

Mr John Kobelke; Dr Steve Thomas; Mr Max Trenorden; Deputy Speaker; Mr John D'Orazio; Mr John Quigley;
Mr Mark McGowan; Acting Speaker; Mr Paul Omodei; Mr Eric Ripper

CORRUPTION AND CRIME COMMISSION REPORT - UNAUTHORISED RELEASE

Standing Orders Suspension - Motion

MR J.C. KOBELKE (Balcatta - Leader of the House) [12.40 pm] - without notice: I move -

That so much of standing orders be suspended as is necessary to allow debate under the matter of public interest time limits so that the following motion can be moved and debated forthwith -

That this house calls on the Leader of the Opposition to explain to the house how his office allowed the unauthorised release of a confidential Corruption and Crime Commission report to the Parliament and to what extent he, his staff or other members of Parliament were involved in what appears to be an unlawful action.

This is an important issue that must be dealt with forthwith. Clearly, the statement by the Leader of the Opposition yesterday astounded people. Apparently, the Leader of the Opposition's chief of staff put himself in a position of potentially breaching the Corruption and Crime Commission Act, and specifically the provisions regarding secrecy. Section 151(7) of the Corruption and Crime Commission Act states -

If a restricted matter is disclosed contrary to this section, any person who so discloses the matter, or causes the matter to be so disclosed, commits an offence.

Penalty: Imprisonment for 3 years and a fine of \$60 000.

Clearly, it is a very serious matter that, as I said, astounded me and I am sure many other members when we were informed of it yesterday. The Leader of the Opposition seems to have divorced himself from the responsibility of explaining how this could happen in his office. We are aware from his comments today that he had read that embargoed report. He was aware of it prior to its being disclosed. Therefore, a number of people in his office - at least two - were aware of the confidential report. We then found out that it had been disclosed in an unauthorised way, with the potential for that to be a criminal offence and all that goes with that. It is because the report from the Corruption and Crime Commission is a report to this Parliament that it behoves the Leader of the Opposition to go on the record in this Parliament and explain how his office could have got it so wrong. It is not a matter of just pointing to one officer, who the Leader of the Opposition has pointed out is a very trusted and experienced officer. Of the trusted and experienced officers I have worked with, I have never come across a case whereby in a very serious and important matter the officer would have done something of this sort without telling me, as the person to whom the officer was responsible. It seems that the Leader of the Opposition is trying very hard to not explain how this could happen.

The embargoed copy went to the office of the Leader of the Opposition. It did not go to an individual; it went to the Leader of the Opposition's office. Therefore, he, as the head of that office, must accept responsibility for what happened. If there is a breach relating to an individual, it is also in one respect a breach relating to that office. Given that the report was a report to the Parliament, the Leader of the Opposition owes it to this chamber to explain to the house what happened and how he can ensure that in the future these types of breaches will not recur, particularly when it is a breach of an act and has penalties attached to it. This house does not have direct involvement in determining whether charges will be laid in relation to this matter. The responsible authorities will take up that matter, and we will see where that goes. The Leader of the Opposition is a recognised office holder of this Parliament. He must provide a better explanation than the one he has offered so far regarding this astonishing news and how it came about because this matter relates to a report to the Parliament. We must know how an unauthorised report came to be released from the Leader of the Opposition's office. No further explanation has been given to this Parliament so far. On that basis, this is a matter of urgency. I will not take up more time with the motion now before the house but I will certainly have more to say if the suspension of standing orders is granted. We will leave it to the Leader of the Opposition to provide to this house a more fulsome explanation as to how this situation came about.

DR S.C. THOMAS (Capel) [12.45 pm]: I am amused to hear the Leader of the House say "if" this motion is passed, because the government holds the numbers, so of course this motion will be passed and this debate will go ahead. That is not something that the opposition should be afraid of. In the interests of going forward with this motion, I warn members of the government who might want to jump up and make statements that this is an ongoing investigation in front of the Corruption and Crime Commission. I therefore urge members of the government to think carefully about treading on the toes of the CCC.

Several members interjected.

Dr S.C. THOMAS: Funnily enough, it was not amusing when the various members of the government were speaking. It was a very serious issue at that particular time. Obviously, this motion will go ahead. There is no

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point in debating further whether the suspension of standing orders should go ahead. I urge the government to get on with the motion.

MR M.W. TRENORDEN (Avon) [12.46 pm]: I have consulted my National Party colleagues since the moving of this motion. I am not surprised that this motion has come forward. I agree with the member for Capel that the Liberal Party should agree to this motion. I want to take the five minutes that is available to me to remind the chamber that when the Commissioner of Police provided certain information to the then Minister for Police and Emergency Services, a similar situation arose. This house needs to ponder a little on what it does about these matters. I am surprised that we are debating this matter, and that someone would have leaked that information, given that that information would have achieved little had it been given a public airing. As we heard yesterday, the matters that referred to my good colleague the member for Ballajura would have come out in due course anyhow. On behalf of the National Party, I say that I think this motion is very good. It will give the Leader of the Opposition the opportunity to have a say. However, this is not a one-off situation.

Question put and passed with an absolute majority.

Motion

MR J.C. KOBELKE (Balcatta - Leader of the House) [12.47 pm]: I move -

That this house calls on the Leader of the Opposition to explain to the house how his office allowed the unauthorised release of a confidential Corruption and Crime Commission report to the Parliament and to what extent he, his staff or other members of Parliament were involved in what appears to be an unlawful action.

The reason we need to deal with this matter today is that following that astonishing announcement yesterday by the Leader of the Opposition, I thought the Leader of the Opposition might have come into the chamber at the start of today's proceedings and given the Parliament more information. As I said during the debate on the motion to suspend standing orders, the report was a Corruption and Crime Commission report to the Parliament. The report was embargoed, but it was a report to the Parliament. The Leader of the Opposition's office, as a recognised office of the Parliament -

Point of Order

Dr S.C. THOMAS: Madam Deputy Speaker, my understanding is that we agreed that this debate would be held under the auspices of a matter of public interest, in which case the Leader of the House would not be given 60 minutes to prattle on. I suggest that that is far too much time to have to listen to the Leader of the House.

The DEPUTY SPEAKER: Order! The point of order is relevant. We did agree to the time, and the time has now been adjusted.

Debate Resumed

Mr J.C. KOBELKE: The Leader of the Opposition has been interviewed on at least two radio stations this morning. On the Geoff Hutchison program on Radio 720 ABC, at 8.37 am, Mr Hutchison asked the Leader of the Opposition, regarding Mr Kime -

Why did he do it, Mr Omodei?

The Leader of the Opposition responded to that question as follows -

Well that's something you'd have to ask him, but . . .

That implies that the Leader of the Opposition accepts no responsibility for what goes on in his office! Clearly, this is an issue that the Leader of the Opposition does need to explain to the Parliament. The Leader of the Opposition went on to avoid answering any questions about what had happened in his office. We are aware from what the Leader of the Opposition has said that he saw a copy of the report on Thursday. I understand that he claims that he read that report. The Leader of the Opposition, and an unknown number of people in his office, were aware of that report. I am sure that they were aware of its significance, and that it was embargoed, yet we find that it was released. It is hard to believe that other players were not involved, given what the Leader of the Opposition has said. From my personal knowledge, I can accept that Mr Kime is a public servant of long standing who has worked in many ministerial offices over the years. He is clearly someone who would know the proper thing to do, and the importance of this information. The Leader of the Opposition needs to explain his discussion with his chief of staff on the Thursday after receiving the report. I presume that the Leader of the Opposition did discuss the report. Did he discuss the report with Mr Kime after he had read it?

Mr P.D. Omodei: I will make my comments when you have finished making yours.

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Mr J.C. KOBELKE: I hope the Leader of the Opposition will answer that question about discussing the report prior to its release. Did his chief of staff advise him that Mr Robert Taylor had contacted him about the report? Did Mr Kime advise the Leader of the Opposition that his office had been approached by Robert Taylor?

Mr P.D. Omodei: Keep going.

Mr J.C. KOBELKE: I will ask the questions, and hopefully when the Leader of the Opposition gets to his feet, he will be able to answer them. Did he tell his chief of staff that he was not able to provide that information to Robert Taylor? He would have been aware, from either Mr Kime or others, that approaches had been made by a journalist from *The West Australian*. He needs to disclose whether he gave advice on that matter. Did the Leader of the Opposition's chief of staff advise him that he had given out of that information? These events happened on Thursday. The release must have happened some time that day, since the information appeared in *The West Australian* on Friday. The issue then becomes how the Leader of the Opposition responded. From what he said publicly, we are not aware that anything further was done until the house sat on Tuesday. It is incumbent upon the Leader of the Opposition to place on the record what actions he took when he found out about this unauthorised disclosure. He needs to tell the house when he became aware. Was it when he picked up *The West Australian* on Friday? Did he then get on the phone? Who did he ring to find out who had released the information? That assumes that he was not aware on the Thursday that the information was going to be released. If he was not aware of the unauthorised release prior to seeing *The West Australian* on Friday, what actions did he take on Friday? Which staff members did he question, and what answers did he get, about the roles they played in a clear breach of the Corruption and Crime Commission Act? It is incumbent upon the Leader of the Opposition to answer those questions.

There are a range of other questions but, given the leader's unwillingness to answer them in this manner, as I am putting them to him, I will resume my seat and ask him to live up to his responsibilities and explain to the house what action he took; what involvement he had in trying to find out how the information was released; and which other members of his staff or other members of Parliament working through his office were involved in this unauthorised release or in tracking down how that release occurred so that he can take some action to make sure that his office is not dragged through the mud in this very serious matter. If the Leader of the Opposition cannot rise to those questions, and provide valid answers, he is assuring the people of Western Australia that they can have absolutely no confidence in any standards within the office of the Leader of the Opposition while he is in charge of it.

MR J.B. D'ORAZIO (Ballajura) [12.54 pm]: I will break the impasse, if nobody else wants to talk, since this matter concerns me. I do not want to have a go at anyone. I will begin by saying that I have known Mr Kime for 20 years and the Leader of the Opposition for just about as long, and I will not throw any mud at either of them. I was reminded last night by my wife that, 12 months ago, I was standing here while certain people, including the Leader of the Opposition, made certain recommendations about what should or should not happen to me. I will not throw the same mud back at him. What happened on Friday was disappointing and should not have happened. I do not necessarily blame the Leader of the Opposition; I blame the Corruption and Crime Commission for handing the report to the offices of the Premier and the Leader of the Opposition. That was where the problem arose. I am still trying to work out why the hell one would want to leak this report. I know that I am an Independent, but I cannot understand the significance, other than to have a go at the Deputy Leader of the Opposition, because of the story of what happened to him. I do not think that is the case. However, whatever is the case, it should not have happened. I think what is important is that we in politics - both sides, all of us - take some time out. Over a period we have all jumped to conclusions about a number of members of this house. I just hope that we will allow due process to be followed in the future. It may be a lesson too for the Leader of the Opposition that due process should be allowed to occur for a lot of members, so that ultimately we can see what the outcome is, rather than jump to conclusions. Let me tell members, as a person who has been through hell and back in the past 12 months, sitting at home with my family all saying, "Gee, this is bloody terrible" when I knew I had done nothing wrong was a bugger. It is important that all of us in this place take some time out and think about that. It has sorely taught me some lessons and I certainly will not be throwing mud at people in unfortunate circumstances.

Again I say to the Leader of the Opposition that this does require an explanation of why it happened. I cannot see any political reason for it happening; it does not seem logical. There does not seem to be any benefit in it for the Leader of the Opposition - unless he hates daylight saving and me that much, if that is the agenda!

Several members interjected.

Mr J.B. D'ORAZIO: Seriously, this is an unfortunate situation. What I want is some good to come out of this. In the end, yes, I got cleared. I made the point yesterday that the report will come out and we will make a submission and argue about the appropriateness or inappropriateness of the report. That for me is no longer the issue. The issue is the way the commission addresses the various processes that it has to deal with. However,

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more importantly, there has to be an understanding that in a political sense what has happened is unacceptable. As I asked this morning on radio, why would anyone give a confidential report of that significance to political rivals? Whether or not we like it, politics is what it is and we sometimes end up with unfortunate situations. If there has been a breach of the law, Mr Kime will have to face that. He will face that problem and answer it in a different place. However, the important thing for all of us to acknowledge is that we as members of Parliament need to be a little careful about the ease with which we can achieve cheap political points about people in the spotlight. I understand that there are families and other people involved here, and the pressure on them is enormous. At the time last year when all this happened, the Leader of the Opposition kept having a go at me as well. I know it is politics and I wish he had not, but that is life, and I do not hold any grudge against him for what happened. However, I think there is a message for all of us: be careful when you want to throw mud because at some point in the cycle it will come back and bite you in the tail.

MR J.R. QUIGLEY (Mindarie) [12.57 pm]: I rise because I have one concern in this matter. As reprehensible as I find the conduct of the Leader of the Opposition's office in disseminating immediately to the media a communication that it had received from the Corruption and Crime Commission containing a request or a direction that it be kept confidential, the speed with which that was disseminated evidences to me a degree of malice against the member for Ballajura. A lot has been said in haste about this matter. I am hoping in the debate on this motion and in the explanations to follow - perhaps from the government or from more learned people in the chamber - that some clear indication will provide me with some understanding about what has happened here.

There is a scheme in the Corruption and Crime Commission Act that we debated in this place previously. Section 151 of the legislation itself prescribes and decrees that certain materials are restricted materials. Subsection (1) states -

“restricted matter” means any of the following -

- (a) any evidence given before the Commission;
- (b) the contents of any statement of information or document, or a description of any thing, produced to the Commission;
- (c) the contents of any document, or a description of any thing, seized under this Act; -

I have not fitted a report or draft report into this so far -

- (d) any information that might enable a person who has been, or is about to be, examined before the Commission to be identified or located;

The document as described so far in this chamber does not seem to fit within that -

- (e) the fact that any person has been or may be about to be examined before the Commission.

The document does not seem to fit within that either. It then provides a scheme of disclosure for other matters, being the reports. This is particularly relevant in section 93, from memory. I will just test my memory of what should happen to a report once the commission decides to lay a report before the house of Parliament that is not sitting. It is understood that on the day in question, neither of the chambers of this Parliament was sitting. That provided that the report be laid before the Clerk of the house. That obviously did not happen with the forwarding of the report to the office of the Premier and the office of the Leader of the Opposition. I do not see how that falls within the restrictions of section 151(1) of the act.

I rise in support of the member for Ballajura. I make these comments in a very bipartisan manner because this could happen to anyone in this chamber. However, under section 152 of the act, although I submit that the pages that have been described in both the media and this chamber, by my reading of the legislation - backbencher that I am - do not fit within paragraphs (a) to (e) of section 151(1) of the legislation -

Ms S.E. Walker: It could.

Mr J.R. QUIGLEY: I do not see how they do, but I have not looked at the documents. What does worry me, however, is that section 152 of the legislation provides that any official information held by the CCC shall not be distributed by any official of the CCC to any other person except in accordance with the provisions of this act. That is the short way of describing it. I can go through subsections (3), (4), (5) and (6) of section 152, but there seems to be a statutory prohibition on employees of the CCC publicly disseminating information other than in accordance with the legislation, with a penalty of imprisonment for three years or a \$60 000 fine for any employee of the commission who breaches the act. I am concerned about process here, not about content. It concerns me that the commission could disseminate information outside the direct scheme of the legislation

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against any person in this chamber or anybody in the community of Western Australia. For example, I have written a fairly heavy letter of complaint against police in the Mallard complaint. At the end of that inquiry, what will happen? I am the complainant. It would be outrageous for the police to think that a draft report could be sent to me the day before so that I could get my head around it before it was tabled in this chamber. The office of the Premier or the office of the Leader of the Opposition holds no more statutory force under this legislation than does the office of a simple backbencher, so why would the police tell me?

I do not understand how this is happening outside of the legislation. What I do not particularly understand and hope to be enlightened on in the course of the arguments and the submissions in this chamber, for I do not know where else it will occur, is whether the matter is a restricted matter. Has the commission exceeded its mandate and has it engaged in extracurricular activities? I do not know what the CCC parliamentary inspector would determine about that, and I hear misconduct and criminal offences being mentioned, but no-one has yet explained how it fits in with paragraphs (a), (b), (c), (d) or (e).

Having said this, I wholly support the motion because I believe that anyone in public office who received a communication, even though perhaps it might not have carried behind it a criminal sanction, nonetheless would be reprehensible in his conduct if he were to completely disregard a request by a statutory authority. That is why I support the motion. However, I am still left with some grave concerns about exactly what has happened in this process and what has happened to us all. I have been left with some disquiet that there are some great injustices happening. As a lawyer who has practised for 28 years, I cannot imagine a document not being served upon the solicitors for the person appearing before court. I have never had that experience in 28 years. If a court wanted to notify my client of a hearing date, it would notify the practitioner. It did not appear to have notified the member for Ballajura. There are lots of issues in this matter, but I remain very concerned about the process.

MR M. McGOWAN (Rockingham - Minister for Education and Training) [1.05 pm]: I will start my remarks by saying that I find it absolutely amazing that the Leader of the Opposition would not stand and explain himself during the debate on this motion.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members! This is quite a serious motion to debate. It is not appropriate for everybody to chirp in at the same time. The Minister for Education and Training has the floor. I ask that we hear him in silence, as we will hear everybody in silence.

Mr M. McGOWAN: A very serious motion has been moved by the Leader of the House. It is a very serious matter that should be responded to by the Leader of the Opposition. Can members who have been in this place for a period imagine Geoff Gallop or Richard Court when they were Leader of the Opposition not responding to the arguments put? I just raise that matter up-front.

The motion suggests that there could have been illegality in the behaviour of the chief of staff of the Leader of the Opposition. Any reading of the act indicates that that behaviour could be illegal, and whether it was or was not will be finally determined only by a court of law at some point in the future. The fact of the matter is that what happened was wrong and should not have happened. It is agreed by both sides of the house that what the chief of staff of the Leader of the Opposition did was wrong. I do not think the motivation of the Corruption and Crime Commission in releasing that information to the offices of the Leader of the Opposition and the Premier is particularly clear at this point. However, what one can speculate upon is that it realised that this was a matter of public moment and it thought that it would be appropriate to inform people who may be called shortly thereafter to comment on what it was expected to table, and therefore give some advance warning. That has happened in a range of areas and fields throughout history in the Australian and British systems of government. Both the leader of the government and the Leader of the Opposition are provided with information on issues of public moment by agencies. Consultation with the Leader of the Opposition on various issues has happened in our system of government over a long period. However, this series of events calls into question whether consultation with the opposition leader, particularly this opposition, should happen, considering the lack of a sense of probity and confidentiality and the lack of understanding of our system of laws that have been exhibited by the office of the Leader of the Opposition. One can speculate about the motivation of the Leader of the Opposition's chief of staff in doing what he did. I expect that his motivations were fairly base. Given that the member for Ballajura was a former member, and, indeed, a minister, of the government, he probably thought that the early release of the information would in some way damage the government. I also expect that he felt that the early release of the information to one media outlet would ingratiate the opposition to that media outlet. They are very base motivations which, in the absence of an explanation by the Leader of the Opposition -

Ms K. Hodson-Thomas interjected.

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Mr M. McGOWAN: Perhaps the member for Carine can explain the chief of staff's motivation given that the Leader of the Opposition cannot. What other motivation could there be? We have not received any explanation about what happened because the central figure in this debate is mute. The public servant who works as the Leader of the Opposition's chief of staff has an important role to play in the hierarchy of the Leader of the Opposition's office. The questions that need to be asked are the same questions that I have asked when these sorts of matters have arisen previously. When did the Leader of the Opposition find out about this matter? Why did the Leader of the Opposition wait for four days to reveal the facts as he understood them? Why did he not come clean immediately? If the Leader of the Opposition was informed about the matter on the Thursday and the issue became front-page news on the Friday, did he make inquiries about how it was that the matter came to appear on the front page of the newspaper? I am pretty confident that any moderately competent Leader of the Opposition who had knowledge that the report was in his office and who subsequently learnt that, given the degree of consternation by those involved, the matter appeared on the front page of the daily newspaper might inquire whether his office had a role in putting it on the front page of the newspaper. We were initially told that the Leader of the Opposition was absent when this issue arose. I received advice that he was in the mid-west or the north west of the state. If that were the case, what role did the Deputy Leader of the Opposition play? Perhaps the Leader of the Opposition might like to tell me whether he was absent.

Several members interjected.

Mr M. McGOWAN: What was the role of the Deputy Leader of the Opposition in this matter? The simple questions that I have raised demand an answer from the Leader of the Opposition, and until he answers those questions, no-one will have faith that the Leader of the Opposition and the opposition can achieve probity or that they have a sense of obligation in our system of government. Further, no-one will have faith in their capacity to form government. It is absolutely inconceivable that the Leader of the Opposition's chief of staff leaked this matter to the newspaper without informing his boss. Opposition members who have been ministers will understand that point. They know that if this matter had arisen when they were ministers, their staff would have consulted them before taking any action. That is the issue that the Leader of the Opposition must explain. We will wait for the Leader of the Opposition to answer the questions that I have posed about this serious issue, which has broader implications relating to the opposition's capacity to form government in this state.

Several members interjected.

The ACTING SPEAKER (Mr A.P. O'Gorman): Order, members!

MR P.D. OMODEI (Warren-Blackwood - Leader of the Opposition) [1.15 pm]: I will respond to the comments in this way. Firstly, I apologised to the member for Ballajura yesterday and I bear him no malice at all. As a matter of fact, I bear no-one on the other side any malice. That will not stop me from doing my duty as a member of Parliament and as the Leader of the Opposition.

There is no doubt that some of the processes of the Corruption and Crime Commission in releasing this document - and the document that has gone missing - to both the Premier's office and my office need to be addressed by the CCC. Yes, I take this matter very seriously. My chief of staff, John Kime, has been mentioned. John Kime has been a career public servant for probably 40 years. He worked under two Labor ministers and for me as my chief of staff when I was a minister. I know him very well. Anybody on the government side who knows John Kime would know that he is a person of the highest principle. Yes, this matter has been devastating to him; it is an aberration.

Let me outline to members what happened. The report came into my office on Thursday afternoon. Yes, I read the report. Did I discuss it with my chief of staff? No, I did not. Did I discuss it with other members of staff? No, I did not. Did I discuss it with any members of Parliament? No, I did not. It was Thursday afternoon; it was a busy afternoon. On Friday, I left to go to Carnarvon very early in the morning and I was in Carnarvon for two days. I came back late on Saturday night. I received *The West Australian* up in Carnarvon; I think it is about one o'clock in the afternoon when the newspaper gets there. That was when I read the article. Did I do anything about it? No, I did not. I then came back to Perth and I went down to the south west to visit my family, whom I had not seen for a couple of weeks. I came back that night, on the Saturday night, and on Monday morning my first meeting was at seven o'clock, then we had a shadow cabinet meeting and so on. At the first opportunity after the shadow cabinet meeting, I sat down with my chief of staff and we discussed this matter. I then advised him that he should go to the CCC. That was on Monday -

Mr A.D. McRae interjected.

Mr P.D. OMODEI: The main thing is this: on Tuesday morning, having discussed the matter with my chief of staff, I reported to the party room about the matter, which I think I was obliged to do. In the meantime, he attended the Corruption and Crime Commission and made a statement to the CCC. As far as I am concerned, the

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CCC should be allowed to do its investigation into this matter. There was no political motivation in this at all; it was a mistake made by John. I am very disappointed that it has happened and he is remorseful about it.

I also discussed the matter with the Director General of the Department of the Premier and Cabinet in relation to the Public Sector Management Act. That is where the matter stays. That is what has happened. It is a matter that concerns me greatly. It has certainly damaged Mr Kime's career. He will have to respond to any inquiries that are made by either the CCC or the director general of the Premier's department. That is where it sits.

Again, I say to the member for Ballajura that if it has caused him pain, I regret that. However, there are two matters involved. The first is how the documents were released by the CCC and its procedures. In my case, I have now put in place procedures whereby any embargoed document will come directly to me.

MR E.S. RIPPER (Belmont - Deputy Premier) [1.19 pm]: This is a remarkable series of events. We have had a number of Corruption and Crime Commission inquiries. What have they been about? Essentially, they have been about the proper handling of information. One would have thought that everyone involved in public life or politics or government or the opposition would be more and more sensitive to the issue of the proper handling of information, given the experiences that we have had in the past six months or more with CCC reports. It is unbelievable that, once the Leader of the Opposition saw *The West Australian's* coverage of this event, he did not seek to discuss the matter with his office. The Leader of the Opposition knew that the confidential report should not be distributed before the Corruption and Crime Commission had released it. An article on the report appeared in the newspaper but, even though the Leader of the Opposition was only in Carnarvon, he did not pick up the telephone or use the mobile phone that is funded by taxpayers to ring his office and say that he hoped his office did not have anything to do with it. He did not do that. The Premier, who was in China at the time, sought information about any government involvement in the publication of the information in *The West Australian*. How was it that the Leader of the Opposition, who was in Carnarvon, did not seek that information? It is unbelievable that there was no discussion of the matter between the Leader of the Opposition and his chief of staff. I was Acting Premier and I discussed the issue with the Premier's acting chief of staff. Of course I had that discussion, because how could a report that was not to be released be detailed in a front-page article of the newspaper?

A number of issues have not been addressed by the Leader of the Opposition. How did his chief of staff get a copy of the report? The Leader of the Opposition said that he read the report and that he did not discuss it with his chief of staff, yet his chief of staff got a copy of the report. Did the chief of staff walk into the Leader of the Opposition's office, notice the report on the desk and say, "Ooh, this looks interesting; I'll ring Robert Taylor"? What happened? How did he get a copy of the report?

Dr S.C. Thomas: That might come out in further investigations.

Mr E.S. RIPPER: That might come out in further investigations. The Leader of the Opposition held an inquiry into the matter. How did his chief of staff get a copy of the report? The Leader of the Opposition is not going to answer.

Mr P.D. Omodei: I have made the comments I want to make. This matter is going to be dealt with by the CCC and the Director General of the Department of the Premier and Cabinet. You should allow that to happen.

Mr E.S. RIPPER: The Leader of the Opposition is avoiding some critical issues. There are some serious issues concerning the Leader of the Opposition's credibility.

Mr P.D. Omodei: If you want to attack me after those inquiries are held, go for your life. I will be happy to respond.

Mr E.S. RIPPER: The credibility of the Leader of the Opposition is at issue. There was a motive behind what happened. It can be found in the very interesting comment piece that Robert Taylor ran in conjunction with the article involving the leaking of the report by the Leader of the Opposition's chief of staff. His comment piece states -

But a far more crucial CCC report is due to be delivered some time this month, that into the Smiths Beach development, and the stakes are extremely high for deputy Liberal leader Troy Buswell, a former president of the Busselton Shire -

This is where I think Robert has gone quite wrong -

and one of the few shining lights on the current Opposition front bench.

Ms A.J.G. MacTiernan: It's all comparative, though!

Mr E.S. RIPPER: I suppose it is all relative. He goes on to say -

Mr John Kobelke; Dr Steve Thomas; Mr Max Trenorden; Deputy Speaker; Mr John D'Orazio; Mr John Quigley;
Mr Mark McGowan; Acting Speaker; Mr Paul Omodei; Mr Eric Ripper

The CCC will pass judgment on Mr Buswell's role in Smiths Beach and particularly his meeting with Liberal powerbroker and lobbyist Noel Crichton-Browne in the Parliament House carpark during which the two men allegedly discussed aspects of their evidence to the inquiry.

If the CCC also condemns Mr Buswell's actions, it will almost certainly assign him to the back bench and perhaps out of Parliament altogether at the next election.

Here is the conjunction of the two key elements in the commission of an offence - opportunity and motive. Everyone knows that the Leader of the Opposition's leadership of his party is terminal. The deputy leader is breathing down his neck. A member of Parliament might be found to not have committed any misconduct or offence but, nevertheless, his behaviour might be described as being highly inappropriate. That might be a very useful precedent for the Leader of the Opposition, were it to apply to his rival, the deputy leader. I wonder whether this was some sort of ham-fisted attempt to establish an approach to the work of the CCC that might later rebound against the Deputy Leader of the Opposition and assist the Leader of the Opposition in retaining his position. It was ham-fisted because they thought they would get away with it. The person who did the leaking, with or without authority, thought that he would get away with it because the report would be published that day, and that would be it. The report would be out, and all they would have done was telegraph what was in the report to be released later that day. Where they really came unstuck was that there was a problem with the Corruption and Crime Commission's handling of the report, and the report was not released on that day. There was egg on everyone's face. There was egg on Mr Taylor's face, but, in particular, as we now know, there was egg on the faces of all those associated with the office of the Leader of the Opposition.

I have a chief of staff. I talk to my chief of staff about all sorts of matters that are critical and important. I find it unbelievable that the Leader of the Opposition would not have discussed this matter with his chief of staff at least after the article appeared in *The West Australian*, and most likely before the article was in that newspaper. I find it unbelievable that the Leader of the Opposition would apparently leave a report lying around for anyone from his staff to access and to potentially leak. Therefore, I believe there are some real difficulties with the credibility of the Leader of the Opposition's story, and there are some further questions for him to answer. I think he gave a nod and a wink to his chief of staff. Perhaps he said, "Wouldn't it be terrible if this was to appear in the newspaper and it was to get a bit more coverage than it might otherwise? Wouldn't it be terrible if we curried favour with Robert Taylor, because we need a better run in *The West Australian*?" I think there was a nod and a wink. I think there was at the very least an implicit understanding. I believe that the Leader of the Opposition has not been as open as he should be with this house about this matter.

Question put and passed.