

PROCEDURE AND PRIVILEGES COMMITTEE

Motion

MS S.E. WALKER (Nedlands) [3.24 pm]: I move -

That the following matters of privilege be referred to the Procedure and Privileges Committee for its consideration, determination and report to the Assembly by 10 November 2005 -

Madam Deputy Speaker, I will have to amend that date because time has moved on. The motion continues -

whether the member for Perth in his capacity as Chairman of the Joint Standing Committee on the Corruption and Crime Commission, in a public presentation to the Australasian Study of Parliament Group Conference on *Parliament and Accountability in the 21st Century* in Sydney on Friday, 7 October 2005 -

Point of Order

Mr J.N. HYDE: My understanding is that the Speaker detailed that this motion was the first order of business for today and, therefore, it cannot be amended on the run, which is what the member for Nedlands is attempting to do.

The DEPUTY SPEAKER: The member for Nedlands has not moved an official amendment. I do not believe that there is a point of order. At this stage, the member for Nedlands is talking to her original motion.

Debate Resumed

Ms S.E. WALKER: The motion continues -

- (a) breached parliamentary privilege by improperly revealing information provided confidentially to him in his role as the chairman of that committee; or
- (b) committed a contempt of this house by deliberately supplying misleading information regarding the work of that committee and thereby endangering the committee process and bringing the committee and the Assembly into disrepute.

The DEPUTY SPEAKER: I advise the member for Nedlands that if she wishes to amend a portion of her motion, she can seek the leave of the house to do so while she is on her feet. The member for Nedlands can seek leave to move her motion in an amended form or she can have another member move it for her.

Ms S.E. WALKER: Can I do that at the end?

The DEPUTY SPEAKER: It would be good if the member did that before she takes her seat.

Ms S.E. WALKER: This motion involves two questions -

Point of Order

Mr J.C. KOBELKE: Because I had difficulty hearing the member for Nedlands, I am not sure whether she has moved her motion.

The DEPUTY SPEAKER: Yes. I took it that the member for Nedlands moved her motion when she first spoke. However, for clarification, and so that it is on the record, I ask the member for Nedlands to formally move it again so that everybody is happy that she has moved her motion.

Ms S.E. WALKER: I will amend my motion at the end.

Mr J.N. Hyde interjected.

Ms S.E. WALKER: Members behind me should be quiet. I understand that the member for Perth is being precious.

Mr J.N. Hyde interjected.

The DEPUTY SPEAKER: Order, member for Perth!

Ms S.E. WALKER: I will move a motion to amend the date in my motion. I seek clarification as to whether I can do that at the end of the speech that I am about to give or whether I have to do it now.

The DEPUTY SPEAKER: To clarify the situation, it is my understanding as the Chair that the member for Nedlands indicated that she was moving her motion when she first got up to speak and that she then spoke to her amendment. As far as the Chair understands the situation, the member for Nedlands formally moved her motion when she first got up to speak. What is subsequently being talked about is moving it in an amended form. The member on her feet can seek leave to do that at the end of this process. However, it is preferable that she do it

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now or have another member do it for her. As a means of clarification, it is probably best that the member for Nedlands seek leave to amend her motion at this very moment and then we will all be clear about what is going on!

Debate Resumed

Ms S.E. WALKER: I seek leave to amend the motion so that the report to the Legislative Assembly is provided by 30 November 2005.

[Leave granted.]

Motion, as Amended

Ms S.E. WALKER: This motion involves two questions for determination by the Procedure and Privileges Committee, which revolve around a statement made by the member for Perth in his capacity as the Chairman of the Joint Standing Committee on the Corruption and Crime Commission during a presentation to the Australasian Study of Parliament Group in the New South Wales Parliament on Friday, 7 October this year. At that conference at the New South Wales Parliament in Sydney were 108 listed participants, including about a dozen parliamentarians and parliamentary staff from Western Australia and only three members of the joint standing committee, which is relevant to this debate, they being the member for Girrawheen, the chairman, and Hon Ray Halligan. Hon Margaret Rowe was not present. However, a large number of parliamentarians and staff from around Australia and New Zealand were present at that annual conference of the Australasian Study of Parliament Group. They represented groups from universities and Parliaments; for example, Mrs Helen Minnican from the New South Wales Committee upon the Office of the Ombudsman and the Police Integrity Commission was present, as were people who are generally involved in the study of corruption, crime and accountability in the twenty-first century.

The statement the subject of this debate was made orally and published. A copy of the speech was handed to participants prior to the oral presentation. The statement, which I say is for the determination of the Procedure and Privileges Committee, was published in a nine-page speech that was handed out by the member for Perth. I refer to the second paragraph on page 6 of that nine-page speech, in which the member for Perth said -

Clearly, the additional information convinced the Inspector and the committee, that Ms Rayner should be charged with a more serious offence. It's perfectly understandable to us why a separation of powers and roles goes a long way to ensuring corruption can't fester.

When the member for Perth gave that speech he spoke in his capacity as Chairman of the Joint Standing Committee on the Corruption and Crime Commission, because he said in the third paragraph on page 3 -

I do offer these as personal views as the Chairman, not an official committee position.

He was invited to give those views as the chairman of that committee; he gave those views as chairman of that committee. Later, as I have already quoted, he revealed the purported internal thought processes and conclusions of not only the other members of the committee but also the parliamentary inspector, Mr Malcolm McCusker, QC. He conveyed to the audience what the inspector and the committee members thought about the new additional information that had allegedly been given overnight to the committee. I will read why it is so from his speech in the fifth paragraph on page 5, when he said -

By the Friday afternoon, just 20 hours after first making the issue public, with the committee convening to release the full transcript, report and aided by the new overnight information, some observers were criticising the Inspector and the Committee . . .

What he was referring to, and given the context of the nine-page speech, which I sought leave to have lie on the table the last time I raised this matter, was fresh evidence that had been given to the Director of Public Prosecutions. He revealed what purported to be the internal thought processes of the Parliamentary Inspector of the Corruption and Crime Commission and the other members of the Joint Standing Committee on the Corruption and Crime Commission - Hon Margaret Rowe, Hon Ray Halligan and the member for Girrawheen. I do not believe that he had their authority to do that. I will come back to why that is so. Also, I asked the member for Perth in a question in this house on 13 October whether he had authority from the parliamentary inspector and the committee members. As yet he has not answered that question.

Mr J.N. Hyde: Yes I did.

Ms S.E. WALKER: He has not answered that question.

Mr J.N. Hyde: You are misleading the house.

Ms S.E. WALKER: I am not misleading the house. I am being very careful about what I say.

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Mr J.N. Hyde: And you get it wrong.

Ms S.E. WALKER: The member for Perth has had time to obtain a letter from the parliamentary inspector and other committee members to confirm that he did have that authority. I expect him to produce those today. Further, this matter ought to go to the Procedure and Privileges Committee for its consideration and report, following a question without notice from me to the member for Perth on 13 October 2005. I will read out the question that I asked him and the response that is recorded in *Hansard*. On 13 October 2005, at page 6369 of *Hansard*, I asked the member for Perth -

Under standing order 75(4), my question is to the Chairman of the Joint Standing Committee on the Corruption and Crime Commission, the member for Perth. I refer, as an administrative matter, to a speech . . .

I referred to the speech and then asked -

- (1) What authorisation to make that statement did the member for Perth seek and receive from other committee members and the parliamentary inspector prior to making that statement?
- (2) If the member for Perth wrote and delivered this statement without their permission, will he now resign from that committee?

Those questions were important because the question really is whether the member for Perth made that statement up. That is the question that the Procedure and Privileges Committee needs to determine. If he did not make it up and the parliamentary inspector and the committee members did form those conclusions in committee about Ms Moira Rayner and think that she should be charged, did he have their authority to make that statement? If he did not, he breached privilege. That is what this is all about. I asked him whether he had such authority, and his response, which is reported in *Hansard*, was -

I thank the member for the question.

(1)-(2) A draft copy of my speech was given to the parliamentary inspector.

That is, a draft copy of that nine-page speech. He continued -

He, in fact, wrote most of the detailed section of it. Members of the committee were briefed on the speech and were in attendance, as were a number of Liberal Party members of this house. The speech was delivered before any charge was laid against Ms Rayner.

In fact, that is not the response the member for Perth gave to this house when I asked him whether he had the authority of the parliamentary inspector and committee members.

Mr J.N. Hyde: You are misleading the house. You just read *Hansard*.

Ms S.E. WALKER: It is very clear. I have the DVD in my hand. It is a crystal-clear recording of what the member for Perth said. He is reported in *Hansard* as saying, in response to my question on whether he had the authority of the parliamentary inspector, that the parliamentary inspector in fact wrote most sections of it. What he said to this house and the inference to the house when I asked him the question was, "Yes, not only did I have the authority of the parliamentary inspector, he wrote the speech." That is what he said to this house and he misled this house. That is the question that the Procedure and Privileges Committee has to look at. All it has to do is to look at these DVDs or a videotape. The member for Perth just said behind me, "Richard Nixon tapes". When I asked him the last time the house was sitting whether he had changed the *Hansard*, I noted that he thinks I listen to audio tapes. He referred to giving me a lesson or lecture on audio tapes. He is with the Corruption and Crime Commission now and gets to know all about this sort of stuff! However, I am not talking about muffled audio tapes; I am talking about the recording on camera that is done in this Parliament -

Mr J.N. Hyde: No audio tapes?

Ms S.E. WALKER: Video and audio, and it is crystal clear. Even now the member for Perth is trying to say that he did not say that. This is the Chairman of the Joint Standing Committee on the Corruption and Crime Commission. He is behind me still telling untruths. Look at it, my friend, and then come into this place and resign. The videorecording shows that the response in the weekly *Hansard* was not the response of the member for Perth. He actually asked *Hansard* to change it. When I asked him whether he changed it, he said, "I have 100 per cent confidence in *Hansard*." Again, the implication is that *Hansard* put that down. The fact is that on the videorecording, which is crystal clear, the member for Perth misled this house because the clear implication in this house was that he had the authority of the parliamentary inspector because he wrote the speech. However, the member changed it. I know he changed it, and this is something that the Procedure and Privileges Committee can look at because it can get the records.

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Mr J.N. Hyde interjected.

Ms S.E. WALKER: What the member for Perth does not know - if he has not found out - is that when a member changes his or her copy, *Hansard* keeps it.

Mr J.N. Hyde: That is right. We do not change *Hansard*, only *Hansard* does.

Ms S.E. WALKER: *Hansard* keeps the proof that members send up with their corrections. When members get their little bundles -

Mr J.N. Hyde: Just like you do.

Ms S.E. WALKER: Yes; but the member for Perth will not admit that he changed it. He is making his situation worse. The fact is that the inspector did not write that speech. The inspector did not, as the member led this Parliament to believe, write that speech and therefore authorise the member to say what he said about him.

Mr J.N. Hyde: He does not authorise me to do anything. Nobody does, and you don't either.

Ms S.E. WALKER: I said last time that the question is: what did or did not Mr McCusker write, if anything at all? Frankly, he did not write anything at all. The member for Perth told us that the parliamentary inspector and the other committee members had formed a judgment on the additional evidence against Ms Rayner. The questions for the Procedure and Privileges Committee are: did they, and if they did, did the member have the authority; and, if they did not form such a conclusion, was the member for Perth making it up? We still do not have an answer to the question that I first asked on 13 October 2005. Did the member for Perth have authority from the parliamentary inspector and the committee, or did he make it up? When I asked the member for Perth the question on 20 October 2005, bit by bit he told us that it was his own speech. We go from the parliamentary inspector writing it a week earlier to *Hansard* changing the answer to indicate that he wrote detailed sections of it. Do we know which one is true? Was it his own speech? I refer to page 6751 of the *Hansard* creams, the corrected proof, which now states that the member for Perth said -

Last Thursday, when I thought that I politely rebutted her assertion that the parliamentary inspector and committee members had no idea that I was speaking at the conference in Sydney, I was perhaps overly humble in understating that I write my own speeches . . . I thought that I had clarified this. I wish to clearly state right now that it was my own speech with verbatim technical information only on dates and chronology provided to me by the parliamentary inspector and -

Now -

Commissioner Hammond for accuracy only.

That clears it up, or does it?

Mr J.N. Hyde interjected.

Ms S.E. WALKER: No, member for Perth. All that clears up, apparently, is that the member for Perth wrote that speech. The parliamentary inspector did not write that speech, but it still does not answer the question. Did the member for Perth have the authority to reveal the confidential and internal thought processes - the alleged confidential and internal thought processes - of the parliamentary inspector and the committee in relation to whether Ms Rayner should be the subject of serious charges because of the new additional fresh evidence? That question still has not been answered. It is a serious issue for the Parliament when a person in this position is prepared to go to a conference at which accountability in the twenty-first century is being discussed, make those statements as chairman and reveal that if he did not have the authority. That is the crucial test.

It is apparent that, when I asked that question on 20 October, the member for Perth was not frank with this Parliament on 13 October. He clearly misled Parliament. The truth is that the member for Perth did alter *Hansard* because he knew that when he said that Mr McCusker wrote his speech, it was not true. In response to my original question, the member for Perth said that Mr McCusker wrote his speech, so we still do not have the answer to whether the member for Perth had the authority of the parliamentary inspector and the committee to make the statement about whether Ms Rayner was charged or whether he just made it up. The following questions about authority issues can easily be answered. The Procedure and Privileges Committee can ask Mr McCusker and other committee members, first, whether they formed those conclusions; and, secondly, if they did form those conclusions, whether they gave authority to the member for Perth to say so in his speech. The interesting question is whether the member for Perth was privy to whether Ms Rayner was to be charged.

Why, then, is this issue important? It is important because it reflects on the Parliament. The last time I asked this question in the Assembly on 20 October, there was a lot of laughing. The member for Perth became a comedian. Some members might think it is fine to have a comedian as Chairman of the Joint Standing

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Committee on the Corruption and Crime Commission. In fact, members of Parliament were laughing at themselves. I am talking about how the chairman is perceived publicly and how he behaves as a parliamentarian on serious issues. This issue is important and that is why I am standing in this place today. It is important because the standing orders state that a matter of privilege usually takes precedence over all items of business. Standing order 109 states -

A member may at any time raise a matter of privilege which will, until disposed of, suspend consideration and decision of every other question.

It is important because Erskine May's *Parliamentary Practice*, which we follow in this Parliament, states -

The publication or disclosure of debates or proceedings of committees conducted with closed doors or in private, or when publication is expressly forbidden by the House, or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt.

I am standing in this place and debating this issue before any other business of the house because I have persuaded the Speaker that this is a serious issue. I consider this issue important because the member for Perth is Chairman of the Joint Standing Committee on the Corruption and Crime Commission and because it is a very, very powerful committee. Under the Corruption and Crime Commission Act, the commission has been given enormous powers. The committee chaired by the member for Perth monitors and reports on the exercise of the functions of the Corruption and Crime Commission and of the Parliamentary Inspector of the Corruption and Crime Commission. What further breach of privilege could there possibly be than for the chairman to say in this Parliament that the parliamentary inspector wrote his speech, so that the chairman could cover up the fact that he revealed things or made up things - we do not know - in a speech? This issue is also important because of the purpose of the Corruption and Crime Commission, which is outlined at page 3 of its annual report. It states -

... **WHAT IS OUR PURPOSE?**

The establishment of the Corruption and Crime Commission to replace the Anti-Corruption Commission was the central recommendation of the Interim Report of the Kennedy Royal Commission ...

The *Corruption and Crime Commission Act 2003* was proclaimed in the Government Gazette ... establishing the Commission, which came into existence on 1 January 2004 ... The Act identifies that the two main purposes of the Commission are to:

- combat and reduce the incidence of organised crime; and
- improve continuously the integrity of, and reduce the incidence of misconduct in, the public sector.

It is all about integrity. I do not believe that we can have a chairman who is so loose with the truth or who does not understand the seriousness of his role. The question that the Procedure and Privileges Committee must determine is whether the member for Perth made up the statement that he made in Sydney. If he did, it was an abuse of the members of the Joint Standing Committee on the Corruption and Crime Commission and of the Parliamentary Inspector of the Corruption and Crime Commission. If that is true, the Procedure and Privileges Committee must determine whether the member for Perth had the authority of committee members to do that. As I have said before, I do not think he had that authority. I refer to an e-mail that was sent from the New South Wales Parliament to one of our staff members when we were trying to ascertain whether an audio recording was made of the member for Perth's speech. It states -

... the conference was not recorded, so we are unable to help any further apart from giving her a copy of Hyde's intended speech that was handed out at the conference, which has been done.

This is the important bit -

The other WA Committee members commented after the speech that he had put back in some of the comments that they had asked be left out, ...

The other WA committee members who were present were the member for Girrawheen and Hon Ray Halligan; Hon Margaret Rowe was not there. Committee members have already expressed concerns about the member for Perth's speech. I have exposed that the member for Perth misled this Parliament by making up -

Mr J.C. Kobelke: The only person you are exposing is yourself.

Ms S.E. WALKER: Does the Leader of the House think it is okay?

Mr J.C. Kobelke: No; I just think you are doing an atrocious job.

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Ms S.E. WALKER: Does the Leader of the House think that it is okay for the member for Perth to tell people that the parliamentary inspector wrote his speech?

Mr J.C. Kobelke: When you represented people in court, did you make up things like you are doing now?

Ms S.E. WALKER: Does the Leader of the House want to look at this?

Mr J.C. Kobelke: Did you actually win any cases?

Ms S.E. WALKER: Yes, I did; I used to win a lot.

This matter is all about integrity. The Leader of the House will defend the member for Perth, and he thinks it is funny. I do not think it is funny, because we cannot have a chairman who is so loose with the truth.

Mr J.C. Kobelke: Your performance is absolutely appalling.

Ms S.E. WALKER: The Leader of the House is appalling sometimes. In fact, he is appalling most of the time.

Did the member for Perth make that up? If he did, it was an abuse of committee members and of the parliamentary inspector. The lady in New South Wales received some criticism from a person on the government's own side of the house about what was in that speech.

Mr J.C. Kobelke: Who is the person?

Ms S.E. WALKER: I will also refer to some things that the member for Perth said on 20 October.

Mr J.C. Kobelke: So you don't have a person; you are just making it up. You won't name the person.

Ms S.E. WALKER: I have already said it. The Leader of the House should read the *Hansard* tomorrow.

The member for Perth said something on Thursday, 20 October that I would like to correct. He said -

I am somewhat alarmed that the member -

He was referring to me -

or a member of the Liberal Party has been hawking copies of the daily *Hansard* in this house. That is a serious issue that should be reported to the Procedure and Privileges Committee. I informed Mr Speaker and the commissioner and the Parliamentary Inspector of the Corruption and Crime Commission on Monday when I became aware that the member or someone attached to her had been trying to beat up incorrect information in the media . . .

When the member for Perth stands to speak on this motion he will have the opportunity to tell me how he knew that I was hawking copies of uncorrected *Hansard*. Did he again mislead Parliament when he said that on 20 October? Did he again make something up?

Mr J.N. Hyde: You are supposed to be attacking me, not defending yourself.

Ms S.E. WALKER: I am attacking the member for Perth; he is just too thick to know it. In response to my question on Thursday, 20 October, the member said in the house that he had 100 per cent confidence in *Hansard*. The implication was clearly that he did not change the *Hansard*. It is important that this matter go to the Procedure and Privileges Committee so that it can obtain the corrections that he personally made to the *Hansard*.

In his response on 20 October, the member for Perth acted like a comedian; he thought it was funny and made everyone laugh. However, the members of Parliament who laughed at what the member for Perth said were laughing only at themselves. Members must ask whether they care. Do they want to know whether the person who chairs the Joint Standing Committee on the Corruption and Crime Commission is truthful and has integrity, or whether he reveals confidences or makes up what committee members have said? Do they want a chairman who is serious about his work and can laugh at himself or one who is serious about himself and laughs at his work? I have moved this motion so that the Procedure and Privileges Committee can, first, ask Mr McCusker and other members of the Joint Standing Committee on the Corruption and Crime Commission whether discussions were held in which observations were made about Ms Rayner and fresh, additional evidence. If they were, the second thing the committee must find out is whether the committee members authorised the statement or made it at all. The third thing the committee must consider is the member for Perth's response, which can be seen in the DVD of which I have a copy.

As the conduct of the chairman reflects on all parliamentarians, I urge all members of the house to support this motion. We have already seen the demise of the Deputy Commissioner of the Corruption and Crime Commission. There was also a front-page newspaper article last week about the enormous bungle over the two associates of the Scorpion Boys gang who were involved in the Mercanti and Dabag shooting and stabbing. I

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will come to that matter when I debate the motion tomorrow. The government set up the Corruption and Crime Commission to ensure the integrity of the public sector. The parliamentary inspector oversees the Corruption and Crime Commission. However, the chairman who oversees the work of the parliamentary inspector and the CCC has been making a complete joke of the system in this Parliament. When I explained that to Mr Speaker, he thought that what I raised was serious enough for the debate on this motion to be brought on. I know that the government has the numbers and can defeat this motion. However, government members must seriously ask themselves whether they think that this is an appropriate standard for the Parliament. I will know by their vote whether they do. The government will not have the gumption to send this matter to the Procedure and Privileges Committee. However, the member for Perth said on 20 October -

I almost hope that this issue goes before the Procedure and Privileges Committee. I hope it holds an open hearing with television cameras. I will have present the member for Mindarie, QC, and we will give the member for Nedlands a lecture. I will call the commissioner of the Independent Commission Against Corruption, whose technical views on the issue of what is in a tape or not in a tape are very relevant. Unlike the member for Nedlands, I accept whatever *Hansard* prints.

Even to that end he was defiant and did not tell the truth about what he had changed in *Hansard*. I am happy for the Procedure and Privileges Committee to open its hearings to television cameras. I am happy for them to see clearly in colour and to hear what the member for Perth said about whether he had authority, and to also hear the untruths that he told in this house. If members of the house are serious about their work in this state and about the integrity of the Parliament, they will send this matter to the Procedure and Privileges Committee.

The DEPUTY SPEAKER: I wish to clarify that we are dealing with the motion in its amended form as moved by the member for Nedlands. The motion now reads -

That the following matters of privilege be referred to the Procedure and Privileges Committee for its consideration, determination and report to the assembly by 30 November 2005.

The question is that the motion, as amended, be agreed to.

MR J.N. HYDE (Perth) [4.00 pm]: The member for Nedlands has provided no substance, no details, no evidence and, most importantly, no complaint from a committee member or from the parliamentary inspector and the Corruption and Crime Commission. Not only are there very few Liberal members in the chamber for this motion, but also the member for Nedlands has walked out of the chamber - during her own motion!

Several members interjected.

Mr J.N. HYDE: Is it not terrible! On the opposite side of the chamber there are only three Liberal members, and the former Leader of the National Party! That is the level of respect that this political stunt deserves. I remind members that on 18 September 2002, the opposition moved a matter of privilege against the then chair of the Public Accounts Committee, the member for Ballajura. At that time, the opposition believed that committee was the most important committee, and that it was a grave matter of privilege that the chair of that committee had spoken without authority. This is almost a template from the Liberal Party dirty tricks manual! When the opposition is getting hammered by the government, it has to bring on a motion such as this, because it has no policies of its own to bring on. I congratulate the member for Vasse on his elevation to the front bench. I hope there will now be some concentration on strategy and policy. The opposition has nothing to offer the people of Western Australia, so it has brought on another stunt. This is exactly like the stunt against the PAC. The opposition is using exactly the same strategy. There is no substance whatsoever. There has only been a lot of froth and bubble. The Speaker dealt with the former motion correctly and gave members opposite the opportunity to make their unfounded allegations and statements. The question was then put to a democratic vote, and the scurrilous attack on the member for Ballajura was rightly found to have no substance. The opposition on that occasion, because it had no policies, and no matter of public interest or suspension of standing orders to move, then moved to dissent from the Speaker's ruling. I predict the same will occur today. The majority of the members of the opposition are not in the chamber at this time. That is because they have used their strategy, and now they do not want to listen to the debate. They do not want to listen to the answers that have been given by me. They do not want to listen to the truth. I predict that the opposition will dissent from whatever the Speaker's ruling is today as well. All the opposition is doing is trying to create an incident, because there is no policy issue on which it can successfully attack the government at this time. I hope that now that the member for Vasse is on the front bench the opposition will raise some good and meaty policy issues and will be able to take over the role of the back bench in the Labor government, which is the de facto loyal opposition at the moment.

I repeat what I said during ministerial question time on 13 October. I thank the member for Nedlands for giving me the opportunity this once in my career to answer a question during ministerial question time. Fortunately, now that the member for Vasse has been elevated to the front bench, members opposite will be able to say, "For

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heaven's sake, never again will we let the member for Nedlands come on as the tail-ender in the batting order to ask the final question", because she got so hammered. I have looked at the DVD of that question time. The member for Nedlands is right. It is extremely funny. It is an absolute disgrace that, during the very important question time in this Parliament, the Liberal Party in its fifth question just raised an allegation. It is the sort of question one would expect from a second-year law student. It is the sort of question that second-year journalists like me who went to the courts used to watch being asked. There are always full-of-themselves lawyers who ask tricky questions such as: when did you stop beating your wife? Of course no matter how we answer that question, we are giving credence to the actual allegation. That is how to smear mud. There is no substance in what the member for Nedlands has produced. There is no detail. There is only a lot of mud.

Ms S.E. Walker: The Speaker thought there was.

Mr J.N. HYDE: The member for Nedlands is now interpreting the thought processes of the Speaker!

Ms S.E. Walker: No. He said it. I am not interpreting his thought processes. He said it in the Parliament, member for Perth! Wake up!

Mr J.N. HYDE: If we read *Hansard* we will see that the Speaker -

Ms S.E. Walker interjected.

Mr J.N. HYDE: It is almost exactly as he said.

Ms S.E. Walker: It is all on the DVD! You are hoist on your own petard!

Mr J.N. HYDE: Hang on! Is the member for Nedlands agreeing with what the Speaker said in *Hansard*, or does she have a DVD of the Speaker as well?

Ms S.E. Walker: It is a DVD of you, my friend! You should not be in that position as chairman!

Mr J.N. HYDE: The member for Nedlands does not want to listen to the Speaker. Unfortunately, that is the real motive behind this motion and the fact that the member for Nedlands is wasting opposition time. This is a vexatious and vindictive vendetta. It is very, very sad.

On Wednesday, 29 June, the Joint Standing Committee on the Corruption and Crime Commission empowered me to be the spokesperson for the committee.

Ms S.E. Walker: But not to reveal the inner workings and confidences!

Mr J.N. HYDE: Hang on! We are changing tack again! We are now a mind-reader! Like the opposition stunt on 18 September 2002, when the member for Ballajura said there had been a motion to empower him, as chair of the Public Accounts Committee -

Ms S.E. Walker: You couldn't lie straight in bed!

Withdrawal of Remark

Mr R.C. KUCERA: I think the member for Nedlands is well aware of what she said. She should withdraw that remark. It is most unparliamentary.

Mr P.D. Omodei: What - that he could not lie straight in bed? I agree with that!

The DEPUTY SPEAKER: Order! There is no point of order.

Debate Resumed

Mr J.N. HYDE: Thank you, Madam Deputy Speaker.

Unfortunately, when the opposition pulls a stunt like this, it is just crying wolf. At some stage during the term of this government - it may be the third or fourth term of the Gallop Labor government - people may start to get lazy, and we will need an opposition that will pull people into line and hold them accountable. However, if the opposition just pulls out the same motion from its dirty tricks book and changes the names, people will not take it very seriously. People are not taking the opposition seriously today.

As the member for Nedlands has stated in *Hansard*, the views expressed in the speech were my own.

Ms S.E. Walker: You did not have the authority to say what you said!

The DEPUTY SPEAKER: Order, members!

Mr J.N. HYDE: I reluctantly say again, as I said during that question time - I do not mean this personally - unfortunately the member has been taken in again. The member for Nedlands actually read into *Hansard* the

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name of an officer in the New South Wales Parliament and said that person had given an e-mail to a Liberal Party staffer in the member's office. What is included in the *Hansard* is a direct quote from that e-mail.

Ms S.E. Walker: So?

Mr J.N. HYDE: The member says so.

Ms S.E. Walker: What do you want me to do? I am not lying. I am not lying to this Parliament.

Mr J.N. HYDE: The member says she is not lying. Has the member spoken directly -

Ms S.E. Walker: I am not the one who is lying to this Parliament.

Mr J.N. HYDE: This is very important. The member for Nedlands quoted from an e-mail, and she named an officer in the New South Wales Parliament as having said something. Did the member for Nedlands speak to that person directly? I know she did not.

Ms M.M. Quirk: She is strangely silent!

Mr J.N. HYDE: The member for Girrawheen is now in the chamber. I was supposed to meet with a delegation at 4.00 pm, but I was not able to do so, because we are being distracted by this motion, and the member for Girrawheen was able to help me out. I have been waiting for the official *Hansard*. That is all I want to read in this place. I do not want to waste my time with DVDs and anything else. The member for Nedlands quoted from this officer in the New South Wales Parliament. My office contacted this officer yesterday, and we received a response today, in which she indicated that her private -

Mr P.D. Omodei interjected.

Mr J.N. HYDE: The member is trying to distract me, because the dirty tricks brigade in the Liberal Party office has been caught out again. A confidential section of an e-mail from an officer in New South Wales to somebody else - with the officer's name - has been revealed by the member for Nedlands. In fact, the three committee members that the member for Nedlands referred to in the context of that -

Ms S.E. Walker: Two members. The member for Girrawheen and the -

Mr J.N. HYDE: That is right.

Ms M.M. Quirk: Am I being verballled now?

Mr J.N. HYDE: That is right: the member is being verballled, as is another member, because the three members involved - that is myself, the member for the North Metropolitan Region in the upper house and the member for Girrawheen - were not speaking to the officer who has written that e-mail. In fact, there was an afternoon tea and three WA parliamentarians - because there were 10 others -

Ms S.E. Walker: I am happy for the committee to have the e-mail.

Mr J.N. HYDE: No, the member is not, because she has blocked out the names.

Ms S.E. Walker: I will get a fresh copy.

Mr J.N. HYDE: The officer involved said that she sent a confidential e-mail to her supervisor about an issue that was raised during an afternoon tea. What happened was that the dirty tricks office of the Liberal Party blocked out the original name in that e-mail. That is all the evidence the member has. The member should be embarrassed as a former excellent, hardworking law officer. This is her only evidence.

Ms S.E. Walker: That is the first true thing I have heard you say in this Parliament.

Mr J.N. HYDE: I agree with my good friend the member for Carine that the member for Nedlands is probably the hardest working person on the opposition side now that the former member for Kingsley has gone. I mean that sincerely. However, I feel that she has been misled. I will not get into the detail, but I know that, as with a good Chinese whisper, somebody can say something at an afternoon tea and it might be misunderstood, and the member has now come forward with this e-mail. I repeat: on Wednesday, 29 June there was an empowering motion to nominate me as the spokesperson for the committee. The opposition has used this template of the exact motion that was put against the member for Ballajura on the date that I mentioned previously.

There is an important process of privilege in this Parliament if a member of a committee has a concern. The conference in Sydney was about the processes of committees.

Ms S.E. Walker: Come off it!

Mr J.N. HYDE: The member does not know. That is what the topic of the committee was. We actually talked about the processes of committees.

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Ms S.E. Walker: It was about the role of parliamentary oversight committees.

Mr J.N. HYDE: That is right. Unfortunately, one cannot give a speech to that sort of conference about the role of parliamentary oversight committees without talking about what a committee does. I have spoken at length about that and I think both of us have wasted too much of the Parliament's time on this beaten-up issue.

Ms S.E. Walker: It is not a beaten-up issue.

Mr J.N. HYDE: I think there was a threat of violence there.

Ms S.E. Walker: There was no threat of violence from me.

Ms M.M. Quirk: It scared you.

Mr J.N. HYDE: I am unbelievably scared. We do not have any evidence. We should not be wasting the Parliament's time by referring this matter to another committee. It would be purely egocentric of me to want this matter to go to a committee that would have live television coverage.

Mr P.D. Omodei: Why don't you do it?

Mr J.N. HYDE: No; it would be egocentric.

Mr P.D. Omodei: Use your numbers to block this motion.

Mr J.N. HYDE: It is not a case of a motion being blocked.

Mr P.D. Omodei: It is. You have been caught out cold.

Mr J.N. HYDE: The opposition is allocated a certain amount of parliamentary time, and it could have chosen a number of issues on which to try to beat up the government. In its strategy the opposition mistakenly allowed the member for Nedlands to go off on a tangent about a personal issue without substance, without evidence and without a complaint from a member on the committee, and there is nothing there. The strategy failed. Those opposite should cut their losses and move on to hospitals, police, education and other important issues. It is important that Parliament empower its own committees. As I said in my speech in Sydney, I am incredibly proud and supportive of the member for Girrawheen, the member for the North Metropolitan Region and the member for the Agricultural Region. The two Liberals on that committee are wonderful people and were very supportive. The four of us worked very well together in a non-political way, as the majority of committees do. It is the same with the parliamentary inspector and the Corruption and Crime Commission itself. The opposition is embarrassed. I think the Leader of the Opposition said at one stage that the CCC should be sacked or something. The member for Nedlands is now trying to talk up another issue about a legal case that is ongoing. Everything she is trying in terms of the CCC is not working, because the public -

Ms S.E. Walker: There is a prosecution going on.

Mr J.N. HYDE: I believe the front page of *The West Australian* indicated that people should vote for the Liberal Party instead of the Gallop government.

Ms S.E. Walker: That is true.

Mr T.R. Buswell: It had a photo of the member for Riverton on it, if I recall.

Mr J.N. HYDE: That stunt did not work either. The CCC investigated that issue and found it was groundless. Even if something appears on the front page of the newspaper, it can still be erroneous. Members opposite should understand that just because they get on the front page -

Mr R.C. Kucera: Ask members of the Perth Mosque about that. Ask that Aboriginal family in Manjimup about that.

Mr J.N. HYDE: Exactly. Just because something appears on the front page and just because it receives publicity, it does not mean that it has substance or truth. I have said to my colleagues that there is no party line whip on this issue; I want them to have a conscience vote on this matter. I urge members on the opposition side to think likewise, because if an issue arises in the future about the privilege of Parliament they will want parliamentarians to vote along conscience lines. Most of the Liberals do not even care about it or know about it; it is a tail-end strategy that has gone awry. They should not support it. One or two of them should vote with me. I do not know whether anybody from this side will be joining me. I hope they will consider the issue on its merits as I have addressed it today. I urge members to vote this motion down quickly so that we can get on to the very important issues to do with Western Australia.

MR M.W. TRENORDEN (Avon) [4.17 pm]: There is an important basic issue which this chamber is going to ignore. Our Parliament is a mixture of the Westminster and the American systems, but we definitely got our

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committee process from the Westminster system. Under the Westminster system a debate like this would be carried out on the basis that the member for Perth has outlined - that is, on a conscience vote - because the question must be decided not on a party political basis, but on the basis of whether there is anything in the allegation put forward by the member for Nedlands. However, we have heard that this motion will be passed or negated on a party basis. I want to put something to the house, which is purely my view. As probably the most experienced chairman of committees in this house, it is my view that from approximately 25 August onwards the CCC committee has been dysfunctional. I will run through a few reasons. I can see a few shocked faces on the other side of the house. However, we cannot come to any other conclusion. Paragraph (b) of the motion has a lot of credence and should be supported. I have a raft of press releases with me that cover the period concerned. A range of things did not occur in the inquiry by the Joint Standing Committee on the Corruption and Crime Commission. The committee's functions and powers include monitoring and reporting on the exercise and function of the Corruption and Crime Commission and the Parliamentary Inspector of the Corruption and Crime Commission, as well as reporting to Parliament on the means by which corruption-preventing practices have been enhanced within the public sector. With hindsight we can see that a range of things have gone seriously wrong. The parliamentary inspector messed up his report to the committee; that has been found to be a fact. The JSCCCC decided on the day not to pass on the information to the police but to the Director of Public Prosecutions. Much later on, the DPP, having looked at all the information, handed the matter to the police. Why did the Parliament's JSCCCC not do that? Why was it not done from here? The committee met on 25 August 2005 with Malcolm McCusker, the parliamentary inspector. A reading of the *Hansard* of that committee meeting is quite remarkable. Page 2 of the transcript of the meeting on Thursday, 25 August 2005, shows that the members present were Mr J.N. Hyde, Hon Ray Halligan, Ms M.M. Quirk and Hon Margaret Rowe. At the bottom of page 2 the chairman states -

As Ms Rayner has voluntarily resigned, disciplinary action would seem inappropriate; and I do not consider her conduct to constitute a criminal offence.

That was dictated from the chair of the JSCCCC. I have already referred to the speech given by the chair to the Australasian Study of Parliament Group Annual Conference in October 2005. That speech contains some interesting statements. The member for Perth says the following at page 3 -

I do offer these as personal views as the Chairman, not an official committee position.

What does that mean? Was the Chairman of the JSCCCC giving his speech to a range of other parliamentarians in a formal situation on behalf of the committee? He said he was speaking as the chairman. He must have been speaking on behalf of the committee. There can be no other interpretation. Later in the speech he proudly outlines that the whole process took one hour from around 10.30 am on 25 August. In hindsight - we are now speaking some months after the event - within one hour of receiving the parliamentary inspector's report the chairman was in this chamber saying things to the effect that the accused had had enough punishment given to her. That is in the speech that was given as well as the committee transcript. In his speech to the Australasian Study of Parliament Group in Sydney, he stated -

As a side issue, some commentators, talk-back radio callers, non-committee parliamentary newbies and retired members - conspiracy theorists extraordinaire - accused us, the CCC and committee, of having media-managed this disclosure.

My view is that there is no doubt that that is what it was. Hindsight has shown us that the whole procedure of 25 August was way off kilter. We are talking about a committee of this Parliament. We need such committees to function properly. The really sad thing about this is that this committee has on it two ALP members from this chamber but no member of the opposition from this chamber - not a soul. That takes the balance out of the argument. The member for Perth should be able to say whatever he wants to say as the chairman and a corresponding opposition member from this chamber who is a member of the committee should be able to say in this house whatever is necessary - either in support of the chairman or not. However, that possibility is absent. The only other member of the JSCCCC from this chamber is from the same side of politics as the chairman. As such, we do not receive any other version of events other than those outlined by the chairman of the committee. That is a serious mistake of the Parliament, but not the member for Perth. It should not be allowed to happen.

The bottom line is that the members of this chamber put the Joint Standing Committee on the Corruption and Crime Commission into place to have an overview of what is happening within the Corruption and Crime Commission. We correctly installed a parliamentary inspector. I was a member of the previous committee at the start of that process, although not as much as my colleague alongside me was. The parliamentary inspector has been put in place, which is a very good thing. We now know in hindsight that the parliamentary inspector did not get it quite right. He is a very honourable person and I do not want to pick on him personally. However, we know in hindsight, two months after the event, that he did not get it right. The reason he did not get it right is

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that he took the statement from Ms Rayner as an accurate statement. I am referring to the statement given on 26 August 2005, which most members will have a copy of. We now know from the correspondence to the committee from Justice Hammond - which has been tabled in this house - that what Ms Rayner said in her statement was not correct.

The process has been off the rails from 25 August until now. It is all very well to say that this matter should be dealt with on a party political basis. One side will support the member for Perth and the other side will vote against that support. That is not what this should be about. I agree with the member for Perth. This should be about what has happened in the period from 25 August until now in the JSCCCC.

Mr J.N. Hyde: That is not the motion.

Mr M.W. TRENORDEN: It is in paragraph (b).

Mr J.N. Hyde: The issues the member is raising about the CCC are important. That debate will be held. I might disagree with a number of things the member has said, but they are not part of this motion. If I could only reveal what the committee knows, I am sure the member would change his view. I cannot reveal the committee's decisions.

Mr M.W. TRENORDEN: I will give the member that. There should be a member of the committee from this side of the house to back up the member or not - whatever the position is - but there is not.

Mr J.N. Hyde: I understand the point you are making. I said before that I originally argued that the CCC should be an Assembly committee, as it is in some other states, and not involve the upper house. Both houses decided that it should be a joint committee. At the end of every day's sitting, the members in the other place can speak on any issue.

Mr M.W. TRENORDEN: The member for Perth has been a member of Parliament for a short time, certainly not forever. It is important that we conduct the Legislative Assembly as the Legislative Assembly and that we let the Legislative Council conduct itself as the Legislative Council. That is the function of the two houses, and it will not change.

Mr J.N. Hyde: A joint committee changes, unfortunately.

Mr M.W. TRENORDEN: A joint committee means that instead of having the member for Girrawheen as the member for Perth's fellow committee person from this chamber, his colleague should have been a member from the opposition side of the house. In addition, the committee should comprise one Labor and one Liberal member from the upper house. That should have been the process. That is not an issue for the member for Perth. The member does not select the committee; the house makes the selection.

Mr R.F. Johnson: That was the situation with the Commission on Government joint parliamentary committee. It comprised members from both sides of the chamber from this house and the upper house. That was the basis of that committee and it worked very well. As the member for Avon said, there was always an opportunity for someone on the opposition benches in this house to put forward what they believed to be an accurate record.

Mr J.N. Hyde: The Liberal Party nominated two people and chose to nominate -

Mr M.W. TRENORDEN: That is not the member for Perth's problem. It is up to the houses to decide who they nominated to be on the committee. The problem is that the circumstances from 25 August have gone off the rails. Paragraph (b) of the member for Nedlands's motion covers the points that I am talking about. It refers to the committee process and bringing the committee and the Legislative Assembly into disrepute. There is no question that the report handed down by the Joint Standing Committee on the Corruption and Crime Commission to this chamber - and, although it is none of my business, to the other chamber as well - has been wildly inaccurate. We must work out how we ensure that that does not happen again. None of us want to denigrate the CCC or the parliamentary inspector - that is not what this issue is about - nor do I want to denigrate members of the Labor Party. However, we need a CCC that functions. No-one can objectively argue that our CCC committee is functional. There are two members of the government on that committee, but there is no opposition member from this house on the committee to give balance to that process. Maybe this debate would not be happening if an opposition member were on that committee. However, that is not the case.

The situation is that the member for Perth gave an interesting, if nothing else, speech to a range of other parliamentarians in another state in which some of his statements were questionable. To be kind, they were questionable. One has to ask: was the speech given with the knowledge of the committee? I do not know that, because there is no-one on this side of the house who will say that permission was given on behalf of the committee because no-one on this side of the house is a member of the committee. I do not know about the issues that the member for Nedlands raised about who wrote, or put the facts into, this speech. This speech made a few statements about which I would have thought the government might have been a little uncomfortable. If

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members of the chamber have not read the speech, it might pay them to do a bit of reading. As Chairman of the Joint Standing Committee on the Corruption and Crime Commission, the member for Perth said at page 6 of his speech -

In terms of the sort of tall poppies some Australians love to cut down to size, Ms Rayner fitted the bill: a successful Equal Opportunities commissioner in Victoria, an internationally respected children's commissioner in the UK, an intelligent lawyer appointed as a full Anti Corruption Commission commissioner, a leading feminist.

The member for Perth defended Ms Rayner in his speech.

Mr J.N. Hyde interjected.

Mr M.W. TRENORDEN: No. The member for Perth cannot say that he did anything else but defend her.

Mr J.N. Hyde: Even Hon Barbara Scott from your side has said that she was a leading children's advocate.

Mr M.W. TRENORDEN: The member for Perth is allowed to have that point of view. The question is: is that the point of view of the rest of his committee?

Mr J.N. Hyde: No; I said that in the speech.

Mr M.W. TRENORDEN: The member for Perth said in the speech that he was the chairman.

Mr J.N. Hyde: I said that these views were my own.

Mr M.W. TRENORDEN: The member for Perth said he was the chairman; that is -

“I do offer these as personal views as the Chairman . . .

Mr J.N. Hyde: That's right.

Mr M.W. TRENORDEN: The member said in the speech that he offered the views as chairman.

Mr J.N. Hyde: When you were the Chairman of the Public Accounts Committee and you tabled a report in here, probably like me, you would have gone through the report's substance page by page with other committee members, who would have had to vote on the page. A good chairman like you or me would ask the committee members what they think. However, the chairman's forward is his or hers alone - the committee cannot overrule it.

Mr M.W. TRENORDEN: Yes. However, one wants a working functional committee. When I was chairman, Larry Graham, the previous member for Pilbara and Clive Brown, the previous member for Bassendean, watched me like a hawk, which they should have done.

Mr J.N. Hyde: As do my members.

Mr M.W. TRENORDEN: We do not know that at this stage. The statements seem to be very much the member for Perth's statements as the chairman - that is the accusation I make. One issue is whether the member for Perth was too exuberant in his position as chairman, but that is not really the main issue. The main issue is that from 25 August to now, from the time the member for Perth's report hit this chamber after one hour's deliberation, the situation went seriously off the rails. That is the issue before the chamber - it is not the member for Perth. That is not the process. The situation is that it is very difficult for the member for Perth or any of his three colleagues to stand behind the report that was presented on 25 August because it has been blown out of the water by subsequent reports. That is because the parliamentary inspector, I presume, took Ms Rayner for her word. He viewed her as a person of considerable standing and that her word was acceptable. I presume the member for Perth may have done that as well. That did not help the situation. Now that the police are involved in the process, we know that the story of 25 August was substantially incorrect. Far worse, given her position and official role in the CCC, Ms Rayner's actions seem far worse today than they did on 25 August. I do not think anyone could deny that. This is a very serious matter. The member for Perth spent most of his speech defending the CCC, which is fine; I accept that and I support the member's defence of the CCC. However, we need to fix the process. The process is not a problem of the CCC. The problem occurred somewhere in the communication from the parliamentary inspector, through the member's committee to this chamber. This is our business; it is not the CCC's business. A properly operating chamber and Parliament would allow an even report on this matter, Leader of the House. I know the house has a terrible record when it comes to privilege committees. I have often referred to stories of committees of which I was a member. This matter should go before the Procedure and Privileges Committee.

MR J.C. KOBELKE (Balcatta - Leader of the House) [4.38 pm]: A matter of privilege is something that has to be taken very seriously by this house. Therefore, I regret that the member for Nedlands has used it in such a

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frivolous and vexatious way. She has not made any attempt to establish that there has been a breach of privilege by the member for Perth.

Ms S.E. Walker interjected.

Mr J.C. KOBELKE: I do not know what motivated the member for Nedlands to move this motion. Does the member for Nedlands have a thing for the member for Perth so that she likes sparks to fly off each other, or is it just that the member for Nedlands is a failed lawyer who wants to come into this chamber and pretend to practise law? Given her performance today, the member for Nedlands needs to do a lot more practice because her presentation was absolutely appalling.

I refer to the key issues of the member for Nedlands' motion. One paragraph claimed that the member for Perth had improperly revealed information. Clearly, in giving the speech, the member for Perth revealed information. That is what it was about. He was giving information, but the allegation is that somehow it was improper. The member for Nedlands just squawks and squawks and squawks. We should be worried about bird flu with the amount of squawking she does instead of debating. However, in the debate the member was given ample opportunity to try to show there was something improper in the information revealed by the member for Perth, and she made no case at all.

Ms S.E. Walker: Look at the TV video.

Mr J.C. KOBELKE: She is holding a bit of plastic in her hand.

Ms S.E. Walker: Play it.

Mr J.C. KOBELKE: Here we go - squawk, squawk, squawk.

Ms S.E. Walker: Play it, member for Nollamara!

Mr J.C. KOBELKE: The squawk continues - squawk, squawk, squawk. She squawks away. We really have a problem here with all this squawking. The point I was trying to make was that in her own motion she accused the member for Perth of improperly revealing information. When I said that she gave no evidence for that, she put a bit of plastic up in the air and said that somehow related to improperly revealing information. That is a totally ludicrous proposition that does not in any way relate to the member improperly revealing information. He has not improperly revealed information; at least, no case has been made that he has improperly revealed information.

Ms S.E. Walker: Did they decide in caucus that you would be the patsy?

Mr J.C. KOBELKE: Does the member squawk like this inside the Liberal caucus room? Is that why all her members tell us stories about her? Does she squawk, squawk, squawk, squawk, squawk and squawk and squawk and squawk -

The ACTING SPEAKER (Mr M.J. Cowper): Order! Thank you. I have allowed the debate to go on for some time because when I was sitting in my room I heard some robust debate coming from the chamber. I thought it appropriate that it be allowed to go for a certain time, but this is not being constructive to the debate, nor is it what the people of Western Australia would expect. I ask the Leader of the House to continue.

Mr J.C. KOBELKE: Mr Acting Speaker, I certainly will if the squawker will desist for a moment. The second point in the member's motion, for which I put to the house she made no attempt to provide evidence, was that the member for Perth set about deliberately supplying misleading information - deliberately supplying misleading information. First, I will not go into the word "deliberately"; I will just deal with the words "supplying misleading information". Was a case made that he supplied misleading information? I certainly did not think any such case was made. The member simply threw a few facts in the air and suggested that somehow they would add up and make a case, but her argument was fundamentally flawed because she did not seek at any time to make a case for the role of the chair and how much latitude might be given to a chair when speaking on matters relating to the work of the committee.

I am not trying to deal with this comprehensively here, but I would like to go through a range of scenarios. Clearly, when a report from a committee is tabled, as the member for Perth has alluded to in his interjections, except for the chairman's foreword, that is the report of the committee. The chairman has free rein when writing that foreword. I have done that for the committee that I chair. The issue is that we know that the details in the report are ticked off and it is the committee's report; not the chairman's report. However, when the report is tabled, members have the opportunity to speak to the report, and, in doing so, they can give their own views. It then becomes an issue as to what extent they can actually disclose the details of how it was formed in committee. Issues can arise, but they are certainly few and far between. There may be issues when confidential evidence

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was given and the Hansard recordings have not been tabled, but normally they are, so that people can go through them and explain why they may have taken a different perspective on issues. That is quite a formalised process.

Point of Order

Ms S.E. WALKER: Standing orders say that debate has to be relevant to the motion. This motion is specifically about a statement given by the member for Perth in a paper; it has nothing to do with the report. I would ask that the member for Nollamara come back to the motion that I have before the house.

The ACTING SPEAKER: Some latitude has been given to the Leader of the House. I would ask him to keep at least within the vicinity of the motion before the house. Latitude was given previously to other members in the chamber. Therefore, I ask the Leader of the House to keep the debate within the realms of this motion.

Debate Resumed

Mr J.C. KOBELKE: Mr Acting Speaker, I am certainly doing that. While the member for Nedlands rambled all over the place and was absolutely disastrous in making a case, I am seeking to make an actual, logical case, because the issue that we are talking about is contempt by the chair of a committee relating to the work of the committee. I was seeking to lay out the various scenarios in which a committee chair reports or speaks on matters relating to a committee. It certainly seems to me that is absolutely relevant to the matter before the house. I have commented first on the issue of a report being tabled. The second issue is when a committee makes an official statement. The committee may authorise the chair to say specific things. It may limit very clearly what the chair can speak about. It may want to check off verbatim what the chair will say. In a limited number of cases that can be the very clearly authorised role of the chair in speaking for the committee.

What happens more often is that, in a range of scenarios, the chairman is authorised to speak if matters arise, such as administrative matters in which the media has some interest. The chair is able to speak as the chair of the committee with a fairly clear focus on what he is to speak about, but not approved exactly. I contend in this case that when members of various parliamentary committees from around Australia were gathering, the chair was clearly recognised as the chair of the Joint Standing Committee on the Corruption and Crime Commission, but was not speaking on the basis that the committee authorised exactly every word he was to say. What has been disclosed in various debates is that the member for Perth discussed with some members, I am not sure if it was with all of them, the general line of what he should say and the paper he was to present. He was simply seeking their views. If he went outside their views, it would be up to the members of the committee to say that they thought they had given the chair too much latitude, but no-one has given any evidence in this chamber that the member speaking personally went beyond the powers that had been given to him by the committee.

The member for Nedlands is so confused in her mind that she could not work out whether the member was speaking as the chair of the committee or on his own behalf, clearly with the background of the chair, but he said on page 3 of the paper that he quoted from, and from which the member for Avon quoted -

I do offer these as personal views as the Chairman, not an official committee position.

Point of Order

Ms S.E. WALKER: If the member for Nollamara is going to speak, he should tell the truth, because that was the quote I made in my speech.

The ACTING SPEAKER: There is no point of order.

Debate Resumed

Mr J.N. Hyde: It is embarrassing.

Ms S.E. Walker: It is not embarrassing.

The ACTING SPEAKER: The member cannot use a point of order to debate the matter.

Mr J.C. KOBELKE: I thank the member for her interjection, because I do not have to make the point about her inability to mount any sort of logical argument. She gets up and from her own mouth shows her incompetence.

Dr E. Constable: Read those words again for us.

Mr J.C. KOBELKE: They have been read several times but I am happy to read them again.

Dr E. Constable: Read them again.

Mr J.C. KOBELKE: I am happy to. The members for Nedlands and Avon both read these words. This is part of the presentation that the member for Perth gave. On page 3 he said -

I do offer these as personal views as the Chairman, not an official committee position.

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Several members interjected.

Mr J.C. KOBELKE: I would be happy to take the interjection of the member for Churchlands if the squawking would stop.

Ms S.E. Walker: You have not -

Mr J.C. KOBELKE: If the member would stop squawking I might be able to hear another member. Her squawking does not dominate this place. The member for Churchlands interjected and I wanted to take the interjection. The member for Nedlands is so self-centred and incompetent that she cannot stop squawking. I am sorry that I cannot take the interjection of the member for Churchlands because of the rudeness of the member for Nedlands. The point I am trying to make is that no case has been made that the member has gone outside the guidelines of his committee on which he was operating. He spoke at a conference attended by people from similar committees around Australia. Clearly, the conference related to the roles of those committees and that is what the member did. He gave his personal view, with people knowing that he was the chair, and that was in his statement.

Mr M.W. Trenorden: The question here should be whether there is a case, not whether anything has been proved. Nothing has to be proved on the floor of this chamber. The question is whether an event has taken place that should be looked at on a bipartisan basis; that is, by members from your side and from this side. That is what a privileges committee should be for.

Mr J.C. KOBELKE: However, there must be some prima facie evidence, and I am saying that no prima facie evidence has been presented. The member for Nedlands said that a member on this side of the chamber disagreed with the chair. When I asked her the name of the member, she would not give it. There is no evidence.

Ms S.E. Walker: I said the member for Girrawheen.

Mr J.C. KOBELKE: Disagreed? The member for Nedlands would not say that when the member for Girrawheen was in the chamber. We have a poorly concocted case. It has no basis. There is no prima facie evidence that there is any issue of privilege. On that basis, we should not further waste the time of this house or a privileges committee on dealing with this matter, which is a figment of the imagination of the member for Nedlands, who seems to have some issue with the member for Perth and thinks that delaying this house, going on with a whole lot of nonsense and squawking somehow does something for debate in this house. Anyone who has watched the debate and who reads *Hansard* will realise what a waste of time it has been. On that basis, we should get on with some real business and not continue with something that has no substance.

DR E. CONSTABLE (Churchlands) [4.51 pm]: I want to return to that sentence, because I do not think it makes sense. It is a sentence on which the Leader of the House has just rested his entire argument.

Mr J.C. Kobelke: No; I was refuting the supposed argument of the member for Nedlands.

Dr E. CONSTABLE: The sentence on page 3 of the member for Perth's speech states -

I do offer these as personal views as the Chairman, not an official committee position.

The member cannot say "as the Chairman" and then "not an official committee position". Once a chairman, always a chairman. The member for Perth was speaking about issues that were before the committee. He was speaking as the chairman, even if he said that it was a personal view. Once a chairman, always a chairman of a committee. The member cannot have it both ways. He cannot say in half a breath, "I do offer these as personal views" and then add "as the Chairman". It just does not make sense.

Mr R.F. Johnson: He was there only as the chairman.

Dr E. CONSTABLE: Of course he was there as the chairman. He was invited as the chairman and, in my view, he was speaking as the chairman. I was a member of the Anti-Corruption Commission committee for six years covering two different Parliaments, and I have been to conferences at which papers were presented by the chairman. The member for Perth was not at the conference to present the speech as his personal views. He was there as the chairman. He cannot say "personal views" and "as the Chairman". It simply does not make sense. It is illogical. The member for Perth cannot talk about issues that were before the committee and give his personal views. He will always be the chairman, wherever he is. He might want to say that they are his personal views, but, in my view, he is always the chairman and he must always act as the chairman. After reading this speech, and the statements that were made on 26 August, I believe the speech should have been put before the committee before the member made it, because the committee was discussing highly contentious issues that had been before this Parliament and before the committee. The committee should have known about his speech. I do not know whether the committee knew about it -

Extract from *Hansard*
[ASSEMBLY - Tuesday, 8 November 2005]
p6876c-6891a

Ms Sue Walker; Mr John Hyde; Deputy Speaker; Mr John Kobelke; Mr Bob Kucera; Mr Max Trenorden; Acting Speaker; Dr Elizabeth Constable

Mr J.N. Hyde interjected.

Ms S.E. Walker interjected.

Dr E. CONSTABLE: I think that enough information has been put before this Parliament this afternoon. From the member's point of view, the matter should be referred to the Procedure and Privileges Committee to clear the air, otherwise it will be something that we are always in the dark about. If I were the member, I would want it to go before the privileges committee to have the air cleared.

Question put and a division taken with the following result -

Ayes (18)

Mr M.J. Birney	Dr K.D. Hames	Mr A.J. Simpson	Ms S.E. Walker
Mr T.R. Buswell	Ms K. Hodson-Thomas	Mr T.R. Sprigg	Dr J.M. Woollard
Mr G.M. Castrilli	Mr J.E. McGrath	Dr S.C. Thomas	Dr G.G. Jacobs (<i>Teller</i>)
Dr E. Constable	Mr P.D. Omodei	Mr M.W. Trenorden	
Mr J.H.D. Day	Mr D.T. Redman	Mr T.K. Waldron	

Noes (26)

Mr J.J.M. Bowler	Mr J.N. Hyde	Ms S.M. McHale	Mrs M.H. Roberts
Mr A.J. Carpenter	Mr J.C. Kobelke	Mr A.D. McRae	Mr T.G. Stephens
Mr J.B. D'Orazio	Mr R.C. Kucera	Mr N.R. Marlborough	Mr P.B. Watson
Dr J.M. Edwards	Mr F.M. Logan	Mr M.P. Murray	Mr M.P. Whitely
Dr G.I. Gallop	Ms A.J.G. MacTiernan	Mr A.P. O'Gorman	Mr D.A. Templeman (<i>Teller</i>)
Mr S.R. Hill	Mr J.A. McGinty	Ms M.M. Quirk	
Mrs J. Hughes	Mr M. McGowan	Mr E.S. Ripper	

Pairs

Mr G.A. Woodhams	Mrs C.A. Martin
Mr R.F. Johnson	Mr P.W. Andrews
Mr G. Snook	Mr J.R. Quigley
Mr D.F. Barron-Sullivan	Ms J.A. Radisich

Question thus negatived.