

**PREMIER'S STATEMENT**

*Consideration - Motion*

Resumed from 5 April on the following question -

That the Premier's Statement be noted.

**MR J.B. D'ORAZIO (Ballajura)** [11.28 am]: I would like to thank the house, especially the Leader of the House, for allowing me this opportunity. I tried to make a personal statement earlier this morning, and I tried to rush it because I wanted to put the information on the public record. It was in no-one's best interests, so I thank the Leader of the House and the opposition for allowing me this opportunity.

This matter, of course, is of great concern to me and has been for the past year and a half. I have tried to keep cool and not make outrageous claims. I come to the Parliament today to explain the processes that have occurred recently. As I said before, what has occurred is just an outrage. On 12 October this year, the Corruption and Crime Commission forwarded me a new version of the draft report into the inappropriate associations between Mr Pasquale Minniti and the Western Australia Police. For those who remember, the previous draft totalled three pages and did not say very much.

The member for Darling Range is raising his eyebrows. I am referring to the draft of the report that referred to me. This version has expanded from three pages to 46 pages. Unfortunately, it still contains the same drivel as the previous versions. It tries to justify its actions and incompetence in the previous versions of the report by blaming everyone except itself. Those who were present earlier would know what I mean. The Parliamentary Inspector of the Corruption and Crime Commission had to withdraw the matter from its consideration because of its complete and utter lack of adherence to policy and the Corruption and Crime Commission Act.

This new version of the report blamed the chief executive of the Leader of the Opposition's office and Robert Taylor of *The West Australian*, and finally me for reading the findings into the Parliament. Unfortunately, if the Corruption and Crime Commission had conformed to its act, none of us would be in the position in which I now find myself. There is absolutely no justification for the Corruption and Crime Commission's releasing a report to the Parliament, to the Leader of the Opposition's office and to a public relations firm prior to its being tabled in this Parliament. Why not give a copy to the Leader of the National Party, the Greens (WA) or even the Governor? More importantly, why not give a copy to me? The CCC denied me a copy of the report, the person most affected by it, even though it was compelled to under section 86 of the act.

I return to the new draft report received on 12 October. This report, again clearing me of misconduct, persists with the comment about inappropriate conduct in relation to the Department for Planning and Infrastructure matter in the previous two reports, albeit from a new angle. I wonder why. This is despite the parliamentary inspector's report on 18 July to this Parliament that this is beyond the scope and power of the Corruption and Crime Commission. It totally ignored the finding of the parliamentary inspector. On receiving the report on 12 October, I immediately rang Mr Brett Tooker, the signatory to the covering letter - the covering letter gave 10 days to respond - requesting an extension of time for the submissions. I requested the evidence referring to the DPI officer or DPI evidence that was the basis for the adverse findings on me in this report and the previous two reports. It is basic fundamental evidence that does not appear in this or previous reports, or anywhere else for that matter. Mr Tooker indicated that he would consult Mr Silverstone, the executive director of the Corruption and Crime Commission. Mr Tooker rang back approximately one hour later and explained that I would have to request the extension of time in writing. There was no mention of the DPI matter. I immediately inquired about the DPI evidence, as this was fundamental to the Corruption and Crime Commission case. If it has any evidence, it is only fair that it be presented for all to see. This was a matter that the Corruption and Crime Commission described in its two previous reports as highly inappropriate conduct and formed the basis of the adverse findings against me as reported on the front page of *The West Australian*. The evidence presented at the public hearing was that the DPI matter simply did not happen. This is clearly supported by an affidavit from the DPI. The Corruption and Crime Commission cannot form an opinion concerning an event that did not happen. I repeat: it did not happen. Mr Tooker informed me that I had to request this material in writing and specify exactly what I required.

On 16 October Mr Moen, my barrister, requested the information. Basically, he asked 11 questions that specifically dealt with the DPI matter. We wanted basic information and evidence that would allow us to respond under section 86 of the act, information that I was clearly entitled to under the act. I will now read the questions that the barrister asked on my behalf. The first question related to whether there was any evidence before the Corruption and Crime Commission that Mr Minniti had ever approached an officer of DPI in relation to the above matter. Second, whether the Corruption and Crime Commission and/or its officers had any evidence, either by way of telephone intercept product or listening device product or correspondence, showing

that Mr Minniti had either directly or indirectly contacted DPI or an officer of DPI in relation to the above matter. Third, if there was such information as set out in question 2 above, when did such purported contact take place and with whom from DPI? Fourth, whether the Corruption and Crime Commission received any information or spoke to any DPI person or officer during the course of its investigation or hearings in relation to the above matter. Fifth, whether the Corruption and Crime Commission attempted to corroborate Mr Minniti's claim that he had a contact in DPI. Sixth, in the event that the Corruption and Crime Commission had made no attempt in respect of question 5, why not? Seventh, whether the Corruption and Crime Commission had any information on the person who was high up in DPI, as referred to by Mr Minniti, and, if so, who that was and when did the Corruption and Crime Commission become apprised of that fact? Eighth, was there any evidence before the Corruption and Crime Commission that would indicate that Mr Minniti either had or could potentially have any contact with any person at DPI as this was never put to Mr Minniti nor to Mr D'Orazio and there was no such person or persons called before the Corruption and Crime Commission. If they were called before the Corruption and Crime Commission, we asked to be advised when that was and what evidence they gave, if any, before the Corruption and Crime Commission. Ninth, it is noted that Mr Minniti never gave any name of a contact he had with DPI when asked questions before the Corruption and Crime Commission, as shown on page 23 of the transcript. Was the Corruption and Crime Commission made aware at any time by Mr Minniti of the name and, if so, when? Moreover, why was it that counsel assisting never probed further when Mr Minniti's statement of transcript said he had an independent witness? Tenth, was there any independent witness? The eleventh question relates to missing pages. Upon reading the proposed report, it is readily apparent that pages 20 to 26 are missing. These include paragraphs 2 to 2.5. The request was, "Please advise us what these paragraphs refer to and provide them at your earliest convenience."

On 16 October we asked for an extension of time. The Corruption and Crime Commission agreed to an extension to 13 November. On 18 October 2007 the Corruption and Crime Commission responded on the following basis. I will not quote the whole letter; I will table it in the Parliament for all to see. When referring to section 86 of the CCC act, it states -

Such an opportunity does not include responding to a series of peremptory "interrogatories" and requests for information, such as those set out in your facsimile letter.

On the face of it, your client's . . . and requests for information appear to have no possible bearing on the matters adverse. Should your client seek to clarify how they may have such a bearing the Commission will consider any submissions Mr D'Orazio wishes to make. In the meantime, the Commission does not propose to provide the information sought or answer the "interrogatories" posed. If Mr D'Orazio wishes to make such submissions we would be grateful were they provided forthwith.

I request that the letter be laid on the table of the house for all to see.

**The SPEAKER:** That paper may be laid on the table for the balance of this day's sitting.

**Mr J.B. D'ORAZIO:** On 8 November we further wrote to the Corruption and Crime Commission requesting further information that is clearly fundamental to make representations to the commission on these matters under section 86. The request clearly identified where in general we would be heading in any submission. I lay on the table the letter written to the Corruption and Crime Commission. On 12 November we received the following response from the Corruption and Crime Commission -

Your submissions appear to place great emphasis and importance on whether or not Mr Minniti did in fact contact an officer of DPI about Mr D'Orazio's problem. Whether Mr Minniti did or not is irrelevant. The Commission's characterisation of Mr D'Orazio's conduct as "inappropriate" is based on our assessment that he failed to actively and unequivocally discourage Mr Minniti. If Mr Minniti did contact someone at DPI the Commission's characterisation of Mr D'Orazio's conduct would be the same. Conversely, if Mr Minniti did not contact someone at DPI the Commission's characterisation of Mr D'Orazio's conduct would still be the same. This is simply not a matter that could possibly affect the matters adverse to Mr D'Orazio in the Commission's report.

Your letter dated 8 November 2007 also seeks to rely on Mr Minniti's credibility and reliability as a reason for requesting this information. This is a matter of no moment. The Commission's report does not rely on Mr Minniti's credibility or reliability in characterising Mr D'Orazio's conduct as "inappropriate".

The DPI Request is thus irrelevant to the adverse matters concerning Mr D'Orazio in the Commission's report and we will not be furnishing your client with any further information or evidence in this regard.

What an absolutely astonishing letter!

I now quote from a telephone intercept of a call made at 7.53 am on Thursday, 11 May 2006. For the record, members need to understand that the bulk of the contact between Mr Minniti and me occurred on 10 and 11 May -

- MINNITI: Listen, okay, John listen, I'm sorry. I'm just trying to help because I reckon
- D'ORAZIO: I know you are, but don't, don't say anything to anyone because I don't need any more at this stage.
- MINNITI: No, no, no. Fair enough. Listen eh . . . I'll run things past you before I do anything. Okay?
- D'ORAZIO: Yep. Don't do anything.

How much more unequivocal can it get? That is from the CCC's own telephone intercept. That is not from my evidence given at a hearing. Perhaps now members will understand why I am so angry. The Corruption and Crime Commission has made an open admission that this matter has been predetermined. The letter from the CCC says that no matter what my submissions may be or will be, it will make no difference! The CCC does not even know what my submissions are going to be! I also point out for the record that the CCC indicated that the matter between me and Mr Minniti was a private matter. It had nothing to do with me as a member of Parliament, or as a minister. If that matter does not concern the DPI or an officer of the DPI, how does my conduct fall under the act? My conduct, and the conversations between Mr Minniti and me, are clearly outside the jurisdiction of the CCC; that is, no public officer is involved. For the CCC to suggest that it will decide what my submission is going to be, before the event, is clearly an abdication of its responsibility under its act to give me a fair and reasonable opportunity to make submissions, and to allow me to have access to all the evidence that could shape my submissions. How can the CCC make the assertion that my submissions will have no bearing, when it does not know what my submissions may be or will be? Not only that, but the CCC has, once again, denied me procedural fairness and natural justice.

The Corruption and Crime Commission is out of control. It is attempting to cover up its own incompetence. There is more. Pages 20 to 26 of this draft report, which clearly relate to me, albeit in an indirect manner, have been denied to me. These pages have not appeared in previous versions of the report. How can the commission grant me my rights under section 86 of the act if I cannot see the evidence against me? The CCC's argument is that it cannot show me adverse findings against a third party. I am not interested in its findings against another person. I want to know what these pages relate to, as they are in a section of the report that relates to me.

On 13 November, I instructed my barrister, Mr Moen, to inform the Corruption and Crime Commission that we would be seeking to have the parliamentary inspector review our request for information and evidence, and that we would be requesting that the submission period be extended pending the parliamentary inspector's response. This was on the understanding that submissions on the draft report were required to be submitted by 5.00 pm on 13 November, and that the commission had responded to us on 12 November, denying us access to the evidence and the information requested, as my barrister had not seen that response until 13 November, the same day that submissions closed. The Corruption and Crime Commission did not respond to our request for an extension of time before the close of the deadline for submissions, nor did it acknowledge that we were seeking to have the matter referred to the parliamentary inspector. On 14 November, we were advised by the Corruption and Crime Commission that the time for submissions had closed on 13 November, and that it would be finalising the report and would be reporting to Parliament. What a disgrace! The CCC did not even give us an acknowledgement of our request to the parliamentary inspector! Clearly, once again the Corruption and Crime Commission has denied me natural justice and fairness, and my rights under section 86, and has acted in an absolutely disgraceful way. It has taken the Corruption and Crime Commission 14 months to prepare a report, yet we cannot even get a minor extension, or even an acknowledgement. We have sought the urgent intervention of the parliamentary inspector to remove this matter from the commission. We have also made some very serious allegations about the conduct of the Corruption and Crime Commission, and specifically certain officers. I look forward to the parliamentary inspector's response. I have no intention of identifying those allegations in this place, because I think that would be unfair, and I am not going to do to those people what the CCC is trying to do to me. I thank the Parliament for allowing me to put this matter on the public record.

Debate adjourned, on motion by **Mr J.C. Kobelke (Leader of the House)**.