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Cabinet call on Francis settlement

Gareth Parker
State Political Editor

Premier Colin Barnett has revealed it was a Cabinet decision to have taxpayers cover the cost of an out-of-court defamation settlement incurred by Corrective Services Minister Joe Francis.

Mr Francis was forced to issue an apology to the Department of Corrective Services' former chief financial officer George Kessar's after the contents of documents written by Mr Kessar's containing claims of financial non-compliance and governance were leaked to *The West Australian*.

Mr Francis criticised Mr Kessar's performance but had to publicly retract and apologise to the former CFO in an out-of-court settlement reached last month.

Mr Francis blamed his comments on "the best knowledge and the best advice I had at the time".

On the same day Mr Francis made his comments, Corrective Services Commissioner James McMahon refused to criticise Mr Kessar's. "That was a memo written by a man who cares about his job," Mr McMahon said on March 26 the day the story broke.

Mr Barnett said liability for the out-of-court settlement was "considered very carefully" by him and Cabinet.

"It was a long established rule that if a minister, in doing his job, someone takes (legal) action against him — and that can happen for all sorts of reasons — then the State stands behind (the minister)," Mr Barnett said.

"He was responding to a (media) inquiry. He made a comment. Perhaps he could have been more conservative in that, but that was responding to a public (media) inquiry about issues."

Asked if Mr Francis could rely on the defence that he was only following advice, given Mr McMahon's comments, Mr Barnett said: "The State Government sought advice from the State Solicitor's Office. They looked at it very clearly and carefully but their advice to me and to the Attorney-General was that this was a situation where the State should settle it."

Mr Barnett said the settlement amount would not be made public but Opposition Leader Mark McGowan has vowed to release the figure if he wins the March State election.