

MEMBER FOR BALLAJURA

Corruption and Crime Commission Draft Report - Personal Explanation

MR J.B. D'ORAZIO (Ballajura) [10.08 am] - by leave: On 12 October, the Corruption and Crime Commission forwarded to me a new version of its draft report into the inappropriate association between Pasquale Minniti and the Western Australia Police. This new version has been expanded from three to 46 pages, but unfortunately still contains the same drivel as the previous version. The report tries to justify the CCC's actions and the incompetence of the previous report, by blaming everyone except the CCC. It blames the chief executive of the Office of the Leader of the Opposition, Robert Taylor of *The West Australian*, and finally me for reading the findings to Parliament. Unfortunately for the Corruption and Crime Commission, if it had conformed to its act, none of us would find ourselves in the position in which I now find myself. There is absolutely no justification for the Corruption and Crime Commission -

Point of Order

Mr C.J. BARNETT: It is appropriate for the house to give the member for Ballajura the opportunity to make a personal statement on this issue, and I certainly agree with that, but this is not an opportunity for the member to argue the case against the CCC. If the member feels that somehow he has been misrepresented, and wants to put his own point of view, that is valid, but he is clearly going into a debate format. Perhaps he might like to reword his statement. I do not want to deny him this opportunity, but it is not an opportunity to debate the CCC report.

Mr J.B. D'ORAZIO: I do not intend to debate the issue, I just want to -

The ACTING SPEAKER (Mr G. Woodhams): Member for Ballajura, you would be aware that this is not an opportunity to raise any new issues or matters, and it is certainly not a matter for debate. This is simply an opportunity for you to correct any misrepresentation that you believe has occurred.

Mr J.B. D'ORAZIO: Surely, and to that end, I need to put some background into the issue, because otherwise it would be taken out of context. I certainly do not want to debate the issue, because that will be done in a different place. However, I need to put this on the record, for all the parliament to understand.

The ACTING SPEAKER: As long as they are facts, and not interpretations, you may proceed.

Debate Resumed

Mr J.B. D'ORAZIO: As I said, why not give a copy to the leaders of the National Party, the Greens (WA) and the government? More importantly, I was denied a copy - the person who was most affected by this case. This matter was described by the Corruption and Crime Commission in two previous reports as highly inappropriate conduct, and formed the basis of its adverse findings against me as reported on the front page of *The West Australian*. The evidence presented at the hearing was that this matter simply did not happen. This is clearly supported by an affidavit from the Department for Planning and Infrastructure. The Corruption and Crime Commission cannot form an opinion concerning an event that did not happen.

Point of Order

Mr C.J. BARNETT: This is the same point of order I raised earlier. The member for Ballajura is clearly debating the findings of the Corruption and Crime Commission. If he wishes to make a statement to the house in which he contests the findings of the CCC report, I will cooperate. However, to do that, I suggest that he move to suspend standing orders to allow him to make a statement that does not transgress standing orders. Under standing orders, a personal explanation provides an opportunity for the member to correct something or make an explanation about his own conduct, if he so wishes. I have no objection to him debating the findings of the CCC, but not under this standing order. He should suspend standing orders and be given the opportunity to make the statement he clearly wants to make. I do not object to his making that statement.

Mr J.B. D'ORAZIO: I put on record that that concludes the history; I will now proceed with what has happened since 16 October. It is not a matter of argument, because the matter is being considered by the CCC. All I am doing is presenting the events that have occurred since 16 October for all of Parliament to see.

The ACTING SPEAKER: Please continue, member for Ballajura, but keep to the facts.

Debate Resumed

Mr J.B. D'ORAZIO: On 16 October I was informed by Mr Tooker that I had to request the material and to specify exactly what I required. On the same date my barrister, Mr Moen, requested the information required and basically asked 11 questions that specifically dealt with the Department for Planning and Infrastructure matter - basic information that would allow us to respond under section 86, and information that I was clearly entitled to under the act. Mr Moen asked whether there was any evidence before the Corruption and Crime

Commission that Mr Minniti had ever approached an officer of the Department for Planning and Infrastructure in relation to the matter; whether the Corruption and Crime Commission or its officers had any evidence, either from telephone intercepts, listening devices or correspondence, showing that Mr Minniti had directly or indirectly contacted the Department for Planning and Infrastructure or an officer of the Department for Planning and Infrastructure in relation to the matter; if such information did exist, when and with whom the purported contact took place; whether the Corruption and Crime Commission had received any information or had spoken to any Department for Planning and Infrastructure officer during the course of its investigations or hearings in relation to the matter; whether the Corruption and Crime Commission had attempted to corroborate Mr Minniti's claim that he had a contact within the Department for Planning and Infrastructure; if the Corruption and Crime Commission had made no such attempt, why it had not; whether the Corruption and Crime Commission had any information about the person referred to by Mr Minniti as being "high up" in the Department for Planning and Infrastructure and if so, who was it and when was the Corruption and Crime Commission apprised of the information; and whether the Corruption and Crime Commission had any evidence to indicate that Mr Minniti had or could potentially have had any contact with any person at the Department for Planning and Infrastructure, as such evidence had never been put to either Mr Minniti or me, and no such person or person had been called before the Corruption and Crime Commission. Mr Moen requested the Corruption and Crime Commission to advise him, if such a person or person had been called before it, when it took place and what evidence had been given. Mr Moen noted that Mr Minniti, when asked by the Corruption and Crime Commission, had never given the name of his purported contact within the Department for Planning and Infrastructure. Mr Moen asked whether the Corruption and Crime Commission had been made aware of any such name and, if so, when. He further asked why it was that counsel assisting had not probed further when Mr Minniti stated at transcript page 23 that he had an independent witness. It is readily apparent that pages 20 to 26 of the independent report are missing. These include paragraphs 2.0 to 2.5. Mr Moen asked the Corruption and Crime Commission to advise him what these paragraphs referred to, and to provide them to him at its earliest convenience.

On 16 October we asked for an extension of time -

Point of Order

Mr C.J. BARNETT: I am now becoming insistent; I apologise for that. Under standing order 148, this is not a personal explanation. Standing order 148 states -

When there is no business before the Chair and with the consent of the Speaker, a member may explain a matter of a personal nature. A personal explanation will not be debated.

The footnote to the standing order explains that a member is entitled to make a personal explanation to correct any misimpression that may have arisen.

Mrs M.H. Roberts: That's very wide ranging.

Mr R.C. Kucera: That's precisely what he's doing.

Mr C.J. BARNETT: No, he is not, and anyone who has any semblance of understanding of the standing orders would appreciate that. The member is responding to a report, which I think is yet to be released. It is his reaction and response to the report. I do not deny him the right to do that, but I say to the Leader of the House that if he wishes to allow his former member to do this, I do not object, but we should suspend standing orders to allow him to make a speech to Parliament. This is an abuse of standing order 148. This is not a personal explanation. The member for Ballajura is debating the CCC finding, as he is entitled to do, but not as a personal explanation. If he wanted to relate to some particular accusation about him personally, a misunderstanding, or a situation in which he had been misrepresented in some way, that would be fine, but that is not what this is about. This is a full, considered response to a CCC report, to which he is entitled and should respond, but not under standing order 148.

The ACTING SPEAKER (Mr G. Woodhams): I have given the member the opportunity to speak to the -

Mr J.B. D'Orazio: Can I speak to that?

The ACTING SPEAKER: No, this is not an opportunity for debate, and the member knows that. I am simply saying that I have given the member the opportunity to make a personal explanation to this house and the house has indulged him to this point. There is a point of order that I am considering, because this is the third time I have responded to that point of order. I urge the member to stay with the facts and not to try to interpret anything he might have for the house. It is simply a matter of the member being able to present facts in his personal statement. I ask the member to do that.

Mr J.B. D'ORAZIO: Mr Acting Speaker, can I point out to you that I was reading the questions; I was not making any comment at all. I am talking about the process. I am not talking about any submissions to the CCC. I want to inform the house of the -

Extract from Hansard

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Mr John D'Orazio; Mr Colin Barnett; Acting Speaker; Mr John Kobelke

Mr R.F. Johnson: You can't do that, member. You can only use a personal explanation for things that have been said in this house that you believe are incorrect or -

The ACTING SPEAKER: Member for Hillarys! This is not an opportunity for debate. The house is aware of that; you would be aware of it through standing orders. The member has the call. I have instructed him and he knows that this is a matter of raising facts. The questions referred to by the member for Ballajura on the document he has in front of him can be interpreted in many different ways. It could be construed as a way of making a reply, an allegation or providing another piece of information. I urge him to stay purely with factual information and not to ask questions that could be interpreted in many different ways. I give the member the opportunity to continue.

Debate Resumed

Mr J.B. D'ORAZIO: On 16 October we asked for, and were granted, an extension of time. Mr Acting Speaker, the problem I have is that I want to quote from things that have been said. Can I continue on that basis?

Mr C.J. Barnett: Move to suspend standing orders. That's what should happen, so you can make a full statement and say whatever you want to.

Mr J.B. D'ORAZIO: I am in the hands of the Leader of the House. I only want to put on public record the processes which have occurred and which affect every member of this Parliament.

Mr J.C. Kobelke: If there is agreement from the other side to give the member the opportunity, we can do that under the appropriation bill as a general debate.

Mr C.J. Barnett: Sure; no objection at all.

Mr J.C. Kobelke: If the member resumes his seat, I will bring on the appropriation bill for him to make his comments.

Point of Order

Mr J.C. KOBELKE: Taking a point of order - not wishing to abuse it - there are clearly matters relating to how far the member can go under the provisions for a personal explanation. It would be more appropriate if his comments were made in a general debate, which would be allowed in debate on the appropriation bills. However, to bring that on such a bill now would not be in keeping with the standing orders; we have to deal with committee reports now. I give an undertaking to the house that the government will bring on the appropriation bill for the single purpose of allowing the member for Ballajura to say what he wishes to when we get to government business a little later this morning.

The ACTING SPEAKER (Mr G. Woodhams): Does the member for Ballajura want to take up the opportunity that the Leader of the House has offered him?

Mr J.B. D'ORAZIO: I do, and that is why I resumed my seat. I will wait until after the committee reports are tabled and then I will take up the opportunity that has been offered to me by the house.

Dr K.D. Hames: You should just finish off your statement by saying that you intend to make a personal explanation.

Mr J.B. D'ORAZIO: I intend to make a personal explanation. Obviously, I am happy to accept the undertaking of the Leader of the House, with the agreement of the leader of opposition business, that debate on the appropriation bills will be brought on so that I can make my speech, and I will restart my comments at the appropriate time.