

Mr Troy Buswell; Speaker; Mr John Kobelke; Mr John D'Orazio; Acting Speaker; Mr Dan Barron-Sullivan; Mr Alan Carpenter; Mr Matt Birney; Mr Tony McRae; Mr Eric Ripper

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**MINISTER FOR POLICE AND EMERGENCY SERVICES - STAFF SUPERANNUATION  
PAYMENTS**

*Motion*

**MR T.R. BUSWELL (Vasse - Deputy Leader of the Opposition)** [9.32 am]: I move -

That this house censures the Minister for Police and Emergency Services for misleading the Parliament and lying to the people of Western Australia regarding his superannuation responsibilities and directs the minister to answer the following questions immediately -

- (1) Is it not true that he was aware of unpaid superannuation entitlements to his staff earlier than November 2005, as he admitted in Parliament yesterday?
- (2) When was he first made aware, and by whom, that the Australian Taxation Office was examining this matter?
- (3) Why did he lie about this matter on radio today?

It is somewhat disappointing that the Minister for Police and Emergency Services is not in the chamber at the moment to listen to the matters that the opposition wishes to raise because they are incredibly serious. Firstly, the opposition maintains - I think we will prove this beyond a doubt - that yesterday in his personal explanation during debate on the Premier's Statement, the Minister for Police and Emergency Services clearly and with intent misled the house. Secondly, we maintain that in his comments this morning on ABC radio and later on 6PR, the minister clearly perpetrated a lie to the public of Western Australia. This is, indeed, a very serious matter. This matter not only is about the integrity and conduct of a minister of the Crown in Western Australia - a serious matter in its own regard - but also cuts to the core issues of trust and accountability in government. This issue sets a very stern test for the Premier. The issue for the Premier is: what is he prepared to do to defend the integrity of his government against a minister whose credibility is rapidly eroding in the eyes of not only this Parliament, but also the people of Western Australia? To deal with the matter at hand, I want essentially to examine the minister's conduct from two perspectives. First, I want to examine his conduct and the discharge of his responsibilities as an employer in this state, an employer who should abide by not only state laws but also federal laws, including the federal taxation laws that are attached to the superannuation regime. Second, and more importantly, I want to examine the conduct of the minister in his role as a minister of the Crown in this government and as, effectively, a representative of this Parliament.

Let me first examine the minister's performance as an employer. This is an employer who did not - we contend he refused to do so when confronted with the evidence - take any action to fulfil his legal obligation to pay superannuation on behalf of his employees. I put it to members opposite that had it been someone on this side of the house about whom these complaints had been made, there would have been an unholy outrage. Why? It would be because we would be denying workers their lawful entitlements. Let us not forget that superannuation is effectively a deferred salary payment. By not paying superannuation to those employees, the minister effectively denied them their lawful entitlement to their salary.

I am more interested in the content of the minister's statement yesterday and how it relates to this issue. First, the minister described this as an anomaly. An anomaly is a blip or a minor problem. The minister, as an employer, did not pay lawful superannuation entitlements to up to 15 of his staff. That is not an anomaly; it is an indication of a person who has a serious problem fulfilling his legal obligations. What did he do? He attempted to handball the issue to the manager of his pharmacy. He said that he could not be involved in the day-to-day business and that it was the manager's fault. That is completely and absolutely unacceptable. I am very interested in what the minister did in November last year when, for whatever reason - I believe we will learn the reason in due course - he decided to make those superannuation payments. What did he do? He did not follow the lawful procedure at the time. He thought that he had a superannuation liability and that he had been cheating his workers. He asked himself what he would do as an employer who had cheated his workers. He thought he would write the cheques out and send them off straightaway to the superannuation fund, allegedly on the advice of his accountant. I do not accept that statement. The minister's accountant would have fully known that the lawful thing to do was to contact the Australian Taxation Office. Why did he do it? Did he do it to get out of paying the fees and penalties attached to late payments of superannuation? I think he did.

I want to spend more time dealing with his conduct as a member of Parliament. There is a core issue here. The minister stated in his statement yesterday -

It was during the sale process that I became clearly aware -

**The SPEAKER:** I just warn members that they cannot quote from the blue *Hansard* copies, because it is the uncorrected version of the speech made yesterday.

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**Mr T.R. BUSWELL:** Thank you, Mr Speaker. I was quoting from a copy of the statement itself, which was provided by chamber staff to our leader. I will carry on, unless advised otherwise. It reads -

It was during the sale process that I became clearly aware that there were anomalies in staff superannuation payments over the last two or three years during the sale process.

It then states that he immediately instructed his accountant to do certain things. These were done in 2005. In other words, the minister's very clear statement in this house yesterday was that it was in November last year when he became aware of problems with superannuation entitlements that he had not paid to his employees. I heard him this morning on the radio and the month seemed to jump around a little bit; one minute it was October, another minute it was December. However, he stated yesterday that it was November. Those are his words on record in this house. The problem is that that is not consistent with the evidence that has been presented by a number of people. I am sure the minister heard -

**Mr J.C. Kobelke:** Are you going to give the evidence or just muckrake as usual?

**Mr T.R. BUSWELL:** Leader of the House -

Several members interjected.

**The SPEAKER:** Order!

**Mr T.R. BUSWELL:** I will get back to young Hayley on the radio this morning in a second. I will give some evidence. I will read out a number to the minister: 002015. That is the number of a Chemist World cheque signed by the minister in October last year. That cheque was written out to one of the minister's pharmacists to settle an outstanding account of unpaid superannuation benefits. Does the minister know when that pharmacist told him about those problems? It was in August last year; not November, but August last year. His pharmacist wrote him a memo. The memo said that he had not paid the pharmacist's full superannuation entitlement and that the minister needed to take action about it. That was in August. Let us not forget that the minister knew nothing about this, he told us yesterday, until November, yet in August one of his employees wrote him a note. What did he do with that note? He signed a cheque in October. The evidence presented, cheque 002015, signed by the minister in October, clearly indicates that he misled this house and that he has lied to the people of Western Australia. He said yesterday that he had no knowledge of the anomalies.

**Mr J.C. Kobelke** interjected.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr T.R. BUSWELL:** He became clearly aware that there were anomalies. The facts are that the minister lied to this house and he has lied repeatedly this morning to the people of Western Australia.

**Mr J.C. Kobelke** interjected.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr T.R. BUSWELL:** The minister signed a cheque in October last year that related to a memo he was given in August. That is the first piece of evidence. I would like to present a bit of evidence before I condemn my friend. The other piece of evidence relates to the very interesting statements made on 6PR this morning by a person with whom our leaders have had conversations. What did that person say? That young girl was asked when the very serious issue of non-payment of superannuation was raised with her employer. Let us not forget that the minister told us yesterday that he knew nothing about this matter until November. She said that she raised the issue -

**Mr J.C. Kobelke** interjected.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr T.R. BUSWELL:** She said that she raised the issue with the minister last year before she made an official complaint to the Australian Taxation Office. Why would a young girl make an official complaint to the Australian Taxation Office? It was because her employer, the Minister for Police and Emergency Services, was refusing to pay her lawful superannuation entitlement? She did the only thing she had left in her armoury: she complained to the Australian Taxation Office. She told us, as she repeated on the radio this morning, that she had spoken to the minister when he was working on his computer. He was sitting down counting his shekels. He was thinking, "My golly, I've had a good week. Margins are up. I've had a great week." Perhaps the excitement of the count had clouded his ears! She approached the minister. She said that she had problems with

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her superannuation entitlements; he had not paid them. That was before May last year when she made an official complaint to the Australian Taxation Office. Again, the minister stated yesterday that he was unaware of the anomalies until November. How can this be? How can it be that the minister was not aware of the anomalies until November, yet at least two of his staff - we know of more and we will speak to them shortly - can directly contradict his statement to this house and his lies to the people of Western Australia on the radio this morning.

I want to raise another matter which has led us to believe that the Minister for Police and Emergency Services must have been aware of this issue. This young girl, who was chasing only her lawful superannuation entitlements - all she asked was that the minister obey the law - complained to the Australian Taxation Office. What does the Australian Taxation Office do when a complaint is made against an employer? It conducts a compliance activity. Do members know what the Australian Taxation Office does? It follows up on all complaints received by employees. Let us assume that the Australian Taxation Office follows up on all complaints. Of course we cannot find that out because of the privacy provisions of the tax act, but it would have followed them up. It conducts either a phone audit of an employer or a desk-based audit by questionnaire, or it may go out and conduct a field audit. I suggest to the minister that at least his pharmacy manager would have been contacted by the Australian Taxation Office. I suggest also that if the ATO had phoned that manager and said, "It has been alleged that you have not been following the tax laws of this country, so we are going to come and audit your business", the manager would have contacted the minister. Therefore, the minister must have known about this matter well before November. The minister can be cute - not physically, I hasten to add - and use words like "clearly" to try to cloud what has obviously happened in this case. However, the minister has been found out. The minister has misled this Parliament, and he has lied to the people of Western Australia and been found out. The minister's integrity has been under a cloud for some time. However, because of the minister's improper treatment of these people as their employer, and because the minister lied to this Parliament yesterday, that cloud is now becoming a very dark storm cloud indeed.

The minister now has an opportunity to explain to the Parliament why he did what he did. I encourage the minister very strongly to take up that opportunity. I also encourage the minister very strongly, when he makes his statement, which I am sure he will do soon, to not hide behind the cute use of words, but acknowledge the irrefutable fact that he knew about these anomalies and problems before November. The minister maintained yesterday in the Parliament, and again this morning on radio, that he did not know. The minister said, "Anybody that knows me knows that's not true." Of late the minister has been putting a lot of play on the quality of his character. However, I am afraid that in the eyes of this Parliament the quality of the minister's character has been irreversibly damaged by his willingness to mislead this Parliament and lie to the people of Western Australia in order to protect himself and hide the fact that he behaved in an unlawful and improper manner in the treatment of his staff.

This issue is a major challenge for the Premier. Integrity and confidence in government are critically important issues. Therefore, for the sake of all members in this chamber, I hope the Premier will understand the issues surrounding this deception and will do the right thing to protect the integrity of the processes of government in this state and the integrity of all members in this chamber.

**MR J.C. KOBELKE (Balcatta - Leader of the House)** [9.47 am]: When we agreed to the suspension of standing orders, I suggested that this was a stunt that would show up the opposition - and it has. The opposition has absolutely no case. All it has is assertions, with not a skerrick of substance. That is how low this opposition is. The Minister for Police and Emergency Services will respond. However, we thought the opposition would at least make out a case. No case whatsoever has been made out by the Deputy Leader of the Opposition. The Deputy Leader of the Opposition made statements that are nothing like what was in the minister's statement yesterday. He twisted the words in the minister's statement to try to make out that the minister was telling a lie. That is how this opposition operates. It changes the minister's words, and it then calls him a liar! That is how absolutely pathetic this Liberal opposition is.

**Mr T.R. Buswell:** Rats normally jump off a sinking ship.

**Mr J.C. KOBELKE:** The opposition has absolutely no case.

Several members interjected.

**The SPEAKER:** Order!

**Mr J.C. KOBELKE:** I will quote what the minister said in his statement yesterday -

It was during this sale process that I became clearly aware that there were anomalies in staff superannuation payments over the previous two to three years.

The opposition is seeking -

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**Mr M.J. Birney:** Keep going! Read the next paragraph! Come on!

**Mr J.C. KOBELKE:** I am happy to go on. The opposition is seeking to take one word here and there and twist it. The minister said that he became clearly aware that there were anomalies in staff superannuation payments over the previous two to three years. Nowhere in his statement did he say that there was not one anomaly or one case.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr J.C. KOBELKE:** The mover of the motion is a small business man. Is he trying to get us to believe that mistakes are not made in this area from time to time in the management of a small business, and that the person does not fix it?

**Mr T.R. Buswell:** But they never stood in Parliament and lied about it. There is a subtle difference.

**The SPEAKER:** Order, members!

**Mr J.C. KOBELKE:** Members opposite want to throw around the word "lie" all the time, but there is not a skerrick of substance to the motion. That is how low this Liberal opposition is. There is not a skerrick of substance to it. The minister said that he became aware of anomalies with superannuation payments that occurred over two to three years and he sought to have the matter rectified. It is being rectified, and the minister is the one who will suffer in that rectification. Nothing in his statement indicates that he did not have a complaint here or there that was involved with superannuation. That was never said in his statement. To suggest that that is a lie -

**Mr R.F. Johnson:** Did you learn nothing from WA Inc? Premier, are you going to defend your minister?

**Mr J.C. KOBELKE:** We hear a babble of noise because members opposite do not have an argument. The member who moved the motion tried to put up an argument only by taking the minister's words, twisting them and trying to make him say something that he did not. On that basis, the member opposite can throw around the word "lie". He is condemned by his own inadequacy and the nastiness of his attack on the minister.

**MR J.B. D'ORAZIO (Ballajura - Minister for Police and Emergency Services) [9.51 am]:** I stand today, first of all, to apologise to all workers out there for the example I have set in not paying entitlements. It was wrong and I will pay the price for that in the costs that I will have to pay. At no stage have I ever avoided my responsibility as an employer. As I said yesterday, when I became clearly aware of the anomalies that existed, I immediately put in place the processes to fix the problem. Again, as I said in my statement, the accountant indicated to me that some workers were underpaid and some were overpaid, and I immediately tried to rectify the problem.

**Mr T.R. Buswell:** Why didn't you rectify it when they raised it?

**The SPEAKER:** Order, member!

**Mr J.B. D'ORAZIO:** Let me deal with the one with the cheque. That is the only one I can remember, and it was rectified as soon as the complaint was given to my electorate staff. That is where the complaint was made.

**Mr R.F. Johnson:** In your electorate office?

**Mr J.B. D'ORAZIO:** The complaint was taken there because I was not in the chemist shop.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr J.B. D'ORAZIO:** I cannot remember the process because it was so long ago, but I can remember that one particular cheque and those are the circumstances.

Several members interjected.

**The SPEAKER:** Order, members!

**Mr J.B. D'ORAZIO:** I do not want to give members opposite more ammunition to turn upside down.

**The SPEAKER:** Order, members! It might be very cute to interrupt a minister who is under an attack of this nature, but we will hear the minister in silence or I will remove members from the chamber.

**Mr J.B. D'ORAZIO:** As I have said, we immediately put in place the processes. It is true that I sent funds to the superannuation fund, but not to avoid any problems because I expected to pay penalties and interest. That is what I wanted to happen. I received a phone call from the Australian Taxation Office. I told the officer from the

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ATO that that is what I had done. First of all, I was told that the ATO would get someone else to ring. An officer spoke to my accountant, who was informed that the proper process was that we had to complete a superannuation guarantee levy summary, which meant that the employees' entitlements were guaranteed. People in small business and members opposite will know how many of these problems occur in small businesses every year. However, that is no excuse. When we looked at this problem through the ATO process, it worried me that the sale of the business was happening in December, and I wanted the process completed as quickly as possible. I did not want people thinking that I had sold the business while some employee entitlements were outstanding. I tried to get this matter sorted out as quickly as possible. We had to go through the superannuation guarantee levy process. Members opposite will know what that means. Under that process, ordinary time earnings are no longer used in the calculations; the calculations are based on all earnings. On top of that, interest and penalties must be paid, and I am more than happy to do that, because I do not want one single employee of mine to suffer. In all my time as an employer, I have always looked after my staff. I have always paid senior people above the award rate, and I have given them bonuses. I have looked after my staff. I have been in business nearly 30 years. Is it embarrassing that I have not paid all the staff entitlements exactly as I was supposed to? Absolutely, and again I apologise for that, but I will rectify it. Interestingly, before all this blew up, I had already hassled my accountant, asking for the assessments. I was informed that the process had been followed: the ATO had all the information and would send me the assessment. As soon as those assessments arrive, they will be paid. I want to make sure that the staff are looked after. I had a telephone call on Friday from one of the other staff members asking what was happening. I explained to her exactly what was happening.

**Mr M.J. Birney:** Which staff member?

**Mr J.B. D'ORAZIO:** One of my senior staff members. I will not name her. I do not want to drag my staff into this debate. This is a problem that occurred outside of this Parliament, in my business life. One of the reasons I sold the business is that, since I became a member of Parliament, it has been really difficult to run the business. To put this in context, in the 2004-05 financial year, I had nearly 50 staff group certificates going through the process. It is difficult to keep track of all the processes. Not only that, the size of the business, and my being a minister meant that I did not pay it the attention I should have. I am not blaming the manager, as someone suggested. The manager was managing the day-to-day operations of the pharmacy.

**Mr M.J. Birney:** Did he raise it with you?

**Mr J.B. D'ORAZIO:** I actually asked him yesterday, and he said he was happy with the arrangement, and he had no issues to raise with me.

**Mr M.J. Birney:** So he did not raise with you that you had not paid the staff superannuation?

**Mr J.B. D'ORAZIO:** I have already answered that question.

Throughout the process of the sale of the business, I wanted to make sure that I had everything covered, and that no-one - especially not members opposite - could have a go at me saying I had not done the right thing. I made sure that we tried to check every possible configuration. In fact, I paid the staff in advance, because the settlement was to take place on a day when I would not be here. I organised to pay the staff entitlements in advance to make sure that the settlement could go through. At no time have I tried to avoid my responsibilities, then or now, and I will not do so in the future. It is important that we pay the people what they are entitled to, and that is what I will do. I have been trying to do that since November, and I now place on the record that no-one will miss out on any entitlement. In fact, the staff will end up with better terms than they would have got had I paid them on time. However, guess what happens to me, on top of having to pay the penalties and interest? Members opposite know as well as I do that if the superannuation levy is not paid, it cannot be claimed as a business expense. That means that I will be paying even more. I deserve that, so I must cop it. I have been saying all day that I understand that I must pay these levies. I have tried to pay them as quickly as possible. I will read for the record a letter from Letizia Palmer, my accountant, reaffirming what I have said here. The letter reads -

To Whom It May Concern:

Dear Sir/Madam,

We act for Chemist World, Galleria as its' accountants. We have acted in this position since 2001. We are responsible for the production of the accounts. John D'Orazio has requested a status report for the staff superannuation account for the pharmacy. The accounts clearly show that compulsory superannuation payments have been made.

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In October 2005, John D'Orazio asked us to examine all staff superannuation entitlements and payments, as he had received a complaint from one staff member. He asked that we ensure that they were correct because he did not want any problems.

We checked all entitlements, November 2002 - November 2005, and found some to be correct, some however, were underpaid and some overpaid.

We also discussed the matter with the Australian Taxation Office.

John D'Orazio made the payments directly to the superannuation funds, which included payments which were current, correct and due. The ATO confirmed any payments that were late could NOT be paid to the superannuation funds directly, and would have to be paid directly to the ATO, via the superannuation guarantee levy process. We advised John D'Orazio to request refunds for amounts incorrectly paid.

We have gone through the superannuation guarantee levy process with the ATO and are awaiting confirmation of amounts outstanding which will include interest and penalties. All late payments include an interest component which is paid to the employees fund to ensure they are not financially impaired as a result of the late payment.

**Mr R.F. Johnson:** What is the date of that letter?

**Mr J.B. D'ORAZIO:** Today, 9 March. The letter continues -

John D'Orazio has been keen to finalise this process as quickly as possible. He made sure every entitlement is accounted for.

As an additional penalty for late payment John will not be able to claim a tax deduction for the payment of superannuation made to the Australian Taxation Office.

Yours faithfully  
Letizia Palmer  
BYRON PALMER  
Director

I table that letter.

[See paper 1332.]

**Mr J.H.D. Day:** Can you tell us how the problem occurred? Was it accidental or deliberate?

**Mr J.B. D'ORAZIO:** The member has asked me again and I have said it. Since I have been a member of Parliament and, more recently, a minister, it has been very difficult to run a business of this size and I needed to give a helluva lot of attention to it. I did not do that, because I had other business going on. That has created problems for me. That is one of the reasons I made the decision to sell the business.

**Mr J.H.D. Day:** It was an oversight, not deliberate: is that what you are saying?

**Mr J.B. D'ORAZIO:** I did not pay enough attention to the business. I take full responsibility. I will pay the entitlements, as required by law.

**Mr D.F. Barron-Sullivan:** Of course you will. The law will make you.

**Mr J.B. D'ORAZIO:** I understand that. I started this process before the member for Leschenault or anyone else became aware of it because I wanted the matter cleared up.

**Mr D.F. Barron-Sullivan:** That is not the issue. You misled Parliament and lied to the people of Western Australia.

**Mr J.B. D'ORAZIO:** I have -

**The ACTING SPEAKER (Mr P.B. Watson):** Order! The Speaker made an order previously that any members who interrupt when a minister is making a personal explanation will be thrown out of the chamber if they do not listen to what he has to say. That still stands. I call the member for Leschenault to order for the first time.

**Mr J.B. D'ORAZIO:** As members can clearly see today, I have never had any intention of not paying nor motivation to not pay superannuation. In actual fact I have insisted that every other entitlement, not just super, be cleared up as part of this process. I stand by that. I will make those payments as soon as the ATO process is finalised. I have been at my accountant's office for the past three or four weeks asking where these assessments are, because I want this matter ended. This happened before members of the opposition, *The West Australian*

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anybody else got involved. I want to make sure that every entitlement is paid so that I can put this matter behind me. Members should understand that I sold this business in December and I do not want the staff to feel aggrieved by that process. I will make sure that they get all the entitlements to which they are entitled.

**MR D.F. BARRON-SULLIVAN (Leschenault)** [10.03 am]: Let us bring this debate back to the essence of the matter; that is, that the minister yesterday deceived and misled this Parliament and that the minister today on the radio -

**Mr J.C. Kobelke**: Where is your evidence?

**Mr D.F. BARRON-SULLIVAN**: And that the minister today has lied to the people of Western Australia.

**Mr J.C. Kobelke**: You are calling him a liar. Give us some evidence.

**The ACTING SPEAKER**: Order, members!

**Mr D.F. BARRON-SULLIVAN**: Okay, I will give the Leader of the House some evidence.

Government members interjected.

**The ACTING SPEAKER**: It is the same rule for members on my right-hand side as it is for those on my left-hand side. This is a very serious charge and I think we should hear from both sides without any interruption.

**Mr D.F. BARRON-SULLIVAN**: It is difficult for members on the other side because most of them have a union background and have not employed staff. If a young lady of 18 or 19 years of age came up one day -

Government members interjected.

**The ACTING SPEAKER (Mr P.B. Watson)**: Order! I call the member for Collie-Wellington to order for the first time.

**Mr D.F. BARRON-SULLIVAN**: This young lady may have spoken to her employer while he was working on the computer one day and said she had a problem with her superannuation and so on. She may have even said that she had spoken to the manager or whatever and that she was not getting anywhere. What would the employer do? Most people on this side have been employers. We would fix the problem. We would either talk to the manager or our accountant or we would sort it out ourselves. This minister ignored the problem, but he went one step further because that happened in May 2005. As a result, out of frustration, the young lady in question had to make a formal complaint to the tax office. We are talking about a young lady. It may have been her first job. It is very difficult for a young person to make a formal complaint to the tax office about his or her boss. Because of what the staff thought about their boss, it made it harder for them to make a complaint.

Just yesterday one of the minister's former staff members actually said she was scared of him. When asked why, she said, "Because he has a very bad temper and he snaps, especially if it's about money." A young lady who has been ripped off by her employer has had the guts to go to her employer and say, "I'm not being paid my super." This is a bloke she is frightened of, who snaps at her, and he does not do anything about it. That was in May last year. Does the Premier believe that young lady or does he believe his minister? Does he believe the other 14 people who have lodged complaints or does he believe his minister? Last time we had dodgy affairs going on involving matters surrounding the Minister for Police, the Premier immediately came out and said, "The minister's explained it to me; I back my minister, I support him." I do not know how the Premier could have drawn that conclusion. Two other people were involved and essentially the Premier said that he believed his minister over them.

In this case, up to 15 decent, honest Western Australians have been ripped off by the Minister for Police. At least four have made complaints to the tax office. Will the Premier still stand by his minister today or will he demand the answers that we are demanding from the minister to get to the truth of this because we now know he has misled Parliament? He knew about this situation in May last year from at least one staff member. He knew about the complications regarding his superannuation payments from a former chemist in August last year and even wrote a cheque to that chemist in October, yet there is nothing about that in his statement. He said -

It was during this sale process that I became clearly aware that there were anomalies in staff superannuation payments over the previous two to three years.

He knew about one in May and another in August and he probably knew about others as well, but he is saying it was during the sale process that he learnt of it. He immediately instructed his accountant to check every payment over this period and correct these anomalies. This was done in November 2005. The minister is wrong. He knew he had problems with superannuation from at least one staff member in May 2005 and from a chemist in August 2005. He has deceived and misled the Parliament. Then he went on the radio this morning and perpetuated that lie. The ABC report says -

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Mr D'Orazio says he did not know of the problems until late last year, or of angry staff.

“Oh no, the ones that came to me said we understand, we're quite happy.”

That is certainly not what we have heard. When staff are frightened because their boss snaps at them, especially when it is to do with money, they cannot be too happy. As the member for Warren-Blackwood said, they must have been happy because they went to the tax office to complain. Gee, that is really happy! What would they do if they were unhappy? This is incredibly serious. Today the minister has said that he cannot remember any other cases apart from the one involving the chemist.

**The ACTING SPEAKER (Mr P.B. Watson):** If the member for Vasse wants to have a conversation across the chamber while his own colleague is speaking, fair enough, but I do not think he would appreciate it. There is too much noise in the chamber anyway.

**Mr T.R. Sprigg:** He wasn't talking to himself!

**The ACTING SPEAKER:** I call the member for Murdoch to order for the first time.

**Mr D.F. BARRON-SULLIVAN:** As a result of other things he has said, we now need to know more. If the minister wants to set the record straight, he can answer by interjection three very simple questions. Firstly, will he tell us again - because I did not hear him earlier, and I am sure he did not say it - when he was first made aware that the Australian Taxation Office was examining any of these matters, and by whom?

**Mr J.B. D'Orazio:** From memory, the phone call I received from the Australian Taxation Office was early December - about that time.

**Mr D.F. BARRON-SULLIVAN:** Why did the ATO call the minister?

**Mr J.B. D'Orazio:** The phone call I received was from the tax office. The person on the other end of the phone said he could not talk to me and that someone else would ring. I did not speak to him again; someone from the ATO spoke to the accountant.

**Mr D.F. BARRON-SULLIVAN:** The ATO must have said why it was calling the minister.

**Mr J.B. D'Orazio:** I was the core person on the account.

**Mr D.F. BARRON-SULLIVAN:** When did the minister's manager first alert him to any problems about superannuation?

**Mr J.B. D'Orazio:** I have answered your questions. I will answer only what I know and no more.

**Mr D.F. BARRON-SULLIVAN:** The minister has not answered that question. When did Saul Sacht first tell the minister there were problems?

**Mr J.B. D'Orazio:** I have told you what I said.

**Mr D.F. BARRON-SULLIVAN:** The minister has not answered that question.

**Mr J.B. D'Orazio:** Yes I have.

**Mr D.F. BARRON-SULLIVAN:** Does the minister not think it is rather an important question? Up to 15 complaints have been made, four of which were made to the ATO. The minister has said that he employed about 50 people over that time. That amounts to one in three.

**Mr J.C. Kobelke:** You make up so much; are you going to substantiate the 15 complaints?

**Mr D.F. BARRON-SULLIVAN:** If the minister answered the questions, we could substantiate everything right now. Will the minister answer my question about when his manager, Saul, first told him about the superannuation problems? The minister can settle this matter right now. He is not answering it for obvious reasons; namely, given that a staff member complained in May 2005, there is every chance the minister's manager complained then or sooner. The onus is on the Premier now to stand up and tell us whether he will stand by his minister today or do the right thing and tell the minister to answer these questions; they are very reasonable questions. Why did the minister lie on radio today? Why did he mislead the Parliament today? Why did he not look after his staff? What does this say about a minister who is responsible for a key law and order portfolio?

**MR A.J. CARPENTER (Willagee - Premier) [10.12 am]:** I do not agree with the motion. Let us put this into context. It is very interesting that this issue is raising so much heat in the Western Australian political arena right now. If it were taken in isolation, there is no question that it would still need to be addressed. However, it has arisen on the back of another issue and I am referring to that because I want to urge some caution here.

**Mr D.F. Barron-Sullivan:** It says something about the minister, does it not?



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**Mr A.J. CARPENTER:** It says something about my state of mind now, my view of the minister, and what I think is an appropriate course of action. About 10 days ago an allegation was made by Gary Adshead and Robert Taylor of *The West Australian* about this minister. That allegation was subsequently found to have absolutely no foundation.

Several members interjected.

**Mr A.J. CARPENTER:** I will get to the allegation in a moment.

**The ACTING SPEAKER (Mr P.B. Watson):** Opposition members have sought an explanation from the government side of the house. They have called on the Premier to give an explanation and he is giving one. They should listen to him.

**Mr A.J. CARPENTER:** The Corruption and Crime Commission assessed the allegations and quite clearly said that any allegation of impropriety against the minister had no foundation whatsoever. I do not like raising the allegation in the Parliament. However, in the context of what is being discussed today it serves a purpose. *The West Australian* maintains that it did not allege that the minister was guilty of anything improper or of corruption. It has declined to apologise, despite all the issues that flowed from its articles and all the damage that has been caused to this minister through them.

**Mr D.F. Barron-Sullivan:** Will he sue them? I will bet he doesn't.

**Mr A.J. CARPENTER:** Hang on. This is the allegation that was raised by those two reporters, and by Gary Adshead in particular. Reporting about the alleged deal that was done in the police minister's office, Gary Adshead said -

Police Minister John D'Orazio is the man referred to at a Corruption and Crime Commission hearing as the "Godfather" who brokered a deal which led to disgraced former councillor, Adam Spagnolo, facing a corruption scandal.

The deal was reached at a 2003 meeting between Mr Spagnolo, Mr D'Orazio and carpet company owner Tony Drago, who was engaged in a turf war with Mr Spagnolo and his son Emelio over the carpet business.

That was the allegation made in *The West Australian* in the context of labelling the Minister for Police the "Godfather".

**Mr R.F. Johnson:** Patti Chong did that.

**Mr A.J. CARPENTER:** No, she did not. It was raised in *The West Australian*. The point I make is that the allegation raised against the minister was found to be absolutely false, false, false. There was no truth in it whatsoever.

**Mr M.J. Birney:** Can we deal with this issue?

**Mr A.J. CARPENTER:** I will deal with it; I have plenty of time. It has created an atmosphere that is very unhealthy. Raising this issue in that atmosphere makes it extremely volatile. *The West Australian* will not apologise for that story, even though everyone other than its paid employees and those who seek to make political gain out of it knows that there should be an apology. What it has done is an absolute disgrace. However, the paper will stand by its position. Members opposite say that the minister could sue the paper. The same newspaper made a similarly totally untrue slander against the member for Riverton, but he could not sue the paper because it would have cost him an absolute fortune. That is the position of the ordinary man and woman in Western Australia when confronted with that type of attack.

**Mr R.F. Johnson:** He is a highly paid member of Parliament.

**Mr A.J. CARPENTER:** He is, and yet he cannot afford it. Any one of us could be the subject of a similar circumstance. If we keep going down this path, members probably will be in a similar position because we are heading in a very ugly direction. The opposition is heading in a very ugly direction.

The issues raised yesterday deserve proper treatment. However, before I touch on that more fully, I will reflect on the Leader of the Opposition's position on untested allegations of a criminal nature. His stated position is that nobody should be named until the allegations have been proved to be correct. It absolutely befuddles me how that does not attract media attention in Western Australia. A senior political person in this state can have such an outrageously revolutionary view about how allegations of impropriety and criminality should be dealt with and yet nobody reports it. It just does not matter to the media. On the very next day, the Leader of the Opposition

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has alleged all sorts of impropriety in this chamber and yet no comment is made in the media on the contrary philosophical position he holds.

Let us deal with the issue before the chamber.

An opposition member interjected.

**Mr A.J. CARPENTER:** If I were still a journalist, I would sit the Leader of the Opposition before a television camera and I would chop him to bits on his position.

Several members interjected.

**Mr A.J. CARPENTER:** That is because he is such an easy target. However, no-one takes up the fight any more.

Opposition members interjected.

**Mr A.J. CARPENTER:** I will address the motion before the house, because it is a genuine issue. Members must remember the background behind which this is occurring and the atmosphere in which it is occurring.

**Mr R.F. Johnson:** Did your minister tell lies? That's the question.

**Mr J.B. D'Orazio:** No.

**Mr R.F. Johnson:** We are asking him.

**The ACTING SPEAKER (Mr P.B. Watson):** Order, member for Hillarys!

**Mr A.J. CARPENTER:** In his own statement, the minister has said that he sought to correct the problems in relation to his business in November last year. He did not seek to correct the problems with his business as a result of any allegations that were raised in this place yesterday. That was not the spur to it. He did it five months ago; perhaps six months ago. He recognised that, because of the sale process that was going on, there were anomalies in the payment of superannuation entitlements to his staff that needed to be addressed. He was not spurred by the opposition; he was not spurred by the damage from a newspaper article. He was spurred by the need to correct the problems that the business had. He was not forced into doing it; he did it. I heard the interview with the young woman on the radio today as well.

**Mr R.F. Johnson:** So did we.

**Mr A.J. CARPENTER:** Yes. I have faith in the minister.

**Mr D.F. Barron-Sullivan:** Are you saying that she is lying?

**Mr A.J. CARPENTER:** No. I am not saying that the young woman is lying. This is the most banal, basic position that a person can ever have: that if two people have different points of view or recollections, one of them must be lying. I could ask any number of members opposite about any meeting any of them had a week or two or three ago. I could ask them for the details of the meeting and who said what to whom, and I would get a complete variation in accounts. I have sat through two royal commissions; I have sat through the entire WA Inc royal commission - I was there almost every single day. I sat through the Penny Easton royal commission. I have heard evidence from expert witnesses and people who swore black and blue that their version of an event was the only version, yet another swore the same about a different version. What we have here is a young woman, as I understand her interview, who approached the minister -

**Mr D.F. Barron-Sullivan:** And others.

**Mr A.J. CARPENTER:** We are talking about this particular one; the one the opposition raised. The minister was approached while, I take it, he was working on the computer in the pharmacy. We do not have any specifics about what response the minister gave or the attention paid. There is nothing in that account that causes me to believe the assertion in the motion that, therefore, the minister is lying. The opposition is making that assertion because it needs to make that assertion for its political gain.

**Mr R.F. Johnson** interjected.

**Mr A.J. CARPENTER:** I do not know what experience the member for Hillarys had in running councils in London, but I have been involved in politics in Western Australia, one way or another, for 20 years. I have heard every argument; I have seen it all in 20 years. I do not leap to conclusions. I have learned to not leap to conclusions. I did not leap to conclusions when the allegations were made against the member for Riverton. They were quite clear allegations made against the member for Riverton. In fact, I am glad I did not, because my innate trust and faith in the member turned out to be correct. I have the same innate trust and faith in the minister. Quite honestly, I have the same innate trust and faith in most members on the other side; that they are

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not dishonest people and do not come into Parliament and lie their heads off. They play the political game. That is what is being done here; they are playing the political game. For example, did the member for Ballajura seek to surreptitiously change an official document? Did he seek to secretly change an official record to cover up his problems?

**Mr D.F. Barron-Sullivan:** This is a very serious matter.

**Mr A.J. CARPENTER:** It is a very serious matter. Did he do that? Did he then offer the lame explanation that the document was his own personal document written in his personal hand and, therefore, he could do whatever he liked with it and that it was not an official document at all? Did he offer that sort of pathetic, lame explanation of an action that led to contempt of the Parliament?

Several members interjected.

**The ACTING SPEAKER (Mr P.B. Watson):** Order, members!

An opposition member interjected.

**Mr A.J. CARPENTER:** I am defending him. On his own account, five months ago the minister sought to correct the problem that his business faced. He did not need to be dragged into it; he did not need to be dragged before the Parliament to do it; he did not need to be dragged before a committee of the Parliament to give an explanation of why he had altered documents. He did it because he knew that it was the right thing to do. I accept that explanation.

**Mr J.H.D. Day:** Why did it occur in the first place? Have you asked that question?

**Mr A.J. CARPENTER:** He has given that explanation, member for Darling Range. In the last couple of minutes available to me, I want to ask a question - rhetorically, if one likes. A lot of people on the other side have, and some still do, run businesses - small businesses and so on. Have any members on the other side, while running a business, ever been the subject of a complaint about the way in which they were running their business? Has the member for Kalgoorlie ever been subject to a complaint? Perhaps the member for Kalgoorlie would like to rise to his feet and tell the Parliament the nature of the complaint that was raised against him. Has a complaint ever been raised against him?

**Mr D.F. Barron-Sullivan:** Ask your minister some questions. When did his manager tell him about the superannuation problems? Was it deliberate? Ask him whether it was deliberate.

**Mr A.J. CARPENTER:** Of course it was not deliberate. He has already answered that question.

**The ACTING SPEAKER (Mr P.B. Watson):** I call the member for Leschenault to order for the second time.

**Mr A.J. CARPENTER:** In this place, we live in a political goldfish bowl. If members make mistakes, they can quite rightly be castigated for it and suffer political damage. That is what is happening here. However, to assert that the minister has lied is a completely different assertion. He has apologised for the performance of the management of his business. He did it on his feet today. Member for Kalgoorlie, do not worry. The parliamentary year is long; the parliamentary term is long. Other issues will emerge. I believe the minister has answered the questions that were put to him.

**Mr D.F. Barron-Sullivan:** No, he hasn't.

**Mr A.J. CARPENTER:** I believe he has. I do not believe there is any justification for asserting that he has lied. Therefore, I strongly disagree with the motion before the house.

**MR M.J. BIRNEY (Kalgoorlie - Leader of the Opposition) [10.27 am]:** What a terrible -

Opposition members interjected.

**The ACTING SPEAKER:** I know that members on my left might not want their leader to speak, but the Leader of the Opposition will speak.

**Mr M.J. BIRNEY** What a terrible defence of a terrible minister. The Premier's speech gives a whole new meaning to the word "babble", because that is effectively all it was. There are two issues concerning this matter. Firstly, does the Premier want a minister in his cabinet, in charge of a \$700 million portfolio, who cannot even meet his basic, lawful commitments of paying superannuation for his staff? Does the Premier really want somebody in his cabinet administering a budget of \$700 million when that person has proved over a three-year period that he cannot even carry out his lawful obligations to pay superannuation for his staff? That is the first question, and it is a rhetorical question that I am sure everybody will have a view on. The second question is not about how good a business operator the Minister for Police and Emergency Services is or was, how effective or

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successful his business was or whether he made mistakes in business; it is about whether he misled this Parliament yesterday when he made a statement that he clearly first became aware of this matter in November last year and then moved to rectify it. That is what he said in this Parliament. One of his staff members said differently on the radio this morning, and I would like to share her words with members of this house who may not have heard that radio interview. The person was a young lady by the name of Hayley, as I understand it, who is in her very early 20s. According to the transcript of the interview prepared by my office, Paul Murray said to her -

PM: When did you realise you weren't getting your super entitlements?

Hayley: I knew a couple of months after I started employment with him

...

PM: Did you raise it at any stage with Mr D'Orazio directly?

H: I had raised it once with Mr D'Orazio, I can't actually recall when that was but I recall it was actually before I put in an official complaint with the Australian Tax Office.

PM: So when did you put in an official complaint?

H: That was in May 2005.

If we are to believe what the Minister for Police and Emergency Services said yesterday, he did not become aware of this matter until November 2005.

*Point of Order*

**Mr A.D. McRAE:** The member for Kalgoorlie is misusing the statement made by the minister yesterday. He is misrepresenting the minister in such a way as to impugn his reputation. This morning the opposition quoted the part of the minister's statement that referred to when he clearly became aware of the issue; to say something different now is an attempt to impugn the reputation of the minister and it should be corrected.

**The ACTING SPEAKER (Mr P.B. Watson):** There is no point of order because the motion before the house is dealing with this issue.

*Debate Resumed*

**Mr M.J. BIRNEY:** This morning on the radio young Hayley was heard saying that she personally raised the issue with the minister prior to May 2005. That is strike one. One of the minister's locum pharmacists wrote a note to the minister on 30 August 2005 asking for her superannuation. Of course, the minister could not ignore someone in his organisation as senior as a pharmacist, so he wrote a cheque in October 2005 and gave it to her. That is strike two. Once again, that calls into doubt the minister's statement yesterday that he first became aware of this matter in November 2005. Two young girls - an 18-year-old and a 22-year-old or thereabouts - have not had their superannuation paid by the minister for a long period. After exhausting all other avenues, they went to the Australian Taxation Office in May 2005. Is the minister seriously trying to tell me that an 18-year-old girl would go straight to the ATO to try to get her superannuation without first raising the matter with the bloke who owes her that superannuation? That is absolutely and utterly unbelievable. The minister's former employee also said on radio this morning that the pay lady told her that she had raised this matter with the minister. That is strike three. All these strikes point to the fact that the Minister for Police misled Parliament yesterday when he read out his statement. The only sure-fire method the opposition has to gain information from the government of the day is to question it in Parliament. The integrity of this Parliament must be above all that. If the answers provided by ministers are not truthful or are slippery in anyway, it undermines the system of having a government and an opposition.

**Mr J.N. Hyde** interjected.

**The ACTING SPEAKER:** Order, member for Perth!

**Mr M.J. BIRNEY:** Why did the minister stand and say that he had moved to do something about this -

**Mr J.N. Hyde** interjected.

**The ACTING SPEAKER:** I call the member for Perth to order for the first time. I give the call to the Leader of the Opposition.

**Mr J.N. Hyde:** You did a sleazy deal.

**The ACTING SPEAKER:** I call the member for Perth to order for the second time.

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**Mr M.J. BIRNEY:** It is inconceivable to think that although the manager of the business had received all these complaints about superannuation not being paid, he did not raise it with the bloke who owns the shop. It is inconceivable. I do not care how the minister went about running his business and whether he was good or bad at it. However, I do care when he misleads this Parliament. On the evidence before us, that has clearly happened - there is no doubt it. The pharmacist wrote the minister a note and received a cheque. However, the two young girls - the 18-year-old and the 22-year-old - did not have any luck. Why do members think that is? I suspect it is because the minister thought that they would just go away. The pharmacist was not going away because she had obviously been around for a little while. She demanded and received her money. The two young girls had no such luck and had to go to the Australian Taxation Office. Why is it that the minister tried to pay those superannuation payments directly? If he had been able to get away with that, he would have avoided the penalties provided for in the act for late superannuation payments. He was pulled up on that and he will now pay his penalties, but I do not want to hear this nonsense that during the sale process the minister suddenly realised there were a couple of anomalies. He was a serial non-payer. The matter had been raised with him on numerous occasions and he continued to not pay. I suspect that it was only when the stakes were raised and those young girls went to the Australian Taxation Office that he thought he really had better do something about it, because until then he had looked the other way.

All that aside, the minister came into this Parliament and said -

It was during this sale process that I became clearly aware that there were anomalies in staff superannuation payments over the previous two to three years.

That is code for "I did not pay these people's super for three years".

**Mr J.C. Kobelke:** He did.

**Mr M.J. BIRNEY:** Some was paid correctly, some was underpaid and some overpaid, and some payments were not made for some employees. He then went on to say -

I immediately instructed my accountant to check every payment over this period and correct these anomalies. This was done in November 2005 . . .

Those young kids had been raising it with him prior to May 2005. The minister came in here with this rubbish, obviously hurriedly put together, and he expects us to believe that November was the first time he knew about it.

**Mr R.F. Johnson:** You have run out of time.

**MR E.S. RIPPER (Belmont - Deputy Premier)** [10.37 am]: I have two minutes. Members of the opposition made a serious mistake in this case when they put up that man, the Leader of the Opposition - a man found to be in contempt of this Parliament - to talk about integrity in this house and misleading this house. How can a man who has been found to be in contempt of this place come into this chamber and talk about his respect for the integrity of the house? It is enough to make one want to vomit to hear that man talk about the integrity of this Parliament.

We then go to the nature of the attack. Clearly it all turns on the words in the minister's statement. He said -

It was during this sale process that I became clearly aware that there were anomalies in staff superannuation payments over the previous two to three years.

Note that the minister did not say in that statement that he was unaware of any difficulties with superannuation payments before November; neither does he say that he was first aware in November. The minister does not say, as the Leader of the Opposition has quoted him as saying -

Several members interjected.

**The ACTING SPEAKER:** Order!

**Mr E.S. RIPPER:** I thought we had rules in this chamber about interjections on this matter. I am prepared to abide by whatever ruling you might make, Mr Acting Speaker. The minister did not say, as the Leader of the Opposition misquoted him, "clearly I became aware" in November. He said, "I became clearly aware" in November, which has quite a different meaning. The opposition members are attempting to misinterpret and mislead the house about what the minister actually said so that they may hold up their assertions against a false standard, the false standard being their misinterpretation of what the minister said. They have not made their case, and by putting up the Leader of the Opposition to finalise the argument, they have revealed their own weakness and hypocrisy.

Question put and a division taken with the following result -

**Extract from *Hansard***  
[ASSEMBLY - Thursday, 9 March 2006]  
p181b-194a

Mr Troy Buswell; Speaker; Mr John Kobelke; Mr John D'Orazio; Acting Speaker; Mr Dan Barron-Sullivan; Mr Alan Carpenter; Mr Matt Birney; Mr Tony McRae; Mr Eric Ripper

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Ayes (22)

Mr C.J. Barnett  
Mr D.F. Barron-Sullivan  
Mr M.J. Birney  
Mr T.R. Buswell  
Mr G.M. Castrilli  
Dr E. Constable

Mr M.J. Cowper  
Mr J.H.D. Day  
Mr B.J. Grylls  
Ms K. Hodson-Thomas  
Mr R.F. Johnson  
Mr J.E. McGrath

Mr P.D. Omodei  
Mr D.T. Redman  
Mr A.J. Simpson  
Mr G. Snook  
Mr T.R. Sprigg  
Dr S.C. Thomas

Mr M.W. Trenorden  
Mr T.K. Waldron  
Mr G.A. Woodhams  
Dr G.G. Jacobs (*Teller*)

Noes (26)

Mr P.W. Andrews  
Mr J.J.M. Bowler  
Mr A.J. Carpenter  
Mr J.B. D'Orazio  
Dr J.M. Edwards  
Mrs D.J. Guise  
Mrs J. Hughes

Mr J.N. Hyde  
Mr J.C. Kobelke  
Mr R.C. Kucera  
Mr F.M. Logan  
Ms A.J.G. MacTiernan  
Mr M. McGowan  
Ms S.M. McHale

Mr A.D. McRae  
Mr N.R. Marlborough  
Mrs C.A. Martin  
Mr M.P. Murray  
Mr A.P. O'Gorman  
Mr J.R. Quigley  
Ms M.M. Quirk

Ms J.A. Radisich  
Mr E.S. Ripper  
Mrs M.H. Roberts  
Mr D.A. Templeman  
Mr S.R. Hill (*Teller*)

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Pair

Ms S.E. Walker

Mr T.G. Stephens

Independent Pair

Dr J.M. Woollard

Question thus negatived.