The PRESIDENT: On what basis do you think he was going to achieve that? How was he going to do it?

Mrs HUMPHRY: We do not know and that is why I said to him, “I will hold you to that” because I did not know how he would be able to do that.

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26 Hon Darren West, Member, Legislative Council, Transcript of evidence, 31 August 2018, p 4.
28 ibid, p3-4.
3.13 The oral evidence of Mrs Lefroy was similar to her statutory declaration, and was based on her email of 8 April 2018 to Mr Ken Seymour and Hon Jim Chown. There was, however, some inconsistency between her oral evidence and her 7 April 2018 Facebook post which had asserted the presence of the Hon David Templeman, the Minister for Local Government, during the conversation:

**Mrs LEFROY:** We were in part of a large room but it had been sectioned off, sort of thing. By the time we got to have this conversation about which we have made the stat dec—or I have made the stat dec—in the group, and I put this in my stat dec, there was myself, Tracy Humphry. Darren West and then just off to one side was also Minister Templeman and a lady called Jan, who I think is Jan Dillon [Note: subsequent evidence identified this person as Ms Jan Court].

**The PRESIDENT:** Had you been talking to Minister Templeman as well?

**Mrs LEFROY:** Yes.

**The PRESIDENT:** What had you been talking to him about?

**Mrs LEFROY:** I would suggest it was probably about Moora College.

**The PRESIDENT:** Had he been part of the conversation with you and the other councillor and Hon Darren West?

**Mrs LEFROY:** He was not part of this conversation about which the affidavit is written. I had spoken with him prior to speaking with Darren, and then my memory of it is that Jan came up and was chatting to Minister Templeman and then Tracy and I were talking with Darren.

**The PRESIDENT:** Can you take us through what you remember of that conversation with Hon Darren West.

**Mrs LEFROY:** Yes, of course. Is it okay if I read from this because it was a few months ago and I do remember being very careful when I wrote this to make sure that it was as verbatim as I could possibly make it?

**The PRESIDENT:** What are you actually going to read from?

**Mrs LEFROY:** I have the email [dated 8 April 2018]. Is that okay?

**The PRESIDENT:** Yes.

**Mrs LEFROY:** This is my recollection of the discussion: the discussion moved to the fact that the Moora campaigners were suggesting it would cost $500 000 to keep the Moora Residential College open. Darren refuted this and said that if we were so confident, we should get an independent assessor in. We then said we wanted to, but we were not allowed to access the college. Darren West then said he would get an independent assessor through during the school holidays. He then followed this up with, “If the assessor comes back with a quote of 500K, then I'll give you the 500K. I can do that.”

**The PRESIDENT:** With this discussion, were you the person who was taking this issue up with Hon Darren West? Were you talking —

**Mrs LEFROY:** Both Tracy and I were, yes.

**The PRESIDENT:** So, both of you.

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30 ibid, p 12.
Mrs LEFROY: Yes.

The PRESIDENT: When this discussion happened and the comments that you have made in this email about the money—how did you think he was going to do that?

Mrs LEFROY: I had no idea, and that is what blew me away, to be honest. When he said it, I thought, “Oh, shivers; okay. This is really wonderful.”

3.14 Hon Darren West gave the following account of the conversation:

Hon Laurie Graham and I returned to Jurien Bay around 6.00 pm and arrived at the conference dinner with the minister and staff members around 6.30 pm. Delegates were already in attendance and pre-dinner drinks were well underway. As I entered the venue, I spoke with several delegates on my way through the crowd of more than 100 people. About 15 minutes after our arrival I was approached by Councillor Humphry and Councillor Lefroy. During a discussion about the Moora Residential College, the councillors claimed that funding required to fix the boarding facility was $500,000. I have never accepted that this is a true and accurate costing and nor did I on this occasion. I asked the councillors to provide me with a report or documentation that supported the $500,000 claim, adding that should they be able to do this, I would present it to Minister Ellery. To this day I have never received any such documentation. Some time into the discussion my research officer, Donna Plummer, joined the conversation, as it was suggested to Donna by a delegate that she come over to “save Darren” given the nature of the conversation. The conversation ended soon afterwards as we moved into the dining room for dinner. At no time was Minister Templeman involved in this conversation about Moora Residential College.

3.15 Ms Donna Plummer, Research Officer to Hon Darren West, confirmed that she joined the conversation late and was not able to confirm any specifics of that part of the conversation that she did hear:

Ms PLUMMER: Someone—when we first arrived, I was talking to one of the ladies attending the conference. She came over to me partway—I had moved to where I was having my discussion. She came over to me and said, “You work for Hon Darren West, don’t you?” and I replied I did, and she suggested that I might need to go over and join him, that the conversation he was having was with a couple of councillors who were getting a little bit—not heated so much, but that I should perhaps join him and save him, if you like.

... I left where I was, went over and stood by Darren. The conversation was ongoing a little bit. The two women in question were clearly a little bit unhappy. Then Councillor Tracy Humphry at the time said, “This lady now wishes to speak to you.” Darren introduced me to them as his research officer and the conversation started to come to an end.

The PRESIDENT: So how long were you standing next to Darren before it —

Ms PLUMMER: Just a couple of minutes, really.

The PRESIDENT: Can you remember any of the conversation that was happening between the two councillors and Darren West?

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31 Hon Darren West, Member, Legislative Council, Transcript of evidence, 31 August 2018, p 2.
32 Donna Plummer, Research Officer to Hon Darren West, Transcript of evidence, 3 September 2018, p 2.
Ms PLUMMER: Not the exact words, no; I am sorry. I do remember Darren telling them that they needed to provide him with a copy of a report or a document that they had. It had been along the lines that only a certain amount of money was required to address the Moora college issue. The discussion was about Moora college. It was about only a certain amount of money was required, and I do remember Darren telling them that he needed a copy of the report that indicated that, but the rest of the discussion I do not recall too much about; I am sorry.

The PRESIDENT: Do you recall one of the councillors, Councillor Humphry, saying to him that she would hold him to it?

Ms PLUMMER: I cannot remember for sure.

The PRESIDENT: How did the conversation end?

Ms PLUMMER: Darren saying—in my recollection, Darren saying that he would need a copy of a report or the document: “You get me a copy of the report or the document.”

3.16 There is clearly a significant conflict of evidence as to what was said during the conversation between Hon Darren West and the two Moora councillors. A conflict that the Committee has not been able to satisfactorily resolve either by independent witnesses or any contemporaneous documentation.

What information did Hon Darren West provide to the Minister for Education and Training on 7 or 8 April 2018?

3.17 The Committee also sought to establish what information the Hon Darren West had communicated to the Minister for Education and Training that had informed her answers to the Hon Jim Chown’s two parliamentary questions.

3.18 Both the Hon Darren West and the Hon Sue Ellery, the Minister for Education and Training, confirmed with the Committee that they had only discussed the matter once. The Hon Darren West stated:33

I have spoken to the minister several times about Moora Residential College, but the only discussion I had with the minister about this particular incident was when she called me following becoming aware of the Facebook post.

3.19 It was the evidence of the Minister that she had phoned the Hon Darren West on either Saturday, 7 April 2018, or Sunday, 8 April 2018. She advised the Committee that the phone call took place immediately after she had been informed by a staff member of her Office about the Save Moora College groups’ Facebook post on 7 April 2018 regarding the alleged commitments made by the Hon Darren West: 34

I was made aware by a staff member of a post on social media claiming that Hon Darren West had made a speech at a local government association event in which he committed to get a so-called independent building assessment done of Moora Residential College and that if that showed that an amount of $500 000 was required to address significant building condition issues, he would get the money. I spoke to him by phone. I do not recall the date of the conversation—it was on a weekend, as I recall. In the conversation I asked him if he was aware of that particular social media post. He told me that he was aware of the social media

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33 Hon Darren West, Member, Legislative Council, Transcript of evidence, 31 August 2018, p 2.
34 Hon Sue Ellery, Minister for Education and Training, Legislative Council, Transcript of Evidence, 31 August 2018, p 1-2.
post. He advised me he had made no such speech. He advised me that he did not make any such commitments. He advised me that he had been at a WALGA social event where he had had a conversation with a couple of shire councillors associated with the Moora Residential College campaign about the condition of the residential college but that he had not made the comments attributed to him.

... 

So it was not a very long conversation, because it was not conducive to a long conversation. I did not see the social media post. I got a phone call from a member of my staff—I think it was my chief of staff, but I actually cannot remember—telling me that this post was up, but I had not seen it. So I rang him. I might have left a message—I cannot remember—but, in any event, the phone conversation happened in Coles, and I said to him was he aware of the social media post, and I described it, and he said he was aware of it. I said, “Well, is it true?” He told me it was not true; that he had a conversation about Moora Residential College, about an independent review, about the $500 000, but that he had not made any commitments. That was pretty much the end of the conversation. And there has not been a subsequent conversation about that. I did not ask him again when I prepared the answers, because I had already had that conversation.

3.20 The Hon Darren West’s account of this telephone conversation accords with that provided to the Committee by Hon Sue Ellery, Minister for Education and Training. The Hon Darren West provided the following evidence of this conversation:35

The PRESIDENT: So probably moving on to the next part is—we have had that first question. Then we have had the second question asked by Hon Jim Chown in May of the Minister for Education. Her response to that question was that, yes, she had had the conversation with you, and that she says that, “He did not say what they claimed he said”. What did you actually tell the minister about that conversation? What detail did you provide her?

Hon DARREN WEST: So when the minister asked me if that is what was said, I said, “No, I haven’t said what they have claimed I’ve said.” That is the words.

The PRESIDENT: Did you explain to her what you thought the conversation had been about?

Hon DARREN WEST: Not particularly. My understanding was that the minister was just clarifying that what had been put up on social media was indeed the case, and I assured her that it was not the case.

The PRESIDENT: Did she ask you what you had actually said?

Hon DARREN WEST: Yes; we had a discussion about the nature of the conversation. I told her that I had said to them, “Should you be able to come up with a report or a document that says that this can be brought up to standard for $500 000, I’d table it to the minister.” The minister asked me to stop making that claim, which I subsequently have.

The PRESIDENT: The fact that these two councillors have signed statutory declarations, and they understand the consequences of falsifying a document—they have signed these in good faith—why do you think they have proceeded down this path?

Hon DARREN WEST: To me, it is very unclear. As we heard this morning, the initial question was asked on 12 April. Essentially, the question asked the minister for an

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35 Hon Darren West, Member, Legislative Council, Transcript of evidence, 31 August 2018, p 5.
opinion. It did not really ask the minister whether I had said this or whether I had not said this. The statutory declarations were signed subsequent to that first question. The follow-up question, question 329, as I recall, was more definitive in that it specifically asked if that was what I had said. There was no real clarification that I had a differing version of events, other than the social media posts, until 9 May. Despite this, the statutory declarations were signed before that second, follow-up question, which was the definitive question that specifically asked whether I had made those comments. I am unsure as to the motivation of all of this, chair.

3.21 The Hon Sue Ellery confirmed that it was “most probably” she herself who wrote the answer to both of the Hon Jim Chown’s parliamentary questions.\(^{36}\)

**Hon MARTIN ALDRIDGE:** The question you got from your office, or the draft you got from your office, to consider, which said things like, “I do not accept the premise of this question.”

**Hon SUE ELLERY:** I do not know that they would have drafted that. Your original questions to me were about the process. Because I am the only person who can know that, I suspect I probably drafted the answer to that myself because I do not know that anyone else could have.

3.22 Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training was also examined by the Committee, but was unable to assist with any additional evidence on this question.\(^{37}\) As Parliamentary Secretary, she had simply conveyed to the Legislative Council the answer prepared by the Minister.

3.23 Unlike the conflicting accounts of the conversation at the WALGA function on 5 April 2018, there is consistency between the accounts of the telephone conversation between the Hon Darren West and Hon Sue Ellery and the Minister’s subsequent answers to both question without notice No. 284 and question without notice No. 329.

**Approaches to dealing with conflicting evidence**

3.24 ‘Conflicting evidence’, as legally defined is evidence from different sources which cannot be reconciled. The evidence, in order to raise a conflict, must be such as to present a fair and reasonable ground for a difference of opinion. [Lefrooth v. Prentice, 202 Cal. 215, 231 (Cal. 1927)].

3.25 The Standing Orders provide little guidance to the Committee on how to treat conflicting evidence. The general criteria for adjudging contempts against the Legislative Council are set out in Schedule 4 of the Standing Orders as follows:

**Criteria to be Taken into Account when Determining Matters Relating to Contempt**

The Council shall take into account the following criteria when determining whether matters possibly involving contempt should be referred to the Procedure and Privileges Committee and whether a contempt has been committed, and requires the Procedure and Privileges Committee to take these criteria into account when inquiring into any matter referred to it –

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\(^{36}\) Hon Sue Ellery, Minister for Education and Training, Legislative Council, *Transcript of Evidence*, 31 August 2018, p 5.

\(^{37}\) Hon Samantha Rowe, Parliamentary Secretary to the Minister for Education and Training, Legislative Council, *Transcript of Evidence*, 31 August 2018.
(a) the principle that the Council’s power to adjudge and deal with contempts should be used only where it is necessary to provide reasonable protection for the Council and its Committees and for Members against improper acts tending substantially to obstruct them in the performance of their functions, and should not be used in respect of matters which appear to be of a trivial nature or unworthy of the attention of the Council;

(b) the existence of any remedy other than that power for any act which may be held to be a contempt; and

(c) whether a person who committed any act which may be held to be a contempt –

(i) knowingly committed that act; or

(ii) had any reasonable excuse for the commission of that act.

3.26 The following sets out the systematic approach to weighing conflicting evidence that is adopted by courts and tribunals:38

First ask whether the evidence offered on each side is credible or reliable. If evidence is not credible, it is not accepted as true and therefore may be rejected.

In many cases, however, the conflict is determined by applying the standard of proof. In other words, the tribunal concludes that, on the balance of probabilities, the factual account of one party is more likely than not to be the truth.

Finally, if the evidence on either side cannot be dealt with safely by the credibility or probability approach, because the evidence is such that no preference can be taken, the burden of proof will determine the matter and the tribunal will find that the party on whom the burden rests has failed to prove the necessary facts to discharge the burden.

3.27 The Administrative Review Council provides the following general guidance on dealing with conflicting evidence in its Best Practice Guide No. 3 for administrative decision-makers:39

Evidence is not all of equal weight. Assessment of the weight of evidence involves the application of logic, common sense and experience. … In some cases the evidence may be too evenly balanced to support a definite finding of fact. In court proceedings this situation is resolved by rules relating to the onus of proof, which determine who must prove a fact. One of the parties—usually the applicant—has an obligation to prove the material facts on which their case is based. That party bears the risk that the evidence could be insufficient. For example, if A sues B for a debt, A must prove that the sum was advanced to B as a loan. If B denies there was a loan and A cannot prove it, A loses the case.

…

An onus of proof may also be inferred from the nature of the power being exercised. If a breach of discipline is alleged, for example, the onus of proving the breach rests with the person making the allegation.

…

When there are conflicting versions of a factual matter it does not necessarily follow that someone is lying: it is possible for people to perceive and remember events differently. A finding that a person is untruthful or not credible is potentially damaging to them and should be avoided when possible. It is generally better to focus on where the truth lies, rather than on who is to be believed.

**Standard of Proof**

3.28 In its 35th report, the Australian Senate Procedure and Privileges Committee reported on its receipt of advice from its then Clerk, Mr Harry Evans, on the question of the standard of proof which might be appropriate for that committee to bear in mind when making findings concerning contempt. As contempt of Parliament is a serious offence with some significant penalties attached, it is argued that the strict criminal court standard of proof – beyond a reasonable doubt – is the correct standard that privileges committees should adopt. However, it is also argued that the main purpose of a privileges committee is to protect the integrity of the institution of Parliament from obstruction, and that the punishment of contempts is only a secondary objective. Therefore, the less restrictive civil court standard of proof - on the balance of probabilities - should be preferred.

3.29 In 1990 the then Clerk of the Senate advised that the Senate Procedure and Privileges Committee is not bound to adopt any particular standard of proof in making its findings. Rather, the standard of proof is solely a matter for the Committee to determine. The then Senate Clerk suggested the adoption of a combination of the following two practices:

- to vary the standard of proof in accordance with the gravity of the matter before the committee and the facts to be found; or
- not to adhere to any stated standard of proof or to formulate a standard of proof, but simply to find facts proved or not proved according to the weight of the evidence.

3.30 The then Senate Clerk had also advised:

The Committee of Privileges is not a jury. The greatest difference between the Committee and a jury is that the Committee explains its assessment of its evidence and gives its reasons for its findings. If the Committee states, in a report to the Senate, that facts have been proved or that it has come to conclusions on the basis of the evidence, such a report is no less likely to be accepted than one to the effect that the Committee has found matters proved beyond reasonable doubt. If the evidence provides grounds for the findings to be disputed, the disputation will not be lessened by a statement by the Committee that it has treated itself as a jury and adopted the standard of absence of reasonable doubt.

In my view, the best course is probably for the Committee to adopt a combination of options ...; that is, to present the evidence, to explain its assessment of the evidence and to express its conclusions, without explicitly adhering to a particular standard of proof, while requiring more cogent evidence in proportion to the gravity of the matter in issue.

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40 Australia, Senate, Procedure and Privileges Committee, 1988-2005 – Committee’s methods of operation, para 5.25


42 ibid, p 107-108.
At first sight the suggestion of a variable standard of proof may seem bizarre, but, as I have already indicated, the courts have occasionally not thought it so, and practical examples illustrate that it is a supportable view. If the question before the Committee is whether a person has done an act which is technically a contempt but which caused no serious obstruction to the operations of the Senate or a committee, the Committee may well be more easily satisfied as to the facts than if it is considering an allegation of a very serious interference with the Senate or a committee.

3.31 The Senate Procedure and Privileges Committee observed that the conclusions contained in their Clerk’s response accorded with its already existing practice – which the Committee notes has also continued to the present time.

3.32 This Committee has recently dealt with a matter of privilege that established contempt of the Legislative Council in relation to the drafting of purposely false answers to parliamentary questions. In its 44th Report the Committee noted that this was a very serious interference with parliamentary proceedings:

The contempts in question were the conduct by each of them in deliberately constructing an incomplete, misleading and ultimately false answer to a parliamentary question. This conduct is a substantial interference with the parliament’s information gathering and accountability functions.

3.33 The Committee, accordingly, in treating the allegations now before it as a serious matter of privilege has assessed the evidence to a higher standard of proof than a mere balance of probabilities.

The Committee’s assessment of the evidence

3.34 In considering conflicting evidence, the Committee may apply its own standard of proof and make a judgment as to which version of the disputed facts appears to be the most credible statement of fact in all of the circumstances. The fact that a committee may, in reaching its findings, preferred the evidence of one witness over another does not necessarily imply that the second witness has given evidence with an intention to deliberately mislead the committee. It is accepted that different people can have different and sometimes contrasting recollections of events.

3.35 In the present matter, all witnesses were examined after swearing an oath or making an affirmation and were well aware that there are significant penalties that attach to deliberately misleading a parliamentary committee. These include a fine or imprisonment (in the event of non-payment of a fine) imposed by the House under the Parliamentary Privileges Act 1891, or imprisonment for up to 7 years if found guilty of the crime of giving false evidence before Parliament as provided under s 57 of The Criminal Code.

3.36 On such an informal social occasion as the WALGA pre-dinner drinks function, with multiple conversations going on within and around the group and people joining the conversations part way through, the Committee can understand that some people’s recollection of events can sometimes be imprecise.

3.37 The Hon Darren West submitted to the Committee:

[W]e are here today because three people have different recollections about a conversation that occurred at a social event. I am sure that everyone present here has in the past experienced similar circumstances where comments that they have

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43 Western Australia, Legislative Council, Standing Committee on Procedure and Privileges, Report No. 44, A Matter of Privilege raised by Hon Sue Ellery MLC, 8 November 2016, p.1.
made have been misheard, misquoted, misinterpreted or misrepresented, as is very much the case here.\footnote{Hon Darren West, Member, Legislative Council, \textit{Transcript of evidence}, 31 August 2018, p 2.}

3.38 The Committee notes, however, that on the occasion in question there was, in fact, two witnesses with corroborating recollections of what was said against the Hon Darren West’s sole recollection. There was, nevertheless, no other witnesses to this conversation.

3.39 There was no independent third party that witnessed the conversation, and the closest thing to a contemporaneous documentary record was the Facebook post two days later by a third party based on hearsay evidence – and which at the very first opportunity was refuted by the Hon Darren West. On 8 April, three days after the conversation, Mrs Lefroy emailed her recollection of the conversation to Mrs Tracy Humphry, Mr Alan Leeson, Hon Jim Chown and Mr Ken Seymour. Mrs Lefroy’s evidence was that she was motivated to do so as:\footnote{Tracy Lefroy, Councillor, Shire of Moora, \textit{Transcript of evidence}, 31 August 2018, p 9.}

I think I was aware that—well, as I have said earlier, we were quite excited by the fact that Darren had said we would be able to get an independent assessor through. I thought, “This is awesome. This is really good.” And I also wanted to make sure that I had a really fresh recollection of the conversation. So that is why I sent the email to say this is what has happened, basically so that if something like this came up, where I was questioned, I actually had a fairly fresh memory of it.

3.40 This email formed the basis of Mrs Lefroy’s statutory declaration and sworn oral evidence to the Committee. It appears that this document was created after Mrs Lefroy discussed the matter with other parties who had a strong interest in preserving the Moora Residential College. Mrs Humphry gave the following evidence:\footnote{Tracy Humphry, Councillor, Shire of Moora, \textit{Transcript of evidence}, 31 August 2018, p 6-7.}

\textbf{Mrs HUMPHRY:} We did discuss it with the people we sat at the dinner with because we were very surprised, and please do not ask me who was on the table because I cannot remember.

There were people I had never met before at the table. But Councillor Lefroy and I discussed it as we were walking to the dinner because we were so shocked about what we had heard.

... 

\textbf{Hon ADELE FARINA:} In the subsequent days that followed after the dinner, did you have a conversation with anyone else?

\textbf{Mrs HUMPHRY:} When I got back to Moora I discussed it with some fellow councillors—yes.

\textbf{Hon ADELE FARINA:} What date was that?

\textbf{Mrs HUMPHRY:} That would have been the following week. I cannot remember whether we had a meeting, but when I did see my councillors next I had a conversation with them. The following week—it could have been the Monday or the Tuesday—I had a discussion with Tracy Errington, who is the secretary of the senior high school P&C and told her.

... 

\textbf{Hon ADELE FARINA:} Okay. Which councillors did you talk to about the conversation you had had with Hon Darren West?
Mrs HUMPHRY: I think, over time, I would have had the discussion with them all.

Hon ADELE FARINA: Are you able to name each of the councillors you had a conversation with, and any other staff that you had a conversation with?

Mrs HUMPHRY: No other staff other than Alan Leeson, the CEO. The president, Ken Seymour—he would have been the first I would have had the discussion with. It became general discussion because whenever I meet and talk to councillors, the subject of the college — I have talked about it for eight months continuously, so I cannot tell you the exact time and when I did discuss with which councillors.

The evidence before the Committee

3.41 Mrs Lefroy stated:

The PRESIDENT: So after this event, did you go back and talk to people on council about what you thought had been said?

Mrs LEFROY: Yes. I sent a text out that night from the dinner saying, “Oh, my gosh. How good is this?” So, there would be a lot of people who would be able to say, you know, “Tracy said”.

The PRESIDENT: Was there any discussion amongst your council colleagues at a later stage about what had been said to you at this function?

Mrs LEFROY: Yes.

The PRESIDENT: What did they propose to do about it?

Mrs LEFROY: That is why we followed it up, and then we got nothing back.

The PRESIDENT: How did you follow it up?

Mrs LEFROY: I believe Ken Seymour, who is our president of the shire, I let him know, and he said, “I'll take it from here.” So, I am assuming he got in contact with Darren or someone within the party. We had been doing a lot of toing and froing with the government over this issue, so whether he made a specific phone call with regard to Darren West's statement or whether it was just introduced as part of a larger discussion —

The PRESIDENT: Did you ever ask Mr Seymour who he had got in touch with?

Mrs LEFROY: Not directly. No. There was so much going at the time about the college.

...

Hon SIMON O'BRIEN: Okay. In due course, you have made this statutory declaration; how did you come to make the statutory declaration? Did someone ask you to give a record of a conversation?

Mrs LEFROY: Once people knew that this conversation had been had—I am trying to remember the order correctly—I do not know if it was either Ken Seymour who is our shire president, or Jim Chown, who asked me to put it into a stat dec. I had already put it into this email, which was the one sent on Sunday, 8 April. I do not recall if it was Ken Seymour or Jim Chown, but one of them asked me to make it. ...

3.42 The Committee notes that Mrs Lefroy referred in her evidence above to sending a text message immediately after the WALGA function about her conversation with the Hon Darren
West and Mrs Humphry. Unfortunately, Mrs Lefroy was unable to provide a copy of this text to the Committee, as she had most likely deleted it from her mobile phone.

3.43 The Committee noted that neither of the two Moora councillors recall the Hon Darren West saying that he would take the matter up with the Minister for Education and Training. This was despite the evidence of the Hon Darren West that he had given an undertaking to “many people” (including the two councillors) about Moora Residential College in which he specifically mentioned the $500,000 figure and said that he would go to the Minister if he had documentation to support such a relatively low cost for upgrading the College.  

Hon ADELE FARINA: ... Now, you said that you told the councillors that if they could provide an assessment indicating that the cost to repair Moora college was only $500,000, then you would take that to the minister; is that right?

Hon DARREN WEST: That is correct. ... And I have given that undertaking to many people when in discussions around Moora Residential College. It is my view that there is no such assessment, and that the $500 000 figure is an incorrect figure.

...  
The PRESIDENT: Did [the Minister for Education and Training] ask you what you had actually said?

Hon DARREN WEST: Yes; we had a discussion about the nature of the conversation. I told her that I had said to them, “Should you be able to come up with a report or a document that says that this can be brought up to standard for $500 000, I’d table it to the minister.” The minister asked me to stop making that claim, which I subsequently have.

3.44 The Committee considered whether the conflict of evidence had arisen from a possibly misunderstood careless or flippant remark arising from Hon Darren West’s statements “to many people” that he did not believe that an assessment as low as $500,000 to repair the Moora Residential College could be obtained. The Hon Darren West, however, was adamant that this had not been the case, as set out in his evidence below:

Hon SIMON O’BRIEN: ... I put this to you: could it have been that the conversation actually fell somewhere between that, that you were confident in saying to those witnesses, “If you can provide me with an assessment that says $500 000”—I will say here as an aside, being confident that they would not be able to do it—and that if they could do that, then you would find the $500 000?

Hon DARREN WEST: No, I have never committed to $500 000. I take your point and I think it is a valid one that you can ask for the assessment of the documentation, quite comfortable in the knowledge that it does not exist, and I am quite happy to confess that, but no, I have never, ever committed $500 000.

Hon SIMON O’BRIEN: If someone could come up with an assessment to show $500 000, what would you do?

Hon DARREN WEST: I would take it to the minister.

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48 Hon Darren West, Member, Legislative Council, Transcript of evidence, 31 August 2018, p 4.
49 ibid, pp4- 5.
50 ibid, p 17.
FINDING 1
The Committee finds that there is conflicting evidence regarding what was said between the Hon Darren West and Moora councillors, Cr Tracy Humphry and Cr Tracy Lefroy at the pre-dinner drinks function for the 2018 WALGA Wheatbelt Conference on the evening of 5 April 2018.

FINDING 2
The Committee finds that the alleged contempt of the Legislative Council by Hon Darren West arising from the information that he gave to the Minister for Education and Training for the purpose of answering Question without Notice 329 is unproven.

FINDING 3
The Committee finds that no other person committed a contempt of the Legislative Council in relation to this matter of privilege.

RECOMMENDATION 1
The Committee recommends that the Legislative Council take no further action in relation to this matter of privilege.

Hon Kate Doust MLC
Chair
APPENDIX 1

TRANSCRIPTS OF HEARINGS

PROCEDURE AND PRIVILEGES COMMITTEE

A MATTER OF PRIVILEGE RAISED BY HON JIM CHOWN, MLC

TRANSCRIPT OF MEETING
TAKEN AT PERTH
FRIDAY, 31 AUGUST 2018
PRIVATE SESSION

Members
The President (Hon Kate Doust) (Chair)
Hon Simon O’Brien (Deputy Chair)
Hon Adele Farina
Hon Martin Aldridge
Hon Rick Mazza
Hearing commenced at 11.09 am

Mrs TRACY HUMPHRY
Councillor, Shire of Moora, sworn and examined:

The PRESIDENT: Today, our privileges committee is dealing with a matter that has been raised by Hon Jim Chown—a matter of privilege has been raised in the house. We have a number of hearings planned for the day. I will just work my way through the formalities. On behalf of the committee, I would like to welcome you to the meeting. You would have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

Mrs HUMPHRY: Yes, I have.

The PRESIDENT: To assist the committee and Hansard, please quote the full title of any document you refer to during the course of the hearing for the record. Please be aware of the microphones; try to talk into them and ensure that you do not cover them with papers or make noise near them. I also remind you that this hearing is being conducted in private and the evidence you provide today shall not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. I note that the transcript should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

I should explain before we begin that normally the privileges committee consists of the five members in front of you. Hon Darren West is here today exercising his right under the standing orders to be a participating member. I understand that you were advised that he might be present at this hearing. Is there anything you would like to say to the committee before we work our way through with some questions?

Mrs HUMPHRY: No.

The PRESIDENT: As you are aware, these matters have been canvassed in the Parliament. Questions have been raised by Hon Jim Chown. He has raised in the house concerns in relation to privilege about the manner in which those questions were answered, and a very serious allegation that the house was misled with the responses that were provided by the minister. What we would like to do is to just go back and talk about the events that surrounded the information and the statutory declarations that were provided in the house by Hon Jim Chown. We know that there has been a series of events, if you like, that have occurred in relation to the event, to the questions being raised and the stat decs being provided to the chamber. I suppose just to get a little bit of background to all of those events, we have just got some questions around those things that have occurred. I suppose the first question is: you have already said that you are here as a councillor—how long have you been a councillor in Moora?

Mrs HUMPHRY: Six years.

The PRESIDENT: What made you decide to become a councillor?

Mrs HUMPHRY: I wanted to give back to my community that has given a lot to me over the last 35 years that I have been part of the Moora community.

The PRESIDENT: That is a pretty significant time in that area. The event that you attended that is referenced in the statutory declaration, can you just talk to us a little about what that event was, when it happened and who was there?

Mrs HUMPHRY: It was a regional WALGA local government conference. I attended it for one day. The majority who attended were local government representatives and it can be from shires throughout...
the wheatbelt. Yes, we just discussed and had speakers talking about relevant things to do with local government.

The PRESIDENT: Is that an annual event, or is it done quarterly or six monthly?

Mrs HUMPHRY: It is annually.

The PRESIDENT: How long does the event go for?

Mrs HUMPHRY: It is just one day.

The PRESIDENT: Approximately how many people would attend that? Are we talking 20 people, 50, 100 or more?

Mrs HUMPHRY: I would have said that, over the day, there would have been at least 100 attending. People came and went.

The PRESIDENT: Was Hon Darren West present for the whole of that day?

Mrs HUMPHRY: I actually honestly cannot tell you that now.

The PRESIDENT: That is okay; that is fine. At the end of that day when you had all these guest speakers in, there appears to have been another event before a dinner. Is that correct—like a pre-dinner function?

Mrs HUMPHRY: Yes. We were offered drinks before we went into the dinner.

The PRESIDENT: Okay. At the end of the actual conference, was there a post-conference function and then the pre-dinner function?

Mrs HUMPHRY: No. I left the conference, went home and got changed for dinner, and came back to have a drink before we commenced the dinner.

The PRESIDENT: Okay. This might sound a bit odd, but we are just trying to get a picture of the actual event. How long did that pre-dinner event take? Was it half an hour, an hour?

Mrs HUMPHRY: I think it would have been half an hour at the most.

The PRESIDENT: Where there are a lot of people in the room?

Mrs HUMPHRY: Yes. We were all congregated at one end of the conference room before we went through to dinner.

The PRESIDENT: Was it a confined space or —

Mrs HUMPHRY: Where we were standing, it was a confined space.

The PRESIDENT: So lots of people standing around together, obviously a lot of discussion. Was it loud?

Mrs HUMPHRY: Not that you could not hear people talking around you.

The PRESIDENT: So, people obviously are standing, having a drink and having a chat. When you got to the event—I am just trying to work out how the conversation started with Hon Darren West. Did you approach him at the function, or —

Mrs HUMPHRY: No. I approached the Minister for Local Government because we wanted to speak with him about our problem with the Moora college, and we wanted to tell him our side of the story and see whether he knew what was going on. He gave us his ear for 10 minutes and listened. While at the end of our conversation with him, Mr West arrived to be part of the conversation and then someone else took the minister's attention away to speak—sort of took his attention away from us and that is when I started the conversation with Mr West.

The PRESIDENT: The minister you would have been speaking to was David Templeman.

Mrs HUMPHRY: Templeman, that is correct.
The PRESIDENT: When you were speaking to the minister, were you speaking to him alone or did you have other people with you, talking to him about this issue that you wanted to canvass?

Mrs HUMPHRY: Councillor Tracy Lefroy was with me.

The PRESIDENT: So, it was just the two of you. So the minister goes away to speak to somebody else, and Hon Darren West is left standing with both of you?

Mrs HUMPHRY: Yes. He was standing between the two of us.

The PRESIDENT: Can you perhaps take us through the conversation that you had with him?

Mrs HUMPHRY: As we have done previously, we started talking about the Moora college and our wishes. We asked Mr West questions as to why the government will not do what we would like them to do, and the conversation went on.

The three of us were participating in the conversation and that was when Mr West asked us whether in the beginning we had had an independent assessor into the college, and we said, “That is what we would like.”

The PRESIDENT: So who kicked the conversation off? Was it Hon Darren West who started to talk to you about, obviously, the Moora college issue or was it yourself or Councillor Lefroy?

Mrs HUMPHRY: I think it was Mr West.

The PRESIDENT: Do you remember how the conversation started? Do you remember what he actually said?

Mrs HUMPHRY: I could not tell you the exact words. I think it was the normal banter of trying to explain to us that the college would close and that the government at this time is not going to give us the money and why are we still fighting. That was when we continued the conversation.

The PRESIDENT: Was it a pretty calm conversation?

Mrs HUMPHRY: Yes, it was very calm until Mr West said that he would actually organise for an independent assessor to come to the college, and we said we are not allowed, and then Councillor Lefroy said that we could get in there because it was the school holidays the following week. That was when Mr West said that he would get an independent assessor and if the independent assessor came up with the figure of $500,000 that we want, he would find us the $500,000. I vividly spun around to him, pointed my finger at him and said, “I will hold you to that.” That is when the conversation finished and it was at that time that we were going in to dinner.

The PRESIDENT: On what basis do you think he was going to achieve that? How was he going to do it?

Mrs HUMPHRY: We do not know and that is why I said to him, “I will hold you to that” because I did not know how he would be able to do that.

The PRESIDENT: Have you had dealings with Hon Darren West in the past?

Mrs HUMPHRY: Yes, I have spoken to him about this subject previously.

The PRESIDENT: About this subject, about other matters in the area?

Mrs HUMPHRY: He comes to and addresses us—he has been to the Moora council and addressed us.

The PRESIDENT: So you are aware that Moora is part of his electorate.

Mrs HUMPHRY: Yes, very much so.

The PRESIDENT: Are you aware of his role in the Parliament?

Mrs HUMPHRY: Yes.
The President: What do you think his role in the Parliament is?

Mrs Humphry: He is our member for the Agricultural Region and he is to represent his area that he represents.

The President: Are you also aware that he is a parliamentary secretary?

Mrs Humphry: Yes, to the minister for agriculture.

The President: What do you think that role entails?

Mrs Humphry: To help and advise the minister for agriculture.

The President: Do you think that role enables him to make any commitments about getting an auditor or obtaining funds?

Mrs Humphry: No.

The President: If that is the case, why do you think he would have said what you say he said?

Mrs Humphry: I was very surprised that he said it. I was shocked that he said it, and that is why I said I would hold him to it.

The President: I am going to be really blunt with this one: at the time of the conversation, did Hon Darren West have any alcohol in his hand, in a glass?

Mrs Humphry: We all had a glass of alcohol in our hand.

The President: You all had a glass of alcohol. How long had people been drinking?

Mrs Humphry: There were people there when I got there, so I do not know how long people had been there for and I had consumed one glass of sparkling wine.

The President: Is there any chance that perhaps, or in your mind, given that you said that you were surprised that he made this commitment, do you think it might have been on the basis of him saying that he would—or did he say anything about speaking to the relevant minister to have an audit done or to seek the funds? Was there any conversation around that?

Mrs Humphry: I do not think the minister for education’s name was brought up in the conversation, but I just assumed that that would be the person that he would go to to ask permission.

The President: When you said to Hon Darren West that you would hold him to that, what was his response?

Mrs Humphry: He laughed.

The President: Do you think he was serious in following through with this discussion?

Mrs Humphry: No, I do not think he was serious.

The President: Why do you think—you know the words that you say he said, why do you think they were said?

Mrs Humphry: I would love to know why they were said. I cannot answer that question.

The President: Do you think that you heard him correctly?

Mrs Humphry: I definitely know I heard him correctly.

The President: Sometimes if we are in a function and it is noisy, or if we are not standing reasonably close to people we might not hear clearly or we might think we have heard something that might not have actually been said or might not have been said in the way that we thought it was meant to be. Was there any —

Mrs Humphry: We were standing quite close and right next to us and there were no other people in our conversation and I heard him quite clearly say that, and I was shocked that he said it.

The President: To the best of your memory, can you actually repeat what he said?
Mrs HUMPHRY: He asked us whether we had had an independent assessor through the college. I think it was—Councillor Lefroy said, “No, that is what we keep asking for” and that was when Mr West said, “I can get you an independent assessor to go through the college.” We said at the moment—no, we asked him how long it would take him, and then the subject of the school holidays came up and we said, “Great, it’s school holidays next week, we could have an assessor through the college during the school holidays.” He then said that if the amount came to—if the assessor came up with the amount of $500 000, he would find the $500 000 for us.

The PRESIDENT: Did he say where he would find it?

Mrs HUMPHRY: No, he did not say where he would find it.

The PRESIDENT: Was there any discussion about follow-up on this conversation?

Mrs HUMPHRY: No.

The PRESIDENT: How did the conversation end? What happened next? Did you continue talking about other matters or —

Mrs HUMPHRY: After I said I would hold him to it, it was at about that time that someone came past us and said we need to move in for dinner, and we walked in to dinner with Mr West. He went and sat at one table and we went and sat at another.

The PRESIDENT: So the conversation stopped at that point.

Mrs HUMPHRY: Yes.

The PRESIDENT: Did you go back to him at any stage during the dinner to follow up on that conversation?

Mrs HUMPHRY: No. At the end of dinner, Mr West came and approached me. I said goodnight to him and he actually offered me the invitation to go and have a drink with him at the hotel, which I declined.

The PRESIDENT: Would that have been to have a further conversation do you think about the matters you talked about earlier?

Mrs HUMPHRY: I suspect that that is what would have —

The PRESIDENT: I do not know, but is it common practice for councillors and MPs to catch up after functions in the regions?

Mrs HUMPHRY: Well, not with me.

The PRESIDENT: Does anyone have any questions at this point before we move on to stat decs?

Hon ADELE FARINA: Obviously you were at a function, as you have said, with a whole lot of other councillors present including other councillors from the Moora council. Was the shire president present?

Mrs HUMPHRY: No, it was just Councillor Lefroy and myself.

Hon ADELE FARINA: From Moora?

Mrs HUMPHRY: From Moora.

Hon ADELE FARINA: Did you discuss with anyone else at that conference the undertaking that you understood that Hon Darren West made to you and Councillor Lefroy during that dinner that night?

Mrs HUMPHRY: We did discuss it with the people we sat at the dinner with because we were very surprised, and please do not ask me who was on the table because I cannot remember.

There were people I had never met before at the table. But Councillor Lefroy and I discussed it as we were walking to the dinner because we were so shocked about what we had heard.
Hon ADELE FARINA: After the dinner, did you discuss it with anyone else?

Mrs HUMPHRY: After the dinner? No, I went home.

Hon ADELE FARINA: In the subsequent days that followed after the dinner, did you have a conversation with anyone else?

Mrs HUMPHRY: When I got back to Moora I discussed it with some fellow councillors—yes.

Hon ADELE FARINA: What date was that?

Mrs HUMPHRY: That would have been the following week. I cannot remember whether we had a meeting, but when I did see my councillors next I had a conversation with them. The following week—it could have been the Monday or the Tuesday—I had a discussion with Tracy Errington, who is the secretary of the senior high school P&C and told her.

The PRESIDENT: Did you discuss it with the CEO of Moora council?

Mrs HUMPHRY: I would have later. Yes, the following week.

The PRESIDENT: What was the focus of that discussion?

Mrs HUMPHRY: I would have told him what Mr West had said.

Hon ADELE FARINA: Can you give us an approximate date as to when the conversations took place? The conference was on 5 April. I do not know what —

Mrs HUMPHRY: On 5 April—that was a Thursday. I spent the weekend at a social function in Jurien. I stayed in Jurien Bay until I went home on Sunday, so it would have been the following Tuesday or Wednesday.

Hon ADELE FARINA: Okay. Which councillors did you talk to about the conversation you had had with Hon Darren West?

Mrs HUMPHRY: I think, over time, I would have had the discussion with them all.

Hon ADELE FARINA: Are you able to name each of the councillors you had a conversation with, and any other staff that you had a conversation with?

Mrs HUMPHRY: No other staff other than Alan Leeson, the CEO. The president, Ken Seymour—he would have been the first I would have had the discussion with. It became general discussion because whenever I meet and talk to councillors, the subject of the college — I have talked about it for eight months continuously, so I cannot tell you the exact time and when I did discuss with which councillors.

Hon ADELE FARINA: That Tuesday, when you were back in Moora, was that for a council meeting?

Mrs HUMPHRY: No, it would not have been for a council meeting.

Hon ADELE FARINA: When was the next council meeting after?

Mrs HUMPHRY: Our meetings are the first and third Wednesdays of every month.

Hon ADELE FARINA: And was this issue discussed at the council meeting?

Mrs HUMPHRY: It would have been discussed at the discussion meeting that we have before council. It would not have actually been discussed at the council meeting, because it would not have been a motion that had to be passed, but we have a discussion meeting before council meetings and the subject of the Moora Residential College comes up at every discussion meeting that we have had in the last eight months.

Hon ADELE FARINA: What was the tenor of that conversation at that discussion session before the meeting?

Mrs HUMPHRY: Everyone was very, very surprised that those comments would have been made.

Hon RICK MAZZA: Councillor Humphrey, how long have you known Hon Darren West as a member for the Ag Region?
**Mrs HUMPHRY:** I first met Mr West when I was the deputy shire councillor, so that was four or five years ago we had a meeting.

**Hon RICK MAZZA:** Would it be fair to say that some councillors on the shire have been angry with the representations that Hon Darren West has made regarding Moora college?

**Mrs HUMPHRY:** Most definitely.

**Hon RICK MAZZA:** The conversation that you had before Hon Darren West made those comments—was it a fairly heated conversation, do you think, or firm conversation with him?

**Mrs HUMPHRY:** At times, yes.

**Hon RICK MAZZA:** At times. And I think you did say earlier that you did not really take the comments he made seriously.

**Mrs HUMPHRY:** No. I wanted to know how he was going to carry out what he had said.

**Hon RICK MAZZA:** Is it something that you thought he could actually undertake in his role?

**Mrs HUMPHRY:** No. I know he could not undertake that in his role.

**Hon RICK MAZZA:** Were you encouraged in any way to make a statutory declaration about the comments he made?

**Mrs HUMPHRY:** I was asked and when I was asked I said, after reading what had been said in Parliament, I was eager to sign because I believe in the truth.

**Hon SIMON O’BRIEN:** Councillor Humphrey, we have here a statutory declaration in your name, which the Clerk is bringing to you. This is a statutory declaration in your name dated 27 April 2018. Is this your statutory declaration?

**Mrs HUMPHRY:** It most certainly is.

**Hon SIMON O’BRIEN:** Bearing your signature?

**Mrs HUMPHRY:** It is.

**Hon SIMON O’BRIEN:** Thank you for that. After the function on 5 April, was there, in fact, an independent assessment made?

**Mrs HUMPHRY:** No.

**Hon SIMON O’BRIEN:** When did you become aware that there was to be no further independent assessment and no requirement for $500 000 to be allocated?

**Mrs HUMPHRY:** We keep getting told that, but we keep asking.

**Hon SIMON O’BRIEN:** Has the shire or anyone engaged an assessor to do it themselves and see if it can be done?

**Mrs HUMPHRY:** We are not allowed to.

**Hon SIMON O’BRIEN:** Between 5 April and 27 April, when the statutory declaration was made, had it become apparent to you that there was to be no further independent assessment and no requirement for $500 000 to be allocated?

**Mrs HUMPHRY:** We keep getting told that, but we keep asking.

**Hon SIMON O’BRIEN:** I understand. Then, at some stage, Hon Jim Chown became aware of the discussion that you have outlined at this function. Was Hon Jim Chown part of that conversation?

**Mrs HUMPHRY:** No.

**Hon SIMON O’BRIEN:** How did Hon Jim Chown become aware of the conversation? Do you know?
Mrs HUMPHRY: I believe that he was made aware of it by our president.

Hon SIMON O’BRIEN: After that, did Mr Chown approach you about —

Mrs HUMPHRY: He rang me to ask me whether I would be prepared to sign a statutory declaration and I said yes.

Hon SIMON O’BRIEN: Okay.

The PRESIDENT: What date did he call you?

Mrs HUMPHRY: It would have been, I think, the day before I signed it. He asked me, I said I would do it, and I believe you do those things immediately.

Hon SIMON O’BRIEN: Okay.

The PRESIDENT: Mr Chown contacted you to confirm what he had heard about your conversation with Mr West back on 5 April. You confirmed the substance of it, as you have outlined today. Is that correct?

Mrs HUMPHRY: That is correct.

Hon SIMON O’BRIEN: And then what did he say? What did Mr Chown say then after you confirmed the conversation?

Mrs HUMPHRY: He asked me if I would sign the stat dec because he wanted to further the matter in Parliament.

Hon SIMON O’BRIEN: As you have already indicated, obviously, by the document you have just adopted, you did make that statutory declaration. Madam Chair, if you indulge me just a moment: subsequent again to the 5 April function and the undertaking given when it became apparent to you that there had been no movement on the independent assessor and no $500 000, did you get back to Hon Darren West to inquire after it?

Mrs HUMPHRY: No.

Hon SIMON O’BRIEN: Have you had a subsequent conversation with Mr West about this since then?

Mrs HUMPHRY: No.

The PRESIDENT: Following up from that, given the questions that have been raised in the house and the comments by Hon Jim Chown, why have you not done any follow-up with Hon Darren West? Why have you not contacted him to say, “What’s going on?” or “Why haven’t you followed up?” or “What’s happened?”

Mrs HUMPHRY: With everyone else who is doing all the inquiring and the arguing and everything over the Moora Residential College, I felt that there were enough people inquiring as to what was going on that I just did not think that I needed to.

The PRESIDENT: It is just that you said to us earlier on that at the function —

Mrs HUMPHRY: That I would hold him to it, yes.

The PRESIDENT: — that you would hold him to it. I would have thought—this is obviously a matter that is very important to you and to your colleagues—that if you were indeed going to hold him to it, I am just surprised that you would not have actually called him to say, “What’s going on?”

Mrs HUMPHRY: No. As I say, there are so many other people having conversations with him about it that I just did not follow it up because I thought that there were enough people following it up.

The PRESIDENT: When you had these conversations with your fellow councillors and the president, what was their reaction and was there a discussion about follow-up in terms of that conversation? What were they going to do?
Mrs HUMPHRY: Through the council we have continued to ask questions, not to Mr West but to the education department and the Minister for Education.

The PRESIDENT: When you informed your colleagues on council of the conversation that you had had with Hon Darren West, what was their initial response?

Mrs HUMPHRY: To the conversation?

The PRESIDENT: Yes, to the alleged commitment.

Mrs HUMPHRY: They were surprised that Mr West would have said what he said, but they also knew that in his role, he had to ask the Minister for Education to do those, to have an assessor and to find the money.

The PRESIDENT: Given the time frame from when the event happened and your conversation with your colleagues, and then the following week the first question that was asked in the chamber by Hon Jim Chown, did you actually speak to Hon Jim Chown and give him the detail of the conversation before 12 June, when he asked the first question?

Mrs HUMPHRY: No. I spoke to Hon Jim Chown over the telephone before I signed the stat dec, and I had no conversation with him before any of the times that he—all he said in that initial conversation was that he was going to follow it up and bring up things in Parliament.

The PRESIDENT: Is there any possibility that the conversation that you had on that evening, from Hon Darren West’s position, was that he might have been simply going to take up that matter with the relevant minister in terms of a discussion around possible audit and funding, depending on the results, in your mind?

Mrs HUMPHRY: In my mind, I would have thought that, as a member of Parliament, if he makes a statement to a member of the public or to a councillor like this, that he would have followed it up.

The PRESIDENT: In your mind, how was he going to do that?

Mrs HUMPHRY: He was going to go to the Minister for Education and tell her what he had said and what he had promised to his constituents.

The PRESIDENT: If that is what you thought he was going to do, why did you not follow him up to say, “Have you delivered on what you said you were going to do? Have you spoken to the minister?”

Mrs HUMPHRY: Because after reading Hansard, I also realised that he had not actually done that.

The PRESIDENT: Okay.

Mrs HUMPHRY: Maybe I should have made a phone call, but I would think that if I had made a phone call to him, there would be two answers. There would be, “No, I haven’t followed it up”, or, “No, I didn’t say that.”

The PRESIDENT: Obviously, there was a bit of media about the first question that was raised in the chamber. Was there any further discussion between yourself and your colleagues about what had happened?

Mrs HUMPHRY: Not at council. I had a conversation with Tracey Errington when we both read Hansard.

The PRESIDENT: And was there any discussion about any further action or talking to anyone who could pursue the matter further for you, in terms of getting that audit done or that commitment about the money?

Mrs HUMPHRY: As I said earlier, we keep asking, and I do not know how many times the Minister for Education has been asked and she just says no.

The PRESIDENT: Let us come back and talk about the statutory declaration that you have signed. You had a conversation with Hon Jim Chown the day before you signed it, and it was at his instigation that you signed the stat dec?
Mrs HUMPHRY: Yes, he asked if that is what I would do.

The PRESIDENT: Up until that phone conversation, you had not given any consideration to taking any further action about this conversation?

Mrs HUMPHRY: No.

The PRESIDENT: Based on the discussion with Hon Jim Chown, why did you think it was an appropriate thing to do, to sign the stat dec?

Mrs HUMPHRY: Because I realised that, as I have previously said, that if a—and it does not even need to be a member of Parliament, but if someone like that is going to make a comment as he did, or a statement as he did, on a very serious subject, and the members of the Moora community are—you know, this is a very, very serious subject to us, and if someone is going to say something like that and then turn around and I read in Hansard that he, through someone else, had said that he did not say it, is wrong, because I know in my heart that that is what he said, and that is the truth.

The PRESIDENT: When you had your conversation with Hon Jim Chown, did he talk to you about the type of detail that you need to put into a stat dec?

Mrs HUMPHRY: No. He did not tell me what to write. All he said was, “You put down in your own words what happened on that night.” He did not lead me, and no-one did. I just sat down and thought about—and I could have written a lot, but I decided that I would make it very brief.

The PRESIDENT: Did Hon Jim Chown talk to you about why you should sign a stat dec?

Mrs HUMPHRY: He explained to me the consequences and the seriousness of signing a stat dec, because I had never done it before, and the fact that he wanted to continue this argument in the Parliament.

The PRESIDENT: So did Hon Jim Chown explain to you what he wanted to do with the stat decs—what the purpose of the stat decs was?

Mrs HUMPHRY: All he said was that he was going to—I do not know; I cannot remember the official title—that he was going to put them up to Parliament.

The PRESIDENT: What did you think would happen as a result of signing the stat decs? What did you think the outcome of that would be?

Mrs HUMPHRY: The only thing I hoped was that there would be—it would help our fight. That is the reason.

The PRESIDENT: In what way? How would you think signing the stat dec would help you?

Mrs HUMPHRY: That there could be some more pressure put on the government for our fight for the money for the Moora Residential College.

The PRESIDENT: So the stat decs that have been submitted and have put to us around the issue of the house being misled with an answer to a question that goes back to your initial conversation with Hon Darren West, how would putting in that stat dec to resolve that issue around a conversation assist you with your matter of Moora college?

Mrs HUMPHRY: Because he said that he could do something for us.

The PRESIDENT: I would imagine in your period of time as a councillor that you had a lot of interaction with a range of members of Parliament and that you and your colleagues would have raised a variety of matters with them seeking support and assistance, and sometimes people will give an indication that they will raise a matter and that they will try and provide you with assistance, and it does not obviously—I would assume—it does not always happen. So how do you resolve those examples? Has that ever happened in the past where a member of Parliament in conversation has promised to do
something or committed to do something and has not delivered? Have you pursued them in the same way?

Mrs HUMPHRY: I think it was in the way it was said to us. It was said to us in a definite way that Mr West would be able to do something for us, and in the same way as maybe I should have rung him and followed it up, he may have rung me to tell me that he could not follow up what he said to us.

The PRESIDENT: Since 5 April, has Hon Darren West sought to contact you in any way via phone or email or text to discuss this further?

Mrs HUMPHRY: No. I have seen Mr West at other functions. We have not communicated at all.

The PRESIDENT: Okay. As a result of the conversation you had with Hon Darren West, and you obviously have seen the responses in Hansard to the questions, did you make any effort to perhaps contact directly the Minister for Education in relation to the comments or the commitment that you said he made to you to seek her view or to get her to clarify what had been said?

Mrs HUMPHRY: No, I have not.

The PRESIDENT: Why did you not do that?

Mrs HUMPHRY: The communication I have had with the Minister for Education is I have written letters to her, and we have all been sent back the same answer.

The PRESIDENT: I only ask that because you have said that you were going to hold him to it. You obviously were not satisfied with the way the answer was provided in the chamber, and I am just curious that before signing a stat dec, which as we all understand is a serious thing to do, that you might have written to the minister responsible that has got the management of the issue and sought advice as to whether or not Hon Darren West had actually raised the matter with her and whether she has actually taken any action in relation to those matters that you had a conversation about. I mean, if you have written to her in the past, why would you not have written to her about this if you were that upset about what had happened?

Mrs HUMPHRY: Well, I was not upset about what he had said. I was very surprised, and in my mind I knew that he was saying the wrong thing, because he could not follow up—he could not deliver what he had said.

Hon ADELE FARINA: When did you first that Hon Darren West was disputing your account of the events that night and the conversation that night?

Mrs HUMPHRY: When I read it in Hansard.

Hon ADELE FARINA: Do you normally read Hansard?

Mrs HUMPHRY: I do, quite often.

Hon ADELE FARINA: So it was not the someone brought it to your attention?

Mrs HUMPHRY: No. Since the college, for the last eight months—I do not read it continually, because it is enthralling reading!

The PRESIDENT: We all think so!

Mrs HUMPHRY: But I do quite often go and read and see what has been spoken about in Parliament.

Hon ADELE FARINA: So did you know that Hon Jim Chown was going to ask the question of the minister in relation to Moora college?

Mrs HUMPHRY: Yes, because he had told me when he had said, “Sign this stat dec” that he was going to. He did not tell me the exact day he was going to.

The PRESIDENT: But you said he spoke to you on the 26th. He actually asked his first question I think around about 12 June—

Mrs HUMPHRY: Of April.
The PRESIDENT: Of April, sorry.

Mrs HUMPHRY: Yes. The first time he asked the question, someone bought it to, I think, our attention as a council, and as the Moora college committee.

The PRESIDENT: You do not remember who raised that with you or brought that to your attention?

Mrs HUMPHRY: No, I cannot tell you that.

Hon ADELE FARINA: On learning that Hon Darren West disputed your account of the conversation, did you think of contacting Hon Darren West to have a conversation with him about that difference of opinion about the conversation?

Mrs HUMPHRY: No, I did not, and I do remember thinking that, if I did, it would probably end up in not a nice conversation, so it was probably better not to ring and have an argument about it.

The PRESIDENT: So let us just come back and go through some detail about the statutory declaration. When you actually signed it, was anyone else with you at the time when you signed that document?

Mrs HUMPHRY: No, only Mr Alan Leeson, who witnessed my signature.

The PRESIDENT: So nobody gave you any advice about what to say in that document?

Mrs HUMPHRY: No.

The PRESIDENT: Okay. Did you make your statutory declaration at the same time as Councillor Lefroy?

Mrs HUMPHRY: I do not know when she did hers.

The PRESIDENT: B/2 11:59:28 AM [12 noon]

Did you know that she was going to be making a similar stat dec?

Mrs HUMPHRY: Yes; I was told that she was asked to—in fact, yes, she had a conversation. I had signed mine. She had a conversation with me because she had said that —

She told me that she had actually rung a legal friend of hers to inquire as to how to go about and what would happen if she signed a statutory declaration.

The PRESIDENT: Did you talk to each other about what you were actually writing in the statutory declaration?

Mrs HUMPHRY: No.

The PRESIDENT: Who told you that she was going to be writing a statutory declaration?

Mrs HUMPHRY: I think in my initial—not initial—my conversation with Mr Chown, he said that he would ask us both.

The PRESIDENT: Since you have signed the statutory declaration, have you discussed it with anyone?

Mrs HUMPHRY: I think I have discussed it with numerous people, including my husband.

The PRESIDENT: Have you ever been or are you currently a member of any political party?

Mrs HUMPHRY: I am not a member of any political party.

Hon DARREN WEST: Counselor, you have told the committee that you, on request, filed the statutory declaration as a consequence of what you read in Hansard. Is that correct?

Mrs HUMPHRY: No, I signed it because Mr Chown rang me to say he was going to ask more questions in Parliament.

Hon DARREN WEST: Thank you.

The PRESIDENT: I suppose the final thing. Given you have had the conversation with Hon Jim Chown and you have signed a statutory declaration and he has asked those questions, did he say to you what he hoped to achieve as a result of tabling these statutory declarations?
Mrs HUMPHRY: No; he did not say what he was going to achieve. He said that when it came—when he had heard about what had been said, it made him angry that Mr West had said this and that he wanted to bring it up in Parliament.

The PRESIDENT: Was there any suggestion that perhaps by raising this in Parliament and by possibly embarrassing Hon Darren West that might put pressure on the government in relation to your matter?

Mrs HUMPHRY: I cannot say that that is what I thought; that that is —

The PRESIDENT: Thank you very much for attending today. In due course, a copy of the transcript will be sent to you for any corrections. If you believe any corrections need to be made because of typographical or transcript errors, if you would indicate those corrections on the transcript and then return it. We do not have any questions on notice at this point. If you want to provide any additional information or elaborate on any particular points that you have made today, you can provide any supplementary evidence for the committee’s consideration when you return that corrected transcript in due course.

Thank you very much for your attendance here today.

Mrs HUMPHRY: Thank you.

Hearing concluded at 12.03 pm
PROCEDURE AND PRIVILEGES COMMITTEE

A MATTER OF PRIVILEGE RAISED BY HON JIM CHOWN, MLC

TRANSCRIPT OF MEETING
TAKEN AT PERTH
FRIDAY, 31 AUGUST 2018
PRIVATE SESSION

Members
The President (Hon Kate Doust) (Chair)
Hon Simon O’Brien (Deputy Chair)
Hon Adele Farina
Hon Martin Aldridge
Hon Rick Mazza
Hearing commenced at 12.13 pm

Mrs TRACY LEFROY
Shire Councillor, Shire of Moora, sworn and examined:

The PRESIDENT: Welcome to our committee hearing today. I will introduce the members of the committee: Hon Adele Farina; Hon Martin Aldridge; and Nigel Pratt, the Clerk of the Parliaments. I am Kate Doust. This is Hon Simon O’Brien, Hon Rick Mazza and Hon Darren West. I will just explain that normally the committee is made up of five members. Hon Darren West is here in his capacity in accordance with the standing orders that enable him to be a participating member. I understand that you were advised that he would be here today.

Mrs LEFROY: Yes.

The PRESIDENT: Great. Before we actually begin, there are just a few formalities that we need to work our way through. Firstly, on behalf of the committee, I would like to welcome you to the meeting. Before we begin, I have to ask if you would take either the oath or the affirmation.

[Witness took the oath.]

The PRESIDENT: You would have signed a document entitled “Information for Witnesses”. Have you read and understood this document?

Mrs LEFROY: Yes.

The PRESIDENT: You will also note that these proceedings are being recorded by Hansard. To assist both the committee and Hansard, we would ask if you would please quote the full title of any document you refer to during the course of this hearing for the record and if you would please be aware of the microphones and try to talk into them and ensure that you do not cover them with any papers or make noise near them. I also remind you that this hearing is being conducted in private and the evidence you provide today shall not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. Please note that the transcript should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Before we begin, would you like to make any statement or comments to the committee?

Mrs LEFROY: No.

The PRESIDENT: Before we begin, just a little bit of background. You are a councillor in the Shire of Moora?

Mrs LEFROY: Yes.

The PRESIDENT: For how long have you been a councillor?

Mrs LEFROY: Only very recent—since October last year.

The PRESIDENT: What made you decide to put your hand up to become a councillor?

Mrs LEFROY: I have been a member of the Moora community for the past 15 years and have had small children for 10 of those. I am at a stage where I had a little bit more time, and I am a really active community member. It was just another way of giving back to the community.

The PRESIDENT: We just want to talk a little bit about the event that you attended with Councillor Humphry where you met with Hon Darren West. If you could tell us what that event was for.

Mrs LEFROY: Sure. It was just a WALGA conference, for local government people, and it was over at Jurien Bay.
The PRESIDENT: How many people do you think were there on that day?

Mrs LEFROY: Gosh, I do not know. A couple of hundred probably—maybe.

The PRESIDENT: The event went for the full day and you had a range of guest speakers and other activities during that day.

Mrs LEFROY: Yes.

The PRESIDENT: Then there was another event that you moved on to, which was prior to the dinner that was on that night.

Mrs LEFROY: Yes, there was the conference bit during the day and then I think it was pre-dinner drinks followed by the meal.

The PRESIDENT: How long was that event run for?

Mrs LEFROY: The pre-dinner drinks?

The PRESIDENT: Yes.

Mrs LEFROY: Maybe half an hour, an hour.

The PRESIDENT: When you were at that event, who were you talking to initially?

Mrs LEFROY: Gosh, it is some months ago now, sorry. But there would have been a range of different people. I gave a couple of guys from Dalwallinu a lift from where they were staying, so I imagine I walked in with them and was chatting with them.

The PRESIDENT: Did you approach Hon Darren West or did he approach you when you had your conversation with him?

Mrs LEFROY: I think I was standing—this is my recollection—in a group, and it included Darren West. I do not recall how that group formed, whether we approached him or he approached us, sorry.

The PRESIDENT: How did the conversation turn to the issues around Moora college? Did you raise the matter with Hon Darren West or did he raise it, or did somebody else raise the college?

Mrs LEFROY: At the time of the conference, there was a lot happening around the Moora college issue for our community. I know at the WALGA conference there was a lot of conversation around it. I would suggest that it was raised by either Tracy or myself to Darren West. That is probably as far as my recollection would go. I would suggest we did raise it and then Darren would have responded.

The PRESIDENT: When you were standing with Hon Darren West and the others, were you standing close to him? Was it a large room?

Mrs LEFROY: We were in part of a large room but it had been sectioned off, sort of thing. By the time we got to have this conversation about which we have made the stat dec—or I have made the stat dec—in the group, and I put this in my stat dec, there was myself, Tracy Humphry, Darren West and then just off to one side was also Minister Templeman and a lady called Jan, who I think is Jan Dillon.

The PRESIDENT: Had you been talking to Minister Templeman as well?

Mrs LEFROY: Yes.

The PRESIDENT: What had you been talking to him about?

Mrs LEFROY: I would suggest it was probably about Moora college.

The PRESIDENT: Had he been part of the conversation with you and the other councillor and Hon Darren West?

Mrs LEFROY: He was not part of this conversation about which the affidavit is written. I had spoken with him prior to speaking with Darren, and then my memory of it is that Jan came up and was chatting to Minister Templeman and then Tracy and I were talking with Darren.
The PRESIDENT: Can you take us through what you remember of that conversation with Hon Darren West.

Mrs LEFROY: Yes, of course. Is it okay if I read from this because it was a few months ago and I do remember being very careful when I wrote this to make sure that it was as verbatim as I could possibly make it?

The PRESIDENT: What are you actually going to read from?

Mrs LEFROY: I have the email that Grant—I am sorry, I cannot remember his surname — Hitchcock.

The PRESIDENT: Hitchcock.

Mrs LEFROY: — that Grant Hitchcock requested I forward to him, and that was forwarded to him on Wednesday. Is that okay?

The PRESIDENT: Yes.

Mrs LEFROY: This is my recollection of the discussion: the discussion moved to the fact that the Moora campaigners were suggesting it would cost $500,000 to keep the Moora Residential College open. Darren refuted this and said that if we were so confident, we should get an independent assessor in. We then said we wanted to, but we were not allowed to access the college. Darren West then said he would get an independent assessor through during the school holidays. He then followed this up with, “If the assessor comes back with a quote of 500K, then I’ll give you the 500K. I can do that.”

The PRESIDENT: With this discussion, were you the person who was taking this issue up with Hon Darren West? Were you talking —

Mrs LEFROY: Both Tracy and I were, yes.

The PRESIDENT: So, both of you.

Mrs LEFROY: Yes.

The PRESIDENT: When this discussion happened and the comments that you have made in this email about the money—how did you think he was going to do that?

Mrs LEFROY: I had no idea, and that is what blew me away, to be honest. When he said it, I thought, “Oh, shivers; okay. This is really wonderful.”

The PRESIDENT: So in your short period of time as a councillor, have you had other interactions with Hon Darren West?

Mrs LEFROY: Only at things where he has attended and I have said hello, I would suggest.

The PRESIDENT: Any other interactions with him via email, social media?

Mrs LEFROY: No. I think he has probably commented on a couple of my things on social media, but nothing that I can particularly remember.

The PRESIDENT: What happened with that conversation? When he made that comment, did you just leave it at that? Was there any follow-up with him on that conversation?

Mrs LEFROY: I have been thinking about this, trying to remember. I remember really distinctly the “I can do that” comment. I remember going, “Shivers, that’s awesome.” So, I think we probably had a slight conversation afterwards. But I do recall quite quickly after we were talking, we did get called in for dinner.

The PRESIDENT: Were you seated with him that night at the dinner?

Mrs LEFROY: No.

The PRESIDENT: Did you discuss this with anyone that you were sitting with that night?
Mrs LEFROY: Yes. So Darren came and said goodnight before he left. I think he was going to the pub with some people, and, again, it is a few months ago, but Tracy Humphry had come over and was chatting to myself. I was sitting with Rob Dickie from CBH, from memory, and Tracy Humphry had come over to say something, and as Darren left, Trace said, “I won’t forget what you’ve said, Darren”, or something along those lines, but no further discussion, really, was entered into.

Hon ADELE FARINA: Can I seek clarification?

Mrs LEFROY: Sorry if I have been unclear.

Hon ADELE FARINA: No, that is okay. You have not been unclear. I just need to get clarity. Councillor Humphry and yourself were not seated at the same table during the dinner.

Mrs LEFROY: I do not remember. I remember I was sitting—I think Marty was even on our table, maybe. I do not actually remember. Definitely Rob Dickie from CBH was on our table, because he is an old friend and I remember having a good chat with him that night. But I am sorry; I do not actually remember.

Hon ADELE FARINA: While you were at that table during the dinner, did you talk to anyone about that conversation that you had had with Hon Darren West?

Mrs LEFROY: Yes.

Hon ADELE FARINA: Who did you talk to?

Mrs LEFROY: I would suggest—sorry, I really cannot remember who was opposite me. I would have said something to Rob about it.

Hon ADELE FARINA: And that is Rob —

Mrs LEFROY: Rob Dickie from CBH. Whether he remembers or not is another thing because it is a while ago.

The PRESIDENT: When you said you were surprised and you were blown away when he said, “I can do that”, did you think, “What does he mean by that? What does he mean when he says, ‘I can do that’?”

Mrs LEFROY: No. Well, it seemed quite obvious.

The PRESIDENT: What is the obvious? What does that mean?

Mrs LEFROY: Okay. My interpretation of it when—because a contentious issue had been—just some background is that the community of Moora really wanted to get an independent assessor through the college so we could see how much it was actually going to cost to do the maintenance to keep it open. So, that gives some context to that conversation. So, when Darren said that (a) he would be able to get us an independent assessor through during school holidays, we thought, “Awesome. We’ll be able to get some independent eyes and an up-to-date assessment.” Then, because the number had always been—that the community felt for 500 grand we could get this over the line, when he said, “I can get you that; I can do that”, we thought, “Awesome. He can approve that 500 grand.”

The PRESIDENT: Why do you think he would be in a position to be able to do that?

Mrs LEFROY: I do not know, Kate; I am sorry.

The PRESIDENT: You are aware that as well as being your local member, he holds a position as a parliamentary secretary.

Mrs LEFROY: Yes.

The PRESIDENT: What do you understand that role to entail?

Mrs LEFROY: I have very little understanding of what that role entails.

The PRESIDENT: Do you think in the position that he holds that he is able to make these types of commitments?
Mrs LEFROY: I think the assertion with which he made the statement led me to believe he was able to do that. I think if someone says to you, you know, “I can get you a cup of tea”, you believe them. I know it is a very big difference to jump over to 500K, but the way it was said made it sound like that was completely within his control and his, for want of a better term, power.

The PRESIDENT: Given the number of people in the room—I am just trying to work out for myself—was it a noisy environment?

Mrs LEFROY: I could certainly hear everything that was being said.

The PRESIDENT: In your mind, it was very clear what he said.

Mrs LEFROY: Very clear.

The PRESIDENT: I am going to ask a really blunt question: was Hon Darren West drinking when he was talking to you?

Mrs LEFROY: He had had a couple—I would say he had had a drink. I had a glass of wine in my hand, but I was driving, so —

The PRESIDENT: Do you think that these comments that you think were made might have been made as a bit of bravado or —

Mrs LEFROY: I certainly hope not. I would not expect for someone in his position to behave in that manner.

The PRESIDENT: Did you ask him at the time to clarify how he might do the thing that you thought he had committed to?

Mrs LEFROY: I think there was some are reply, and, again, from memory, where we said—something came up with, “Oh, really?” and he goes, “Yes, I can do that.”

The PRESIDENT: So after this event, did you go back and talk to people on council about what you thought had been said?

Mrs LEFROY: Yes.

The PRESIDENT: What did they propose to do about it?

Mrs LEFROY: That is why we followed it up, and then we got nothing back.

The PRESIDENT: How did you follow it up?

Mrs LEFROY: I believe Ken Seymour, who is our president of the shire, I let him know, and he said, “I’ll take it from here.” So, I am assuming he got in contact with Darren or someone within the party. We had been doing a lot of toing and froing with the government over this issue, so whether he made a specific phone call with regard to Darren West’s statement or whether it was just introduced as part of a larger discussion —

The PRESIDENT: Did you ever ask Mr Seymour who he had got in touch with?

Mrs LEFROY: Not directly. No. There was so much going at the time about the college.

Hon ADELE FARINA: Would you be able to provide the committee with a screenshot of the text that you sent that night, including the date and the time of the screen text?

Mrs LEFROY: I do not even know if it would still be in my phone because I do delete—like, it is my work phone. I do not know if it would still be in there, but I can certainly have a look for you. That is no worries at all.
Hon ADELE FARINA: Can we take that as question on notice 1?

The PRESIDENT: Sure.

Mrs LEFROY: What does that mean, sorry?

The PRESIDENT: That means you will have to find that text, take a screenshot of that text and send it to Grant Hitchcock.

Mrs LEFROY: Okay. Can I write—or will someone email me so I do not forget? Sorry.

The PRESIDENT: We will write to you and ask for that.

Mrs LEFROY: And if I cannot find it, I just give my apologies. I certainly will do my very best.

Hon ADELE FARINA: That is fine. Could you just indicate to the committee who you sent that to that evening? Can you name the recipients?

Mrs LEFROY: I do not recall. I will have a look and let you know. There is also through —

Hon ADELE FARINA: Can that be incorporated as question on notice 1, please, Madam Chair?

The PRESIDENT: Yes.

<010> O/K 12:29:20 PM
[12.30 pm]

Mrs LEFROY: Is that all?

Hon ADELE FARINA: Yes.

Hon SIMON O’BRIEN: Councillor Lefroy, I want to turn now to a statutory declaration we have here in your name, which I will just get the Clerk to bring over to you. This is a statutory declaration in your name, given at the Moora shire offices on Friday, 27 April 2018. Is this your statutory declaration?

Mrs LEFROY: Yes, it is.

Hon SIMON O’BRIEN: And that is your signature on it?

Mrs LEFROY: Yes.

Hon SIMON O’BRIEN: Thank you for that. We have already touched on some of the matters within, so I will not go over that again, but after the function on 5 April that has been mentioned, the place in Jurien Bay, in due course was there an independent assessment organised as alluded to in this?

Mrs LEFROY: Not to my recollection—or not to my knowledge, rather, sorry.

Hon SIMON O’BRIEN: Is there any knowledge that $500 000 was allocated to get the college —

Mrs LEFROY: I certainly do not think any action was taken as a result of—you know, I do not think that this ever came to fruition.

Hon SIMON O’BRIEN: Okay. In due course, you have made this statutory declaration; how did you come to make the statutory declaration? Did someone ask you to give a record of a conversation?

Mrs LEFROY: Once people knew that this conversation had been had—I am trying to remember the order correctly—I do not know if it was either Ken Seymour who is our shire president, or Jim Chown, who asked me to put it into a stat dec. I had already put it into this email, which was the one sent on Sunday, 8 April. I do not recall if it was Ken Seymour or Jim Chown, but one of them asked me to make it. I think—is there a lady called Kylie in Jim Chown’s office? I believe I was in touch with her. Sorry—someone within —

Hon SIMON O’BRIEN: Quite clearly you did agree to make the stat dec —

Mrs LEFROY: Of course; yes, of my own free will.

Hon SIMON O’BRIEN: — because it is. But just to go back, you were asked by someone following up to say, basically, as I understand it, “Will you provide a statutory declaration about this?”
Mrs LEFROY: Yes. Basically, I think they read the email and said “Would you sign a stat dec?” basically concerning that.

Hon SIMON O’BRIEN: And you said?

Mrs LEFROY: And I said yes.

Hon SIMON O’BRIEN: And then what did you do?

Mrs LEFROY: Wrote the stat dec.

Hon SIMON O’BRIEN: It was witnessed by Ken Seymour.

Mrs LEFROY: Yes.

Hon SIMON O’BRIEN: Who is, you have just mentioned, also a shire councillor. You noted just a moment ago that you thought he might—in response to an earlier undertaking that we are referring to—he might take it up with someone in the party.

Mrs LEFROY: Sorry, someone in government.

Hon SIMON O’BRIEN: Right; so some other party or someone in a party?

Mrs LEFROY: Ken is in local government, so someone in government as in the people who are in power at the moment, so the Labor government would have been my understanding. Sorry if I was not clear.

Hon SIMON O’BRIEN: Has Councillor Seymour got any links in that area?

Mrs LEFROY: Yes, he does.

Hon SIMON O’BRIEN: Do you know what those links are?

Mrs LEFROY: He is affiliated with the Liberal Party. He is the president of the Durack division, from my understanding. But when I say he was going to take it up with someone, my understanding of that was that he would take it up with someone who we had been dealing with with regard to the Moora college, which was Minister Ellery, Minister MacTiernan—if that makes sense.

Hon SIMON O’BRIEN: Yes. Thank you for that.

The PRESIDENT: That email you sent on Sunday, 8 April, to Ken Seymour, Hon Jim Chown and a number of other people including Councillor Humphry and the CEO of the council, did you send any other emails after that date to any of those people in relation to this matter?

Mrs LEFROY: Probably just if I got an email back, it might have said, you know, “Would you sign an affidavit?” I would have written back, “Yes”.

The PRESIDENT: Can you, please, provide to us copies of those emails?

Mrs LEFROY: Yes, of course.

Hon RICK MAZZA: Chair, can I make a comment on the statutory declaration?

The PRESIDENT: Yes.

Hon RICK MAZZA: Councillor Lefroy, on 14 June in Hansard, Hon Jim Chown said —

When Tracy Lefroy gave me the statutory declaration, she made a very pertinent comment. She said, “I sought legal advice from my solicitor before I completed this statutory declaration.” The legal advice from her solicitor was, “As long as you’re telling the truth, Tracy, you have nothing to fear.” I have no doubt whatsoever, members, that this is the truth.

Is that true?
Mrs LEFROY: It is. I was actually—I was fully aware of the gravity of signing a stat dec, and I actually rang—her name is Lucy. I rang Lucy and I said, “Look, what does this mean?” She said, “As long as what you say in that is the truth, what else can you do?” And I said, “It certainly is the absolute truth.”

The PRESIDENT: Did Hon Jim Chown explain to you in conversation what he intended to do with the stat decs?

Mrs LEFROY: He said he would table it—I think they were his words.

The PRESIDENT: Did he explain what would then occur?

Mrs LEFROY: That there could be disciplinary action towards Mr West, but I do not know beyond that.

The PRESIDENT: And how would that assist you with your issue of Moora college?

Mrs LEFROY: Something that we have found difficult with the college is that we have had conversations with people that we felt have been positive and then it has turned around and not led to positive action. So I think we were looking for some positive action from someone who is meant to represent our region.

The PRESIDENT: In your past dealings with Hon Darren West, how have they been?

Mrs LEFROY: Fine.

The PRESIDENT: Fine?

Mrs LEFROY: Yes.

The PRESIDENT: I am still trying to work out how, if there was disciplinary action against a member—I mean, which is very serious—how would that then flow on to assisting with—

Mrs LEFROY: I would love to think that someone who is in a position of being honourable, is honest, and that when they say they will do something, they will put every effort into doing that. I think that our community is feeling really disappointed by the fact that people who we are meant to trust and are meant to govern us and are meant to help educate our children basically are not keeping to their word. So I think, as much as anything, it has been—and I am such a new councillor, but I have found it a really disappointing experience what has happened in terms of this interaction with Hon Darren West. I do not understand why you would choose to behave that way, and I would like to think that if you call out poor behaviour, it either stops the behaviour and, hopefully, it leads to people making a difference.

The PRESIDENT: Did you follow up Hon Darren West yourself? Did you follow up to say what is happening with this?

Mrs LEFROY: No, I did not. Darren was at an event when Minister Alannah MacTiernan came up—I cannot remember the date, sorry; but later—and I remember thinking, “If I get the opportunity, I’d like to go and say something,” but it did not arise.

The PRESIDENT: Before signing the stat dec, did you ever give consideration to writing directly to Minister Ellery and saying, “Listen, this conversation happened. These commitments were made. I’d like your response. What are you doing about it?” Did you ever give any consideration to taking that step?

Mrs LEFROY: In my mind, once I had spoken with Ken about it, and he said he would be speaking to—and they were in frequent contact with Minister Ellery and Minister MacTiernan’s office—I assumed that that was something he was doing.

The PRESIDENT: Did you ever ask him?

Mrs LEFROY: I asked a lot of questions about the Moora college.

The PRESIDENT: But did you ever ask Mr Seymour whether he had written to the minister?

Mrs LEFROY: I said, “Where is this at?” and he said he is still talking. I would have said, “How’s it all going with the college?”
The PRESIDENT: Did he say who he was still talking to?

Mrs LEFROY: Not from memory, sorry.

Hon ADELE FARINA: Can I just ask what led to you writing that email on 8 April and sending it?

Mrs LEFROY: I think I was aware that—well, as I have said earlier, we were quite excited by the fact that Darren had said we would be able to get an independent assessor through. I thought, “This is awesome. This is really good.” And I also wanted to make sure that I had a really fresh recollection of the conversation. So that is why I sent the email to say this is what has happened, basically so that if something like this came up, where I was questioned, I actually had a fairly fresh memory of it.

Hon ADELE FARINA: But you would have had that from your text message that you sent that night?

Mrs LEFROY: Yes, but you will see here that I have got it to Tracy Humphry, who was also there; Al Leeson, who is our CEO; and the president. I cannot remember how Jim Chown is on there, but it would have been, “Can you also CC him in?”

The PRESIDENT: Do you regularly contact Hon Jim Chown?

Mrs LEFROY: I have had a little bit to do with him, but just at community events in the same way as Martin Aldridge or Darren West.

<011> D/E 12:39:08 PM
[12.40 pm]

Hon ADELE FARINA: This was not cc-ed to Jim Chown; it was actually sent to Jim and Ken.

Mrs LEFROY: Okay—to Jim.

Hon ADELE FARINA: I assume there are other councillors at the Shire of Moora.

Mrs LEFROY: Yes. There are nine of us.

Hon ADELE FARINA: And you did not feel a need to include them on the communication email?

Mrs LEFROY: No. I would have been happy to, but I just did not, no.

Hon MARTIN ALDRIDGE: Counsellor Lefroy, after sending the text message on the night of the conference, which I think was 5 April, was there any other formal or informal reporting back to council following your attendance at the conference?

Mrs LEFROY: Everyone was aware of the comments.

Hon MARTIN ALDRIDGE: Yes. So did this specific matter come up within council discussions following that time?

Mrs LEFROY: I do not think it would have come up during minuted discussions, if that makes sense, but certainly in chats between councillors it definitely came up.

Hon MARTIN ALDRIDGE: In terms of following up the claims that the statutory declaration refers to with Hon Darren West, would it have been appropriate for you as a councillor to have done that, given that you were at the local government conference as a councillor and you signed this statutory declaration in your capacity as a councillor?

Mrs LEFROY: Yes.

Hon MARTIN ALDRIDGE: Would it be normal for a councillor to follow up with a member of Parliament on that specific issue or is it something that you would defer to another councillor or the president or the CEO?

Mrs LEFROY: In my mind, I had deferred it to Ken Seymour, who is our president. As I have said to Hon Kate Doust, there was so much discussion happening between the Moora shire council and ministers in government that I did feel that it was underhand, if that makes sense. The answer is possibly I could have, but I certainly did not think that that was my only channel. I thought I had already sort of deferred it on to someone else to take up with Darren.
Hon MARTIN ALDRIDGE: The questions that were asked in Parliament by Hon Jim Chown, when did you become aware of them? Can you recall?

Mrs LEFROY: As in the ones that are on the Hansard thing?

Hon MARTIN ALDRIDGE: Yes.

Mrs LEFROY: I think someone emailed or messaged me the Hansard.

Hon MARTIN ALDRIDGE: So the first one was obviously on 12 April —

Mrs LEFROY: Yes.

Hon MARTIN ALDRIDGE: — was the first question asked by Hon Jim Chown.

Mrs LEFROY: Yes. I did not sign the stat dec till 27 April.

Hon MARTIN ALDRIDGE: Yes—so sometime between the twelfth and the twenty-seventh you became aware, but you do not recall how you became aware?

Mrs LEFROY: Sorry.

Hon MARTIN ALDRIDGE: How did it make you feel when you became aware that—obviously, I think you said before, your statutory declaration was, in your words, the absolute truth—how did it make you feel that your recollection of the conversation was obviously quite different to what was being reported to the Parliament?

Mrs LEFROY: I was really saddened by it, because I stand by my comments and I do not feel that someone is being honest.

Hon MARTIN ALDRIDGE: Given there were only a few of you involved in the conversation, in your mind was there any way in which there could have been scope for misinterpretation of the conversation?

Mrs LEFROY: No. It was very clear.

Hon MARTIN ALDRIDGE: Did the answer to the questions in Parliament that you became aware of sometime between 12 April when they were asked and you signing the statutory declaration on 27 April have any bearing on your willingness to sign a statutory declaration?

Mrs LEFROY: Sorry? I am just making sure I understand—as in did it make me more willing or less?

Hon MARTIN ALDRIDGE: Yes.

Mrs LEFROY: It really had no bearing because my story did not change. It is the truth. It did not really have any bearing, but certainly when I learned what was being said, I thought, “It’s not right.”

The PRESIDENT: Just coming back to your statutory declaration, you say you signed it as a councillor.

Mrs LEFROY: Correct.

The PRESIDENT: You actually have not listed that; you have listed it as a retailer.

Mrs LEFROY: That is my profession.

The PRESIDENT: So it is in a private capacity rather than as in your council capacity.

Mrs LEFROY: Okay; yes.

The PRESIDENT: The other question I just wanted to know about was: in relation to the first question, who actually contacted you about the question having been raised in the chamber in the Parliament and who sent you the Hansard?

Mrs LEFROY: I do not know. I cannot remember; sorry. There is quite a big group of people involved in the Save Moora College campaign and I think it might have been Tracey Errington who sent it to me. I think she is head of the P&C at the Moora college.
The PRESIDENT: So if you had not seen the *Hansard* to the responses of the first question raised on 12 April, would you have signed the statutory declaration?

Mrs LEFROY: Yes, because it is still—I do not really understand the question. If someone said, “Is this the truth?”, I would say yes. So signing the statutory declaration is just an affirmation that I am telling the truth.

Hon ADELE FARINA: I have just one question again for a point of clarity. When you discovered that Hon Darren West had a different account of the conversation between the three of you—being Councillor Humphry, yourself and Darren—what was your response to that? Were you not motivated to give Hon Darren West a call and have a conversation with him as to the difference of opinion?

Mrs LEFROY: To what end?

The PRESIDENT: To clarify what had actually happened.

Mrs LEFROY: No.

The PRESIDENT: Surely if somebody says A and you say, “No; you said B” and if you seriously thought that he was going to proceed with it, why would you not contact him and challenge him?

Mrs LEFROY: Because I had already thought that I deferred that matter to the shire president.

Hon MARTIN ALDRIDGE: Councillor Lefroy, your statutory declaration refers to a side conversation between Jan, which I assume is Councillor Jan Court —

Mrs LEFROY: Is it Jan Court? Yes, from Gingin.

Hon MARTIN ALDRIDGE: — who is the chair of the outer Midland zone, which you mentioned, and Minister Templeman. Would there be any chance that they would have overheard, even if in part, the conversation?

Mrs LEFROY: They would certainly be aware we were chatting with Darren West about the Moora college. I do not know that they would know the content of the conversation.

Hon MARTIN ALDRIDGE: How far were they? Were they in your group?

Mrs LEFROY: Yes. If you are standing in a group of five, as is my recollection, I was here, Tracy was there, Darren was there and then Jan and Minister Templeman were sort of just off to the right, but certainly all within the same standing group.

Hon DARREN WEST: Tracy, just so I have got this clear, you have told the committee that you filed the statutory declaration upon request by Hon Jim Chown.

Mrs LEFROY: No. I said it was either Jim or Ken.

Hon DARREN WEST: Okay—or Ken Seymour. Yes, thanks. You have told the committee that, but I am still a little bit obscure about your motivation for doing that. Was it because of what you read in the *Hansard* or was it before you read the *Hansard*?

Mrs LEFROY: I do not know which one came first. Actually, no; the *Hansard* must have come first. But if someone asks me to stand by my word, I will stand by my word.

Hon DARREN WEST: Okay. But you signed the statutory declaration on 27 April, but the *Hansard* was 9 May.

The PRESIDENT: No. There was the earlier *Hansard* on 12 April.

Mrs LEFROY: There is an earlier one that —

The PRESIDENT: The first question.

Hon MARTIN ALDRIDGE: The twelfth of April.
Hon DARREN WEST: But that is asking the minister the question; that is not asking whether there is a difference of opinion. I guess I am going with this: did you realise there was a difference of opinion before you signed the statutory declaration or after you signed the statutory declaration?

Mrs LEFROY: I would suggest before, if that Hansard the first time it was asked. Darren, I am trying to remember, as part of a fairly busy life, as is yours. I believe I would have read the Hansard and gone, “Well, that’s not right.”

The PRESIDENT: As just one final question, are you currently or have you ever been a member of a political party?

Mrs LEFROY: I am a member of the Liberal Party.

The PRESIDENT: Of the Liberal Party?

Mrs LEFROY: Yes.

The PRESIDENT: Okay; thank you very much.

Thank you very much for joining us today. You will be sent a copy of the transcript. If you need to make any corrections, any typographical corrections or any other amendments, please do so. If you want to provide any additional information, you can provide it at that point when you return that corrected Hansard. You will be receiving a letter seeking that additional information from those questions in relation to the texts and the additional emails as well. That will be sent to you in due course.

Mrs LEFROY: Okay; thank you.

Hearing concluded at 12.48 pm
PROCEDURE AND PRIVILEGES COMMITTEE

A MATTER OF PRIVILEGE RAISED BY HON JIM CHOWN, MLC

TRANSCRIPT OF MEETING
TAKEN AT PERTH
FRIDAY, 31 AUGUST 2018
PRIVATE SESSION

Members
The President (Hon Kate Doust) (Chair)
Hon Simon O’Brien (Deputy Chair)
Hon Adele Farina
Hon Martin Aldridge
Hon Rick Mazza
Hearing commenced at 1.24 pm

Hon DARREN WEST
Member of the Legislative Council, sworn and examined:

The PRESIDENT: I do not think I need to introduce the members of the committee to you, but I will just say welcome. We will kick off the formalities and then we will move into your statement and answering questions.

First of all, thank you very much for coming to the meeting. Before we begin, I ask that you take either the oath of the affirmation.

[Witness took the oath.]

The PRESIDENT: You would have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

Hon DARREN WEST: Yes.

The PRESIDENT: As you know, these proceedings are being recorded by Hansard, so I would ask that to assist both the committee and Hansard that you please quote the full title of any document you refer to during the course of this hearing for the record and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them. I remind you that this hearing is being conducted in private and the evidence supervised today shall not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. Please note that the transcription not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to the committee?

Hon DARREN WEST: Yes, please.

I thank members of the committee for the opportunity to appear today and set the record straight regarding the matter before us. Essentially, we are here because three people have different recollections about a conversation that occurred at a social event at the Jurien Bay Sport and Recreation Centre on 5 April 2018. Let me state at the outset that I emphatically deny making the commitments in question to Councillors Humphry and Lefroy or to anyone.

The following is my summary of the events in question. My office staff coordinated a two-day visit to the central midlands with the Minister for Local Government, David Templeman, MLA, and Hon Laurie Graham, MLC. The itinerary included attendance at the 2018 WALGA Wheatbelt Conference at the Jurien Bay Sport and Recreation Centre on Thursday, 5 April. I arrived at the conference at around 12:30 pm with the minister, Hon Laurie Graham, the minister’s staff and my research officer. At the registration table I happened to be standing behind Councillor Humphry. As she turned around, I greeted her with, “Hello, Tracy, how are you today?” As she walked away from the table she replied, “None the better for seeing you.” I was somewhat taken aback by her comment, which was overheard by my research officer, Donna Plummer, and by one of the minister’s staff members, Kelly McManus, both of whom expressed surprise at Councillor Humphry’s response and the tone in which it was delivered.

Soon after of the commencement of formal proceedings, Hon Laurie Graham and I left the conference to attend a funeral in Geraldton. The minister remained in Jurien Bay with his staff and my research officer to attend the conference and other appointments in Jurien Bay. Hon Laurie Graham and I returned to Jurien Bay around 6.00 pm and arrived at the conference dinner with the minister and staff
members around 6.30 pm. Delegates were already in attendance and pre-dinner drinks were well underway. As I entered the venue, I spoke with several delegates on my way through the crowd of more than 100 people. About 15 minutes after our arrival I was approached by Councillor Humphry and Councillor Lefroy. During a discussion about the Moora Residential College, the councillors claimed that funding required to fix the boarding facility was $500 000. I have never accepted that this is a true and accurate costing and nor did I on this occasion. I asked the councillors to provide me with a report or documentation that supported the $500 000 claim, adding that should they be able to do this, I would present it to Minister Ellery. To this day I have never received any such documentation. Some time into the discussion my research officer, Donna Plummer, joined the conversation, as it was suggested to Donna by a delegate that she come over to “save Darren” given the nature of the conversation. The conversation ended soon afterwards as we moved into the dining room for dinner. At no time was Minister Templeman involved in this conversation about Moora Residential College.

On 7 April the following post appeared on the save Moora College Facebook page —

Please note, we do not take seriously as this particular politician is fond of fabrication.

It was announced by Hon Darren West MLC, on Thursday night at the WALGA Conference that he would arrange for an Independent Consultant to assess the College for maintenance and repairs.

He also stated that if the repairs came to $500,000 he would find the funds to have them carried out.

Thank you Darren, we have a consultant on standby awaiting confirmation of date

I immediately sought to correct the record. I wrote —

I made no such announcement, in fact, I did not even make a speech at the conference. I think it’s really unfair that you continue to misrepresent me and give affected families false hope about the future of Moora Residential College.

My post was followed shortly after by a response from Councillor Lefroy —

Darren, you said this to me during a conversation involving myself, Cr Tracy Humphry and Minister Templeman

Please do not do yourself further disservice by denying it occurred.

I note that Councillor Lefroy’s Facebook post alleges that Minister Templeman was involved in the conversation, while her statutory declaration states that he was in a side conversation.

On Saturday, 7 April, I was contacted by Minister Ellery and we had a subsequent telephone conversation. The minister had heard about the Facebook post and want to know what I had said at the WALGA event. I advised her that I had not made a speech and that the claims made on Facebook were incorrect. The following week, I was contacted by a rural media outlet seeking my response to claims that I had made a commitment during a speech at the conference. To be clear, I never gave such a speech and have never given such a commitment.

On 12 April, Hon Jim Chown asked question 284 to the Minister for Education, and on 9 May Hon Jim Chown asked a further question, 329, to the Minister for Education.

I would like to conclude my statement by referring to my opening remark that we are here today because three people have different recollections about a conversation that occurred at a social event. I am sure that everyone present here has in the past experienced similar circumstances where
comments that they have made have been misheard, misquoted, misinterpreted or misrepresented, as is very much the case here.

**The PRESIDENT:** Thank you very much. I note that members have been provided with a copy of that statement. I suppose the first question I would have is: what did you actually say to these two councillors at this function?

**Hon DARREN WEST:** So, Chair, there was a discussion about the Moora Residential College, as there regularly is.

**The PRESIDENT:** Who instigated that conversation?

**Hon DARREN WEST:** The councillors instigated the conversation. And during that discussion I said, as I have mentioned in my statement, that, “This $500 000 claim needs to be proved. There is no documentation to support it, and should you provide me with some documentation of that, I am happy to take the matter further with the minister.”

**The PRESIDENT:** Did you actually say that?

**Hon DARREN WEST:** Mmm.

**The PRESIDENT:** Did you actually say that you were happy to take the matter further with the minister?

**Hon DARREN WEST:** Yes, I did; yes.

**The PRESIDENT:** And did you do that?

**Hon DARREN WEST:** There was no documentation provided to me, so, no.

**The PRESIDENT:** But did you raise the matter at all with the minister?

**Hon DARREN WEST:** I have spoken to the minister several times about Moora Residential College, but the only discussion I had with the minister about this particular incident was when she called me following becoming aware of the Facebook post.

**The PRESIDENT:** In our discussions with those two councillors that you also heard today, they did not make any mention of you saying to them that you would take this up with the minister. So why is it, do you think, that they are saying to us that they a clear in their own minds — that you would get an independent assessor through during the holidays, and that if they came back with a quote of $500 000 that you would get them the $500 000, “I can do that”? Why would they think that you have said that?

**Hon DARREN WEST:** I do not know, Chair. That is the evidence they have given today. I have a different version of events that happened. This is the correct version of events, and I can only speculate as to why.

**The PRESIDENT:** So you did not actually say those words that they are agreeing that —

**Hon DARREN WEST:** Not in that context and form. It could have been over a five or 10-minute conversation that those words were said, but they certainly were not said—I made no commitment to them to give them—to get an assessment of the college and to provide $500 000.

**The PRESIDENT:** Does anyone have any questions?

**Hon ADELE FARINA:** Yes. I am happy to go. These are questions being asked for the purposes of clarification. Now, you said that you told the councillors that if they could provide an assessment indicating that the cost to repair Moora college was only $500 000, then you would take that to the minister; is that right?

**Hon DARREN WEST:** That is correct.

**Hon ADELE FARINA:** Okay.
Hon DARREN WEST: And I have given that undertaking to many people when in discussions around Moora Residential College. It is my view that there is no such assessment, and that the $500 000 figure is an incorrect figure.

Hon ADELE FARINA: The councillors, or at least one of the councillors, has put to the committee that she told you that they were not able to undertake an independent assessment because they could not get access to the Moora college. Did they put that to you?

Hon DARREN WEST: Look, I do not recall that request being made, but if it was, it is not my position to give access to Moora Residential College or to provide funding for it. That is the job of the education minister.

Hon ADELE FARINA: Okay. And as a member of Parliament, you would know that private individuals would not be able to get access to Moora college to undertake an assessment?

Hon DARREN WEST: Well, not really, because I have been there and I know other people have had access to the college. I know there had been an ABC report on the college—that they had been given access—so I am not aware of who has access and who does not have access.

The PRESIDENT: What is your relationship previously with both of these councillors?

Hon DARREN WEST: Look, I do not know—I did not know either of them very well before this. I met Councillor Humphry at a rally—a save Moora college rally. I have been to the council, as we do in our roles as members of Parliament; I have 61 local governments and I visit them all as regularly as I can. But I really could not make an assessment on what they were like, because I had only just known them in a professional capacity.

Hon RICK MAZZA: I was just going to ask, member, if I could, why do you think the councillors have made the claim that they have?

Hon DARREN WEST: Look, I can only speculate, member. As I said at the end in my statement, there are—maybe at best it was misheard or misinterpreted; maybe there are other reasons. I can only speculate as to why they would have said that.

Hon RICK MAZZA: Because they seem very clear as to the comments that they heard from yourself, and they both seemed to be quite consistent.

Hon DARREN WEST: Councillor Lefroy’s statutory declaration begins with “This is my recollection”. I concede that Councillor Humphry’s statutory declaration is more emphatic, and I do note that there was some organisation of the statutory declarations before they were made.

The PRESIDENT: From when this conversation happened, up until the first question was asked—obviously there were the comments via social media—did you make any effort to go back to either of these councillors to clarify that conversation?

Hon DARREN WEST: No, Chair, I did not. Can I just put on the record there is an ABC presenter who presents the regional drive show on ABC radio, named Barry Nicholls, who described the campaign about Moora Residential College as it is being run as vile. I think there is an element of truth to that assessment. This has been a very personal, very nasty, very targeted campaign at both the government and at myself for quite a long time. So I think this has got a little bit at times—I am not suggesting that is the case here, but certainly at times—very personal and very vindictive.

The PRESIDENT: So probably moving on to the next part is—we have had that first question. Then we have had the second question asked by Hon Jim Chown in May of the Minister for Education. Her response to that question was that, yes, she had had the conversation with you, and that she says that, “He did not say what they claimed he said”. What did you actually tell the minister about that conversation? What detail did you provide her?

Hon DARREN WEST: So when the minister asked me if that is what was said, I said, “No, I haven’t said what they have claimed I’ve said.” That is the words.
[1.40 pm]

The PRESIDENT: Did you explain to her what you thought the conversation had been about?

Hon DARREN WEST: Not particularly. My understanding was that the minister was just clarifying that what had been put up on social media was indeed the case, and I assured her that it was not the case.

The PRESIDENT: Did she ask you what you had actually said?

Hon DARREN WEST: Yes; we had a discussion about the nature of the conversation. I told her that I had said to them, “Should you be able to come up with a report or a document that says that this can be brought up to standard for $500 000, I’d table it to the minister.” The minister asked me to stop making that claim, which I subsequently have.

The PRESIDENT: The fact that these two councillors have signed statutory declarations, and they understand the consequences of falsifying a document—they have signed these in good faith—why do you think they have proceeded down this path?

Hon DARREN WEST: To me, it is very unclear. As we heard this morning, the initial question was asked on 12 April. Essentially, the question asked the minister for an opinion. It did not really ask the minister whether I had said this or whether I had not said this. The statutory declarations were signed subsequent to that first question. The follow-up question, question 329, as I recall, was more definitive in that it specifically asked if that was what I had said. There was no real clarification that I had a differing version of events, other than the social media posts, until 9 May. Despite this, the statutory declarations were signed before that second, follow-up question, which was the definitive question that specifically asked whether I had made those comments. I am unsure as to the motivation of all of this, chair.

Hon MARTIN ALDRIDGE: Can I ask some questions about your statement, Hon Darren West. Did you prepare the statement yourself?

Hon DARREN WEST: I took some advice. I have had some assistance in preparing the statement.

Hon MARTIN ALDRIDGE: Who assisted you in preparing the statement?

Hon DARREN WEST: I met on a couple of occasions with Kieran Murphy from the Premier’s office. I have no experience in appearing before a procedure and privileges committee before. I completely understand the gravity of what we are doing here and wanted to get some advice from someone a little bit experienced in these kinds of matters. Essentially, these are my words, but I have met with Kieran to discuss perhaps the way the statement is ordered, what is in and out of the statement, and how I might approach today’s hearing.

Hon MARTIN ALDRIDGE: Was there anyone other than Mr Murphy who assisted you?

Hon DARREN WEST: No.

Hon MARTIN ALDRIDGE: What is Mr Murphy’s position in the Premier’s office?

Hon DARREN WEST: I am not sure, but I have known Kieran for 20 years. The advice I initially got when this was first raised was I had a chat to Hon Stephen Dawson and he said to me, “Don’t speak to any other MPs about this matter, but you will need to go and seek some advice”, and that is what I did.

Hon MARTIN ALDRIDGE: Did Minister Dawson recommend you speak to Mr Murphy to assist you with this matter?

Hon DARREN WEST: He did suggest that I might talk to him about who could assist me, and when I spoke to Mr Murphy, he agreed.

Hon MARTIN ALDRIDGE: To what extent did Mr Murphy draft the statement or assist you in drafting the statement?

Hon DARREN WEST: No, he had no involvement in actually recalling the events or in making the summary of what happened.
The PRESIDENT: So these are all your own words?

Hon DARREN WEST: These are all my own words—absolutely. I had a much longer statement. We had a discussion about how we needed to keep things short and to the point, only put in there what is relevant, and give a clear and concise statement about my recollections.

Hon MARTIN ALDRIDGE: I have another couple of questions about the statement. You include a screenshot of a post on Facebook. Can you recall about what time you took that screenshot of that post? Was it in the last week, the last days?

Hon DARREN WEST: I did take a screenshot on my phone and I was unable to find it. When this first came about—I guess it would have been probably six or eight weeks ago now when Hon Jim Chown first started talking about this—I did go back, because I thought this might be something worth keeping, and I found it again on the Save Moora College site because I knew it was there, and I took the screenshots.

Hon MARTIN ALDRIDGE: Just clarify for me: these posts are accurate as of what point in time?

Hon DARREN WEST: As you can see, it was made on 7 April. I would think that I would have taken these about mid-June—somewhere around there. It was when Hon Jim Chown started bringing this up.

Hon MARTIN ALDRIDGE: When he was asking questions. Your response to the Save Moora College post, which is in your statement, mentions a comment by Lesley West. Who is Lesley West?

Hon DARREN WEST: That is my wife.

Hon MARTIN ALDRIDGE: To your knowledge, is her post still on that thread?

Hon DARREN WEST: I am not sure.

Hon MARTIN ALDRIDGE: Do you know what her post was?

Hon DARREN WEST: No.

Hon MARTIN ALDRIDGE: Further on in your statement you mention, and you have already made reference to it since making the statement, that you were contacted by Minister Ellery. Your statement says that you then had a subsequent telephone conversation. In what form was that initial contact?

Hon DARREN WEST: She tried to call. That day I was down at our farm and the reception is quite poor. I saw that she had tried to call and I called her back. I went up on a high spot and called her back, because I clearly thought it was something of importance for the minister to call me on a weekend.

The PRESIDENT: Why did she call you on that date? Had she seen something on social media?

Hon DARREN WEST: Yes. She would have become aware of this post that I have put in my statement.

Hon MARTIN ALDRIDGE: So she called you on the same day as the post; on 7 April?

Hon DARREN WEST: She called me on the Saturday.

Hon MARTIN ALDRIDGE: The post was dated 7 April.

Hon DARREN WEST: The Saturday was 7 April, yes.
The PRESIDENT: In your statement you talk about your conversation with Minister Ellery, in which you said you had not made a speech and that the claims made on Facebook were incorrect. Did you explain to her that you might not have made the speech but you participated in a conversation?

Hon DARREN WEST: Yes, and I explained to her what I had said to the councillors—that if they produced the report, I was happy to take it further. Can I just reiterate that nobody has ever produced the report.

The PRESIDENT: If that is what you say you have said, why is it that they seem to be very clear about the talk of the independent auditor and about the $500 000? Where has that come from?

Hon DARREN WEST: I can only speculate, chair; I do not know.

Hon MARTIN ALDRIDGE: Further on in your statement you talk about interactions with the media. You say —

The following week I was contacted by a rural media outlet seeking my response to claims that I had made a commitment during a speech at the conference.

Do you remember what that rural media outlet was or the journalist?

Hon DARREN WEST: It was either Stephanie Sinclair from Farm Weekly or Laura Hayes from the ABC in Geraldton.

Hon MARTIN ALDRIDGE: Do you mean Jessica Hayes?

Hon DARREN WEST: Sorry; Jessica Hayes from the ABC in Geraldton. Sorry; yes, that is it. They are journalists whom I deal with a lot. I am just unsure as to which one called on which occasion. It would have been one of those.

Hon MARTIN ALDRIDGE: Did you deal with that inquiry yourself, or your staff?

Hon DARREN WEST: Just so I can be clear about which inquiry —

Hon MARTIN ALDRIDGE: The week following 7 April. It is paragraph 4 on the third page of your statement.

Hon DARREN WEST: Paragraph 4 says, “The following week I was contacted”. I presume that would have come from that social media post.

Hon MARTIN ALDRIDGE: Yes, but you are unsure who that person was. Did you handle the media inquiry yourself, or did your staff?

Hon DARREN WEST: Yes, they called me directly. I have a good working relationship with both of those journalists.

Hon MARTIN ALDRIDGE: So it was just a verbal response to the journalist?

Hon DARREN WEST: That is right.

Hon MARTIN ALDRIDGE: Does the same apply to further down on that same page when you refer to media contact following Hon Jim Chown issuing a media statement? Can you recall who the journalist was and how you dealt with that inquiry?

Hon DARREN WEST: Stephanie Sinclair from the Farm Weekly called me directly on my mobile phone. I said, “Look, I can’t comment to you about these statements because they have not been tabled in the Parliament.” Whilst he had read them in, I did not have them and I was not going to make a comment on them until I had seen them.

The PRESIDENT: Following your conversation with Minister Ellery on 7 April when she asked you what you had said, have you had any other conversations with her about this?

Hon DARREN WEST: No.

The PRESIDENT: So even though there have been other questions raised in the house prior to Hon Jim Chown tabling the statutory declarations —
Hon DARREN WEST: Apologies, chair; can I just go back. Yes, I have spoken to her when that question was asked.

The PRESIDENT: The one on 12 April?

Hon DARREN WEST: The one on 9 May.

The PRESIDENT: Let us go back a step, then. Did you talk to her after the first question on 12 April about this?

Hon DARREN WEST: I do not recall, chair. I did talk to her on the more specific question, which was the follow-up question on 9 May. I do not recall whether we had a conversation after the question on 12 April or not; I am sorry.

The PRESIDENT: I am just wondering, right up until the time that the stat decs were tabled, you would have had opportunity—if you felt that there was a difference of opinion or a disagreement about what was said in that conversation, you never sought to make a member’s statement, you never sought to clarify the situation and you never sought to correct the record in the chamber.

Hon DARREN WEST: I felt, when Hon Jim Chown first started dancing around this matter of privilege in his budget reply speech—I know there were points of order raised and I think, from memory, there was even a direction given by yourself, or whoever was in the chair, that if it is a matter of privilege, it needs to be done in the appropriate manner. I got the impression that I was being goaded by the member to say something, so generally, when you feel like that, you are best not to say anything.

Hon ADELE FARINA: Darren, you indicated that you had a conversation with the minister either the day of the posts on Facebook or shortly thereafter. On 12 April, a question was asked in Parliament and the minister provided an answer. Did the minister talk to you about this matter at all?

Hon DARREN WEST: I am unsure, member. I am unsure about whether we had a discussion about that particular point when that question came. I know we certainly did when the subsequent question came. I actually went back to my phone to check the times that we had had that discussion and reiterate it to her that, no, that is not what was said, as claimed, at the conference. I was unaware that the stat decs had been signed at that time, but I do understand the importance of giving the minister the correct information in the Parliament.

Hon ADELE FARINA: So there were two occasions that you had a conversation with the minister.

Hon DARREN WEST: There were at least two. Member, I am not trying to be evasive, but I have conversations with the Leader of the House, who is also the minister for education, very, very regularly on all manner of things, and I am just a little bit unsure as to whether there was a discussion for question 284 or not.

The PRESIDENT: On the first date the question was asked, on 12 April, Hon Samantha Rowe provided the answer on behalf of the minister. Have you had any conversations with Hon Samantha Rowe about this matter at all?

Hon DARREN WEST: No, not in a formal matter. I deal with the minister. I sit in Parliament beside Hon Samantha Rowe so we do talk about things from time to time, but to the best of my recollection, there has not been a specific discussion with the parliamentary secretary because I have had a discussion with the minister.

Hon SIMON O’BRIEN: At the function where the disputed conversation took place, how long were you in that group involving the two councillors, having a yak about things?

Hon DARREN WEST: I remember the discussion. I remember re-entering the function. As you walk in, the bar is on the left-hand side. Laurie and I both grabbed a drink, so we had just gotten there. I walked...
sort of through the crowd and, as you would all know at these things, a lot of people like to say hello and ask you about things and talk about things. I was trying to sort of work through the crowd, because it was quite congregated in front of the bar because of the layout of the room. I was sort of moving through the crowd and would have a few brief conversations. I got to a point out the back. Minister Templeman was there. I inquired how the day went and how his other meetings went, but it was difficult to hold a lengthy conversation because there was just all those people coming and going. I do recall the two councillors because I was really quite surprised at Councillor Humphry’s initial response to me. As I said, I do not really know Councillor Humphry particularly well, but the response was quite rude and very pointed early in the day when I merely asked how she was. So, I was a little bit reserved in speaking with her. I do not know Councillor Lefroy particularly well at all, but I do know she is involved with the Liberal Party, so I was also, I thought, more reserved than perhaps you would normally be, and I probably had only just had half of my first beer, so it was not like I had been there for a couple of hours and had been a bit loosened up, so to speak, by a few beers.

Hon SIMON O’BRIEN: I noted that you had a less than happy greetings exchange between yourself and Councillor Humphry—she was a bit short when you first arrived—and that Councillor Lefroy is not the sort you would necessarily gravitate to. So, you were working your way through the room, and there is Minister Templeman there and perhaps one other person there with those two Tracys. What made you join that group? Was it just to rescue Minister Templeman or —

Hon DARREN WEST: Not at all, member. He had a big crowd of people around him and I am sure you know Minister Templeman is quite capable of looking after himself. But I did go to inquire about, because Hon Laurie Graham and I were not involved in the afternoon of meetings, because he holds several portfolios—he met an arts group and others—and I was just curious to know how things went, given that our office had teed those up, and to see how the day went. It was a very brief exchange with him because he was clearly the centre of attention at a local government conference, being the Minister for Local Government. So I sort of got approached by the two councillors from Moora and engaged in conversation with them.

Hon SIMON O’BRIEN: Okay; so you found yourselves all there in that group. What was the tone of the conversation that you were having, particularly with regard to the two councillors and yourself?

Hon DARREN WEST: I thought it was quite cordial. I was brought up to be respectful and polite to people no matter what you might think about them and I certainly was on this occasion. There were a lot of other local government delegates there so it was not the forum to be having a discussion that was anything less than cordial, really. I am actually quite surprised that it has got to this point from that discussion.

Hon SIMON O’BRIEN: Yes. This is what I am trying to clarify. The initial greeting from Councillor Humphry was less than cordial, but I accept you were doing the right thing, socialising, perhaps trying to see if she had cooled off and what have you, and preserve the relationship and politely converse. I accept all of that. What I am getting at is—again, we have all had experience at these sort of functions—were they really buttonholing you and saying, “Listen, why aren’t you doing something about Moora college?” or was it just a more general discussion?

Hon DARREN WEST: No, it was specific to Moora Residential College but it was not—like I say, it was cordial. It was just a general discussion. It never heightened; it never intensified. It never became particularly—I never really felt that I was being pulled into line or anything. We were just having a discussion. They were making general inquiries. I have to say the decision to close the Moora Residential College has been a challenging one for me. It is in my electorate and I have had a lot of people talk to me about it over the last 10 months. But I think it is important that we take everybody’s view on board, as was the case with this discussion.

Hon SIMON O’BRIEN: Again, if I could just focus on this conversation, because this is the critical element where there is the different points of view. These two councillors are part of a larger group lobbying for Moora Residential College, as we know. Were they putting forward to you the point of view that an independent assessment would show that $500 000 worth of work could keep the place
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going, but the government would not do an independent assessment? Was that the thrust of the conversation?

Hon DARREN WEST: Not really. At that time, the campaign had sort of focused on that this college can be kept up and running and operating for $500 000. I never accepted that view because the previous government had made a commitment of $8.7 million to fully refurbish the college, so I thought that would probably be a reasonable costing, and when the minister tabled all the reports that have been made into Moora Residential College, there was none that came up with a refurb of $500 000. This $500 000 figure was the central point of discussion —

The PRESIDENT: With the two councillors?

Hon DARREN WEST: — with the two councillors at that time. I do not really recall saying that we could get another—from time to time, people did say to me, but not as I recall in this conversation, “Can we get an independent assessor in to do this?” and you would say, “Well, there’s already been five assessments.” I do not recall that being raised here, but perhaps at some point during the conversation.

Hon SIMON O’BRIEN: Could the conversation not have gone along these lines: that they said, “We need an independent assessment to verify this $500 000. That would be helpful to our campaign”, and that then you could have said, as indeed you say in your statement, “Well, look, you provide me with the independent assessment that shows that and I’ll put it before the relevant minister.” But then it might have gone a bit beyond that and the councillors, either or both of them, might have said, “We’re not allowed to get anybody in to do it”, and that you might have made an undertaking then to say, “I’ll arrange something.” Could it have gone that way—or “seek to arrange something”?

Hon DARREN WEST: I cannot recall every word said in the conversation. It was like, as I have indicated to you before, a cordial conversation which we were all actively participating in amongst the three of us. I fail to see how, from what was said during that conversation, that you could arrive at those statutory declarations. I do not understand that and I do not understand how, from the result of that conversation, we are sitting here today. In my mind, there was nothing given to them that would cause them to form that opinion, but as I have said, maybe they misheard, maybe they misinterpreted, maybe they misrepresented my comments. I do not know.

Hon SIMON O’BRIEN: What I am trying to do is actually find a way to reconcile the conflicting evidence that we have got. In doing that, I am just contemplating what would have happened then in that conversation, and that is the reason for my question just now. It just occurs to me that as a local member you might have said, “Well, yeah, I see the point. I’ll see what I can do”; rather than a definitive commitment that it will happen, that maybe you might have said, “Look, perhaps we’ll see if we can get some access during the thing”, and then you were very disappointed, as you would have been, to discover that Minister Ellery said, “No way; we’re not doing any more of that; it’s already done to death so don’t go saying that anymore.” Maybe they said, “Oh, that means he will do something.” These are the scenarios that I am hypothesating. Have you already said all you want to say about that?

Hon DARREN WEST: All I would add to that, member, is I think it is a perfectly legitimate line of inquiry as to how we can reconcile the two statements. All I would say to that is that I am unable to reconcile the two statements in my mind. I can find no logical reconciliation of how what was said could turn into what was in the statutory declarations.

The PRESIDENT: Councillor Humphry tells us that at the end of that conversation she said to you that she would hold you to that. I think she said she repeated that at a later stage of the evening as well.

Hon SIMON O’BRIEN: And saying goodnight there.

The PRESIDENT: And saying goodnight; that is right. What was she going to hold you to?

Hon DARREN WEST: I do not recall Councillor Humphry saying that, and I note that she did not put it in her statutory declaration. Involving the invitation, as she puts it, look, I am quite a social being and
I had arrived late. I invited everyone who was at the conference that “If you want to come back and have a beer, it’ll be at the bar in the Jurien Hotel and you’re all welcome.” Probably 20 people took that offer up and the rest did not. It was not a particular invitation to Councillor Humphry to come and have a chat about Moora college.

The PRESIDENT: I am more interested in why she is so clear in her own mind that she said she told you that she would hold you to that. Obviously, she perceived that there was some sort of commitment made or some sort of outcome proposed—a basic conversation.

Hon DARREN WEST: As I said, I do not recall her saying, “I’ll hold you to that”, and I note it is not in her statutory declaration and it is not in Councillor Lefroy’s declaration. I do not recall being held to anything. As your questioning has uncovered, nobody has sought to follow me up and actually hold me to that.

Hon RICK MAZZA: Member, just to sort of go through this with you, I know you have been asked what the words were that you used a couple of times. Just looking through what took place, you have gone to this event; you got a pretty snippy comment from one of the councillors. You then went and spoke to them, so I imagine you would have been on alert somewhat because of the tension between the Moora college and the fact the government does not support that. Do you recall the words you used at all? To me, if you are on alert like that, surely there would be a fairly clear recollection of what you actually said.

Hon DARREN WEST: You are right in the first instance; there was a snippy comment. It is a contentious issue, but what I have been right through this campaign, since the announcement was made and then some of the education funding changes were reversed and some were not, I have been very open and willing to engage with the Moora community. I went to their rally, I have been to the Parliament House rally, I have been actively engaged with them, where it is—could I use the word—“sensible” on social media. I do not always engage because it is sometimes not particularly nice so I let some of that go through. But I have been open, up-front and accountable to them and have always chosen to engage with members of the community that might raise it with me, as we have done at the Dowerin Field Days in the last couple of days. I am not sure that I was on any sort of high alert. Obviously, it is a very emotive issue and we are often a little bit respectful of that. But I certainly was not sort of in my mind saying, “Just be really careful what you say here”; it was more about listen, engage with them, and where required, give a response.

Hon RICK MAZZA: That is sort of part of the answer to my question. The other part is: do you recall the words you used clearly?

Hon DARREN WEST: The words that I used to them?

Hon RICK MAZZA: Yes.

Hon DARREN WEST: About giving me the report? Absolutely. I remember that very clearly, and that was —

Hon RICK MAZZA: And what were the words?

Hon DARREN WEST: That was something that I had said regularly to different people at that time.

Hon RICK MAZZA: And the words you used in answering them was what? What were the words?

Hon DARREN WEST: “If you can find me a report or documentation that comes up with a figure of $500 000 as the figure to refurbish that college, I’ll take it to the minister.”

Hon RICK MAZZA: So you said, “I’ll take it to the minister”, not, “I can do that”?

Hon DARREN WEST: No.

The PRESIDENT: How long did the conversation go for?

Hon DARREN WEST: I would have thought probably—I would have thought somewhere between five and 10 minutes.
The PRESIDENT: At what point during that conversation did Donna Plummer join the group?

Hon DARREN WEST: A reasonable way into it. Donna came over because—I am sure you have all been in the situation where you are, sort of, you know, wanting to move along. Donna is very experienced around politics. She was a senior adviser to Premier Geoff Gallop and Alan Carpenter, so understands that sometimes you can be caught in a corner and need to move through the rest of the crowd. I think one of the organisers or one of the delegates at the conference suggested to her that she might want to come over and participate. There had been very little—probably only the last minute or two, I would think, because then the announcement came that it was time to move in for dinner, and quite timely.

Hon SIMON O’BRIEN: Why would Donna Plummer, worthy research officer that she is, feel the need to save Darren? What was she saving you from?

Hon DARREN WEST: They were the words used to her by the delegate. She came over because it was suggested that “You might want to go and save Darren”, and I have put them in inverted commas because they were the words that were used to her. So she truly did come over to presumably “save Darren”. But often, as I am sure you are aware, staff will sort of use the opportunity to perhaps move the member along to the next conversation.

The PRESIDENT: Was that because the conversation was going on too long or because the conversation was not calm?

Hon DARREN WEST: Well, it was not because it was not calm, but I think it was because it had gone on a while and it was clearly a contentious issue and I think, with the best of intentions, the delegate had suggested to Donna that she might want to come over and be a part of the discussion.

<017> U/3 2.09.16 pm

[2.10 pm]
The PRESIDENT: Can we just come back to your conversation with Minister Ellery? You have had this first conversation with her on the seventh. You say you have had another conversation at some point after that time—around about the time in question.

Hon DARREN WEST: I certainly had a conversation with her once question 329 was asked. She wanted to see me because she would have seen the some notice given of that question and asked me again.

The PRESIDENT: Given Hon Jim Chown canvassed these issues in his budget speech, was there a further conversation after that along the lines of, “What was actually said? Why is he persisting with this? What was actually said?” I would have thought that the minister would have wanted to be clear in her very own mind about what you had said to these people.

Hon DARREN WEST: If there was—I do not recall distinctly whether there was a direct conversation on that day. It probably would have been in her role as Leader of the House, had there been one. My response to or my thought about, not so much to the minister, but my thought to Hon Jim Chown—Chown’s—whoops!—Chown’s claims—that is fraught with danger—is that the member needed to put up or shut up, essentially. He was dancing around this matter of privilege during his speech. There were several points of order. There was a ruling that if you are going to raise a matter of privilege, you raise a matter of privilege. Do not [unclear] speech. So I thought, “You, member, need to pursue it or not.”

The PRESIDENT: In your own mind, on each conversation you have had with the minister, you have provided her with accurate information as to the detail of the conversation you had with both of those councillors?

Hon DARREN WEST: Absolutely—and to every minister.

Hon MARTIN ALDRIDGE: Darren, just to clarify a couple of things I asked from before. Thursday, 5 April was the dinner.

Hon DARREN WEST: That is right.
Hon MARTIN ALDRIDGE: Seven April was the “Save Moora College” post, which triggered the contact by Minister Ellery.

Hon DARREN WEST: Correct.

Hon MARTIN ALDRIDGE: She phoned you. You did not answer. She left a voice-to-text message.

Hon DARREN WEST: It was a, “You have had a missed call from this number who did not leave a message.”

Hon MARTIN ALDRIDGE: Okay. So it was not anything beyond that. It was just a missed call. She did not leave a message?

Hon DARREN WEST: No.

Hon MARTIN ALDRIDGE: You responded by calling her back.

Hon DARREN WEST: That is right. We spoke within a couple of hours.

Hon MARTIN ALDRIDGE: You made some comment before about Minister Ellery asking you to stop making a claim. Can you just confirm what claim that was?

Hon DARREN WEST: What I had been saying to people at that time—I am sure you can appreciate the situation I find myself in. The government has made a decision. It is a decision that adversely affects my electorate. As the local representative, people are going to have an opinion about that. This was only a short while after the $500 000 figure was being touted as the amount—that only a couple of months after that was being touted as the amount—and used by the campaign quite effectively to make the general population think, “Well, if it’s only $500 000, why don’t they just fix it?”, which is a reasonable thing to think. But I never accepted that $500 000 was the view. What I did say to people was, “Should you be able to support that, please get me the information and I’m happy to help you with that.” That is what I was responding, in general, to an inquiry at that time. When I told the minister that is what I had said, she said, “Can you stop making that statement?”

Hon MARTIN ALDRIDGE: You obviously did not agree with the claim and what you are saying to them was, “Show me the $500 000 and we can talk.”

Hon DARREN WEST: Show me the report or some documentation that I need to take to the minister to make the case for $500 000.

Hon MARTIN ALDRIDGE: Did they say to you on Thursday, 5 April, the two councillors—Councillor Lefroy and Councillor Humphry—that they were unable to access the residential college for the purpose of generating the report that you sought?

Hon DARREN WEST: That is possible, but I do not remember that exact turn of phrase—but that is possible.

Hon MARTIN ALDRIDGE: Can I give you a copy of another question, via the Clerk, which actually predates the two questions that we have been discussing today, which is question without notice 227? I will give you a moment to read it.

For the benefit of Hansard, part (3) of that question, which I think is the relevant part, asks this —

Given recent reports that the Parliamentary Secretary to the Minister for Regional Development, Hon Darren West, has agreed to provide access to the college to facilitate a non-government, independent assessment of the college funded by the community, has the minister now changed her mind and agreed to provide access?

The minister’s response to part (3) was —

I do not accept the premise of this part of the question. As previously stated, detailed reports on the condition of the college have been tabled and are available for review. These reports provide comprehensive information on the facility prepared by independent consultants.

That was asked on Tuesday, 10 April. You said that Minister Ellery contacted you on Saturday, 7 April.
Hon DARREN WEST: Correct.

Hon MARTIN ALDRIDGE: Did you have a conversation with Minister Ellery at some stage on Tuesday, 10 April when she was given notice of this question?

Hon DARREN WEST: No, not to my recollection. I do not recall it. I do not recall a conversation. I must say—I either was not paying attention or not in the house because I am not aware of this question and, to the best of my knowledge, have not had a conversation with the minister about that.

Hon MARTIN ALDRIDGE: Her answer to part (3), which is that she does not accept the premise of the question, would be based upon what? The conversation with you on Saturday, 7 April?

Hon DARREN WEST: That is possible. I do not know. We did have a conversation on 7 April and you asked your question on the tenth so I would presume that perhaps there could have been a reference to that, but I have no way of knowing that.

The PRESIDENT: I am just going to ask the question myself. That part (3)—“Given recent reports”—which recent reports are we talking about? Are we talking about the matters that we are dealing with here or are we talking about entirely separate reports?

Hon MARTIN ALDRIDGE: No. I think the “recent reports” referred to what was published on the social media on 7 April, which —

The PRESIDENT: You would have been a party to.

Hon MARTIN ALDRIDGE: Yes. And also the minister was, because that resulted in the conversation between the minister and Darren.

Hon DARREN WEST: Can I just make the point, member: the question has the presumption that the social media post was correct, when I immediately set the record —

Hon MARTIN ALDRIDGE: That is the nature of this inquiry, Hon Darren West—to determine whether that is correct or not.

Hon DARREN WEST: I am saying that the post is not correct and I have responded so.

Hon MARTIN ALDRIDGE: I understand that.

Hon ADELE FARINA: Can I just seek some clarification, Darren? We have heard evidence that Donna Plummer joined the conversation at some point. Did she hear any of the conversation that is the subject of this hearing?

Hon DARREN WEST: Yes, she would have heard the conversation. Yes, she would have. She became the fourth person in the group and sort of suggested that we might want to move and as we were preparing to exit the conversation, the announcement was made that it was time for dinner. We went to dinner and I chose to sit at separate tables to the two councillors.

Hon ADELE FARINA: I understand that neither of the two councillors—you were here when they gave evidence—and then any indication to the committee that Donna joined that conversation at any point.

Hon DARREN WEST: As I have maintained right through, there are quite a lot of differences in recollection on the evening in question. Donna Plummer was there towards the end of the conversation. She would have heard what was said.

The PRESIDENT: She would have heard part of what was said—not the whole of the conversation.

Hon DARREN WEST: I am quite sure she would have heard the very end of the conversation, which seems to be the critical part of the conversation.

Hon ADELE FARINA: There have been a couple of times when members have asked questions and you have given quite a categorical answer and then you have qualified that with a comment along the lines of, “Perhaps at some point during the conversation something like that could have been said”. It was something like that. All I am asking is that when we send you the transcript of today’s hearing,
perhaps you could seek to clarify what you are referring to when you make that qualifying statement, because it has left a bit of confusion in my mind.

Hon DARREN WEST: Just on that, member, what I am saying categorically is that there was no commitment made as claimed by these two councillors. I cannot say that in a five to 10-minute conversation those individual words or even parts of sentences were not uttered or said during that discussion.

Hon ADELE FARINA: Was the seating prearranged at that function? Because the three of you had a conversation and then it appears from the evidence that we have heard that all three of you went and sat at different tables.

Hon DARREN WEST: No, there was no prearranged seating. It was sit down where you like.

Hon SIMON O'BRIEN: I appreciate the difficulties you have in recalling lengthier conversations in their minutiae, so I am not trying to tax you on that, but there is this one key element of the conversation that we have been discussing and that you have referred to. I want to ask a couple of questions about that. Firstly—just to refresh my memory, because you have been closer to this whole issue than I have—the government’s position all along is that there has already been sufficient assessment into the future of Moora Residential College to demonstrate that $500 000 worth of work would be quite inadequate to keep the show on the road.

Hon DARREN WEST: That is my understanding.

Hon SIMON O'BRIEN: Following on from that, the line that you have developed when you are constantly being approached about this is, if I have got this right: “If you can provide me with an independent assessment that says $500 000 will do it, I will take it up with the minister.” Do I recall that accurately?

Hon DARREN WEST: That is what was said.

Hon SIMON O'BRIEN: Again, I am trying to do what I did a few minutes ago, trying to reconcile anything. I want to put it this way to you. You have said, firstly, that you did not undertake yourself to arrange a further independent assessment during the upcoming school holidays, and you further said, “If that comes back saying that $500 000 will do it, I will get it for you.”

Hon DARREN WEST: Sorry member, I do not fully understand the question. Can you just run that by me again?

Hon SIMON O'BRIEN: I have not quite put the question yet, but they are the two points that you have raised with us. These are the points at issue—that you disagree with our other witnesses that you have said, firstly, you would arrange an independent assessment during the school holidays.

Hon DARREN WEST: That is correct, I disagree with them.

Hon SIMON O'BRIEN: The second thing that they have put forward that you have disagreed with is that if they could do such an assessment saying $500 000, you would get the money.

Hon DARREN WEST: I disagree with that as well. Those statements were never made by me.

Hon SIMON O'BRIEN: Following on from that, I put this to you: could it have been that the conversation actually fell somewhere between that, that you were confident in saying to those witnesses, “If you can provide me with an assessment that says $500 000”—I will say here as an aside,
being confident that they would not be able to do it—and that if they could do that, then you would find the $500 000?

Hon DARREN WEST: No, I have never committed to $500 000. I take your point and I think it is a valid one that you can ask for the assessment of the documentation, quite comfortable in the knowledge that it does not exist, and I am quite happy to confess that, but no, I have never, ever committed $500 000.

Hon SIMON O'BRIEN: If someone could come up with an assessment to show $500 000, what would you do?

Hon DARREN WEST: I would take it to the minister.

The PRESIDENT: Thank you very much for your time. You will obviously receive a transcript of the hearing. That will be sent to you in case you need to make any corrections of typographical or transcription errors that might need to be remedied. There are no questions on notice to you I do not think, from memory. If you want to provide any additional information or elaborate on any particular points—I think Hon Adele Farina asked you for a couple of clarifications—you might be able to provide that supplementary evidence for our consideration when you return your corrected Hansard. Could we also please have a screenshot of those social media clips that you have provided to us in your statement? If you could provide that to the committee in due course as well, that would be very handy. You have that document in front of you?

Hon DARREN WEST: Yes. Is that able to be taken from here, or does it need to remain here?

The PRESIDENT: No, there is public information in that.

Hon DARREN WEST: Thank you, Chair, and thank you, committee, for dealing with this expeditiously.

The PRESIDENT: Thank you.

Hearing concluded at 2.25 pm

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PROCEDURE AND PRIVILEGES COMMITTEE

A MATTER OF PRIVILEGE RAISED BY HON JIM CHOWN, MLC

TRANSCRIPT OF MEETING
TAKEN AT PERTH
FRIDAY, 31 AUGUST 2018

PRIVATE SESSION

Members
The President (Hon Kate Doust) (Chair)
Hon Simon O’Brien (Deputy Chair)
Hon Adele Farina
Hon Martin Aldridge
Hon Rick Mazza
Hearing commenced at 2.29 pm

Hon SUE ELLERY
Minister for Education and Training, sworn and examined:

The PRESIDENT: Thank you very much for appearing before the committee. I will not introduce you to all the members because I assume that you know each of them, but I will ask if you want to take the oath or the affirmation.

[Witness took the affirmation.]

The PRESIDENT: You will have signed a document entitled “Information for Witnesses”. Have you read and understood that document?

Hon SUE ELLERY: I have.

The PRESIDENT: These proceedings are being recorded by Hansard. To assist the committee and Hansard, we ask that you please quote the full title of any document you refer to during the course of this hearing for the record, and please be aware of the microphones and try and talk into them, and ensure that you do not cover them with papers or make noise near them. I remind you that this hearing is being conducted in private and the evidence you provide today shall not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. Please note that the transcript should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

Would you like to make an opening statement to the committee?

Hon SUE ELLERY: Thank you. I was made aware by a staff member of a post on social media claiming that Hon Darren West had made a speech at a local government association event in which he committed to get a so-called independent building assessment done of Moora Residential College and that if that showed that an amount of $500 000 was required to address significant building condition issues, he would get the money. I spoke to him by phone. I do not recall the date of the conversation—it was on a weekend, as I recall. In the conversation I asked him if he was aware of that particular social media post. He told me that he was aware of the social media post. He advised me that he had been at a WALGA social event where he had had a conversation with a couple of shire councillors associated with the Moora Residential College campaign about the condition of the residential college but that he had not made the comments attributed to him.

I subsequently provided answers to the two parliamentary questions asked by Hon Jim Chown—number 284 on 12 April 2018 and number 329 on 9 May 2018—based on the conversation that I had with Hon Darren West. On 14 June 2018, Hon Jim Chown made a speech which alleged that I had misled the house in respect to the answer I had given to the question on 9 May 2018 and that I had colluded with Hon Darren West in doing so. Subsequently, a media statement was issued in the name of Hon Jim Chown repeating the allegation that I had misled the house and that I had colluded with Hon Darren West to do so. That media release was the basis of an article in The West Australian newspaper on 16 June 2018. At the next sitting opportunity on 26 June 2018, I made a statement to the house rejecting the allegations that I had misled the house and that I had colluded to do so. I called on Hon Jim Chown to issue me with an apology and to withdraw the comments he made in the house, and to issue a public apology given the media release and the article. On the subsequent sitting day, Hon Jim Chown apologised in the house and withdrew his allegation. On contact with his office in the following days, my office was advised he had also issued a retraction of the media statement.
For what it is worth to the committee, the task of the committee as I see it is to determine whether it is able to establish whether a contempt of the Council occurred in circumstances where there are differing views of a conversation that happened outside the house.

The PRESIDENT: Thank you. I think you have answered part of the first question we had in relation to when you first became aware of this conversation. I suppose what we are really interested in is the conversation that you had with Hon Darren West and any follow-up conversations you had with him in relation to those two questions.

Hon SUE ELLERY: In respect to the original phone conversation, I can tell you it was on a weekend. I can tell you I was in Coles, so it was not a very —

Hon MARTIN ALDRIDGE: Which aisle?

Hon SUE ELLERY: Pardon?

Hon MARTIN ALDRIDGE: Which aisle?

Hon SUE ELLERY: Yes; I cannot remember that!

So it was not a very long conversation, because it was not conducive to a long conversation. I did not see the social media post. I got a phone call from a member of my staff—I think it was my chief of staff, but I actually cannot remember—telling me that this post was up, but I had not seen it. So I rang him. I might have left a message—I cannot remember—but, in any event, the phone conversation happened in Coles, and I said to him was he aware of the social media post, and I described it, and he said he was aware of it. I said, “Well, is it true?” He told me it was not true; that he had a conversation about Moora Residential College, about an independent review, about the $500 000, but that he had not made any commitments. That was pretty much the end of the conversation. And there has not been a subsequent conversation about that. I did not ask him again when I prepared the answers, because I had already had that conversation.

The only other conversation I have had with him since is when you, Madam President, advised the house that you were referring the matter. I and Stephen Dawson sat with him and I said, “I’m likely to be called as a witness, so you and I can’t have any conversations about this.” Obviously, as a leadership team we have a duty of care to our members, so I said if he needed to understand the process, if he wanted to talk through the process of the Procedure and Privileges, he should see Stephen Dawson, who was my deputy, but in terms of the sort of pastoral care role that I might have as a leader, that I could not do that because I thought I would be likely to be called as a witness.

The PRESIDENT: The second response that you provided to Hon Jim Chown in May, the second part of that question—I have just got to find the question—the second response is that he did not say what they claimed he said. Did you actually ask Hon Darren West exactly what he had said to these two people?

Hon SUE ELLERY: No, I did not. I asked—we talked about what the social media post said, and I said, “Did you say what that social media post says that you said?”, and he said he did not say that. As I have already answered, he said he had a conversation—he certainly had a conversation—about the college, the independent assessment, the $500 000, but that he had made no commitments. As I said, I was in Coles. It was not conducive to a long conversation.

The PRESIDENT: Since these questions have been raised in the house, has anyone from the Moora council contacted you directly saying, “These comments were made at a function. We’re just following up to see if you’ve done anything about these comments or these alleged commitments”?

Hon SUE ELLERY: Not to me personally. However, there has been—I could not tell you if it was after this question or after this allegation; the president of the shire and the CEO of the shire have conversations with my chief of staff from time to time. Without checking, I could not tell you if they have spoken about this—this particular matter—and I could not tell you the dates or times of any conversations. But with me directly, no.
Hon SIMON O’BRIEN: Just following on from that, minister, would you be able to provide the committee, through your office, of any communications that have flowed from the discussion up at Jurien Bay and the subsequent claims of commitment; and in particular from, I think it is the shire president, Councillor Ken Seymour, and Alan Leeson, who I understand is the CEO at the Shire of Moora, between your office about undertakings or commitments, or just following up to see if there was any undertaking or commitment?

<020> B/I

[4.40 pm]

Hon SUE ELLERY: Can I just be clear: they are asking my office if there was a commitment from Darren West?

Hon SIMON O’BRIEN: No, just any further correspondence from either of those two people at the Shire of Moora to you as a ministerial office, in effect, just in follow-up to the alleged offer made.

Hon SUE ELLERY: Can you give me a date? What is the date?

Hon SIMON O’BRIEN: The date of the function where the alleged offer of commitment was made was 5 April. We will provide this in writing, of course.

Hon SUE ELLERY: Can do.

Hon SIMON O’BRIEN: That was one thing. A point of clarification; I am sorry if you feel that you have already answered it. After the function and discussions that were had which people disagree on—on 5 April, which was a Thursday—apparently the Facebook post was on 7 April, which, I think, we previously heard was the date on which you had the conversation on the phone from aisle whatever—it was of Coles with Hon Darren West. Obviously, as you have previously said, that would have informed your response to the question asked on 12 April. My point of further clarification is: in response to the question asked later, on 9 May, by Hon Jim Chown to yourself—question 329, which was a bit more specific than the earlier question—would you have double-checked with Hon Darren West about that?

Hon SUE ELLERY: I have already answered that question. I did not have a subsequent conversation with him about it.

Hon RICK MAZZA: Minister, when you were in Coles speaking to Hon Darren West and he denied that he had made the comments that were suggested on the social media site, did he tell you what he actually did say—the words he actually did use?

Hon SUE ELLERY: I thought I had already answered that as well. No; I asked him whether or not he had said what the social media post had said, and he said he did not. He said there was a conversation about the Moora Residential College, about an independent assessment, and about the $500 000. He told me what the conversation was about. He did not tell me the precise words.

Hon RICK MAZZA: So he generalised the conversation but did not tell you the exact words that he used?

Hon SUE ELLERY: That is my recollection.

Hon ADELE FARINA: I do not have a question but that was question on notice 1 that Simon asked Sue, for the record.

The PRESIDENT: Thank you very much for that clarification.

Hon MARTIN ALDRIDGE: Sue, question without notice 284 was actually answered by Hon Samantha Rowe in your absence in the house. I assume you signed off on that question.

Hon SUE ELLERY: Yes.

Hon MARTIN ALDRIDGE: Can I ask just about the question process. These are all questions without notice, of which some notice was given, so they were lodged by 11.00 am on a sitting day. I assume—maybe you can clarify this for me—that you do not see the questions until a draft response has been provided by your office.
Hon SUE ELLERY: That is not correct. Sometime after 11.00—it could be half an hour; it could be a bit longer—I get the questions asked. I do not see the answers until they are provided later, but I see —

Hon MARTIN ALDRIDGE: The initial question.

Hon SUE ELLERY: I get a whole pile of them—of everybody’s questions, not just mine.

Hon MARTIN ALDRIDGE: You see the whole house’s questions. I assume that the answers to these question are drafted by someone in your office for your consideration.

Hon SUE ELLERY: Yes.

Hon MARTIN ALDRIDGE: Who had responsibility for that in your office?

Hon SUE ELLERY: It would not be one person; it would depend what the question was about. I can check. It is a combination of people in my office and agencies, depending entirely on what information is sought.

Hon MARTIN ALDRIDGE: Is there any one person on your staff who is the questions person, who has responsibility for making sure all the advisers get back to them by a certain time and have them all in front of you by a certain time?

Hon SUE ELLERY: Ultimately, the buck stops with my chief of staff, but I would have to check how she manages that. That is not my business.

Hon MARTIN ALDRIDGE: Who is your chief of staff?

Hon SUE ELLERY: Liz Carey.

Hon MARTIN ALDRIDGE: Was she your chief of staff during the months of April and May?

Hon SUE ELLERY: She was on staff in April and May. She became chief of staff maybe the first week of May.

Hon MARTIN ALDRIDGE: Who was the chief of staff?

Hon SUE ELLERY: Kathy Digwood, in April.

Hon MARTIN ALDRIDGE: Would you be aware of any member of your staff—whether it was an adviser with portfolio responsibility, or your chief of staff with ultimate responsibility—who would have had a conversation with Hon Darren West, other than the conversation you had over the weekend of 7 and 8 April in relation to these questions?

Hon SUE ELLERY: I am not aware that anyone had a conversation with Hon Darren West about this. I got told that there was a social media post. I contacted Darren.

Hon MARTIN ALDRIDGE: The question you got from your office, or the draft you got from your office, to consider, which said things like, “I do not accept the premise of this question.”

Hon SUE ELLERY: I do not know that they would have drafted that. Your original questions to me were about the process. Because I am the only person who can know that, I suspect I probably drafted the answer to that myself because I do not know that anyone else could have.

Hon MARTIN ALDRIDGE: I assume on a sitting day that there are lots of things happening; a lot of these things would be dealt with by email.

Hon SUE ELLERY: No. Hard copy answers get brought down to me.

Hon MARTIN ALDRIDGE: If you do not agree with the draft, you rewrite it and they redo it?

Hon SUE ELLERY: Literally scribble or say, “I want more information on issue X”, or whatever.

Hon MARTIN ALDRIDGE: Would you be able to take on notice a question that might assist us in ascertaining to what extent your office was involved in answering these questions and whether there are any email communications or other records between staff and/or the department and/or yourself, with respect to these questions? Obviously, the questions we are talking are questions without notice
284 and 329. I think also of relevance is the first question asked, which was 227 on 10 April, the first sitting day following the alleged events of Thursday, 5 April.

Hon SUE ELLERY: I do not know anything about that question, so I do not know what that question was about. I am happy to take on notice anything about the process and whether there is an email trail or whatever in respect to that answer. That answer would not—I cannot see why it would have—have gone to the agency because it is not seeking facts that the agency could have known.

Hon MARTIN ALDRIDGE: The first question, which obviously you have not seen, seeks some facts. Yes, I agree with you that the other ones are specifically about Darren West’s involvement.

Hon SUE ELLERY: Would you have a copy of that first question so I can tell you whether I can give you that undertaking?

Hon MARTIN ALDRIDGE: Yes.

Hon SUE ELLERY: I suspect the agency would have been involved in the first part but not the second part. In any event, I am happy to take the question on notice.

Hon MARTIN ALDRIDGE: Did anyone else assist you in the drafting of the statement you provided to the committee?

Hon SUE ELLERY: The statement I have just read out?

Hon MARTIN ALDRIDGE: Yes.

Hon SUE ELLERY: No, hence the typo that I just saw.

Hon MARTIN ALDRIDGE: Had anyone else seen the statement before the committee was presented it today?

Hon SUE ELLERY: Yes, I showed it to Amy McKenna, who is my media person. She obviously did not point out the typo!

Hon MARTIN ALDRIDGE: Thank you.

The PRESIDENT: Thank you very much for your time. You know, of course, you will be sent a copy of the transcript for any corrections, be they typographical or otherwise, if you can provide those corrections back to the committee. If you want to provide any additional information or elaborate on any particular points that you have made, you can also provide that information when you return your copy of the corrected transcript. I am sure the minister probably will provide a copy of the corrected copy of the statement with her typo sorted out.

Hon SUE ELLERY: It just proves I am human!

Hon SIMON O’BRIEN: Hansard will do it anyway.

The PRESIDENT: Hansard will rectify that. Minister, thank you very much for your time today.

Hon SUE ELLERY: Thanks.

Hearing concluded at 2.49 pm

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Appendix 1   Transcripts of hearings  75
Hearing commenced at 2.53 pm

Hon SAMANTHA ROWE
Member of the Legislative Council, sworn and examined:

The PRESIDENT: On behalf of the committee, welcome. Before we begin, I have to ask you to take either the oath or affirmation.

[Witness took the affirmation].

The PRESIDENT: You would have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

Hon SAMANTHA ROWE: I have.

The PRESIDENT: These proceedings are being recorded by Hansard. To assist both the committee and Hansard, please quote the full title of any document you refer to during the course of this hearing for the record and please be aware of the microphones and try to talk into them. Ensure that you do not cover them with papers or make noise near them. I remind you that this hearing is being conducted in private and the evidence you provide today shall not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. Please note that the transcript should not be made public. I advise you that publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement to the committee?

Hon SAMANTHA ROWE: No.

The PRESIDENT: We appreciate that your involvement in this matter is very narrow and that you provided, on behalf of the Minister for Education and Training, an answer to a question asked by Hon Jim Chown on 12 April. I suppose the question is: either before or after that question was asked and answered, have you had any conversation with Hon Darren West around the matters canvassed in that question?

Hon SAMANTHA ROWE: No. About what I read out?

The PRESIDENT: About what you read out.

Hon SAMANTHA ROWE: No.

The PRESIDENT: Have you had any conversation with him at all about the events at the WALGA conference that he attended?

Hon SAMANTHA ROWE: I did not have any conversations with him about what he said or about what others have claimed he had said. The only comments that I have had with Darren would be—because we sit together in the chamber, so when Hon Jim Chown made those comments, obviously I said to Darren, “How are you? How’s it all going?” But we did not go into any detail. He has never asked me about the question that I read out.

Hon SIMON O’BRIEN: With that question, 284, answered on 12 April where Darren West is mentioned three times in the actual question, did you feel any inclination to turn to him after you had given the answer or before, and say, “What on earth is this all about?”

Hon SAMANTHA ROWE: No.

Hon MARTIN ALDRIDGE: Sam, at what point on Thursday, 12 April did you realise that you would be answering questions that day on behalf of the minister for education or was it indeed before that day?
Hon SAMANTHA ROWE: No, it was not before that. I do not recall it being before that day. My recollection is that the minister signed off on this question. Then, for whatever reason, she was out of the chamber and I simply read out the answer that she had signed off on. I do not recall back in April whether I knew in advance that I was going to be reading that out, I am sorry.

Hon MARTIN ALDRIDGE: You suspect it was some time on Thursday, 12 April you realised you would be answering questions for the minister in question time?

Hon SAMANTHA ROWE: Yes. It could have been as late as the folder was put on my desk because the minister was not in there but I actually do not recall.

Hon MARTIN ALDRIDGE: That is okay. Do you recall reading the question before delivering it in the house?

Hon SAMANTHA ROWE: I do not recall whether I did or not.

Hon MARTIN ALDRIDGE: Do you recall speaking to Darren West about it prior to giving the answer to the question?

Hon SAMANTHA ROWE: No, I did not.

The PRESIDENT: Thank you very much for your time. I remind you that the Hansard will be sent to you in due course for any typographical corrections. If you need to make any adjustments, you should return that corrected Hansard to the committee. If you want to provide any additional information or elaborate on any particular points you have made, you can do so at that point. Thank you very much.

Hearing concluded at 2.58 pm
PROCEDURE AND PRIVILEGES COMMITTEE

A MATTER OF PRIVILEGE RAISED BY HON JIM CHOWN, MLC

TRANSCRIPT OF MEETING
TAKEN AT PERTH
MONDAY, 3 SEPTEMBER 2018

PRIVATE SESSION

Members
The President (Hon Kate Doust) (Chair)
Hon Simon O’Brien (Deputy Chair)
Hon Adele Farina
Hon Martin Aldridge
Hon Rick Mazza
Hearing commenced at 10.11 am

Ms DONNA PLUMMER
Research Officer to Hon Darren West, MLC, sworn and examined:

The PRESIDENT: First up, we would like to thank you very much for coming in and meeting with the committee today. I will just introduce you. You probably know a few people around the table anyway: Hon Adele Farina; Nigel Pratt, our Clerk—we have known each other for a long time; Hon Simon O’Brien; and Hon Rick Mazza.

Ms PLUMMER: Morning.

The PRESIDENT: So, we just have some formalities to go through before we start. First of all, we would like to welcome you and thank you very much for attending. We have to ask that if you would take either the oath or the affirmation and if you would indicate which one you would take.

[Witness took the affirmation.]

The PRESIDENT: You would have signed a document entitled “Information for Witnesses”. Have you read and understood the document?

Ms PLUMMER: Yes.

The PRESIDENT: These proceedings are recorded by Hansard, so to assist both the committee and Hansard, we ask that you please quote the full title of any document that you refer to during the course of this hearing for the record, and please be aware of the microphones and try to talk into them and ensure that you do not cover them with papers or make noise near them. I also remind you that this hearing is being conducted in private and the evidence that you give today should not be disclosed or published by any committee member or person unless otherwise ordered by the committee or the Council. A transcript of your evidence will be provided to you. Please note that the transcript should not be made public. I advise you that the publication or disclosure of the uncorrected transcript of evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Normally, we would ask if you wanted to make a statement to the committee, but —

Ms PLUMMER: No.

The PRESIDENT: Really, we have just got some questions. You might be aware that some pretty serious allegations have been made in the Parliament about some comments that Hon Darren West is alleged to have made at a function. That function was held on 5 April this year. It was the WALGA wheatbelt conference dinner, and so we are just trying to work out what actually happened. We have been advised that you attended that function; is that correct?

Ms PLUMMER: Correct, yes.

The PRESIDENT: You would have attended that in your capacity as a research officer to Hon Darren West.

Ms PLUMMER: Correct, yes.

The PRESIDENT: And were you there for the whole of that event?

Ms PLUMMER: Yes, I was—for the whole of the dinner, yes.

The PRESIDENT: Did you attend the pre-dinner drinks as well?

Ms PLUMMER: Yes, I did.

The PRESIDENT: And were you with Hon Darren West all the time?
Ms PLUMMER: No.
The PRESIDENT: We were told that he was standing in a group with two councillors, Tracy Humphry and Tracy Lefroy, and also there were a couple of other people that were standing nearby. Were you part of that group?
Ms PLUMMER: No, I was not at that point. I was over another part of the room talking with some other people.
The PRESIDENT: And at what point did you join that group?
Ms PLUMMER: Someone—when we first arrived, I was talking to one of the ladies attending the conference. She came over to me partway—I had moved to where I was having my discussion. She came over to me and said, “You work for Hon Darren West, don’t you?” and I replied I did, and she suggested that I might need to go over and join him, that the conversation he was having was with a couple of councillors who were getting a little bit—not heated so much, but that I should perhaps join him and save him, if you like.
The PRESIDENT: Who was the person who asked you to do that or encouraged you to do that?
Ms PLUMMER: I cannot remember her name; I am sorry. She was the wife of one of the organisers, but I just cannot remember her name.
The PRESIDENT: Okay. So what happened then?
Ms PLUMMER: I left where I was, went over and stood by Darren. The conversation was ongoing a little bit. The two women in question were clearly a little bit unhappy. Then Councillor Tracy Humphry at the time said, “This lady now wishes to speak to you.” Darren introduced me to them as his research officer and the conversation started to come to an end.
The PRESIDENT: So how long were you standing next to Darren before it —
Ms PLUMMER: Just a couple of minutes, really.
The PRESIDENT: Can you remember any of the conversation that was happening between the two councillors and Darren West?
Ms PLUMMER: Not the exact words, no; I am sorry. I do remember Darren telling them that they needed to provide him with a copy of a report or a document that they had. It had been along the lines that only a certain amount of money was required to address the Moora college issue. The discussion was about Moora college. It was about only a certain amount of money was required, and I do remember Darren telling them that he needed a copy of the report that indicated that, but the rest of the discussion I do not recall too much about; I am sorry.
The PRESIDENT: Do you recall one of the councillors, Councillor Humphry, saying to him that she would hold him to it?
Ms PLUMMER: I cannot remember for sure.
The PRESIDENT: How did the conversation end?
Ms PLUMMER: Darren saying—in my recollection, Darren saying that he would need a copy of a report or the document: “You get me a copy of the report or the document.”
The PRESIDENT: And after the conversation ended, what happened then?
Ms PLUMMER: We all moved into the dining room.
The PRESIDENT: After that conversation and before the end of the evening—did you sit with Hon Darren West for the dinner?
Ms PLUMMER: No. We all sat at different tables.
The PRESIDENT: Did you have any conversation with him or discussion with him about that conversation he had had with those two councillors?
Ms PLUMMER: Not at that time, but after the dinner.
The PRESIDENT: Okay. When after the dinner?

Ms PLUMMER: Probably when we went back to—a number of people went back—we all went back to the hotel and just at that point, but in no great detail. It would just have been in more general terms, really—nothing that I can recall specific, other than that they were upset about the decision on the hostel.

The PRESIDENT: Right. Just coming back to the conversation—and you have made reference to a report—what did you understand what that report was about?

Ms PLUMMER: The discussions outside of even that dinner, there had been a lot of talk that there was a report that suggested it was only going to cost $500,000 for repairs or to update the Moora Residential College. That had been ongoing for some time, and it was suggested through different discussions that had been held and inquiries that we had had that there was a report that suggested that that was the amount, so in my recollection it would be that Darren was asking for a copy of that report that had been spoken about.

The PRESIDENT: So who is supposed to have a copy of this report?

Ms PLUMMER: Do not know.

Hon RICK MAZZA: I think there was a report done by the Moora shire council some time ago.

The PRESIDENT: Okay.

Hon ADELE FARINA: Donna, did you hear Darren say that if they gave him that report, that he would get the $500,000 required for the update of the Moora college?

Ms PLUMMER: No.

The PRESIDENT: We just have a couple of questions around a Facebook post from the Save Moora College; it was posted on 7 April, so about two days after. I do not know if you have a copy of it. Have you seen that post before?

Ms PLUMMER: Yes.

The PRESIDENT: So that was posted two days after, and then down below that is a response from Hon Darren West. Did he write that response or did you write that response?

<002> D/3 10:19:43 AM
[10.20 am]

Ms PLUMMER: No. He would have written that response.

The PRESIDENT: Does he do his own Facebook and social media responses and posts?

Ms PLUMMER: Yes.

The PRESIDENT: So you do not have anything to do with those?

Ms PLUMMER: No.

The PRESIDENT: Do you ever check them?

Ms PLUMMER: I read them, but I do not put them up.

The PRESIDENT: But you read them after they are posted?

Ms PLUMMER: That is correct.

The PRESIDENT: When that was post was out and he made this response, was there any discussion in the office between yourself and him about what was happening with this?

Ms PLUMMER: Only in that it was suggested he had given a speech at that conference and he never gave a speech at the conference.

The PRESIDENT: So was there any further discussion about a conversation that he had with those councillors?

Ms PLUMMER: Not to my recollection.
**Hon ADELE FARINA:** Donna, when did you become aware of the post from the Save Moora College?

**Ms PLUMMER:** I am not sure. I know we had had a media inquiry soon after—in that week after—and probably at about that time, I think, but I could not say for sure.

**Hon ADELE FARINA:** So Darren did not talk to you before he put his post up in response to the Save Moora College?

**Ms PLUMMER:** No.

**The PRESIDENT:** The other thing that was canvassed in that conversation—I would just be interested to know whether you were standing there when this part of the conversation happened—is it has been alleged that Hon Darren West told these two councillors that he would organise for an independent assessor to come to the college. Were you part of that conversation at that point?

**Ms PLUMMER:** No. I never heard him say that.

**The PRESIDENT:** Has there been any other discussion between yourselves about that part of the conversation?

**Ms PLUMMER:** I am not sure, really. Maybe after it was raised in Parliament, perhaps, but I could not say for sure.

**The PRESIDENT:** If you had a conversation after it was raised in Parliament—

**Ms PLUMMER:** It would have been in the context that it was not true, that he would not have suggested that, and I would be surprised if he would ever suggest that. That is not something that, in my view, he would say.

**The PRESIDENT:** The second part of the conversation was that he would get the independent assessor and if the independent assessor came up with a figure of $500 000 that we want that he, Hon Darren West, would find the $500 000. Has there been any discussion with the member about that?

**Ms PLUMMER:** No—only, again, in the same vein. I cannot recall a specific discussion, but just the claims that were made were not true or were not things that he had said.

**The PRESIDENT:** So this conversation that you would have had, given that the event was on the fifth, the post was on the seventh, the first question in Parliament was on 12 April, would any conversation you have had with him about these issues been after that first question came up in Parliament or was it after Hon Jim Chown made his budget reply speech and referenced these matters?

**Ms PLUMMER:** Probably more so after—because more detail was in the budget reply speech, probably more detail then, but just more in general terms. I cannot recall a specific time when we sat down and had a chat, but that would have been just discussed in more general terms.

**The PRESIDENT:** So when you had that conversation and there was that broadening of information provided by Hon Jim Chown, at that point did Hon Darren West talk to you about the two things that he is alleged to have made commitments to?

**Ms PLUMMER:** No. No, not specifically, no. I think there was just more a general conversation, I guess, that these things were not actually said the way they were claimed to have been said.

**Hon ADELE FARINA:** Can I just clarify, Donna, you came in on the tail end of that conversation?

**Ms PLUMMER:** That is correct, yes.

**Hon ADELE FARINA:** So what exactly did you hear?

**Ms PLUMMER:** It was just general discussion about Moora and then Darren saying at the end, “You get me a copy of that report.” I cannot remember exactly what they were saying, but it was more just a general discussion about the Moora college itself.

**Hon ADELE FARINA:** Did that report ever get provided to Darren?

**Ms PLUMMER:** No.
Hon ADELE FARINA: What was the demeanour of Darren and the two ladies at the time that you joined the conversation?

Ms PLUMMER: Darren was fine. He was just being Darren, just speaking with them, but they were clearly upset.

The PRESIDENT: So it was obviously a wise call on the part of that other person to encourage you to go over.

Ms PLUMMER: Yes.

Hon SIMON O'BRIEN: We have all been rescued from time to time and it is very appreciated, I am sure.

Can I just refer you to the document that you have got in front of you, which is the two screenshots from 7 April that relate to some Facebook posts. There is no question that Hon Darren West did not make a speech at the conference and so did not make a capital “A” announcement or anything like that. That seems well understood. But when this started to come up as a public issue via Facebook and the councillors were saying, “We need to get a consultant in, but we can’t because we’re not allowed to; it’s government property”, did Darren make some inquiries within government about actually getting a consultant in to keep them happy?

Ms PLUMMER: I do not know.

The PRESIDENT: Were there any other Facebook posts around this issue, aside from the Save Moora College group? Were there any other people who made comment about this to Hon Darren West?

Ms PLUMMER: At this event?

The PRESIDENT: After this event. This is from 7 April. Were there any other posts or comments on Facebook about the alleged conversation or the commitment?

Ms PLUMMER: I am sure there were, but I do not recall. There have been ongoing posts for a long time about Moora college and I am sure there probably were some other posts aside from this. I think there was another post where Councillor Lefroy made a comment, and there were most likely some further on from that as well, but I could not tell you exactly what they said or how many.

The PRESIDENT: Do we know if those ones were responded to?

Ms PLUMMER: I do not know for sure, no.

Hon SIMON O'BRIEN: On or about 7 April, when we have got these Facebook posts, Minister Ellery became aware of the issue arising and she called Hon Darren West and they had a conversation about relevant matters. Did anyone from the minister’s office have a conversation with you or a phone call with you about this at any stage?

Ms PLUMMER: No. No, not on this particular issue that I am aware of; that I can remember.

Hon SIMON O’BRIEN: Did anyone else, perhaps from the Premier’s office—maybe Kieran Murphy but anyone else in the Premier’s office—contact you about this?

Ms PLUMMER: No, they did not.

Hon RICK MAZZA: I have just one question, thanks, Chair. Ms Plummer, on your rescue mission to the conversation that was being had, you came in at the point where there was talk about getting a report and if the report came in at $500 000, for them to talk to Darren about that. Was there any further discussion about Darren being able to get the finances to undertake the works on Moora college? Did he use the words “I can do that”?

Ms PLUMMER: Not that I heard.

Hon RICK MAZZA: So when you came in on that conversation, they were talking about the report only?

Ms PLUMMER: Yes.

Hon RICK MAZZA: And you do not recall anything after that?
Ms PLUMMER: That is correct.

Hon ADELE FARINA: How did the conversation come to an end? What brought the conversation to an end?

Ms PLUMMER: I think me being there brought the conversation to an end, to some degree, and then it was time to move into dinner, so there was the call to move in, and that was it.

The PRESIDENT: Did somebody come up and ask you to move into the other room?

Ms PLUMMER: That I cannot remember. I just remember there was a general time to move in.

The PRESIDENT: As you moved away and went off into the other room, were there any parting comments from either of the councillors to Hon Darren West?

Ms PLUMMER: Not that I heard.

The PRESIDENT: I think that is it. Thank you very much.

You will be provided with a copy of the transcript from this hearing, and if you need to make any corrections—if there are typos or whatever—you can do so and return it. There are no supplementaries. If you want to provide any additional information to the committee, you can do so when you return the transcript. That is pretty much it for today. We thank you very much for coming in at such short notice.

Ms PLUMMER: No—happy to help. Thank you. Enjoy your day.

Hearing concluded at 10.30 am
APPENDIX 2

FACEBOOK POSTS

Save Moora College
7 April • 🌟
🌟 Please note, we do not take this seriously as this particular politician is fond of fabrication🌟🌟

It was announced by Darren West MLC, on Thursday night at the WALGA Conference that he would arrange for an Independent Consultant to assess the College for maintenance and repairs.

He also stated if the repairs came to $500,000 he would find the funds to have them carried out.

Thank you Darren, we have a consultant on stand by awaiting confirmation of a date 😊

Save Moora College
7 April • 🌟
Well done to the Education Minister for blocking the very people campaigning against this closure.
🌟🌟 Please note, we do not take this seriously as this particular politician is fond of fabrication🌟🌟

It was announced by Darren West MLC, on Thursday night at the WALGA Conference that he would arrange for an Independent Consultant to assess the College for maintenance and repairs.

He also stated if the repairs came to $500,000 he would find the funds to have them carried out.

Thank you Darren, we have a consultant on stand by awaiting confirmation of a date 😊

Like Comment Share

Pam McWha and 212 others

Jo Sattler and 35 others shared this

Ian Parker
the GST windfall is the perfect "out" for Wyatt and McGowan, even they must surely see that ignoring or downplaying this is damaging their brand irreparably
19 w Like Reply 10

Raelene Hall
Finally we get somewhere. Let's hope that wasn't someone saying something without putting their brain into action and he does another backpedal like he did in Parliament. Please hurry up and give us a date Darren
19 w Like Reply 4

Ian Cameron
Well done Darren. Awesome
19 w Like Reply 5
Rhoda Wass
Darren this is what has been asked for from the start. Date please I would like to be there when it is done

Phil Logue
Thank you Darren West
Big step forward for the wellbeing of these families

Julie Walsh
Very kind of you, Phil.

Phil Logue
Fingers x

Julie Walsh
Arms, legs, toes....

Write a reply...

Julie Walsh
Ah, let's see if it's a Westification, first, shall we? As in - I'll believe it when I see it. As in - a politician who makes a snide remark in a Facebook conversation about wishing someone would take the College over, with absolutely no basis for his comment or (shock horror) consultation about it, and who's party won't even consider giving us entry to assess the building, nor discuss any other option to keep it open....... That kind of thing, yeah?

Maureen Mo Meredith
Let's see if they come through, great if they do!
About bloody time!

Jackie Jones
Campaign going strong in Nannup

Darren West MLC, WA Labor Member for the Ag Region
I made no such announcement. In fact I didn't even make a speech at the Conference. I think it is really unfair that you continue to misrepresent me and give affected families false hope about the future of Moora Residential College.

View 7 previous replies...

Robert Machin
Good luck at the next election you absolute fool

Kerry Burnett
Is this what is known as 'parliamentary privilege'? ie 'say anything to get them off my case' :(

Terry Morter
Darren west as you sow, so shall you reap! It is about time you and that pathetic Sue Ellery started listening to the people of Moora.
**Darren West MLC, WA Labor Member for the Ag Region** I made no such announcement. In fact I didn’t even make a speech at the Conference. I think it is really unfair that you continue to misrepresent me and give affected families false hope about the future of Moora Residential College.

**We Saved Moora College** We did not state it was PUBLICLY announced by way of speech at the conference Darren, but was most certainly announced by you to at least 2 Shire Councillors and one of your own Party Members 😞

**We Saved Moora College** We wonder if you also recall stating to a Shire Councillor from another Shire that the government had several times offered to give the College to Moora and we had declined each time?

**We Saved Moora College** .....or do you also recall saying that Northam will still be closed 😞

**We Saved Moora College** Loose lips sink ships Daz!

**John West** Will those people back those statements up or will they say using that favourite MPs saying “It was taken out of context”?

**We Saved Moora College** John West they will most certainly back it up, not sure about his own party member though. they have a habit of changing their story often 😞

**Tracy Lefroy** Darren, you said this to me during a conversation involving myself, Cr Tracy Humphry and Minister Templeman. Please do not do yourself further disservice by denying it occurred.

Like Reply 23w
and that pathetic Sue Ellery started listening to the people of Moora.

19 w  Like  Reply

Vicky Longman
Tracey Errington
19 w  Like  Reply

Raelene Hall
Well now it seems that the lies are going to start to be exposed
19 w  Like  Reply

Colin Hartley
Do not trust the smoke screen to make people back off. Do not release any pressure to your campaign to have the decision reversed to keep the College open
19 w  Like  Reply

Save Moora College
Exactly right - we have no doubt the comments made by Darren as they have been all along are complete and utter fabrication.
19 w  Like  Reply

Lyn Gleeson
Agree battle not won till all is signed, done and dusted.
19 w  Like  Reply

Write a reply...

Anne Clarke
Is this a Westoration?
19 w  Like  Reply

Ron Hunter
McCloon puppets luring people but prove me wrong it a lie
19 w  Like  Reply

Write a reply...
Lynda Brough
Awesome.
19w Like Reply

Save Moora College
If the politician making the statement could be trusted Lynda, it
would be, unfortunately he quite often engages his mouth before
his brain has time to catch up.
19w Like Reply

Write a reply...

Julie Walsh
As always, we leave the factual presentation to the indomitable
Tracey.
However, comparing your feeble cries of “unfair” against the
shatteringly unjust targeting of rural education instills deep and
lasting mistrust in you personally, and your party.
19w Like Reply

Sam West
And he had already said on twitter that it isn’t so
19w Like Reply

Save Moora College
Actually, what he said on Twitter was he didn’t say it - we know
he said it but the fact if the matter is he didn’t mean it when he
said it, so just another DW fabrication.
19w Like Reply

Write a reply...

Diane Ellison
Believe it when it happens
19w Like Reply

Jane Whitfield
Hey guys,
Get onto Kim Beasley harrass him like never before. Surely to God he
can help you SAVE MOORA COLLEGE?
19w Like Reply
APPENDIX 3

EMAIL: CR TRACY LEFROY TO MOORA SHIRE PRESIDENT AND HON JIM CHOWN

From: "tracylefroy@cranmore.com.au" <tracylefroy@cranmore.com.au>
Date: Sunday, 8 April 2018 at 6:33 pm
To: Ken Seymour <crkseymour@moora.wa.gov.au>, <jim.chown@mp.wa.gov.au>
Cc: <crthumphry@moora.wa.gov.au>, Alan Leeson <ceo@moora.wa.gov.au>
Subject: words with Darren West

Hi Ken and Jim

This is my recollection of a discussion with Darren West on Thursday evening at pre-dinner drinks before the WALGA Conference Dinner.

Involved in the conversation were Tracy Humphry, Darren West and myself. Off having a side conversation were Jan (cannot remember surname but she is from Gingin and is Chair of the Avon-Midland Zone) and Minister David Templeman.

The discussion moved to the fact that the Moora campaigners were suggesting it would cost $500K to the Residential College open. Darren refuted this and said that if we were so confident we should get an independent assessor in. We said that we wanted to but were not allowed access to the College. Darren West then said he would get an independent assessor through during the school holidays. He then followed this up with “if the assessor comes back with a quote of $500K, then I’ll give you the $500K. I can do that”.

Let me know if you need any further information

Best wishes

Tracy

Tracy Lefroy
CURATOR | OWNER
@cranmorehome
M 0402 067 506
O 08 9654 9065

Winner
Western Australia

Oaths, Affidavits and Statutory Declarations Act 2005

Statutory Declaration

I, Tracy Georgina Humphry, of 14160 St Northern Highway, Moora WA 6510, occupation Farmer, hereby declare as follows:

Darren West in conversation with Tracy Lefroy and myself in Jurien Bay at the WALGA Wheatbelt conference dinner on 5th April 2018 stated that he would arrange for an independent assessor to go through the Moora Residential College during the school holidays. He continued on to say if the assessor’s quote was $500,000, he would get us the $500,000. He stated “I can do that”

(insert above the content of the statutory declaration; use numbered paragraphs if content is long)

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005.

At Shire of Moora (place) On 27 April 2018 (date)

By __________________________ (Signature of person making the declaration)

In the presence of __________________________ (Signature of authorised witness)

Alan James Lefroy (Name of authorised witness)
Shire of Moora CEO (Qualification as such a witness)
Western Australia

Oaths, Affidavits and Statutory Declarations Act 2005

Statutory Declaration

I, Tracy Lefroy
of 631 Cranmore Road, Bindi Bindi
occupation retailer

sincerely declare as follows:

This is my recollection of a discussion with Darren West on Thursday evening at pre-dinner drinks before the WALGA Conference Dinner.

Involved in the conversation were Tracy Humphry, Darren West and myself. Off having a side conversation were Jan (cannot remember surname but she is from Cingin and is Chair of the Avon-Midland Zone) and Minister David Templeman.

The discussion moved to the fact that the Moora campaigners were suggesting it would cost $500K to the Residential College open. Darren refuted this and said that if we were so confident we should get an independent assessor in. We said that we wanted to but were not allowed access to the College. Darren then said he would get an independent assessor through during the school holidays. He then followed this up with "if the assessor comes back with a quote of $500K, then I'll give you the $500K. I can do that".

[insert above the content of the statutory declaration; use numbered paragraphs if content is long]

This declaration is true and I know that it is an offence to make a declaration knowing that it is false in a material particular.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005.

At Moora Shire Offices, Moora
On Friday 27 April 2018

By [Signature of person making the declaration]

In the presence of

[Signature of authorised witness]

[Name of authorised witness]

[Qualification as such a witness]
Minister Templeman

Hon David Templeman MLA
Minister for Local Government; Heritage; Culture and the Arts

Our Ref: 66-08620

Hon Kate Doust MLC
Chair, Procedures and Privileges Committee
President Legislative Council
Parliament House
Harvest Terrace
WEST PERTH WA 6005

Dear President

I refer to your letter dated 17 August 2018, regarding a matter of privilege raised by Hon Jim Chown MLC.

You have sought my response to questions arising out of the statutory declarations tabled in the Legislative Council on Thursday 16 August 2018.

1. **Can you confirm that the dot points above are accurate?**

   I can confirm that:
   
   - I attended the pre-dinner drinks before the WALGA Conference Dinner in Jurien Bay on 5 April 2018.
   
   - At that event I had a number of conversations with other attendees. Some of those conversations involved the Hon Darren West MLC and others did not.
   
   - I am aware that the Hon Darren West MLC had a conversation with councillors from the Shire of Moora. I was not a part of the conversation referred to in Cr Lefroy’s statutory declaration.

2. **Can you confirm any of the specific details contained in the statutory declaration made by Cr Lefroy?**

   No. I did not participate in/or hear any of the conversation that the Hon Darren West MLC had with representatives from the Shire of Moora, in regard to the matters referred to in Cr Lefroy’s statutory declaration.
3. If you have a different recollection to that of Cr Lefroy, what is your recollection?

I have no knowledge of the content of the conversation between the Hon Darren West MLC and the councillors from the Shire of Moora, in regard to the matters referred to in Cr Lefroy's statutory declaration.

Yours sincerely

HON DAVID TEMPLEMAN MLA
MINISTER FOR LOCAL GOVERNMENT; HERITAGE;
CULTURE AND THE ARTS

30 AUG 2018
Cr Jan Court

PO Box 82
Lancelin WA 6044

Dear Grant

**RE: Matter of Privilege - A matter of privilege raised by Hon Jim Chown MLC**

- On Thursday evening 5th April 2018 I attended pre-dinner drinks at the Wheatbelt Combined Zones Conference Dinner held in Jurien Bay

- I was involved in many side conversations including one with Minister David Templeman

- I was aware of other conversations including that of a group talking to Hon Darren West I was not part of that conversation

Regards
Cr Jan Court JP
Chair Avon Midland Zone

Sent by email
11 September 2018

Procedure and Privileges Committee
Legislative Council, Parliament House
4 Harvest Terrace
PERTH WA 6000

Dear Chair

Private and Confidential

I write to the Committee in relation to my transcript of evidence on Friday 31st August 2018. My apologies for the delayed response to the email I received on Tuesday 4th September 2018, with a copy of my uncorrected transcript of evidence.

Upon reading the transcript, I wish to clarify some of the evidence given. I was asked if I had a conservation with the Hon Darren West MLC after I answered Question on Notice 284 on 12th April 2018. I do not recall if I spoke to Darren immediately after answering the question.

As stated in the transcript I do recall speaking to Darren immediately after the President made the ruling to refer the matter to the Procedure and Privileges Committee on Tuesday 14th August 2018.

At some point between 12th April 2018 and 14th August 2018 I would have asked Darren about the matter. However, I’m afraid I do not recall on what date.

Please do not hesitate to contact me if I can be of further assistance.

Yours sincerely

HON SAMANTHA ROWE MLC
MEMBER FOR EAST METROPOLITAN REGION
Standing Committee on Procedure and Privileges

Date first appointed:

24 May 2001

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

‘1. Procedure and Privileges Committee

1.1 A Procedure and Privileges Committee is established.

1.2 The Committee consists of 5 Members, including the President and the Chair of Committees, and any Members co-opted by the Committee whether generally or in relation to a particular matter. The President is the Chair, and the Chair of Committees is the Deputy Chair, of the Committee.

1.3 With any necessary modifications, Standing Order 163 applies to a co-opted Member.

1.4 The Committee is to keep under review the law and custom of Parliament, the rules of procedure of the Council and its Committees, and recommend to the Council such alterations in that law, custom, or rules that, in its opinion, will assist or improve the proper and orderly transaction of the business of the Council or its Committees.’