

MEMBER FOR INNALOO

Personal Explanation - Legal Practice Board

MR J.R. QUIGLEY (Innaloo) [8.22 pm] - by leave: I wish to make a personal explanation about a matter that has injured my reputation. I draw members' attention to *Hansard* at page 6915 on Wednesday, 16 April 2003, and the member for Nedlands' statement -

The member for Innaloo should worry about his Legal Practice Board disciplinary proceedings. He will be struck off as a lawyer soon. He should tell us how his Supreme Court case is going, with the disciplinary proceedings at the Legal Practice Board.

Unlike the member for Nedlands, I am the holder of a current practice certificate issued by the Legal Practice Board. On 16 April 2003 proceedings were conducted before the Supreme Court of Western Australia, being Full Court Appeal No 94 of 2002, instituted by me by way of a notice of motion dated 30 May 2002 whereby my counsel, Mr Malcolm McCusker, QC, sought to appeal to the Full Court against a disciplinary finding made by the Legal Practitioners Disciplinary Tribunal. It found that I had failed to give an objective account of a matter for which I had been professionally engaged; that is, whilst giving a radio interview on the Howard Sattler program when I commented that the previous Government had covered up police allegations of misfeasance within the Anti-Corruption Commission, I had failed to refer specifically to the Boucher inquiry as being the instrument of the cover-up. The disciplinary tribunal found as a matter of fact and law that it was right and proper to accept the instructions to say publicly that the Boucher inquiry had constituted a cover-up, but I should have gone on to say why in detail it constituted a cover-up. On that basis I was reprimanded. The annual report of the Legal Practice Board clearly indicated that I was reprimanded; there was no notion, as asserted by the member for Nedlands, that I would or could be struck off.

Ms S.E. Walker: Well, you should be. You are a disgrace.

Withdrawal of Remark

Mr R.C. KUCERA: The member for Nedlands is again impugning the reputation of the member for Innaloo and she should withdraw that remark. There is no reason for saying that the member should be struck off. That comment is totally inappropriate and it is exactly what the member for Innaloo is speaking about. It should be withdrawn.

Mr R.F. JOHNSON: The member for Innaloo has every right to seek leave to make a personal explanation. This House would never refuse a member that opportunity.

Mr R.C. Kucera: Unimpeded.

Mr R.F. JOHNSON: The minister should be quiet. I did not interrupt him. Every member has a right to make a personal explanation, but there is no avenue for opening debate. From what I have heard, the member for Innaloo is opening a debate. That is not the purpose of a personal explanation. The member for Innaloo is not allowed, under the standing orders applying to a personal explanation, to make accusations against the member for Nedlands. He should stick to the standing orders in respect of a personal explanation, and we on this side of the House will do the same.

The ACTING SPEAKER (Mr A.P. O'Gorman): I remind members that the member for Innaloo is making a personal explanation as provided for in Standing Order No 148. There should be no interjections. Interjections are unparliamentary and I ask all members to refrain from interjecting and to allow the member to make his statement. I remind the member for Innaloo that he must refer to the facts about which he is making his personal explanation.

Debate Resumed

Mr J.R. QUIGLEY: So it was that through counsel I moved that the Full Court of Western Australia allow the appeal against the reprimand that had been handed down against me by the Legal Practice Board. Those proceedings were conducted today before the Full Court of Western Australia. There was no suggestion by counsel for the respondent that I receive any increased penalty; in other words, there was no cross-appeal by counsel for the respondent about the appeal to which the member for Nedlands referred when she said, "He should tell us how his Supreme Court case is going". It was merely an appeal by me against a reprimand that I contended had been unfairly imposed. The comments made by the member for Nedlands may also have been in contravention of the sub judice convention of this Chamber -

Point of Order

Mr R.F. JOHNSON: I have listened carefully -

Mr J.R. QUIGLEY: I withdraw that.

Mr R.F. JOHNSON: It is about more than just a withdrawal. I suggest that the member for Innaloo is again straying into the area of open debate by the comments he has made. I suggest that he stick strictly to his personal explanation and not draw in comments that other members may have made and give his views on those comments, which is what he is doing now.

The ACTING SPEAKER: There is no point of order. I just remind the member for Innaloo to please stick to the facts and try not to involve other members of the Chamber in his explanation.

Debate Resumed

Mr J.R. QUIGLEY: In returning to the comments of the member for Nedlands that I will be struck off as a lawyer pretty soon, the respondent's submissions - that is, the Legal Practitioners Complaints Committee's submissions, which I have - and its response to the notice of motion make no suggestion that I should be struck off as a legal practitioner in Western Australia. Its submissions and its response to my notice of motion do not seek to cross-appeal the findings of the Legal Practitioners Disciplinary Tribunal as to the penalty that was imposed - a mere reprimand. The member for Nedlands' comments that I should be struck off as a lawyer were personally hurtful and misleading of the true state of facts as existed in documents tabled in this Chamber in 2002, being the annual report of the Legal Practice Board and the response to the notice of motion, which as of the date that these comments were made in this Chamber were already filed with the Registrar of the Supreme Court, who made no suggestion that I should receive any greater penalty than the reprimand. The whole case was about whether that reprimand had been imposed fairly.