

Speaker; Resumed From An Earlier Stage Of The sitting.; Mr D.F.; Mr D.F.; Mr John D'Orazio; Mr Monty House; Mr Tony Dean; Mr John Kobelke; Mr Matt Birney; Mr Rob Johnson; Mr Max Trenorden; Point of order; Mr Colin Barnett; Mr Phillip Pandal; Mr Mike Board; Mr Clive Brown; Mr Larry Graham; Mr Eric Ripper

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**MATTER OF PRIVILEGE, PUBLIC ACCOUNTS COMMITTEE**

*Information Divulged, Ruling by Speaker*

**THE SPEAKER** (Mr F. Riebeling): This is probably an opportune time to interrupt the debate in this matter and to report on the matter of privilege raised by the Deputy Leader of the Opposition. I have looked at the matter carefully, and considered the matters raised by the Deputy Leader of the Opposition. In my view there are sufficient grounds, if the allegations are correct, to show that this may lead to contempt. Therefore I have determined that the motion can proceed. People who wish to participate in the debate should restrict their comments only to those issues that are relevant to the motion, and should not bring other issues into the debate. I will be very strict in making sure that that occurs.

*Motion Resumed*

Resumed from an earlier stage of the sitting.

**MR D.F. BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [12.50 pm]: I have moved -

That the Procedure and Privileges Committee investigate, consider and report to the House by Wednesday, 25 September 2002 -

- (a) whether the Chairman of the Public Accounts Committee and the member for Bunbury committed a breach of privilege or contempt of Parliament by releasing information to the media regarding an inquiry by the Public Accounts Committee into funding of the Country Alliance; and
- (b) what penalty ought to be imposed in respect of any such breach or contempt.

Mr Speaker, I thank you, first, for enabling this motion to proceed. It is appropriate that this should follow on from the comments by the member for South Perth. I do not have anywhere near the wealth of experience in this Parliament that the member for South Perth or other members have, but I have been a student of the political arena for many years. If this matter is proven to be so, coming on the back of the railway legislation and other events in this Parliament in recent times, it shows we have a Government that almost holds this Parliament in utter disrespect. What goes on in this place at times is an absolute disgrace.

The SPEAKER: When I gave permission for the motion to proceed, I meant exactly what I said. The Deputy Leader of the Opposition should restrict his comments to the issues that he wishes to raise on this matter, not other matters or debates that may or may not occur in this Chamber. The issue is very serious and he should stick to it.

Mr D.F. BARRON-SULLIVAN: Absolutely, Mr Speaker. I will turn directly to Standing Order No 271, and place on record subclause (2) -

No member of the committee nor any other person will publish or disclose evidence not taken in public including documentary evidence received by the committee unless that evidence has been reported to the Assembly or that disclosure has been authorised, on motion, by the committee.

I have raised this matter today because I want to get to the heart of the matter. I want to know whether there has been a breach of that standing order or any other standing order or accepted procedures of the Parliament. The process for doing that is provided for under Standing Order No 109. The advantage of this motion is that, firstly, the member for Ballajura and the member for Bunbury will have the opportunity to get to their feet to explain to the Parliament whether they went to the media. It seems definite in the case of the member for Ballajura. Secondly, they will have the opportunity to explain to the Parliament whether they had due authorisation to do so. If they had, that is an end of the matter.

Mr J.C. Kobelke: Except you will have egg all over your face for this stupid stunt.

Mr D.F. BARRON-SULLIVAN: I am following a parliamentary process. That is provided for in the standing orders.

Mr J.C. Kobelke: It is stupid.

Mr D.F. BARRON-SULLIVAN: Why have Standing Order No 109 if not for exactly this purpose? I cannot ask members of the committee who sit on this side of the House what happened by resolution in a deliberative hearing of the committee. I cannot even ask that of the Clerk or the chairman of the committee. The chances are that I cannot even ask the Speaker.

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Mr J.C. Kobelke: That is absolute nonsense.

Mr D.F. BARRON-SULLIVAN: The only way that I can get to the heart of this is through Standing Order No 109.

Mr J.C. Kobelke: That is untrue and absolute rubbish.

Mr D.F. BARRON-SULLIVAN: Perhaps the Leader of the House might answer this by way of interjection: am I entitled to ask members of the committee what happened in a deliberative hearing?

Mr J.C. Kobelke: You can ask and they will answer if they can under standing orders. If standing orders constrain them, they cannot answer.

Mr D.F. BARRON-SULLIVAN: The clerk of the committee could not give me any further advice. The clerk did her duty. She simply answered my questions factually. She was not able to give away anything. Ironically, as the Speaker left this Chamber earlier to deliberate on this matter I got a copy of the letter from the Public Accounts Committee.

We are just trying to find out whether there has been a breach of privilege or a contempt of Parliament. The motion is the appropriate way in which to do it, because it will enable the member for Ballajura to point this out. If the member does that and proves the point and we are all satisfied, and if the Leader of the House wishes to interpret that as my having egg on my face, all well and good. I am performing my role as a watchdog in this Parliament. Standing Order No 109 is the only way in which I can do that. On the other hand, if there has possibly been a breach of privilege or a contempt of Parliament, surely that is the sort of thing that this Parliament should get to the heart of.

I say that because I believe that the Public Accounts Committee is considered to be the most powerful parliamentary committee. It is held in no small esteem throughout the community. It plays a very important role in scrutinising the expenditure of public moneys. When the chairman of that committee makes comments to the media on these sorts of matters, it is very important that it be followed through. It is very important that the chairman of a committee such as the Public Accounts Committee be held fully accountable. When I have finished speaking, he will have the opportunity to get to his feet and comment on this whole matter. As members may imagine, I shall be listening very attentively. He can demonstrate that there was a resolution that enabled him to go public, that the matter was dealt with in an open hearing or that the matter was the subject of a deliberative meeting. In that case I shall be very interested to know under what authority he went to the media. It will be interesting to know from the member for Bunbury whether he has had any contact with members of the media.

I have just briefly detailed the case in that way. I have tried to do it analytically and in a very a logical manner. I have indicated that members and you, Mr Speaker, do not have to take my word alone; a journalist told me that the chairman of the committee had told the media that an inquiry was being carried out into the Country Alliance, and his name appears in one of the national newspapers today. I have copies. I am quite happy to seek leave to lay a copy on the Table on the House for the duration of today's sitting.

[The paper was tabled for the information of members.]

Mr D.F. BARRON-SULLIVAN: If any members wish to read that copy, they are more than welcome to do so. In my capacity as convenor of the Country Alliance, I have also received a copy of the letter from the Public Accounts Committee. If any member has a particular need for it, I do not think that other members of the Country Alliance would have any problems with my providing copies of it. However, out of courtesy to them, I will talk to them about the letter before it is publicised.

I am trying to do all this aboveboard and in accordance with the processes of this Parliament. I have no way of doing it other than to raise it in this Parliament. It is a significant matter. I look forward very much to hearing from the member for Ballajura and the member for Bunbury.

**MR J.B. D'ORAZIO** (Ballajura) [12.58 pm]: It is unfortunate that the Deputy Leader of the Opposition needs to take this path to try to grandstand. A simple phone call might have answered the question. First, I did not approach any media. I got three phone calls yesterday on this matter. The question put to me was, "Is the committee taking any action here?" The committee has not resolved to do an inquiry. The committee has merely undertaken to write a letter to the Country Alliance. It was a result of a deliberation of the committee. I am explaining to the Deputy Leader of the Opposition that the committee deliberated and formally resolved to adopt this process. The only thing as chairman of the committee that I indicated to the media was the formal

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motion approved by the committee. As a spokesman for the committee, that is quite in order. I have no problems with doing that.

Mr M.J. Birney: Did you have the permission of the committee to give that information?

Mr J.B. D'ORAZIO: As chairman of the committee I do not need permission. I am the spokesman for the committee. I was formally asked whether the committee was taking a course of action. The committee had decided the issue and resolved it formally. I related that to the media as requested. There is no breach of privilege. I understand my role quite clearly. The media also requested a copy of the evidence of complaint. I informed the media that that was not possible, as it is part of the committee process. I would not tell them any of the information in the process. All that was relayed was the fact that the committee resolved to write a letter. The committee had not resolved to carry out an inquiry; all the committee did was write a letter. The reason we had so much trouble tracking the Country Alliance down was that we were not quite sure who its members were. However, because local government funds are involved, the suggestion is that we should look into the matter.

Mr Speaker, I am not sure whether I can talk about the deliberations of the committee. I ask you to enlighten me, because I do not want to take the next step and create an even bigger problem.

The SPEAKER: Order! The simple answer is that the member should not go into any more detail than he needs to go into to address the issue before the House.

Mr M.W. Trenorden: The member for Ballajura would help the argument if he would indicate who were the three people who rang him.

Mr J.B. D'ORAZIO: A gentleman from *The Australian*, a gentleman from *The West Australian* and someone in the south west.

Mr C.J. Barnett: All rang you? Is that what you are saying?

Mr J.C. Kobelke: The story had already appeared in a paper.

Mr D.F. Barron-Sullivan: Bear in mind that I know the truth.

Mr J.B. D'ORAZIO: I got two direct phone calls and a message to ring a journalist in the south west.

Mr D. F. Barron-Sullivan: Who did you get the message from?

Mr J.B. D'ORAZIO: I do not know. It was hand-delivered to me in the Parliament.

Mr D.F. Barron-Sullivan: Who by?

Mr J.B. D'ORAZIO: I have no idea. It was on my desk here.

Mr D.F. Barron-Sullivan: I might elaborate if you want.

Mr J.B. D'ORAZIO: The member asked me a question. I have put it on record. That is exactly what happened. I have no qualms about it. I approached no media. In fact, as early as this morning I was trying to make sure that this did not become a political exercise, because I do not want -

Several members interjected.

Mr J.B. D'ORAZIO: Hang on! This is really important. The Public Accounts Committee has been operating in an apolitical manner for a long time. I do not want the Public Accounts Committee to be dragged into this stupid political stunt, because that does not help anybody. We on the Public Accounts Committee take our work very seriously, and the pleasure of being part of the Public Accounts Committee is that it is apolitical. We have dealt with enormous issues that affect the whole State. This is one of those issues that I did not want to become political, and I have gone to great lengths to try to stop it from becoming political. If the Deputy Leader of the Opposition wants to make it political, that is his business. The committee has been working very cooperatively in dealing with matters before it that are important to this State, and I want it to continue to do that. I have always protected the integrity of the process. The only thing that I relayed was the final resolution of the committee; and as spokesman for the committee, that is my right. I did not disclose any evidence presented to the committee, and even when requested for that direct evidence I refused to give it.

Mr D.F. Barron-Sullivan: What about the letter from the people from Kalgoorlie?

Mr J.B. D'ORAZIO: They requested a copy of the letter, and I said, "There is no way that the committee is going to give you that."

Mr D.F. Barron-Sullivan: That was referred to in the resolution, was it?

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Mr J.B. D'ORAZIO: The resolution of the committee was that in view of the complaint that we had, we would take action to write to the Country Alliance and explain this.

Mr D.F. Barron-Sullivan: So how did it know the letter was from a Kalgoorlie couple?

Mr M.F. Board: That constitutes an inquiry.

Mr J.C. Kobelke: Not if the people who wrote the letter went to the media. Wakey-wakey!

Mr D.F. Barron-Sullivan: Wait until you see the letter from the Public Accounts Committee.

The SPEAKER: Order! Members, I am sure the interchange across the Chamber is interesting to those people involved, but the member for Ballajura is on his feet.

Mr J.B. D'ORAZIO: I was very careful not to reveal any evidence. I did not give them a copy of the letter or any other thing. The actual resolution of the committee was that we should write a letter to the Country Alliance asking it to give us the information we have asked for. I think the Deputy Leader of the Opposition has a copy of the letter. The problem we had was that we were not sure who the Country Alliance was. It was suggested that it was Dan Sullivan care of Parliament House. I was uncomfortable with that because of the political nature of the exercise, so I suggested to our research officer that we make a heap of inquiries to find out who the Country Alliance was, because it must have a post office box or a secretary, or something. That is why the letter did not come to the Deputy Leader of the Opposition until yesterday, because I was asking that further inquiries be made as to whom the letter would go to, because I would prefer that the Deputy Leader of the Opposition was not the person to whom the letter would go.

Mr D.F. Barron-Sullivan: That is not what we are talking about here.

Mr J.B. D'ORAZIO: I know. I am just explaining the process. The Deputy Leader of the Opposition made the comment that he did not get the letter until this morning. I am explaining the ends to which I went to try to avoid the political nonsense that we are associated with today.

Mr D.F. Barron-Sullivan interjected.

Mr J.B. D'ORAZIO: If the Deputy Leader of the Opposition had not raised this, the response would have come back, he would have explained it to the committee and we would have resolved to do whatever we will do. We have not resolved to have an inquiry.

Several members interjected.

Mr J.B. D'ORAZIO: The resolution of the committee was that we write a letter. That is what we have done, and that is what the Deputy Leader of the Opposition has got.

Mr B.K. Masters: When you spoke to the three journalists, did you ask them why they were prompted to phone you?

Mr J.B. D'ORAZIO: The media ring us all the time. As if I am going to ask them who told them or how they got the information!

Mr B.K. Masters: I am just asking did you.

Mr J.B. D'ORAZIO: Absolutely not. I kept my answer to the decisions of the committee, which is my role as chairman.

**MR M.G. HOUSE** (Stirling) [1.04 pm]: The National Party supports this motion to establish a privileges committee, because in my judgment that is the best and correct way in which this Parliament can clear the air on this matter. I do not think anyone who is innocent would have any qualms or concerns about such a committee. The Chairman of the Public Accounts Committee has my support. The committee made the decision that the member for Ballajura be appointed its spokesperson and that if any media inquiries were made the chairman of the committee would deal with them. That has been the case, as members can see if they look at the number of times that the chairman has been interviewed on issues that have been before the Public Accounts Committee. I say also that in the sense of the democratic process, the chairman has been very fair in the way in which the committee has conducted its business. Every member of the committee has had an opportunity to put forward ideas and issues. We have debated them thoroughly. I have not seen any indication that the chairman of the committee would step outside of the decisions or resolutions of the committee. For that reason, I support the motion, because I am sure that the chairman of the committee will be exonerated by a privileges committee. I am certain that the chairman does not have anything to worry about. However, a privileges committee will be a way of clearing the air. It will resolve the matter quickly and easily. For that reason, we should support the motion and get on with the business of the House. I repeat that unless there is something I do not know, the

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member for Ballajura has done a pretty good job as Chairman of the Public Accounts Committee and he deserves the support of the committee members and of this Parliament. To that end, while this motion may raise some issues, it offers nothing that the chairman need fear or be concerned about.

**MR A.J. DEAN** (Bunbury) [1.06 pm]: I endorse the words of the member for Stirling.

Mr M.J. Birney: Do you support the motion?

Mr A.J. DEAN: I endorse the words of the member for Stirling about the Chairman of the Public Accounts Committee. He has done an excellent job in a truly non-partisan way. I bow to his wisdom as the spokesperson for this committee, and I endorse what he has said. I do not think there is any need for me to elaborate on that.

**MR J.C. KOBELKE** (Nollamara - Leader of the House) [1.07 pm]: I suspect there is a matter of abuse here: the Deputy Leader of the Opposition is abusing the forms of this House for a simple smear - a stunt. That is all we have here.

*Point of Order*

Mr M.J. BIRNEY: Mr Speaker, you said at the beginning of this debate that you would ensure that members directed their comments specifically to the motion at hand. Clearly the Leader of the House is flouting your ruling, and I ask you to call him to order.

The SPEAKER: Order! I think it is heading towards that, but I am sure the Leader of House knows we have a lot of business today and will be precise in his comments about this motion.

*Debate Resumed*

Mr J.C. KOBELKE: I will attempt to address the substance of the issue of the standing orders, about which there has been very little from the Deputy Leader of the Liberal Party. That is why I am suggesting that we should consider whether he has abused the forms of this House in the way he has used Standing Order No 109. Let us go to the absolute lack of any substance in the matter. The Deputy Leader of the Opposition referred to Standing Order No 271. That standing order relates to evidence, not the deliberations of a committee. No case has been made that evidence has been released. However, if evidence has been released, that standing order allows it to be released on a motion. The Chairman of the Public Accounts Committee has indicated that there was a motion. From what he said - he spoke very briefly - it would appear that that motion related to procedural matters, not release. No case has been made that any evidence has been released. The chairman of the committee made a statement about a procedural matter. Another member of the committee has indicated that the standard and accepted practice of the committee is that the chairman should be able to make statements on procedural matters. With regard to Standing Order Nos 270 and 271, the Deputy Leader of the Liberal Party has failed to provide any facts to show that a breach has occurred.

I turn to the issue of why it is totally inappropriate to allow Standing Order No 109 to be used for these tacky political stunts, which is all this motion is; it has no substance. The Deputy Leader of the Liberal Party said that the use of that standing order was the only way he could pursue his concerns over a breach of privilege. That is total and utter nonsense. If he had a genuine concern and did not want to use this opportunity as a political stunt, he could have approached the chairman or other members of that committee and asked them whether the letter was the subject of a motion and whether it was appropriate for it to be in the public arena. That would have left the chairman or any other member of the committee in a position to answer honestly - if the facts are as they have been portrayed - that the matter was on the public record and therefore did not have to be held in secrecy. The Deputy Leader of the Liberal Party did not know, but if the matter were subject to secrecy, the members of the committee would quite rightly be expected to refuse to answer. If the member for Mitchell had any genuine concerns about matters of privilege, his first step should have been to get the facts that were necessary to establish those concerns. The Deputy Leader of the Liberal Party is interested only in tacky, political stunts.

We must give due consideration to the abuse of Standing Order No 109 because it can be broadly applied. If the abysmal behaviour that we have seen today is to be repeated, the abuse of that standing order could delay the proceedings of this Chamber on many more occasions. The Deputy Leader of the Liberal Party has warned us that if the Speaker or Acting Speakers are not vigilant, Standing Order No 109 could be abused and the procedures in this House will turn into smear campaigns that have nothing to do with the proper conduct of the House.

I do not wish to misrepresent the member for Stirling. I understand that he said that he did not think there was any case to answer but that we should go through this motion to show beyond any doubt that there is no case. That is not an acceptable proposition. We all know the old adage that there is no smoke without fire. If we go out looking for smoke, the general perception will be that there must be a fire. That is what the Deputy Leader

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of the Liberal Party wants. Through a smear campaign and innuendo he wants to affect the very fine reputation of the Chairman of the Public Accounts Committee.

This motion is about delaying the business of the House and smearing people's reputations through innuendo. It is most inappropriate to abuse Standing Order No 109 in this way. The Government will defeat this motion. I put it to you, Mr Speaker, that you will have to consider what action you might take in the future if there is an abuse of this standing order. My view is that if someone wished to use Standing Order No 109, they should immediately make a direct accusation as to what the breach of privilege is and then provide the details and facts to support that allegation. The Deputy Leader of the Liberal Party did no such thing. Through innuendo, he sought to smear members. He said there might have been a breach of privilege. He did not make a direct accusation that he could support with any reasonable facts. Standing Order No 109 was not meant to be used in that way. If we go down that path, this Chamber will be used to smear members when there is no substance to the allegations, even if no formal allegation has been made, which would delay the proceedings of this House. It is a sad day for this Chamber when the standing orders are abused in such a way. I hope we will not see a repeat of this episode. On that basis, we will defeat this motion because there is no accusation to answer. We have wasted enough time of this Chamber; we do not need to waste the time of the Procedure and Privileges Committee.

**MR R.F. JOHNSON** (Hillarys) [1.14 pm]: Mr Speaker, in contravention of your ruling that we should address this serious motion of the House, the Leader of the House spent five minutes talking about Standing Order No 109 and whether it had been abused. We have already had that debate. That standing order allows us the only opportunity to raise a matter of privilege or contempt in this House. We must raise this matter at the earliest opportunity, but we could not raise it any earlier unless we tried to recall Parliament before 12 noon today. The minister's speech over the past five minutes had nothing to do with the motion; it was a blatant attack on the Deputy Leader of the Opposition.

I treat matters of privilege and contempt of this House seriously. I am not a member of the Public Accounts Committee, so I cannot say what goes on in its deliberations. However, I understand that the committee received correspondence from two people in Kalgoorlie asking about funds regarding the Country Alliance and asking the Public Accounts Committee to investigate that matter, which it decided to do. The Chairman of the Public Accounts Committee wrote a letter to a person he believes to be the coordinator of the Country Alliance.

We have heard from the member for Ballajura but we have heard practically nothing from the member for Bunbury about whether he has spoken to his local newspaper. He said very little other than make a few comments praising the chairman of the committee. We are not debating the use of Standing Order No 109. That was the proper vehicle by which to bring this matter before Parliament. We are now debating the use of Standing Order No 271. Committees usually pass a blanket motion authorising the chairman to be the spokesperson on behalf of the committee to deal with the media. However, that does not abrogate the chairman's responsibilities under Standing Order No 271. When a committee of Parliament holds a meeting in camera to discuss any inquiry it is considering, no member of that committee, including the chairman, unless expressly authorised, should discuss items with the media, or anybody else for that matter. At least one member of the Liberal Party and the member for Stirling are members of that committee.

Mr J.B. D'Orazio: The member for Murray-Wellington is the Liberal member.

Mr R.F. JOHNSON: I thought he was. I assure members that we have heard nothing whatsoever about this matter from the member for Murray-Wellington.

We have been accused of creating a political stunt this morning. We are not interested in political stunts. We argue that the members for Ballajura and Bunbury have tried to cause a political stunt by releasing information about what the committee was inquiring into. The letter sent to the Deputy Leader of the Opposition was addressed to him in his role as coordinator of the Country Alliance. I do not even know whether he is its coordinator. However, I assume he is if the Chairman of the Public Accounts Committee thinks so. In part, the letter to the Deputy Leader of the Opposition states -

... the Committee to inquire into issues relating to public funds raised by the Country Alliance.

That is fine. The Public Accounts Committee may believe that it is within its province to inquire into that issue. I do not know whether it will or will not, because I do not know whether it is within its province to do so. However, it is not in the chairman's province to talk to the media. The chairman said that the media contacted him. That is an old story; members opposite always say that the media contacted them. The chairman went further because what has been printed in today's *The Australian* is a big political story. It is most definitely a political story; it was written by Roger Martin, the political journalist in Western Australia for *The Australian*. I

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will read a couple of quotes from the article, which provide evidence that the Chairman of the Public Accounts Committee did breach parliamentary privilege by talking to the journalist about an item into which the committee was inquiring. It does not matter if a journalist received information because that can always be concocted by someone outside the committee. It remains incumbent on the chairman of the committee - because he has the authority more than any other member of the committee - and other members of the committee, including the member for Bunbury, not to reveal what was discussed behind closed doors. To do that is absolutely against Standing Order No 271. I will not repeat the standing orders; they have been clearly illustrated. The article that lends weight to our belief that a breach of privilege has occurred, states -

The West Australian parliament's Public Accounts Committee says it has received a request from a Kalgoorlie couple to investigate the financial affairs of the alliance, and believes it has the authority to do so.

The mere fact that the chairman said that he received a request for an inquiry by a Kalgoorlie couple is a breach of privilege. One may want to delve further to find out who the Kalgoorlie couple are. I do not know who they are but some members may well know who they are.

Mr J.B. D'Orazio: Absolutely not.

Mr R.F. JOHNSON: The journalist went on to say -

Committee chairman, Labor MP John D'Orazio, said he wanted to know under what rules the alliance was established and how it had spent its money.

The member for Ballajura told the media about a matter that he believed the committee should be looking into.

Mr J.B. D'Orazio: That was the resolution of the committee.

Mr R.F. JOHNSON: I do not believe the resolution gave the chairman of the committee the authority to publicise the resolution.

Mr J.B. D'Orazio: Absolutely! The committee resolved to take a course of action and I relayed the motion that had been carried by the committee, as normal.

Mr C.J. Barnett: What is the motion?

Mr J.B. D'Orazio: The motion was that the committee write a letter to the Country Alliance seeking information detailed in that letter.

Mr R.F. JOHNSON: Yes, the motion was not that the chairman of the committee could talk to the media about it, because the resolution was made behind closed doors.

Mr J.B. D'Orazio: No, it wasn't. The motion for me to act as the spokesman for the committee was passed by the committee. However, more importantly, the information I relayed was the resolution, not the deliberations, of the committee.

Mr R.F. JOHNSON: The resolution is part of that inquiry.

Mr C.J. Barnett: Why don't you table the wording of that resolution right now.

Mr J.B. D'Orazio: I do not have the minutes with me but I couldn't do it anyway because it is committee evidence.

Mr R.F. JOHNSON: Now he is talking about committee evidence. That is a part of the evidence that will be looked at.

Mr C.J. Barnett: It is okay to get on the phone to a journalist but you can't come in here and talk about it in Parliament.

*Point of Order*

Mr J.B. D'ORAZIO: The Leader of the Opposition has again accused me of getting on the phone to talk about this resolution. That is absolutely not true. I did not -

Mr C.J. Barnett: You spoke on the phone.

Mr J.B. D'ORAZIO: No. The Leader of the Opposition said that I picked up the phone and rang him; that is not true.

Mr C.J. Barnett: I did not say "picked up the phone".

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Mr J.B. D'ORAZIO: You did.

The SPEAKER: Members, there is no point of order.

*Debate Resumed*

Mr R.F. JOHNSON: I was not arguing by interjection with the member for Ballajura about whether he instigated the phone call or whether the phone call came from the journalist to him. It does not matter which way it occurred. The mere fact is that we believe a breach of privilege took place because he spoke to the journalist - or journalists as they are now - and we want to know whether the member for Bunbury did too. The appropriate action is for the Procedure and Privileges Committee to investigate thoroughly whether privilege has been breached and whether there is a clear case of contempt of Parliament.

The member for Ballajura said that he only told the journalists about the resolution, but he told them a bit more than that. The article continues -

... he wanted to know under what rules the alliance was established -

That was not part of the resolution -

and how it had spent its money. He said the committee was justified in asking for an explanation because the alliance had been partly funded by contributions from local councils.

“We investigate the use of public money, and local governments get money from the Grants Commission through the state Government,” Mr D'Orazio said yesterday.

The member for Ballajura, therefore, had a long chat with *The Australian*. He will get deeper into problems the more this matter goes on because the journalist knows more than what he printed. I suggest to the Leader of the House that he not use the weight of his numbers to stop what we believe is a clear breach of privilege and possibly a contempt of the House. As the member for Stirling said, the correct thing to do is to refer the matter to the Procedure and Privileges Committee. If the Procedure and Privileges Committee reports back to the House that it believes no breach took place, that is fine, we will accept that. That is the democratic way under the Westminster system for that to happen. It should not simply be voted down on party political lines, because people will perceive that as an attempt to save one or two Labor Party members from proper scrutiny. We in this House have a duty to ensure proper scrutiny takes place when we believe a clear breach of privilege has occurred. Even if it is not a clear breach - other members might say it is a possible case or there is no case - the only way to deal with this situation is to refer it to the Procedure and Privileges Committee. That is the correct way to deal with this serious motion, which has not been moved lightly from this side of the House. It should go to the Procedure and Privileges Committee so that the members of that committee, who are members from both sides of the House, can examine the matter and report back to the House so that the House can further scrutinise this very serious matter.

I hope that you, Mr Speaker, will allow the matter to be referred to the Procedure and Privileges Committee. You have the right as the Speaker to determine that the matter can be examined by that committee. I do not believe that it must go to a vote of the House. I ask you, Mr Speaker, to tell me whether I am correct in the belief that when a serious breach of privilege is alleged, you have the right to refer it to that committee.

The SPEAKER: As part of my decision I have referred this motion to the House and the House will therefore determine it.

Mr R.F. JOHNSON: I thank you, Mr Speaker, for informing me of the consequences of that decision. I will not canvass your ruling, but I must say that although the House may have the power, it does not have the ability to investigate the veracity and content of the motion. It is important that the House allow the matter to go to the Procedure and Privileges Committee, and I hope the Leader of the House, as a responsible Leader of the House, will allow that; otherwise, the matter will be decided simply on the weight of numbers and the Opposition knows that it will be outvoted. Mr Speaker - I address the Leader of the House also - the Leader of the House will be abrogating his responsibilities to the House if the Government votes against this motion along party political lines simply to safeguard two of its members. This House and the media will not forget that he circumvented proper scrutiny of the serious allegations that have been made. It is not a question of political games being played in this place; it is a question of whether parliamentary privilege of this House and its committees has been breached and whether a contempt has taken place. The Leader of the House can stand and bellow as loud as he likes and say all sorts of things that are irrelevant to the motion before the House, but it will make no difference whatsoever.



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I urge the Leader of the House to have some commonsense, decency and integrity, and allow the proper democratic process to take place. I do not know of another Parliament that would use its weight in numbers to vote on party political lines to prevent a matter such as this going to the proper committee. I do not believe it would happen in any other country and I am doubtful that it would happen in any other State. I ask the Leader of the House to consider the matter very carefully. If the motion is lost on party political lines, the Leader of the House and his Government will pay because they will be circumventing this Parliament, and this Parliament will be run by the Executive and we will be going back to the bad old days of WA Inc.

**MR M.W. TRENORDEN** (Avon - Leader of the National Party) [1.29 pm]: I rise with some trepidation in this process. As most members know, I chaired the Public Accounts Committee for eight years. I want to run through some of the history of this debate. Mr Speaker, as you know, although as yet nobody in this debate has put on the record, the purpose of standing orders is to allow the House to function. One of the important factors about committees is that they operate as cohesive groups. In this House, five members comprise a committee. The process within that group of five members is that deliberations are kept within the committee in a manner which allows the committee to function. Once members of the committee go outside that process, the committee will break down. In the case of the Public Accounts Committee, for which I have a lot of passion, we cannot afford to have the work of the Public Accounts Committee disrupted for another two and a half years. That is an important point.

I will extend that point a little further. Early in my days in the Public Accounts Committee, a privilege motion was moved in this House on the matter of the Notre Dame University by the Government of the day. Members may remember that Notre Dame was a very hot issue and the report of the Public Accounts Committee was leaked before it got to this House, so, appropriately, a privilege committee was established. The process that we are talking about here has already been established. I will be bluntly honest, Mr Speaker; in my view, the matter that has been raised against the current Chairman of the Public Accounts Committee is a grey area. However, I would come down on the right of the chairperson - as stated by the member for Ballajura - to speak on the matter. Unfortunately, this has now been taken out of our hands, because the chairman in his address said he was rung by three sets of media. That means that someone in the committee released the information before then.

Mr J.J.M. Bowler interjected.

Mr M.W. TRENORDEN: I am trying to be apolitical. There is a process to be followed when a committee becomes dysfunctional. The clear evidence from the chairman of that committee is that it is dysfunctional.

Several government members interjected.

Mr M.W. TRENORDEN: Members can interject or not, but what cannot be debated here is that one of the five members of the Public Accounts Committee has rung three journalists. We know that.

Mr J.C. Kobelke: No, we do not.

Mr M.W. TRENORDEN: The Chairman of the Public Accounts Committee told us that. Either the Leader of the House believes the words of the chairman or he does not.

Mr J.J.M. Bowler: You are twisting the truth; show some morality.

Mr M.W. TRENORDEN: I am happy to get into a debate such as that which we had last night if members like. The words of the Chairman of the Public Accounts Committee were that he had three incoming calls from three journalists.

Mr J.B. D'Orazio: And I returned one.

Mr M.W. TRENORDEN: I do not care whether the calls were returned; that is not the issue. I am not picking on the member for Ballajura. The issue is that the chairman had three incoming calls, which means that three journalists knew about this matter before he spoke to the media. I do not object to chairmen of committees speaking to the media. I have been in that position many times before; it is a difficult position.

Mr C.M. Brown: You spoke to the media once or twice, Leader of the National Party.

Mr M.W. TRENORDEN: How many times was I involved in a debate such as this in the eight years that I chaired the Public Accounts Committee?

Mr C.M. Brown: We were very easy on you. We were very flexible. We voted for you.

Mr M.W. TRENORDEN: I brought the Premier before the Public Accounts Committee.

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Mr C.M. Brown: You were our nominee. You were our leader.

Mr M.W. TRENORDEN: The Minister for State Development cannot fault my track record. My chairmanship of the Public Accounts Committee is on the record.

What cannot be debated here is that three journalists knew of the committee's deliberations before the chairman spoke to them. They are the words of the chairman. Unfortunately, the member for Bunbury decided to remain silent. The spotlight is now on the member for Bunbury because the Chairman of the Public Accounts Committee said that one of those calls came out of the south west.

Mr J.J.M. Bowler: Come on.

Mr M.W. TRENORDEN: He did.

Mr J.B. D'Orazio: Yes.

Mr M.W. TRENORDEN: Exactly. The member for Bunbury could have easily said when he was on his feet that he did not make any such call. He did not. We have a situation in which we should uphold the traditions of this House and allow this process to go through. I have been through the process. I cannot remember which year it was, but the issue was far more important than this. The Notre Dame inquiry was a report of some consequence that was to be tabled in this House. It was a far greater issue.

Dr J.M. Edwards: We had a committee of privilege.

Mr M.W. TRENORDEN: Yes, we did.

Dr J.M. Edwards interjected.

Mr M.W. TRENORDEN: That was mainly because the Minister for the Environment and Heritage was not on the committee.

Dr J.M. Edwards: I was, interestingly enough. It was not me; I did not leak the report. The committee of privilege never did discover who leaked it. Interesting.

Mr M.W. TRENORDEN: The minister and I could talk about that. However, we would be talking about people who are no longer in this House and no longer have the right to protect themselves, so I do not intend to do that because that is not fair. I had some very grave concerns at that time. The point I want to make is that we have a clear situation in which someone from the Public Accounts Committee has rung three journalists; that cannot be debated because the chairman of that committee has said clearly on the record that three journalists rang him and asked him about the matter. Somebody in the committee has put this out into the general arena. That is fact.

Mr J.B. D'Orazio: You cannot extend it that way; it could have been anyone.

Mr P.G. Pandal: That is what a committee of privilege will determine.

Mr M.W. TRENORDEN: At the moment, only five people are under scrutiny, because this is a political process. The writer of the letter may be approached to see whether that person contacted the media. However, I suggest that if the writer of the letter was that person, he or she would be talking to the journalists. Someone with that sort of motivation would be crowing that he or she is the driving force behind this. Unfortunately, the spotlight is on five members of this Chamber. The process should be that we go through a privilege committee and resolve the issue one way or another. That is the way it should be done.

*Question to be Put*

Mr J.J.M. BOWLER: I move -

That the question be now put.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 18 September 2002]  
p1178b-1195a

Speaker; Resumed From An Earlier Stage Of The sitting.; Mr D.F.; Mr D.F.; Mr John D'Orazio; Mr Monty House; Mr Tony Dean; Mr John Kobelke; Mr Matt Birney; Mr Rob Johnson; Mr Max Trenorden; Point of order; Mr Colin Barnett; Mr Phillip Pandal; Mr Mike Board; Mr Clive Brown; Mr Larry Graham; Mr Eric Ripper

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Ayes (25)

Mr P.W. Andrews	Mrs D.J. Guise	Ms S.M. McHale	Mr D.A. Templeman
Mr J.J.M. Bowler	Mr S.R. Hill	Mr A.D. McRae	Mr P.B. Watson
Mr C.M. Brown	Mr J.N. Hyde	Mrs C.A. Martin	Mr M.P. Whitely
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr M.P. Murray	Ms M.M. Quirk ( <i>Teller</i> )
Mr A.J. Dean	Mr R.C. Kucera	Mr A.P. O’Gorman	
Mr J.B. D’Orazio	Mr F.M. Logan	Mr J.R. Quigley	
Dr J.M. Edwards	Mr M. McGowan	Mrs M.H. Roberts	

Noes (19)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr B.K. Masters	Mr M.W. Trenorden
Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr T.K. Waldron
Mr M.J. Birney	Mr M.G. House	Mr P.G. Pandal	Dr J.M. Woollard
Mr M.F. Board	Mr R.F. Johnson	Mr D.F. Barron-Sullivan	Mr A.D. Marshall ( <i>Teller</i> )
Dr E. Constable	Mr W.J. McNee	Mr R.N. Sweetman	

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Pairs

Dr G.I. Gallop	Mr J.L. Bradshaw
Mr J.A. McGinty	Ms S.E. Walker
Ms A.J. MacTiernan	Mr J.P.D. Edwards
Mr E.S. Ripper	Mr B.J. Grylls

Question thus passed.

*Motion Resumed*

Question put and a division taken with the following result -

Ayes (19)

Mr R.A. Ainsworth	Mr J.H.D. Day	Mr B.K. Masters	Mr M.W. Trenorden
Mr C.J. Barnett	Ms K. Hodson-Thomas	Mr P.D. Omodei	Mr T.K. Waldron
Mr M.J. Birney	Mr M.G. House	Mr P.G. Pandal	Dr J.M. Woollard
Mr M.F. Board	Mr R.F. Johnson	Mr D.F. Barron-Sullivan	Mr A.D. Marshall ( <i>Teller</i> )
Dr E. Constable	Mr W.J. McNee	Mr R.N. Sweetman	

Noes (25)

Mr P.W. Andrews	Mrs D.J. Guise	Ms S.M. McHale	Mr D.A. Templeman
Mr J.J.M. Bowler	Mr S.R. Hill	Mr A.D. McRae	Mr P.B. Watson
Mr C.M. Brown	Mr J.N. Hyde	Mrs C.A. Martin	Mr M.P. Whitely
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr M.P. Murray	Ms M.M. Quirk ( <i>Teller</i> )
Mr A.J. Dean	Mr R.C. Kucera	Mr A.P. O’Gorman	
Mr J.B. D’Orazio	Mr F.M. Logan	Mr J.R. Quigley	
Dr J.M. Edwards	Mr M. McGowan	Mrs M.H. Roberts	

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Pairs

Mr J.L. Bradshaw	Mr J.A. McGinty
Mr J.P.D. Edwards	Dr G.I. Gallop
Ms S.E. Walker	Ms A.J. MacTiernanpoi
Mrs C.L. Edwardes	Mr N.R. Marlborough
Mr B.J. Grylls	Mr E.S. Ripper

Question thus negatived.

*Point of Order*

Mr D.F. BARRON-SULLIVAN: Mr Speaker -

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Speaker; Resumed From An Earlier Stage Of The sitting.; Mr D.F.; Mr D.F.; Mr John D'Orazio; Mr Monty House; Mr Tony Dean; Mr John Kobelke; Mr Matt Birney; Mr Rob Johnson; Mr Max Trenorden; Point of order; Mr Colin Barnett; Mr Phillip Pandal; Mr Mike Board; Mr Clive Brown; Mr Larry Graham; Mr Eric Ripper

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The SPEAKER: Is this a point of order?

Mr D.F. BARRON-SULLIVAN: I ask that the same matter of privilege be determined by the Speaker in accordance with Standing Order No 109(1).

The SPEAKER: I thank the Deputy Leader of the Opposition for the point of order. Once a precise matter has been determined under Standing Order No 109, the course of action open to me, after considering what was in essence a prima facie case rather than a matter of argument, was either to, firstly, determine the matter; secondly, adjourn the matter for consideration, which I did; or, thirdly, have the House consider the matter. That question cannot be considered a second time.

*Dissent from Speaker's Ruling*

**MR C.J. BARNETT** (Cottesloe - Leader of the Opposition) [1.47 pm]: I move -

That the House dissent from the Speaker's ruling.

I reluctantly move dissent from the Speaker's ruling, because you, Mr Speaker, have attempted in every respect to behave correctly and admirably in this debate. This issue would have been resolved by 2.00 pm, but the Government's use of the guillotine on a matter of privilege has unfairly and unreasonably shifted the attention in this matter from the actions and conduct of the Chairman of the Public Accounts Committee to you, Mr Speaker. I regret that we have had to draw attention to your conduct and ruling; that is not what we sought to do. In a sense, I apologise to you and to the Chair for having done so. However, there was no other recourse open to the Opposition.

There had not been a long debate on the motion. The member for Murdoch and I as Leader of the Opposition wanted to make some brief comments on this issue.

Presumably some people from Kalgoorlie wrote to the Public Accounts Committee, as they are entitled to do. This morning the following headline appeared in *The Australian*: "Anti-electoral reform body's funds quizzed", and the article included comments by the chairman of that Public Accounts Committee. Apparently he had spoken to at least three media outlets, or some contact had been made. It is legitimate to ask who initiated those contacts. Did the chairman of the committee, a member of the committee, or the media initiate that contact? That is one of the questions that has been posed about the conduct of the chairman of that committee; and the behaviour of the member for Bunbury, whatever that may be, has also been raised.

Mr Speaker, I refer you back to Standing Order No 109. We are moving dissent from your ruling because that standing order states that you can determine the matter. Mr Speaker, you chose not to do so. That was your choice; I do not criticise you for that. Although there was such a prima facie case of a breach of privilege, if not contempt, you would have been wise as Speaker to ensure that the issue was referred to the Procedure and Privileges Committee, so that, whatever the outcome, it was resolved through the proper process of this Parliament. That is in the interests of the chairman of the committee, the office of Speaker and the operation of this Parliament. You chose not to determine the matter yourself, and you then said that the House would vote on it. I thought that members opposite would have respected your decision and would have allowed those members of this Parliament who wished to speak the opportunity to speak. Had you determined that the matter should go to the Procedure and Privileges Committee, we on this side of the Chamber would have been happy. However, you made another decision to let the Parliament decide, as you are entitled to do. Why then were members of this Parliament, including me as Leader of the Opposition, denied the opportunity to speak on a matter of privilege about whether the Chairman of the Public Accounts Committee, which is arguably and ostensibly the most important committee of this House, behaved properly. That is why the Opposition has moved to dissent from your ruling, Mr Speaker. The Government has put you and your ruling in this position. It should never have done that. It has now forced the Opposition to question the Chair and its ruling when our only point was to question the conduct of the chairman of the committee and the media coverage of the issue.

Standing Order No 109 leads us to the situation in which we now find ourselves. Mr Speaker, it is a matter that you should determine; that is why we have now moved to dissent from your ruling. I refer to Standing Order No 271(2) on disclosure of evidence. I will again carefully and slowly read the standing order, which states -

No member of the committee nor any other person will publish or disclose evidence not taken in public including documentary evidence received by the committee . . .

The correspondence from the people in Kalgoorlie was not taken in public. There is no doubt about that; no-one is disputing that. I assume the committee had some discussion about it. It was not taken in public, therefore no member of the committee, including the chairman, can disclose it. Standing Order No 271(2) continues -

unless that evidence has been reported to the Assembly -

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It has not been reported to the Assembly, so that provides no justification for the comments appearing in the media -

or that disclosure has been authorised, on motion, by the committee.

That is the last chance for the chairman of the standing committee. Did the Public Accounts Committee specifically authorise on motion that this complaint could be made public? As I recall the comments of the chairman of the committee, he said that a resolution had been passed. When I questioned him by way of interjection, he said that yes, the committee had resolved to write to the coordinator of the Country Alliance, the Deputy Leader of the Opposition, to seek information. Finally he received the letter. It referred to the inquiry and to the information that was sought. I assumed that was the resolution of the committee. Nowhere in the statements made by the chairman of the committee was any reference made to a resolution that he, as chairman, should make that information public. It did not resolve that. That is why the Procedure and Privileges Committee should look at it. Had the member for Ballajura's committee specifically resolved that the complaint from the people in Kalgoorlie about the Country Alliance be made public, he would be on solid ground. Unless he can demonstrate to this Parliament and produce proof that the committee specifically resolved to release the details of that inquiry, I am afraid he is on very thin ice. That is what he must establish.

I repeat: the standing order states that the evidence cannot be made public unless that evidence has been reported to the Assembly - it has not - or that disclosure has been authorised on motion by the committee. It is on the motion of the committee, not just on the chairman's whim that he thinks it is a good idea to talk to the media about it. The Public Accounts Committee must have passed a specific motion on the complaint by the Kalgoorlie residents about the funding of the Country Alliance, otherwise there is a clear issue of privilege. That is why, Mr Speaker, you should determine that the matter be referred to the Procedure and Privileges Committee, so that it can be properly examined and members of the committee and the chairman can be quizzed and, if need be, contact can be made with the media representatives who had a discussion with the chairman of the committee and it can contact the people from Kalgoorlie if it wishes. That is what must happen now, otherwise the position of the chairman of that committee will be in question and the confidence the public has in dealing with this and other committees will be compromised.

Reluctantly, we move to dissent from your ruling, Mr Speaker. We urge you to determine this issue by referring this matter to the Procedure and Privileges Committee. You must do so to resolve the issue now, particularly as the guillotine has been used. You must do so to protect the integrity of the Public Accounts Committee, the position of Speaker and this Chamber. With respect, Mr Speaker, you now have no choice. Maybe you had a choice a little while ago, but when the Government used the guillotine to stop members of this Parliament expressing a view on a significant issue of privilege with a major committee, that put you in this untenable position. I feel for you in this situation. I hope you have some private words to your colleagues who have put you in this untenable position.

**MR P.G. PENDAL** (South Perth) [1.56 pm]: It is with reluctance that I also support the motion to dissent from your ruling, Mr Speaker. Indeed, if the logic of this past half-hour were to be followed through, at the end of this debate you will have no option but to consider resigning. I will briefly outline why I think that position is now inevitable for you. Mr Speaker, you believed there was sufficient substance in the matter raised by the member for Mitchell by the actions you took. Why do I say that you thought there was sufficient merit? The standing orders say that. As you know, Mr Speaker, Standing Order No 109(3), which is the option that you took, states -

If the Speaker considers that there is some substance in the matter and it has been raised at the earliest opportunity, give priority to a motion without notice.

You clearly saw that there was substance in the matter, because that was the course of action that was then taken by the member for Mitchell. The reason I think your position is untenable is that the House then took your advice to pursue the matter because you believed there was substance in the original claim. Government members were so lacking in confidence in the course of action you took that they chose to gag the debate. That amounts to a declaration of no confidence in your position. I regret saying that, because I think that in the 18 months you have been Speaker, you have brought a lot of personal dignity and fairness to the position. A lot of people throughout history have talked about what makes a good Speaker. Some people say that he needs to be a scholar, some say that he needs to be a person of great repute and others say that he needs to be someone of enormous experience. In the end, I do not think those things count for anything. What counts is that the House continues to have confidence in the Speaker. The irony is that it is not the opposition members but the government members who have reflected on that confidence. The government members were not confident in the course of action that you, Mr Speaker, suggested, which was that full debate be allowed in accordance with subsection (3) of the standing order. They have put you in an awful position. No-one on this side of the House - not even the Leader of the Opposition - has reflected personally on you. Indeed, most people pre-empt their

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remarks in such situations by saying, "I am not taking a personal slight at you, Mr Speaker, but I am suggesting that the role of the Speaker has been brought into difficulty". Today the Government has taken it one step further by saying that it does not have confidence in you and your decision that there was substance in what the member for Mitchell had to say. After you, Mr Speaker, correctly decided that there was substance, it was incumbent on every single member of this House to let people have their say. It was especially incumbent on those on the side of the House that gives you the numbers to remain Speaker. It has been said here on many occasions that, ultimately, the difference between a good Speaker and a bad Speaker is that a good Speaker can let the Government have its way, as it always must do because it is the Government, and also let the Opposition have its say. The Opposition was today denied the right to have its say in a grave matter of privilege that had been moved at your instigation. It was not this side of the House that took exception at that stage; it was your colleagues on your right-hand side who felt insufficiently confident in the course of action you took. It has come to that sorry pass. I think that you, Mr Speaker, are now in the very difficult position of having to determine your future. It is not people on this side of the House who have reflected personally on you; it is the people on your right-hand side - on the government benches.

Although I do not want to continue unnecessarily, a number of unrelated but important threads run together in this debate. On every occasion that someone tries a smart trick in this House, it is the Government of the day that bears the burden in the end. We came in here at 12 o'clock, and there has been no progress. At 12 o'clock another trick was pulled. I know it is not the trick before the Chair. That trick was the stunt of the Leader of the House in forcing me to speak on a Bill even though the one person who can answer my queries - not for me but for my constituents - is on the eastern seaboard. I have been denied the right to get answers for my people. That set the tone of the day. A few minutes earlier, the tone was further set because a member believed - I did not know the merits of it - that there was a matter of privilege that should go to the House. I did not know whether that matter of privilege had substance, but in the end I took my guidance from you, Mr Speaker, because you left the Chair to make a considered judgment. That was good. Often people around here make statements off the cuff as though they are frightened to take advice. It was a plus that you, Mr Speaker, were prepared to leave the Chair and consult those who best know about these things, the Clerks, so that you could make a decision. Good on you for doing that. You came back into the House and gave us the benefit of your advice, which was that there was some substance in the motion - again, the words contained in the standing order. The government members, by applying the gag, demonstrated that they had no faith in what you had just advised this House. This is very serious. We have heard a few people scoffing during both these debates. I had occasion to look at ways to get them not to scoff and to understand that we have been down this path before. That path was called WA Inc. The sorts of tricks and scoffing of 10 or 15 years ago eventually led to the sort of abuses that led to a royal commission. I tell the House what the royal commission had to say because it fits precisely within the parameters of this debate. Today I was denied the chance to have a minister listen to me because the Government called on a debate when she was in the eastern States. The royal commission said that in those circumstances -

The Commission believes that it is of the first importance -

It is not fairly important or a bit important or of passing interest but of the first importance -

that a more realistic approach be taken to the obligation of the various arms of government to satisfy Parliament's information needs.

I have the need on behalf of my constituents to seek certain information, and that opportunity was lost today. My access to information was lost in the same way that Parliament's access to information was today lost by simple actions; principally, the application of the guillotine or gag. I am never sure which to call it but they both mean that people are to shut up. Mr Speaker, above all else, I am appalled to think that it is the members on your right-hand side who effectively challenged your view that there was a matter of substance. The member for Mitchell did not say there was a matter of substance; you did. I was prepared to take your lead. In the end, the only way the Government could save itself from a debate was to say, in effect, that the Speaker was wrong. It said that it was not a matter of substance and that it would close down the debate. Whatever happens with this dissent motion, you, Mr Speaker, must seriously consider stepping aside from the high office you hold. I regret that because, for the past 18 months, you have done a fair and decent job. However, you have no option but to consider that action because your members on the government side have put you in that position.

**MR M.F. BOARD** (Murdoch) [2.09 pm]: I reluctantly - I stress that word - support this dissent motion. When the Deputy Leader of the Opposition moved his privilege motion, you, Mr Speaker, rightly gave him the opportunity to outline his case. There was some debate about the way in which the case should be outlined, and you judged that there was an opportunity for you to remove yourself from the Chair and deliberate over that matter of privilege. You returned to this Parliament and gave your judgment. In doing so you judged that on the

Speaker; Resumed From An Earlier Stage Of The sitting.; Mr D.F.; Mr D.F.; Mr John D'Orazio; Mr Monty House; Mr Tony Dean; Mr John Kobelke; Mr Matt Birney; Mr Rob Johnson; Mr Max Trenorden; Point of order; Mr Colin Barnett; Mr Phillip Pandal; Mr Mike Board; Mr Clive Brown; Mr Larry Graham; Mr Eric Ripper

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case that had been made, and on the evidence that had been put before you, there should be a debate on the matter. In determining this, I assume you wanted a debate in which points of view could be put and evidence brought into the House, not only on the matter of privilege, but also on the way the Public Accounts Committee has gone about its business. The motion to put the motion denied this House - the people's House - the opportunity, after your judgment, to fully explore that area of privilege. As a result, the people we represent have been denied the opportunity to have their point of view about this matter of privilege put on the record.

Standing Order No 271, which needed to be addressed before the motion was put, made it very clear that the member for Ballajura, the Chairman of the Public Accounts Committee, had broken with standing orders. Maybe he is unaware of why he has done that, but it is clear that he has done it. The Government has erred in appointing to the Public Accounts Committee a person who, while I have respect for him and consider him a talented member of Parliament, is not experienced in the standing orders of the Public Accounts Committee. He had not served on the Public Accounts Committee prior to being appointed last year and therefore may be unaware of the historical precedent set by that committee, and its standing orders. The Public Accounts Committee has always had, and will always have, the reputation of being an extremely powerful committee. Before the Auditor General was put in place, it oversighted the expenditure of government portfolios and of the State. It is considered by the community, and the business community in particular, as the most powerful committee of this Parliament.

The Public Accounts Committee works on behalf of the Parliament, because when it sits it is the Parliament, and when it launches into an inquiry, it is always an inquiry of substance. When the Public Accounts Committee writes to an individual or a group, it is considered to be an inquiry. You, Mr Speaker, would know this from your time on the Public Accounts Committee. Such is the power of the Public Accounts Committee that if it accepts a letter as being evidence, and therefore writes to an individual or a group, that is considered to be an inquiry. It may not be a major inquiry, but it is still an inquiry. A report must be written and a conclusion drawn about what has transpired. In writing to the Deputy Leader of the Opposition, inquiring about what was in the letters from the people from Kalgoorlie, the committee has launched an inquiry into that matter, and therefore requires a report, and a conclusion.

No generic resolution of the Public Accounts Committee, when Standing Order No 271 is very specific about evidence in a particular inquiry, gives the Chairman carte blanche to speak to the media about evidence given either in public or in camera. Some resolution of 12 or 18 months ago, allowing the Chairman of the Public Accounts Committee to speak to the media, overrides the strict and important provisions of Standing Order No 271, which relates specifically to the inquiry entered into. This protects people from being subjected to government witch-hunts. Had this not been a politicised matter, the appropriate course of action for the Public Accounts Committee would have been to write back to the people in Kalgoorlie who may or may not have made an allegation. We are not privileged to know what was in that letter, but if there was an allegation, it must have been of sufficient substance to convince the Public Accounts Committee to launch an inquiry. Otherwise, it is harassing the Deputy Leader of the Opposition and others as a result of a single letter or two that have reached the Public Accounts Committee.

Mr Speaker, you were part of the deliberations of the Public Accounts Committee in the past. On dozens of occasions the committee has received letters from politicians and others in the community making allegations, whether true or false, of a political nature, which, after being deliberated upon by the committee, did not require a response. The very nature of what was put before the committee appeared in those cases to be very divisive, and would threaten to politicise its deliberations. Those letters were often referred to other bodies for further deliberations. The Public Accounts Committee has always avoided going on witch-hunts, or following up a single letter that did not constitute significant evidence. We have seen in the operations of the Public Accounts Committee, whether in the visiting medical officer inquiry or the trust accounts investigation, that much of its deliberations were publicised. In fact at one stage, the media scrum outside the committee hearings was a daily occurrence, as the committee sought to get sensational issues before the media. Many people in the community believe that those subjected to allegations or investigations were not given a fair opportunity as a result of that media scrum.

Although the Opposition dissents from your ruling, Mr Speaker, it does so reluctantly, based on the fact that an inexperienced member of Parliament is probably unaware of what he has done as Chairman of the Public Accounts Committee. Another inexperienced member of Parliament has moved a gag motion, which has put you in a very serious and difficult position, Mr Speaker. The motion has gagged this Parliament from considering a matter of privilege that needed to be debated and treated with some propriety. The Opposition has been denied that opportunity today, and hence it needs to dissent from your motion.

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**MR M.J. BIRNEY** (Kalgoorlie) [2.19 pm]: I feel that I have something to offer to this debate, given that the evidence initially received by the Public Accounts Committee that sparked this newspaper article and this debate originated from my electorate of Kalgoorlie.

I might just quickly preface my remarks with an observation about the member for Ballajura. I believe that the member for Ballajura is generally a fairly apolitical individual who carries out his duties in this Parliament with a degree of responsibility. I can only assume that is the reason he has been appointed Chairman of the Public Accounts Committee.

This whole sad, sorry story was a political sting right from the start. I guess it is unfortunate that this political sting originated in my electorate of Kalgoorlie. I do not know whether the individual or individuals who sent the letter to the Public Accounts Committee asking for an investigation into the Country Alliance's financial affairs were members of the Labor Party, but I do know that for a period of one to two months the Labor Party in Kalgoorlie has been conducting a political campaign that has spilled over into the newspapers in an attempt to discredit the Country Alliance. To that end, a letter to the editor appeared in the *Kalgoorlie Miner*, I think three or four weeks ago, that sparked the phone call from me to the Deputy Leader of the Opposition. The letter was very critical indeed of the Country Alliance and the way in which the Country Alliance had gone about its business. I thought to myself that I had better have a look at the author of the letter and find out who wrote the letter and made those serious allegations.

*Points of Order*

Mr C.M. BROWN: Point of order -

Several members interjected.

The SPEAKER: Order, members!

Mr C.M. BROWN: These people are supposed to be talking about procedure. They do not even follow it. This is supposed to be a resolution dealing with a dissent from your ruling, Mr Speaker. The member for Kalgoorlie is talking about some matters that he thinks he knows about in his electorate that are unrelated to you as the Speaker. This is a matter of relevance. The comments being made by the member for Kalgoorlie are totally irrelevant. They have nothing whatsoever to do with the matter before the Chair. I ask that you call the member for Kalgoorlie's attention to the fact that he is required to address the matters before the Chair, and that this is not a general debate after the fashion of the budget debate or other general debates before this House.

Mr R.F. JOHNSON: This is another attempt on the part of the Government to try to squash what members on this side have to say. The motion before the House is moved very reluctantly on our part. It is dissenting from your ruling, Mr Speaker. In speaking to that motion of dissent from your ruling, the member for Kalgoorlie is illustrating the reasons that this motion has been put. It is a very serious issue.

Mr C.M. Brown: It has nothing to do with it.

Mr R.F. JOHNSON: It has everything to do with it. It is the substance of the reason that we have had to move the motion. I ask that the member for Kalgoorlie be allowed to continue.

The SPEAKER: The point of order is correct. I call on the member for Kalgoorlie to address the motion on dissenting from my ruling. I would have thought that the debate was relatively restricted in its nature to the ruling that was made when the Leader of the Opposition raised the point.

*Debate Resumed*

Mr M.J. BIRNEY: I merely point out that the member for South Perth raised all sorts of different issues, including a previous debate on the royal commission and all sorts of things. The reason I was raising the points is that I wanted to make the case to you, Mr Speaker, that this issue needs to be determined. I wanted to make the case very clearly. I wanted you to understand, Mr Speaker, that this entire shemuzzle was a set-up and a sting from the start. There was always the intention on the part of the Chairman of the Public Accounts Committee to breach privilege, although he did not know it.

Several members interjected.

The SPEAKER: Order, members!

Mr M.J. BIRNEY: He did not know about Standing Order No 271(2), which states that no member of the committee or any other person -

Several members interjected.



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The SPEAKER: Members! I know that sometimes it is fun to have a lot of noise. This motion is not what I would call particularly humorous. I ask people to listen to the member who is contributing to it. There is one person in this place who wants to hear every word, and that person is me.

Mr M.J. BIRNEY: I will finish in about two or three minutes, but I want to make one point. I think that point will help you, Mr Speaker, in your deliberations on this matter. Right from the very start, this was a political sting that turned around and stung. It stung the Chairman of the Public Accounts Committee. How did the people in Kalgoorlie know of the existence of the Public Accounts Committee? It was a set-up from the start. I would be very surprised if the Public Accounts Committee could inquire into the accounts of the Country Alliance. I suspect that was known from the start. What was done instead? This political campaign was launched that spilled over into *The Australian* newspaper. It is a particularly important issue. The member for Ballajura has obviously breached privilege. I believe it was the intention right from the start, although he was not aware of Standing Order No 271.

**MR J.C. KOBELKE** (Nollamara - Leader of the House) [2.27 pm]: A motion of dissent from the Speaker's ruling is normally a very important matter. We need to treat the motion as an important matter. It is therefore most concerning that it should be moved on such a trivial basis. I submit that there is no basis for it other than the simple fact that the Opposition wishes to waste time. There is no substance at all to this dissent motion. The Opposition is against the development of the State and legislation to help people and, therefore, opposition members wish to use even the extreme tactic of dissenting from the Speaker's ruling, because they want to make sure that this State does not progress. They do not want development on the Burrup Peninsula; they do not want the hi-smelt process; they do not want the railway; they do not want the Bills before the House to help people out of insurance problems; they do not want to see anything good happen for the people of Western Australia. They would even go to the extreme of moving a dissent motion against your ruling, Mr Speaker, simply to hold up the House and stop this Chamber getting on with its task.

We are dealing with Standing Order No 109. The Deputy Leader of the Liberal Party requested that, under Standing Order No 109, a matter of privilege be considered. You absented yourself from the Chair for a short time, Mr Speaker, and then came back and allowed the debate to proceed. You were extremely gracious and fair in doing that, because my assessment, which I believe is objective, is that there was no matter of grievance at all. You were absolutely proper in saying that if the Opposition wished to bring the matter forward, as Speaker you should provide it with the opportunity, and that you did. It is not for me to give that permission and, therefore, my judgment does not count. However, I believe that you were bending over backwards to be fair and to give the Opposition the opportunity to debate the matter. Seven speakers took part in the debate. The debate was then closed off by a motion. Seven people had the opportunity to speak on a motion that I contended, and will continue to contend, was an absolute nonsense and was simply designed to waste the time of the House.

We then arrived at a situation invoked by Standing Order No 109. I cannot remember its being used in the 14 or so years that I have been a member of this place. It may have been, but I cannot recall it. The Opposition then sought to use Standing Order No 109 a second time in less than two hours. Standing Order No 109 is used irregularly, but the Opposition sought to use it twice, on the basis of a fabrication, to delay the business of the House. I believe, Mr Speaker, that you had no alternative but to suggest that the matter had been dealt with under Standing Order No 109. Therefore, it is not appropriate or proper to again allude to Standing Order No 109 on exactly the same issue. Opposition members are spoilers who want to delay the Chamber because they do not want development in this State; they do not want a railway built; and they do not want legislation to help people with insurance problems. They think that if they can inflict pain on the people of Western Australia, this Government will pay the price for it. That is what they are about. They are delaying. There is no substance to the motion of dissent. It is a silly, stupid little move, and the Opposition will wear it for delaying the Chamber and calling into question a very proper ruling by you, Mr Speaker.

**MR M.W. TRENORDEN** (Avon - Leader of the National Party) [2.30 pm]: A motion of dissent against a Speaker's ruling is a very important matter. Some value has come out of this debate already. The speech from the member for South Perth was a very relevant and good speech. It was pleasing that the backbench members of the Government actually listened to the member for South Perth, and I give them due credit for that, because the facts that the member for South Perth went through were very important.

We all have a view about why we are in this position. I have my view, and I will spend a couple of minutes telling members my view. The problem is that over the past two weeks, the passage of legislation through this House has been very ordinary and extremely frustrating. In the past two weeks, the Leader of the House and other members of the Government have shown on numerous occasions - once last night, and again today with the member for South Perth in this debate - that they are pulling back to the last ditch and last battle by using the

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numbers of government to crush and stomp on all things. If the Leader of the House had not asked the member for Eyre to gag the debate, we would have been in question time now and would have been heading off to the business of this House, just as if the member for Rockingham had conducted himself in a reasonable manner last night I would have been home in bed at eleven o'clock.

The Government has decided that it will use its numbers. To use some sporting parlance, we watched the monitor and saw the ball hit the pads. We think the decision is not out, but the Speaker has made the decision that it is out. The National Party will be upholding your decision, Mr Speaker, because you are the Speaker of this House and you have every right to make that decision. However, I want to make it clear to this House that in supporting you, Mr Speaker, in no way are we supporting the Government and the Australian Labor Party. When this motion is put, we will be supporting you and your authority.

**MR L. GRAHAM** (Pilbara) [2.32 pm]: I need only 30 seconds to express a similar view to that expressed by the member for Avon. I would be one of the few people in this place who has ever moved a vote of no confidence in a Speaker. I did that on that occasion because in my view the Speaker was clearly wrong in what he had done. It was more than a dissent from his ruling. He was clearly incorrect in his actions. I can tell people that it takes a bit of ticker to stand up and do that. The Speaker is an integral part of our Parliament, and without support for the Speaker the Parliament cannot work; and vice versa.

I intend to vote against the dissent motion, having missed most of the debate that led up to it, but it seems to me that the changes to the standing orders of the Parliament as they relate to committees have opened a Pandora's box. The only matter that now remains confidential before a committee is evidence given to that committee. If the strict reading of these standing orders as is being implied now is correct, then I suspect that is a mistake that this Parliament will regret. It will now leave it open to any member of any committee at any time to advise anyone of what is happening in front of the committee, provided it is not evidence. I suspect that was not the intent of the standing orders.

**MR D.F. BARRON-SULLIVAN** (Mitchell - Deputy Leader of the Opposition) [2.34 pm]: I support the dissent motion as put by my leader. I want to explain to the House and reiterate to you, Mr Speaker, that when it came time for me to decide what course of action to take on this matter, it seemed that I had two real options. The first option was to explain the situation to the House and seek a motion to refer this matter to the Procedure and Privileges Committee. The alternative option was to ask the Speaker to determine the matter. One of the main reasons that I opted for a motion, as I explained when I put the motion forward, was that it would give the two members involved - the members for Ballajura and Bunbury - the opportunity to rise to their feet immediately to assuage any concerns we might have about potential breach of privilege or contempt of the Parliament. It was done essentially so that the matter could be dealt with as quickly as possible and they would not have a cloud hanging over them. Unfortunately, the Labor Party through its numbers has prevented that motion from going ahead. Mr Speaker, I agree with the member for South Perth that in doing so, the Labor Party has in effect reflected very harshly on your position, judgment and acumen in dealing with such matters. However, because it has done so, the only option available to us in this instance to have this matter resolved is for you to make a determination.

When we consider that the Labor Party has prevented us from debating this matter in any more detail, our only option now is to take the matter to the independent umpire. That is you, Mr Speaker. Your position in this Parliament is to be the independent umpire. What other option do we have? I can refer the matter to the Procedure and Privileges Committee. However, bear in mind that there are three Labor members on that committee and two opposition members. If what we have seen today is reflected on that committee, then I do not hold much hope that this matter will receive full and objective assessment in that committee. Frankly - I think the member for Pilbara said it earlier - we may as well take these standing orders and throw them in the bin. That is what this debate is about.

Mr J.C. Kobelke: He did not say that at all. You are always saying misleading things about people.

Mr D.F. BARRON-SULLIVAN: All right. I take that back.

Mr L. Graham: I am quite capable of getting myself in trouble! I do not need your help!

Mr D.F. BARRON-SULLIVAN: I take that back, if that is not what the member said. However, the member alluded to a very important point. That is that this debate has opened a Pandora's box. The member for Pilbara is quite correct, because someone may want to go to a parliamentary committee and provide a letter or some evidence or something and think he can do that because the matter will be deliberated on in secret so it will not matter; he can provide the information and justice will be done. Such a person will now be deterred if he can

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pick up *The Australian* the next day and see that his letter has been used by the chairman of a committee when it was discussed in a deliberative meeting and so on.

This has done more than open a Pandora's box. We are in effect saying goodbye to more than 300 years of parliamentary procedure. Erskine May's *Parliamentary Practice*, one of the foremost references on parliamentary procedure for any member of Parliament, states -

As early as the mid seventeenth century it was declared to be against the custom of Parliament for any act done at a committee to be divulged before being reported to the House.

This is no insignificant matter. An extremely important matter is at stake. Mr Speaker, you are our last recourse for justice in this Parliament and to uphold 300 years of good and decent parliamentary process.

**MR E.S. RIPPER** (Belmont - Treasurer) [2.38 pm]: I want to take up the last point raised by the Deputy Leader of the Opposition. This may or may not be an extremely important matter. The issue is that the matter has been resolved. The Deputy Leader of the Opposition argued that you, Mr Speaker, are the only option and that this purported use of Standing Order No 109 is the only option to resolve this issue. The important point is that the issue has been resolved. The Opposition may not like the resolution, but the House has considered the matter, and the House has voted and resolved the issue. It may be hard for the Opposition, and the Leader of Opposition in particular, to accept this, but the Opposition did not win the election. The majority in this House is on this side. Labor has the majority, and when the House considers a matter and when there is a majority vote, it is resolved. Members opposite hate it. They do not like it.

Several members interjected.

Mr M. McGowan: You are the only goose.

The SPEAKER: I call to order the member for Rockingham for the first time. It is important that members can be heard.

Mr E.S. RIPPER: I can well understand the frustration of the Opposition, because I spent eight years in Opposition. I know what it was like to lose the votes every day and not have points upheld by the House that we thought were valid. The Opposition took advantage of the standing orders and raised an issue. The Speaker opted to let the House decide the matter and the House resolved it.

*Groundhog Day* is a wonderful movie in which the protagonist must relive the same day over and again. Gradually, he gets better at living that day. When he has grown in wisdom and generosity, he is finally allowed to move on. There would be some benefits if our Opposition experienced a ground hog day if it became more generous and wise. It could experience a process of personal growth by constantly redebating issues until finally it got them right; it would then be allowed to move on. However, the House does not have the luxury of debating matters over and again. Standing Order No 126 - the ground hog standing order - relates to that issue and states -

A question will not be proposed which is the same as any question which has been resolved in the affirmative or negative during the same session.

That standing order might not apply specifically to these circumstances; however, by analogy and in spirit, it does. The matter of privilege has been raised under Standing Order No 109. That standing order provides three options for dealing with it. One option has been taken. The matter has been resolved by a vote of the House and it cannot be raised again. If we allowed every disappointed member to constantly raise an issue and ask the House to vote on it again, we would never get any business done. It is important that we do not keep debating the same question over and again. The ground hog day standing order is important. It might have been different had the Opposition raised a different matter of privilege on this issue. On the advice I have received it sought to raise the same issue of privilege again.

The Opposition has attempted to redebate the issue under the guise of a dissent motion. The only issue is whether the House should be required to deal with the same matter twice after having already resolved it. The Speaker's ruling is perfectly appropriate and it is needed to protect the business of the House. If the Speaker had not ruled as he did, the business of the House would be in chaos.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Wednesday, 18 September 2002]  
p1178b-1195a

Speaker; Resumed From An Earlier Stage Of The sitting.; Mr D.F.; Mr D.F.; Mr John D'Orazio; Mr Monty House; Mr Tony Dean; Mr John Kobelke; Mr Matt Birney; Mr Rob Johnson; Mr Max Trenorden; Point of order; Mr Colin Barnett; Mr Phillip Pandal; Mr Mike Board; Mr Clive Brown; Mr Larry Graham; Mr Eric Ripper

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Ayes (15)

Mr C.J. Barnett	Mrs C.L. Edwardes	Mr B.K. Masters	Mr R.N. Sweetman
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.D. Omodei	Dr J.M. Woollard
Dr E. Constable	Mr R.F. Johnson	Mr P.G. Pandal	Mr A.D. Marshall ( <i>Teller</i> )
Mr J.H.D. Day	Mr W.J. McNee	Mr D.F. Barron-Sullivan	

Noes (30)

Mr R.A. Ainsworth	Mr L. Graham	Mr M. McGowan	Mr D.A. n
Mr P.W. Andrews	Ms D.J. Guise	Ms S.M. McHale	Mr M.W. Trenorden
Mr J.J.M. Bowler	Mr S.R. Hill	Mrs C.A. Martin	Mr T.K. Waldron
Mr C.M. Brown	Mr M.G. House	Mr M.P. Murray	Mr P.B. Watson
Mr A.J. Carpenter	Mr J.N. Hyde	Mr A.P. O’Gorman	Mr M.P. Whitely
Mr A.J. Dean	Mr J.C. Kobelke	Mr J.R. Quigley	Ms M.M. Quirk ( <i>Teller</i> )
Mr J.B. D’Orazio	Mr R.C. Kucera	Mr E.S. Ripper	
Dr J.M. Edwards	Mr F.M. Logan	Mrs M.H. Roberts	

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Pairs

Ms Sue. Walker	Mr J.A. McGinty
Mr J.L. Bradshaw	Dr G.I. Gallop
Mr J.P.D. Edwards	Ms A.J. MacTiernan
Mr B.J. Grylls	Mr N.R. Marlborough

Question thus negated.