

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

LEADER OF THE OPPOSITION

Censure Motion

DR G.I. GALLOP (Victoria Park - Premier) [3.03 pm]: I move -

That this House censures the Leader of the Opposition for his deliberate and dangerous attempt to undermine the work of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers.

Why are we debating this issue today? That is a very interesting question, and the answer is quite simple. Yesterday, the Leader of the Opposition committed an unprincipled and reckless act for base political purposes. The Leader of the Opposition sought to deliberately and dangerously undermine the workings of the Kennedy royal commission by misusing the privileges of this Parliament, privileges given to him as a member of Parliament. It was a cowardly act for which he should be held accountable. I also refer to the performance of the Leader of the Opposition after this event occurred. The Leader of the Opposition acted like a little boy caught with his hand in the cookie jar. He pleaded innocence and bleated to the Western Australian public that he had asked only what the Premier knew. He then added insult to injury by informing this morning's ABC listeners that his question was based on a rumour. We now know how the Leader of the Opposition operates. What hypocrisy! What special pleading we have seen from the Leader of the Opposition over this important question!

The Opposition has been keen to say that this issue is about the Government and its accountability. It is not about those things; it is about the character of the Leader of the Opposition. This issue is about the way the Leader of the Opposition conducts himself in Parliament. In recent days the Opposition has been willing to say and do anything to make a political point - it is done consistently by the Deputy Leader of the Opposition - and that was evident during yesterday's debate about the Minister for the Environment and Heritage. Now the Leader of the Opposition has lowered himself and abused parliamentary privilege because he wants to achieve his own base political purposes.

I will put before the House today two arguments that justify this censure motion against the Leader of the Opposition. The first is that he is clearly attempting to thwart the work of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. His intervention was clearly designed to thwart the work of the royal commission. We know, of course, that the Opposition does not want this royal commission. We know that the Opposition was opposed to the royal commission when the Labor Party advocated it in 1999. We know that the Leader of the Opposition is still against the royal commission. However, to have someone in his position try to thwart the work of the commission is certainly below contempt. More importantly, the second reason is that the intervention of the Leader of the Opposition yesterday goes to the authority and status of the commission itself. His intervention carries with it legal implications, and that is a very important issue that we need to put on the agenda.

Let me return to the basis of our argument. The royal commission was set up by the executive arm of government, but it operates under laws set up by this Parliament. In other words, we give awesome powers to our royal commissions. Governments do it, but within a framework that has been set up by the Parliament. It is crucially important that royal commissions be able to carry out their functions free from the interventions that can occur through the political debates in this Chamber. Its day-to-day workings should be independent of the political struggles that occur in this Parliament.

Every day, Commissioner Geoffrey Kennedy must make decisions and use his judgment. Why is Geoffrey Kennedy the police royal commissioner? It is because he has the trust of the Western Australian people. He has the integrity and credibility to do that very difficult job well. That is why he is the police royal commissioner in Western Australia. He has to make decisions on which inquiries he will pursue and which of the many matters that are brought before him as a royal commissioner he believes should be pursued. He has to make important decisions on a daily basis about which matters will be treated in open hearings, which matters will go into closed hearings, which evidence will be open for public debate and which evidence will be suppressed by the powers available to him. I have made it clear from the day this royal commission was set up that I would not comment on the day-to-day workings of the royal commission, and I have been consistent in my application of that rule. Geoffrey Kennedy was given that power, and we should respect the way he conducts himself in the exercise of those powers, because they were given to him by the Parliament of Western Australia.

What the Leader of the Opposition did yesterday was try to drag the royal commission and its proceedings into the political debate. That was a deliberate act, and it was unconscionable behaviour on the part of the Leader of the Opposition. However, it goes further. Not only did he try to thwart the work of the royal commission in

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general terms, but also his intervention goes to the heart of its legal position and its proper functioning. There is a legal issue that goes to the authority and status of the royal commission. Yesterday the Leader of the Opposition came into this Parliament and raised the question whether the name of a cabinet minister had been suppressed. This raises very serious issues about the way the Parliament is being used by the Leader of the Opposition. I find it quite extraordinary that on the radio this morning the Leader of the Opposition said, "There is no difficulty for the Premier. All he has to do is take legal advice on this matter and respond to the issue." I did that. I took the best legal advice available to me on the issue, which came from Commissioner Geoffrey Kennedy. He is the best legal authority available on the subject. I contacted the royal commissioner, as I said I would, and he responded. I will quote from his response, which I have already tabled in the Parliament.

Mr C.J. Barnett: His response to what?

Dr G.I. GALLOP: The Leader of the Opposition should listen. The royal commissioner states -

I advise that on occasions, where necessary, I have made orders pursuant to s12 of the *Royal Commission (Police) Act 2002* to the effect that the names of persons referred to in evidence, or any information, evidence, photographs or representation that might identify those persons, are not to be published.

To avoid contravening those orders, it is inappropriate to provide any information concerning the persons who have or have not been the subject of orders under s12 of the Act. As you would be aware s12(2) provides a penalty for an offence of making a publication in contravention of a direction given under the section.

The Government received that advice yesterday and brought it straight to the Parliament because it was so important the matter be clarified. This is how important this issue is: the penalty is 12 months jail and a \$4 000 fine. We are not talking about the normal, run-of-the-mill debates we have in Western Australia politics. We are talking about a legal issue. We are talking about an issue that goes to the heart of the authority and status of a royal commission set up by a Government under the rules and regulations agreed by the Parliament. It is a very important point in this debate.

The arrogance of the Leader of the Opposition on this issue is breathtaking. He believes what matters ought to be available from the royal commissioner is a matter for his judgment. That is his arrogance on this issue. As far as I am concerned, I trust Justice Geoffrey Kennedy on these matters. He is the person whose advice I trust. I trust his judgment on the day-to-day matters of the royal commission. In this Parliament I respect the work of the royal commissioner. He has an awesome responsibility. From time to time we have had public debate about whether an issue should be the subject of an inquiry by the royal commission. Members of the Opposition have been quite happy to jump in and give the royal commissioner advice on what he should be doing or not doing. Once royal commissions are entangled in those sorts of day-to-day political issues it undermines their authority and status in the community. The Opposition has already done that with some of the issues. The way the Leader of the Opposition did it yesterday was a disgrace. He came into this Parliament and tried to use the privileges of the Parliament to entice the Government of the day to do what would be very improper.

Let me conclude by saying that we all work within the privileges of this Parliament. We are given freedoms that are not available to other citizens. We are given freedoms that we should exercise properly. We have a responsibility about what we say in this Parliament and what we do not say. From time to time, citizens ask members to say things in Parliament and members have to say no, it would not be appropriate. Let us go to the heart of this issue. Was it appropriate for the Leader of the Opposition to do what he did yesterday?

Mr B.K. Masters: Yes.

Dr G.I. GALLOP: Now we have the advice of the member for Vasse. What an authority he is on propriety in this Parliament. We learnt from the member for Roleystone yesterday that the member for Vasse, while a shareholder in a company, was advising the then Government of the day on what it should do about a planning issue. That is the sort of propriety we get from the member for Vasse on these issues. Is it not a disgrace that the shadow Minister for the Environment and Heritage sets those sorts of standards?

I have exercised my responsibility and used the freedoms that are available to me in this Parliament on two matters in this issue; first, in respect of Commissioner Geoffrey Kennedy, AO, QC, who has to make these very difficult judgments on a daily basis. It is not for members to come into this place and try to second-guess his judgments and make them the subject of political debate.

Mr R.F. Johnson: We just wanted you to answer a question for a change.

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

Dr G.I. GALLOP: There go members opposite - just asking a question. They have been caught with their hand in the cookie jar and they are trying to pretend they are innocent. The response from the Opposition is pathetic.

I have used my powers and responsibilities consistently in respect of the commissioner and his commission and I intend to keep doing that until the work of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers is completed, as we should. Of course, there is one issue that the commission has raised with the Government about which we must do something; that is, the reform of the Anti-Corruption Commission in Western Australia. We will not only reform it but also radically reform it compared with the failures of the previous Government. The Leader of the Opposition, on the other hand, has used his freedom in this Parliament for base political purposes to undermine the work of the commission. I will put it very clearly: the Leader of the Opposition has acted like a coward, he has acted improperly and he deserves to be condemned by this Parliament.

Point of Order

Mr B.K. MASTERS: The Premier said that he would table the letter from the commissioner. I would be grateful if he would do that.

Dr G.I. GALLOP: It was tabled yesterday.

The SPEAKER: I believe it has been tabled. A staff member will give the member for Vasse a copy of it.

Debate Resumed

MR M.W. TRENORDEN (Avon - Leader of the National Party) [3.17 pm]: The facts are clearly before the House on this very important motion. A motion of this type is not just a political exercise; it is of the utmost importance. I have listened to the Premier's dissertation and I suggest he made no case whatsoever for the motion. The fact is that there was no interference with the royal commission by the nature of the question asked by a member in the House yesterday.

Dr G.I. Gallop: Come on!

Mr M.W. TRENORDEN: I listened to the Premier in silence. We can play politics when he wants to, but this is a serious matter. The question asked yesterday was whether any minister had been named in the royal commission. There were no names, so there was no pack drill. The question required a simple answer: yes, no or I do not know. None of those answers given by a Premier of the day would have made -

Mr N.R. Marlborough: That wasn't the question at all. The question was for a name and then a demand to have him removed from Cabinet.

Mr M.W. TRENORDEN: The member for Peel shows that he was not in the Chamber at the time.

Mr N.R. Marlborough: Read *Hansard*.

Several members interjected.

The SPEAKER: Members, this is a very important motion before the House. The Leader of the National Party has indicated clearly that he does not wish interjections during his contribution to this matter. Due to the seriousness of this type of motion, I ask members to respect that request.

Mr M.W. TRENORDEN: The question yesterday could have been answered in three ways: yes, no, or I do not know. None of those answers -

Mr C.J. Barnett: Or I cannot recall.

Mr R.F. Johnson: He was either aware or he was not.

Mr M.W. TRENORDEN: It is my view that it could have been answered in three ways. None of those answers would have one iota of impact on the work of the royal commission. No-one asked for anybody's name to be put forward.

Mr N.R. Marlborough interjected.

The SPEAKER: I call the member for Peel to order for the first time.

Mr M.W. TRENORDEN: The Premier inferred that he was being induced to give an answer beyond that which he gave. Frankly, it is the Premier's business whether he gets induced. Yesterday he could have said yes, no, or I do not know. They were the only three answers required yesterday. The inference that someone in this Chamber put pressure on the royal commission because the Premier was induced to say something else at another time is definitely not the issue.

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Dr G.I. Gallop: I think the Leader of the National Party is engaging in city-slicker obfuscation rather than country-bumpkin truth.

Mr M.W. TRENORDEN: A few moments ago the Premier said that the Leader of the Opposition tried to induce him to go further. However, that is not the issue - it is nowhere near the issue. The issue is whether the question that was asked impinged upon the work of the royal commission. The simple answer is that in no way did it do so. On a scale of one to 100 it does not register, because no-one needed to be named.

Dr G.I. Gallop: Come on, Max! You can do better than that!

Mr M.W. TRENORDEN: The Premier can play his political games as much as he likes. However, let us deal with the inducement. Let us say the answer is yes. Even if the Premier was worried about saying yes, he could have said, "Yes, a minister was named in the royal commission. I have seen what has been said. That minister has my full support as Premier, and you will be given the details at a later date." Alternatively, he could have said "No", which does not need anything else at all to be said. This is an absolute smokescreen. In fact, I agree with the member for Hillarys that this does not require any of this Chamber's time at all.

Mr J.N. Hyde: Did you raise every sort of rumour and baseless allegation when somebody was in an Anti-Corruption Commission investigation?

The SPEAKER: Member!

Mr M.W. TRENORDEN: The member for Perth would not know that I was on the Joint Standing Committee on the Anti-Corruption Commission and spent hours and hours with the other members dealing with various issues. There were more than seven or eight members - it was a large committee. Yes, I did all that.

Mr J.N. Hyde: But the Opposition was not raising a rumour every day about somebody being in an Anti-Corruption Commission investigation. Where are your standards?

The SPEAKER: I call the member for Perth to order for the first time.

Mr M.W. TRENORDEN: Let us be serious about this. A formal motion has been moved regarding a member of this Chamber. It is a serious matter. The facts are that the Premier did not put forward a case that needs to be answered by anyone at all, let alone by those on the other side of the Chamber. If the question is examined, it is clear that only one of the responses that I gave previously was required. Those responses are not a problem for the royal commission in any shape or form. This is a total misuse of the time of the Parliament.

MR R.F. JOHNSON (Hillarys) [3.23 pm]: I had not intended to speak on this motion because, frankly, I have contempt for the motion and for the Premier for bringing this motion before the Parliament; however, I will say one or two words. I was taken to task by the Attorney General because I said that one of the ministers was not here. However, he was here; he was in this House. The Attorney General should not try to make me out to be the ogre. He was here, in this House, and he should be in this Chamber. Every minister should be here because the question yesterday was about a cabinet minister. I believe that every cabinet minister should have an interest in this censure motion that the Government is putting forward. To the Premier, his ministers and his minders; the Premier can move a censure motion every single sitting week from now on in but he will not curb opposition members from asking pertinent questions in this House. We have a duty to the people of Western Australia to ask the Premier and his ministers questions, and he has a duty to answer them honestly. The Premier is the world's worst culprit at not answering questions. He is a master of the art of not answering questions. The Premier can start photocopying this motion if he likes and leave a blank for what he will put in there every week because he will be using it every week. He will never, ever gag members on this side of House or censure us for asking honest questions about him, his cabinet ministers or about anything else. We will ask any question that we believe is in the interest of the people of Western Australia.

Dr G.I. Gallop: So there is no limit on parliamentary privilege?

Mr R.F. JOHNSON: If the Premier thinks we have broken parliamentary privilege, I suggest that he stand and interrupt me now. He can tell the Speaker that parliamentary privilege has been breached. There are steps and standing orders that the Speaker must then follow. The Premier would love to interrupt me - most of his colleagues do. Now is the world's best opportunity for him to do so. The Premier should move the motion relating to a breach of parliamentary privilege and listen to what the Speaker has to say. I suggest that the Speaker will say that there has been no breach of privilege in this case. However, the Premier does not have the guts to suggest there has been a breach of the privilege of this place because he knows what the answer will be. He does not ask questions unless he knows what the answers will be.

Dr G.I. Gallop: What was that again?

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Mr R.F. JOHNSON: He does not ask questions unless he knows what the answers will be. The only questions that the Premier answers in this House are the dorothy dixers from his colleagues on the backbench; parliament is well known for them. They are the simple ones that make the Premier look wonderful as he beams and blames the federal Government for this and the previous Government for that. It is everyone else's fault but his own!

All the Opposition wanted yesterday was a simple answer to a simple question. The question was whether the Premier was aware of something. The answer was yes or no - it could not have been anything else. Alternatively, he could have used the famous Labor logo answer - I cannot recall. I just hope that the people in the media think about this because if they read yesterday's *Hansard* they would find that we did not get an answer from the Premier on that very important question. The Premier should be concerned about the substance behind that comment. He is the Premier of this State, for goodness sake. Apart from the Governor, he is supposed to be the top person in the State. He is the next person down the line and part of the Executive Government. He instigated the royal commission and put a royal commissioner in place. Whether he went running off to see him yesterday or got one of his minders to run off to get some sort of letter that might have given him comfort, I do not know. Quite frankly though, it does not deviate from the fact that the Premier did not answer that question. It was a very simple question; was the Premier aware of the matter? Is he awake or is he asleep? The answer is simple; yes, I am awake, or no, I am asleep. That is the sort of answer we wanted: yes or no.

Dr G.I. Gallop: It is an interesting universe.

Mr R.F. JOHNSON: I am not a Rhodes scholar or an intellectual like the Premier. I went to the university of life. I did not go to University of Oxford with Tony Blair and Kim Beazley to learn all about Trotskyites and other communist organisations. I went to the university of hard knocks, and I have learnt many things. I am not an intellectual like the Premier and I am absolutely glad of it. There should be no censure motion whatsoever against the Leader of the Opposition for asking a very simple question.

Points of Order

Mr D.F. BARRON-SULLIVAN: I rise to raise a point of order in accordance with Standing Order No 109. Essentially, the Premier has made the accusation that the Leader of the Opposition abused parliamentary privilege by asking the question that he did in this House yesterday. I ask you, Mr Speaker, to determine the matter accordingly.

Mr J.C. KOBELKE: I do not think it needs much consideration. Clearly this is not a point of order under Standing Order No 109. It may be a nice little device to try to duck the motion.

The SPEAKER: I have not actually been asked to determine a point of privilege. A suspension of standing orders was indicated in the motion put forward to the House. However, there is no question before this House on whether privilege has been breached.

Mr D.F. BARRON-SULLIVAN: Further to the point of order, the point I am raising in relation to Standing Order No 109 is that this motion concerns a matter of privilege. The Premier made an accusation today that the Leader of the Opposition had abused parliamentary privilege by asking the question that he did yesterday. I am seeking a determination from the Speaker on whether parliamentary privilege was indeed abused in that way.

Mr J.C. KOBELKE: This is an abuse of the right to take points of order. There is absolutely no point of order. If the member actually read Standing Order No 109 instead of just citing its number, it would be clear to him that he or any other member may raise a matter of privilege at any time. It is not for him to imply that someone else may wish to raise a point of privilege. No-one else has. If the Deputy Leader of the Liberal Party wishes to use Standing Order No 109, that is for him to judge. This is simply a frivolous point of order and one that should be disposed of.

Speaker's Ruling

The SPEAKER: The fact that someone in this House may imply that there has been a breach of privilege does not take it to the point at which an application must be made for a ruling on a breach of privilege. When the House has such a motion before it, we will consider it. However, at this stage, that has not occurred.

Debate Resumed

MR M.J. BIRNEY (Kalgoorlie) [3.32 pm]: What a disgraceful, grubby, disgusting, desperate little act this is.

Several members interjected.

Mr M.J. BIRNEY: I will tell members why it is: it is because that lot know that they have the numbers; when this motion finally goes to a vote, they know that they will win the vote. They are desperately hoping that *The*

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West Australian will report tomorrow that the Leader of the Opposition has had an adverse finding against him, particularly as some members of the public do not understand the parliamentary process. The Labor Party has the numbers and that whatever it moves will probably be successful. This is a disgusting, disgraceful, grubby and desperate little attempt to trick the people of Western Australia into thinking that the Leader of the Opposition has done something untoward when in fact he has not. He has not breached privilege. If he had, that mob would have made an official complaint. They are too frightened to do anything about it. In 1997 the High Court held in *David Russell Lange v Australian Broadcasting Corporation* that parliamentary privilege was one means of -

... enforcing the responsibility of the Executive to the organs of representative government.

Is that not a funny little line when it is applied to this funny little mob? This mob is anything but accountable. The timing for this motion is rather interesting. When the motion was first moved, every cabinet minister was in the House bar one. That particular cabinet minister, the Minister for Health, was not here. The Government took an opportunity to move this motion knowing full well that the Minister for Health was not here. In fact, when I came into the Chamber just as we were about to debate this motion, the Minister for Health was walking out the front door. Why is he the only minister not in the House today to debate this motion? Could it have anything to do with the Lewandowski case last year? Could it have anything to do with the transcript of the Supreme Court case on the Lewandowski affidavit? We all know the allegations against the Minister for Health in the Mickelberg case. For those that are unaware, the allegations are that the Minister for Health walked into the interview room in which Peter Mickelberg was allegedly being bashed at some time between 3.00 pm and 3.30 pm.

Point of Order

Mr J.C. KOBELKE: The motion is against the Leader of the Opposition, and although it may be a debating point to take up an attack on another member, that requires a substantive motion. The member is getting very close to impugning the reputation of another member, which is not the subject of the motion before the House.

Mr R.F. JOHNSON: The member for Kalgoorlie has not made any adverse comments about a particular member in this House. The Leader of the House is trying to protect the facade of a united Cabinet. There is no point of order.

Mr M.J. BIRNEY: If you will allow me, Mr Speaker, I intend to go on and advise members of the House how a cabinet minister was in fact named in the royal commission in relation to the Lewandowski matter. That, essentially, is what we are debating here today.

The SPEAKER: What the Leader of the House has said about the ability to impugn members is correct. I do not think the member for Kalgoorlie has yet reached that point.

Debate Resumed

Mr M.J. BIRNEY: I was attempting to advise members that during the Mickelberg case in the Supreme Court the lawyer put to Mr Lewandowski on the witness stand that he should have been concerned that young Mickelberg had complained to then Detective Sergeant Bob Kucera, now the Labor Party's Minister for Health, that he had been bashed. The transcript reads -

Do you know whether Mr Hancock spoke with Mr Kucera about these events? --- No I don't. But someone would have to have obtained a statement from him.

Did you not suggest in the Police Royal Commission at page 28 that perhaps he -

That is Mr Kucera, the Labor Party's Minister for Health, a member of the Cabinet -

- was conned by Mr Hancock into making such a statement? --- Sorry?

The lawyer says again -

Did you not suggest in the Police Royal Commission that perhaps he was conned into making a statement about ---

"He" being Mr Kucera, the current Minister for Health in the Labor Cabinet. Mr Lewandowski replies -

Perhaps he was.

I do not know if another cabinet minister has been named in the police royal commission in relation to the most recent debate, but on at least one occasion the Minister for Health has been named in the police royal commission in relation to the Lewandowski matter. Regardless of whether another cabinet minister has been named in the police royal commission, at least one minister has been so named, and the mob opposite seem to

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want to forget that. The Attorney General would have known full well of the existence of the Supreme Court transcript in which Mr Lewandowski was asked about the evidence he gave to the police royal commission, specifically about the Labor Party's Minister for Health. The Labor Party's indignation knows no boundaries. This is a grubby little trick designed to deceive the people of Western Australia into thinking, after this motion is passed, that the Leader of the Opposition has done something untoward. Nothing could be further from the truth.

Point of Order

Mr D.F. BARRON-SULLIVAN: In accordance with Standing Order No 109, I seek your determination, Mr Speaker, on whether the question from the Leader of the Opposition yesterday - the one that is being discussed now - constituted a breach of privilege.

Mr J.C. KOBELKE: Mr Speaker, I would ask you to consider, along with the point of order raised by the Deputy Leader of the Opposition, the interpretation under Standing Order No 109 and the implications of someone raising it. My interpretation, but not necessarily the only one or the correct one, is that a member using Standing Order No 109 would not be doing it as a test case to waste the time of the Speaker because the member would like to get some ruling on a general order. My interpretation is that Standing Order No 109, which is being invoked by the Deputy Leader of the Opposition, is clearly placed in the standing orders so that when a member believes that another member has transgressed, that matter can be addressed. The Deputy Leader of the Opposition may be keen to take over the leadership of the Opposition, but it is of primary importance to your consideration, Mr Speaker, whether the Deputy Leader of the Opposition is suggesting that the Leader of the Opposition has transgressed and therefore requires a ruling or whether he is simply seeking to get a determination on some vague and unclear matter, which would simply be wasting the time of the Speaker.

The SPEAKER: I thank members for their contributions. It is clear that there has been no breach of privilege -

Mr C.J. Barnett: Pardon, Mr Speaker? I missed that.

The SPEAKER: The Leader of the Opposition can read it in *Hansard*. There has been no breach of parliamentary privilege. However, the motion before the House alleges that there has been an abuse of that privilege, and that is the question.

Several members interjected.

The SPEAKER: Members! I am endeavouring to give the call to the member for Pilbara. However, the catcalling and such across the Chamber has prevented the member for Pilbara from commencing his contribution.

Debate Resumed

MR L. GRAHAM (Pilbara) [3.43 pm]: I understand politics, although I do not pretend to understand all of it, and politics drives this motion. I can understand the base motive for moving the motion. Although it is a shot at the Leader of the Opposition - and I have no difficulty with that - it inadvertently raises some extraordinarily serious questions. The first is whether a royal commissioner has the power to silence a member of Parliament in this Chamber when conducting his business as he sees fit. I suspect that the answer is no. I have listened closely to every argument that has been put today. If someone on the government side can produce some evidence of substance that shows that a royal commissioner has the power to bind a member of Parliament to prevent him from exercising his parliamentary privilege as he sees fit, I may change my mind.

Dr G.I. Gallop: No-one has suggested that. You obviously did not listen to my speech.

Mr L. GRAHAM: I did listen to the Premier's speech. It hinged extensively on the authority of Commissioner Kennedy. The question got to the point of whether we respect him, love him and understand him. I neither know him nor care about him. He is a royal commissioner who is operating a royal commission at the will of the Executive of the Government of Western Australia. That is his role. I do not know him, like him, understand him, dislike him or anything; he is merely another royal commissioner.

The royal commission is given power under section 12 of the Act, which is the section on which the Premier has hung his hat. Section 12 states that the commissioner may direct - and it goes through a whole lot of things - that something must not be published or must not be published except in such a manner and to such persons as the commissioner specifies. The question asked yesterday did not publish anything. Therefore, section 12 has absolutely no application. Even if the question hinged on the point that the Premier says he was not making, which is the power of a royal commission to bind one of us to silence, and he does not accept that argument, the Premier's argument clearly revolves around section 12, which the royal commissioner clearly does not have the power to invoke. The question is: does the Leader of the Opposition have the right to ask the head of the

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Executive the question that he asked in the Parliament? The answer is: absolutely. The Premier and I both know -

Dr G.I. Gallop: What about the responsibility? That is a word that you do not want to talk about. Start talking about responsibility.

Mr L. GRAHAM: I will come to that in a minute. The Premier and I both know that in the eight-odd years that we were in opposition, we made some people's lives very uncomfortable by asking questions about matters before courts and royal commissions and the subject of a range of investigations and inquiries. We did that in the legitimate knowledge that as members of Parliament we have the right to pursue people acting in this place as ministers to account for the full conduct of their duties, both publicly and privately. We pursued that with vim and vigour. It is neither a parliamentary nor a precedent question.

I now refer to responsibility, and I am happy to talk about that. The Premier is asking us to make a judgment: was the Leader of the Opposition sufficiently out of line for us to censure him for his behaviour yesterday? Unless I hear some compelling debate, my answer to that is no, he was not. Was he smart? I would offer him the Shane Warne defence, except that it was not his mother who wrote the question. The Shane Warne defence is: "I'm a bit of a dickhead and I didn't mean to do it. It was all a bit of an accident and it wasn't really the smartest thing I've ever done". That may be an out. That may be right.

Mr M.J. Birney: It was no accident.

Mr L. GRAHAM: It is not an argument of intent.

Ms S.E. Walker: Look at the response it got. They stuffed up again.

Mr L. GRAHAM: It is not an argument of intent. I know that the Leader of the Opposition meant to do it. The question is whether he was politically smart in doing it. Time, not us, will show that. If in fact a minister was named, there is a major problem and evidence of criminal or improper behaviour has been given to the royal commission, the Leader of the Opposition's actions might be considered smart and good politics. However, if none of those things has occurred, it will be seen as a pretty dumb thing to have done. Unless I hear some compelling argument to the contrary, I intend to vote against the censure.

MR J.A. MCGINTY (Fremantle - Attorney General) [3.47 pm]: The question asked yesterday by the Leader of the Opposition was in my view a direct attack on the integrity and capacity of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. I would like to spend the time that is available to me addressing the House on the magnitude of the misconduct by the Leader of the Opposition in raising that matter.

Ms S.E. Walker: What about the Lewandowski affidavit?

The SPEAKER: Members!

Mr M.J. Birney: You handed an affidavit to a family member.

Mr J.A. MCGINTY: There was nothing wrong with that. Last year this Parliament passed the Royal Commission (Police) Act, which gave Commissioner Geoffrey Kennedy quite extraordinary and additional powers to use for the purposes of the police royal commission. We are all aware of the enormous public importance of the police royal commission and the nature of the work that it is undertaking. We will soon introduce into this House legislation designed to replace the Anti-Corruption Commission and give us a very strong anti-corruption body for this State. That body will be comparable with the strongest in Australia. We are also hearing, on a regular basis, evidence of police corruption that has occurred in Western Australia over the past 15 to 17 years. This is very serious work. The police royal commission is one of the most important institutions that this Government has created, and one of the most important institutions to which this Parliament has given extraordinary powers.

To enable the royal commissioner to effectively discharge his duties, section 12 of Act - which was passed only last year - gives him the power to direct that certain evidence, materials and other things brought to the attention of the royal commission not be in any way published.

A letter dated 26 February, which was given to the Premier by the royal commissioner states -

To avoid contravening those orders, it is inappropriate to provide any information concerning the persons who have or have not been the subject of orders under s12 of the Act. As you would be aware s12(2) provides a penalty for an offence of making a publication in contravention of a direction given under the section.

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

Mr L. Graham: Who in this Chamber is under the authority of section 12 of the Act?

Mr J.A. McGINTY: Let me develop the argument, because it might answer the member's question.

In the light of those powers given by the Parliament - not the Government - fewer than 12 months ago, the commissioner was given some extraordinary powers to exercise, which he has done on a number of occasions. Occasionally he has taken evidence in camera to ensure that none of the details comes out and occasionally he has used a suppression order. There are a variety of forms of the suppression order. The most recent expression of them is probably best spelt out in the letter from the commissioner, Geoffrey Kennedy, which gives directions; for example, any information, photograph or representation that might enable a certain person to be identified or located must not be published. That is how broad the directions are.

A number of things place impediments on members of the public to deal publicly with that information. The Parliament gave the royal commissioner that power. Yesterday, the Leader of the Opposition sought to subvert the exercise of that power. No-one is saying that the royal commission is superior to Parliament.

Mr C.J. Barnett: The Premier thought that yesterday.

Mr J.A. McGINTY: He did not. The Leader of the Opposition should have listened to what the Premier had to say. Everybody knows that what is said in Parliament is privileged. That is not to say that raising a particular matter it is not an abuse of that privilege. I firmly believe that what the Leader of the Opposition did yesterday was a very clear-cut abuse of that privilege.

Ms S.E. Walker interjected

The SPEAKER: Order, members!

Mr J.A. McGINTY: If the Leader of the Opposition reads the parliamentary procedures, which is what he wanted to deal with -

Ms S.E. Walker interjected.

Mr J.A. McGINTY: Oh, the virago from Nedlands should go back -

Mr C.J. Barnett interjected.

Mr J.A. McGINTY: I will tell the Leader of the Opposition why what he did yesterday was improper. The Leader of the Opposition has asked me for my opinion, and I will tell him. Members should be restrained in their references to issues of fact or findings relating to the propriety and actions of specific persons and with regard to those sorts of matters or evidence given in a royal commission. Anyone who reads Erskine May or any other publications of that type would appreciate that that is a clear-cut principle. However, it is accepted that there are most probably two categories of events. The standing orders of Parliament grant some liberty to raise matters of general public policy or the future direction of matters of national importance, which are the broad issues that come out of a royal commission. However, it is a different matter altogether when the proceedings relate to issues of fact or findings relating to the propriety of the actions of specific persons. In those circumstances, the Chair in this Parliament should say that it is an abuse of privilege to raise those sorts of matters. There is an accepted precedent for that.

Mr C.J. Barnett: Are you canvassing the Speaker's ruling?

Mr J.A. McGINTY: I am happy to refer the Leader of the Opposition to the precedent for that. Advice concerning future policy or legislation that assumes issues of a national interest are matters - even though they relate to evidence given in a royal commission - that can be raised. It is also the case that questions - this is taken directly from Erskine May, which is the authority of these matters - that refer to the evidence of witnesses or other matters before a royal commission have been ruled inadmissible.

Mrs C.L. Edwardes: That was not raised at all.

Mr J.A. McGINTY: We are dealing with whether there was an abuse by the Leader of the Opposition. Clearly, he should have been ruled out of order because he was embarking on a breach of parliamentary privilege - I will correct myself, Mr Speaker; it is an abuse of parliamentary privilege rather than a breach of parliamentary privilege.

That is the precedent. The significance of this matter is that only last year the Parliament gave the police royal commission these powers. Provision was made in section 12 of the Royal Commission (Police) Act for the commissioner to prohibit the publication of any evidence given before the commission, and made it an offence for any person to contravene a direction given under that section.

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

I come now to the most crucial part of what I say to the House on this matter: to refer in Parliament to evidence the subject of a suppression order would be to disobey the command of Parliament by virtue of its own legislative enactment. That is the essential principle upon which this motion is based. The Leader of the Opposition disobeyed the very law we passed in Parliament last year. There is no doubt about it. In those circumstances, it is clear that the Presiding Officer should have dealt with the matter at the time it was raised given the significant precedents.

Yesterday the Leader of the Opposition invited the Premier to breach the Act. It was crystal clear. In case any doubt exists about what was said, the question was -

Is the Premier denying that the name of one of his cabinet ministers has been suppressed in the Kennedy police royal commission?

That was an obvious invitation to breach a law that this Parliament recently enacted, which is an abuse of parliamentary privilege. It is crystal clear. Why did he do it? It is not a question of whether the Parliament or the royal commission are supreme. If one gives the royal commission the powers and one then sets out to undermine, subvert and compromise the exercise of those powers by the royal commission, one stands condemned. The Leader of the Opposition stands condemned for that reason. We all know that he has a tenuous hold on the leadership of the Liberal Party. He thinks by coming in here, rattling the sabre and being macho, he might win back some support. To act on that sort of motivation indicates that the Leader of the Opposition, contrary to the principles for which he purportedly stands, is a man of straw. People admire people of principle. The Leader of the Opposition has debased principle by a grubby, smearing exercise. If all the Leader of the Opposition had was the transcript from the Supreme Court referred to by the member for Kalgoorlie, what a grubby little slur the leader has entered into.

Mr C.J. Barnett: What do you know?

Mr J.A. McGINTY: I am going from what the Leader of the Opposition said on the radio this morning. I presume he was telling the truth - I am prepared to give credit for that. He said there has been a lot of speculation and that he was indulging in that speculation. He also said there had been rumour. For the Leader of the Opposition to come into this place and perpetrate a smear in clear breach of the powers we gave to the royal commission less than 12 months ago is despicable behaviour that shows how low he has sunk trying to save his position - it is the only motivation I can see. The member will be remembered as a Leader of the Opposition completely without principle. If the member has some evidence, he should bring it forward. He has come in here on self-described speculation and rumour, according to what he told the public, in a pathetic -

Mr C.J. Barnett interjected.

Mr J.A. McGINTY: It is proper, is it, to base something on speculation and rumour and act contrary to the provisions of the royal commission Act? The Leader of the Opposition stands condemned for what he has done because, having given this body the power to do certain things, he has then sought to undermine it.

Let me return to the very basis of this motion. For years the Liberal Party said that there was not an issue with police corruption in Western Australia. It set up the failed Anti-Corruption Commission. That was its effort. It denied the existence of a need for a royal commission and then set up the Anti-Corruption Commission to deal with it. What has come forward? The police royal commission has given us powerful new recommendations for a new crime and corruption commission; it is setting about doing its job of exposing police corruption. The Leader of the Opposition has come into this Chamber to undermine and subvert the operations of the police royal commission. He has blatantly abused parliamentary privilege by using what is undoubtedly his power to come into this Chamber and raise these matters if he wants, when quite clearly he should not have done so.

I close on this point: what the Leader of the Opposition did, he should not have done. It was an abuse of a privilege that has been given to him and he stands condemned.

MRS C.L. EDWARDES (Kingsley) [4.00 pm]: Mr Speaker, you have stated quite clearly that the Leader of the Opposition's question yesterday to the Premier was not a breach of privilege; neither was it an abuse of privilege. I say to the Attorney General that it certainly was not an attack on the integrity of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers. The Gallop Labor Government's accountability policy in the lead-up to the election indicated that it would aim for the highest standards of openness and accountability, more integrity in public life and an enhanced democracy. According to the Labor Party, it was concerned that, during the time of the Court Government, there had been breaches of the traditional standards of ministerial and executive accountability and propriety. It said that it was concerned that the Court Government had presided over a culture of secrecy in

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

government business dealings and had failed to ensure that the existing accountability regimes met the challenges of the modern Government in the twenty-first century. Further, it was concerned about secrecy, lack of accountability and, above all, arrogance. I suggest that that is exactly why the question was asked yesterday. It is all about secrecy, accountability and the Premier's level of arrogance. It was a question well placed. Obviously, the Premier is very sensitive about it. That is why he tried the bullying and threatening tactic after he read the commissioner's letter yesterday and the bullying and threatening tactic of today's motion.

MS S.E. WALKER (Nedlands) [4.02 pm]: It is a shame that there is no crown prosecutor on that side of the Chamber, only the Attorney General, because if there were, he would have said that the Government should not try this tactic today. It has backfired no end on the Government, and I will tell members why. The motion states -

That this House censures the Leader of the Opposition for his deliberate and dangerous attempt to undermine the work of the Royal Commission Into Whether There Has Been Any Corrupt or Criminal Conduct by Western Australian Police Officers.

The question asked yesterday states -

Is the Premier aware whether any of his cabinet ministers have been named in the Kennedy royal commission into police corruption?

Several members interjected.

Ms S.E. WALKER: Did that question come as a surprise? I think not. There is false indignation from members opposite and I will tell members why. It was an entirely relevant question for the Leader of the Opposition to ask, given the history of matters that have gone on in this House in the past year. Every day a motion moved by me appears on the Notice Paper, which states -

That this House calls on the Premier to ensure that the Attorney General appoint some person to make decisions that would otherwise be made by him, being a person independent of Government to deal with and make all decisions with relation to matters which directly or indirectly involve allegations of criminal behaviour by members . . .

The motion then details why the motion is on the Notice Paper. This is not a sudden surprise. Matters pertaining to the royal commission have been raised in this House on quite a number of occasions in the past year.

The second thing is the Westpoll that came out last year. From the telephone book, 406 people were chosen at random. Of that number, 55 per cent were Labor voters who believed the Minister for Health should stand down. In addition, 69 per cent believed that the Attorney General was wrong to discuss the contents of the Lewandowski affidavit with the Minister for Health. It is not surprising that the Opposition asks whether anyone has been named in the royal commission. There is a history.

Mr M.J. Birney: Someone was named.

Ms S.E. WALKER: Who?

Mr M.J. Birney: The Labor Party Minister for Health in relation to the Lewandowski affidavit.

Ms S.E. WALKER: Blow me down!

Mr M.J. Birney: The real question is whether a cabinet minister has been named recently in the royal commission.

Ms S.E. WALKER: All the Premier had to say was no, but the Government got scared. What has it got to hide this time? This has happened to the Government before. It had a reason to hide things last time. When the Attorney General, full of glee, came out with the Lewandowski affidavit on 11 June, he was dishonest with the people of Western Australia, and he went on the John McNamara radio show on 12 June. When I raised the issue in Parliament he slithered from his seat and hid because he knew what was coming.

Mr C.J. Barnett: Did the Premier contact the royal commission over that?

Ms S.E. WALKER: I do not think so.

Mr C.J. Barnett: Did he rush to the royal commissioner to check that it was okay?

Ms S.E. WALKER: The Premier knew that the Attorney General gave his in-law a copy of the affidavit. This all comes as no surprise. The Attorney General was involved in the cover-up to diminish the role of the Minister for Health when this issue came up in June. He knew because he telephoned him when he was in Sydney. The Attorney General lied to the public of Western Australia when he was asked -

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan;
Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker;
Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

Withdrawal of Remark

Mr E.S. RIPPER: Mr Speaker -

The SPEAKER: I am sure the member for Nedlands knows that phrase is inappropriate and she should withdraw it immediately.

Ms S.E. WALKER: I withdraw the comment.

Debate Resumed

Ms S.E. WALKER: The Attorney General was dishonest with the people of Western Australia when John McNamara asked him if anyone else was involved. He said not that he was aware of. The Attorney General had already given the copy of the affidavit. Was it at his house on the Saturday? He is a danger to the people of Western Australia in his current position, to say nothing about the Ripley case raised by the Opposition in Parliament.

Not so long ago, the Attorney General was still a student. In fact, it was 1995. I am still trying to work out how he got away with not doing his articles. As a single parent, I had to do my articles for 12 months. As the then Leader of the Opposition, the Attorney General did not. Why was that? I have a letter to read to the House -

Dear Sue,

I received your letter today and my response follows.

As stated in my letter to you of August 27 our, I am sure I also speak for Mike Payne in this regard, primary intention is to have Julian Ripley's conviction quashed. In order to do this we believe it is necessary for Bob Kucera to tell the truth about the relevant events in 1972 and 1973 and so we also wish Bob Kucera to tell the truth. So we are willingly to leave it to your discretion as to how you use the information we have provided to you, as long as it is used in such a way that would further those objects.

...

We have actually pursued the matter with the Government. As you are aware I attempted to establish a line of communication with the Government and make them aware of what we were seeking so that the matter could proceed. No response was received.

...

Yours sincerely

Rupert Gerritsen

10 September 2002

The Attorney General's mate! A person convicted for the bombing that led to the poster campaign of "Kucera lied - Ripley is innocent"! The Attorney General gave him a character reference. Now he will not help him because it involves an in-law. I have read the *Hansard* when the Attorney General pursued someone in the previous Government and brought up the fact that he gave privileged treatment to an in-law. The Attorney General stands condemned. I ask the Attorney General why he gave his in-law the affidavit and did not tell the truth to the Western Australian public. I stand by my leader; I support his question.

MR C.J. BARNETT (Cottesloe - Leader of the Opposition) [4.10 pm]: Yesterday in Parliament I quite deliberately asked a question of the Premier. I asked him whether he was aware if any of his cabinet ministers had been named in the Kennedy royal commission into police corruption. It was a straightforward question. The Premier had an option. He could have answered yes or no. He failed to answer the question. Since then he has failed to answer it. He has tried to launch a censure motion against me but history will show his response. I asked a simple question; I did not refer to any cabinet minister or use any name. I simply asked whether any cabinet minister had been named in the royal commission. Let us think about the answers.

Several members interjected.

The SPEAKER: Order, members!

Mr C.J. BARNETT: I will address my comments to the Chair. It is beyond any stretch of credibility that the Premier would not know the answer to the question. I assert that he knows the answer to the question. I do not.

Several members interjected.

The SPEAKER: Order, members!

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

Mr C.J. BARNETT: Let us look at the options. If the answer -

Several members interjected.

The SPEAKER: Order, members! I notice that the last statement is somewhat amusing to members on my right; however, the Leader of the Opposition wishes to continue his remarks.

Mr C.J. BARNETT: I asked the question seeking a definitive answer. Had the answer been no, that would have been the end of it. Why did the Premier not answer no if the answer was no? Why did he not say that? If the answer is yes, we have an entirely different scenario. He then ran to the royal commissioner.

Several members interjected.

The SPEAKER: Order, members! Members in this House realise the importance of censuring a member. If a member is censured I am sure he would like his defence of the censure motion to be heard.

Mr C.J. BARNETT: The Premier went to the royal commissioner, and, when challenged today, he failed to table any evidence or letter. He has not said who contacted the royal commission, whether he did it personally or it was a member of his staff. He could not produce any letter. He tabled a letter from the royal commissioner that does not refer to me. I presume it was related to the question. However, there is no balance of evidence as to what the royal commissioner was asked. In this motion the Premier accuses me of abusing privilege - a cute choice of words. When challenged by the Deputy Leader of the Opposition, Mr Speaker correctly ruled that there was no breach of privilege. That has now been established. I was perfectly entitled and, indeed, I would say that I have a responsibility as the opposition leader to ask that question. Let me say something about the responsibility of the Premier and his cabinet ministers. If it is the case that any cabinet minister, either present or absent, is named in the royal commission -

Several members interjected.

The SPEAKER: I call the member for Roleystone to order for the first time.

Mr C.J. BARNETT: If any cabinet minister is named in the royal commission, and especially if that minister is named in an unfavourable way, I put it to the Premier that, under the conventions of government, that minister should immediately take that information to the Premier, if not to the Cabinet. The Premier is then required to act upon that information. It is beyond belief that if a minister has been named in the royal commission, the Premier is unaware of it, yet, this Premier has failed to act. There has been a great deal of speculation - I use that word again - as to whether a member of Cabinet has been named in the royal commission. Again, 24 hours later, I ask the Premier if a member of his Cabinet been named in the royal commission? Yes or no. The Premier should be accountable and open; this is his opportunity. Perhaps he will continue to squirm and hide behind the royal commission. If a member of Cabinet has been named in the royal commission and that reference is unfavourable, and if that cabinet minister failed to draw that to the attention of the Premier -

Several members interjected.

The SPEAKER: Members, the Leader of the Opposition is endeavouring to make a point. It is not a joke. Every time he opens his mouth there is an interjection that stops him from pursuing his point.

Mr C.J. BARNETT: If a member of Cabinet has been named in the royal commission in an unfavourable way and if that cabinet minister has failed to take the appropriate action, which I suggest would be to step aside from Cabinet, and if the Premier, in full knowledge of that, has also failed to take the action of standing that minister aside from Cabinet, then the Premier is responsible and has failed in his duties as Premier of this State. That is why I ask the question. I do not ask the question with reference to the royal commission. I ask this question about the direct cabinet responsibility of ministers and the responsibility of this Premier of Western Australia. By not answering that question, the Premier has failed to accept his cabinet responsibility and his responsibility as Premier.

MR J.C. KOBELKE (Nollamara - Leader of the House) [4.16 pm]: The motion before us is not one of breach of privilege. No-one has suggested that. There may be an abuse of privilege because of something said by the Leader of the Opposition. However, the motion is about undermining the work of the royal commission, and clearly that is what the Leader of the Opposition sought to do. This Leader of the Opposition, when in government, did not want a royal commission. When we came to government and appointed the royal commission, he still did not want a royal commission. Now he is attempting to undermine the royal commission.

Several members interjected.

Extract from Hansard
[ASSEMBLY - Thursday, 27 February 2003]
p4866b-4879a

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

The SPEAKER: Members, I understand why the Leader of the Opposition would wish to interject. I still cannot believe that members persist in interjecting when in some cases they have already had their say in this debate. The last three minutes of this debate is the time for a summing-up, which I am sure the Leader of the House is doing.

Mr J.C. KOBELKE: Members are well aware that yesterday's letter from Royal Commissioner Kennedy made it absolutely clear that he has the power to make suppression orders. It is an offence to disobey or flout a suppression order. I am not saying whether members can do that in this place because we have privilege. However, the issue is that yesterday the Leader of the Opposition called on the Premier quite specifically to breach a suppression order. Those were his words. He recognised that there was a suppression order and he sought to have the Premier breach it. He clearly set out to say that we should put aside a clear suppression order from the royal commission. People can have a legal argument about whether we have the power; that is not the issue. The issue is that if someone is going to take on the royal commission, that person is seeking to undermine it. That is what this Leader of the Opposition sought to do. He sought to undermine the royal commission, which is about establishing police integrity in this State.

In seeking to stop and subvert the royal commission, is it the case that the Leader of the Opposition is covering up for and looking after corrupt mates and does not want the Police Service to be cleaned out because the Liberal Party, when in government, did very nicely with corruption in the Police Service; or does he simply not want to rock the boat; or is he so politically inept that he would seek to undermine the royal commission to try to get a cheap political shot? That is at the heart of why the Leader of the Opposition has behaved in this way. What has not been defended in any way is that he has sought to undermine the police royal commission. Clearly, the Leader of the Opposition, backed by his members, does not see any need for the police royal commission to do its job. That is a disgrace.

Question put and a division taken with the following result -

Ayes (27)

Mr P.W. Andrews	Mr S.R. Hill	Ms S.M. McHale	Mr E.S. Ripper
Mr A.J. Carpenter	Mr J.N. Hyde	Mr A.D. McRae	Mrs M.H. Roberts
Mr A.J. Dean	Mr J.C. Kobelke	Mr N.R. Marlborough	Mr D.A. Templeman
Mr J.B. D'Orazio	Mr F.M. Logan	Mrs C.A. Martin	Mr P.B. Watson
Dr J.M. Edwards	Ms A.J. MacTiernan	Mr M.P. Murray	Mr M.P. Whitely
Dr G.I. Gallop	Mr J.A. McGinty	Mr A.P. O'Gorman	Ms M.M. Quirk (<i>Teller</i>)
Mrs D.J. Guise	Mr M. McGowan	Mr J.R. Quigley	

Noes (19)

Mr C.J. Barnett	Mr J.P.D. Edwards	Mr A.D. Marshall	Mr T.K. Waldron
Mr D.F. Barron-Sullivan	Mr L. Graham	Mr B.K. Masters	Ms S.E. Walker
Mr M.J. Birney	Ms K. Hodson-Thomas	Mr P.D. Omodei	Dr J.M. Woollard
Mr J.H.D. Day	Mr M.G. House	Mr R.N. Sweetman	Mr J.L. Bradshaw (<i>Teller</i>)
Mrs C.L. Edwardes	Mr W.J. McNee	Mr M.W. Trenorden	

Pairs

Mr J.J.M. Bowler	Mr M.F. Board
Mr R.C. Kucera	Mr R.A. Ainsworth
Mr C.M. Brown	Mr B.J. Grylls

Independent Pairs

Mr P.G. Pandal
Dr E. Constable

Question thus passed.

Point of Order

Dr Geoff Gallop; Mr Bernie Masters; Speaker; Mr Max Trenorden; Mr Rob Johnson; Mr Dan Barron-Sullivan; Mr John Kobelke; Mr Matt Birney; Mr Larry Graham; Mr Jim McGinty; Mrs Cheryl Edwardes; Ms Sue Walker; Mr Eric Ripper; Mr Colin Barnett; Dr Janet Woollard; Dr Judy Edwards

Dr J.M. WOOLLARD: An undertaking was given to the House by the Minister for the Environment and Heritage to table this week the cultural heritage assessments for the Raffles, Heathcote and Sunset sites. Can you, Mr Speaker, ensure that the minister complies with her undertaking?

Dr J.M. EDWARDS: An undertaking was given to examine the request by the member for Alfred Cove. As I explained at the time, I was unsure that there was a document of the nature she requested. That matter was followed up that evening with my office, which is looking for that document, and it will be tabled when it has been located.

Dr J.M. WOOLLARD: On Tuesday I gave the minister a copy of the section from the Heritage Act that describes cultural heritage. When I asked the minister in the House this week to table the full cultural heritage assessment, she said she was happy to table them.

The SPEAKER: I am sure that I heard the minister say that when the document is located, it will be given to the member for Alfred Cove. There is no point of order.

Dr J.M. Woollard interjected.

The SPEAKER: Member for Alfred Cove!

QUESTION ON NOTICE 696, ADDITIONAL INFORMATION

MR J.C. KOBELKE (Nollamara - Minister for Consumer and Employment Protection): I wish to table further information in relation to question on notice 696. The information requested by the member for Kingsley was inadvertently not tabled when the question was originally answered on Tuesday, 25 February 2003.

[See paper No 799.]