



## **Procedure and Privileges Committee**

# *Report on a Corporation Adversely Referred to in the Legislative Assembly — RacingThePlanet*

**Report No. 6**

**August 2014**

**Legislative Assembly**

**Parliament of Western Australia**

## Committee Members

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Deputy Chairman	Hon Michelle Roberts, MLA Member for Midland
Members	Mr Frank Alban, MLA Member for Swan Hills  Ms Wendy Duncan, MLA Member for Kalgoorlie  Mr John Quigley, MLA Member for Butler

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## **Procedure and Privileges Committee**

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*Report on a Corporation  
Adversely Referred to in the  
Legislative Assembly —  
RacingThePlanet*

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**Report No. 6**

Presented by

**Ms Wendy Duncan, MLA  
Deputy Speaker of the Legislative Assembly**

Laid on the Table of the Legislative Assembly on 19 August 2014



## Report

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee a letter from Ms Mary Gadams, Chief Executive Officer on behalf of RacingThePlanet, seeking to use Standing Order 114 to respond to comments in the Economics and Industry Standing Committee report titled *Inquiry into the 2011 Kimberley Ultramarathon*, which was tabled in the Legislative Assembly on 16 August 2012.

The Committee has agreed to recommend the incorporation in *Hansard* of the appended response by RacingThePlanet.

In accordance with Standing Order 114, the Committee has not considered or judged the truth of any statements made in the Legislative Assembly or in the submission.

### Recommendation

Your Committee recommends –

That a response by RacingThePlanet, in the terms specified in the Appendix to this report, be incorporated in *Hansard*.



Hon Michael Sutherland, MLA  
Chairman of the Committee  
19 August 2014



## **Appendix One**

Response by RacingThePlanet

Agreed to by RacingThePlanet and the Procedure and Privileges  
Committee pursuant to Standing Order 114

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Submission pursuant to Standing Order 114 of the Western Australian Legislative Assembly:  
Response to adverse statements made in the report of the inquiry into the 2011 Kimberley  
Ultramarathon

1. Introduction
- 1.1 RacingThePlanet Events Limited ("RacingThePlanet") makes this submission pursuant to Standing Order 114 of the Western Australian Legislative Assembly in response to the report tabled in the Western Australian Legislative Assembly on 16 August 2012 ("Report") in relation to the inquiry into the 2011 Kimberley Ultramarathon ("Inquiry") by the Economics and Industry Standing Committee of the Western Australian Legislative Assembly ("Committee").
- 1.2 RacingThePlanet requests that this submission be incorporated into the Hansard:
  - (a) on the basis that:
    - (i) statements in the Report adversely and unfairly affect RacingThePlanet's reputation and the reputation of a number of people associated with it because:
      - (A) those statements are without proper foundation;
      - (B) the Report fails to properly consider the knowledge, monitoring and deliberate lighting of fires by local Kimberley residents on and prior to 2 September 2011;
    - (ii) an experienced, independent fire expert has examined the circumstances and the scene of the fire and concluded, among other things, that on 2 September 2011 he would not have advised RacingThePlanet to cancel the event, and that the fire in the Tier Gorge was low intensity/risk whilst it was on or near the course (that is the intensity of the fire only increased when it travelled away from the course up the wall of the Gorge);
    - (iii) a number of people observed the fire on the morning of 2 September 2011 and did not apprehend any danger, including:
      - (A) trained fire spotter Nathan Tomlinson who observed the fire from the media helicopter at approximately 11am; and
      - (B) producer Charles Morton-Stewart who observed the fire from the Barrels between 11.20am to 12 noon;
    - (iv) the privacy of a number of people associated with RacingThePlanet has been unreasonably invaded by reason of statements in the Report; and
  - (b) to avoid further ongoing harm caused by the adverse statements made in the Report about RacingThePlanet and others associated with it.
2. Adverse statements about RacingThePlanet
- 2.1 RacingThePlanet failed to take "all reasonable steps"

This finding is affected by hindsight bias and is based upon a term of reference that seeks to hold RacingThePlanet to a more onerous standard than the law requires of race organisers. This statement is adverse to RacingThePlanet because:

- (a) It holds RacingThePlanet to a standard higher than the law requires.
- (b) It holds RacingThePlanet to a higher standard than government agencies which were aware of the race and were aware of and monitoring fires in the area in the days, weeks and months leading up to the event.<sup>1</sup>
- (c) It is not supported by the evidence which shows that RacingThePlanet did take reasonable steps. In particular, RacingThePlanet:
  - (i) took reasonable steps to investigate the hazards associated with the event, including the risk that:
    - (A) the competitors would encounter a fire; and
    - (B) if the competitors did encounter a fire, they would not be at risk of injury;
  - (ii) checked for fires and other risks (including arranging for a helicopter to fly over the course on the morning of the race);
  - (iii) monitored fires of which it was aware to ensure that they did not present a risk to competitors;
  - (iv) informed the competitors of the existence of fires and to be careful if they should encounter a fire;
  - (v) did not light any fires, including the fire that injured competitors;
  - (vi) had no control over the existence or the behaviour of the fire that injured competitors;
  - (vii) was not warned about fires by government agencies and land occupiers, despite those people and entities being aware of fires in the area including deliberately lit fires and controlled burns;
  - (viii) was not warned about the risk of fire or, more significantly, that there was a fire in the area that may cross the course and injure competitors;
  - (ix) was not aware of the existence of the Tier Range fire until about 12.30pm on 2 September 2011;
  - (x) devised an appropriate emergency and evacuation plan; and
  - (xi) implemented the emergency and evacuation plan when it was made aware of the competitors' injuries, which included notifying emergency services by satellite telephone and taking all available steps to assist and evacuate the injured competitors.

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<sup>1</sup> RacingThePlanet notes the Committee's findings in relation to scope for improvement in communications by and between government and local agencies (in particular findings 24-28, 30-31, 33 and 35) and its recommendation that the Local Emergency Management Committee processes should be reviewed.



- (d) Furthermore, RacingThePlanet considers that the Committee failed to give sufficient weight to the following matters:
  - (i) the event was specifically intended to be extremely challenging for competitors, including by them having to respond to risks of the environment through which the event was conducted;
  - (ii) the competitors made their own informed decisions about the risks involved in competing in the event, including the risk of fire;
  - (iii) the terms under which the competitors took part in the race made it clear that the parties did not contemplate that RacingThePlanet assumed responsibility for any risks; and
  - (iv) a "reasonable step" is not one that is only apparent with the benefit of hindsight.

2.2 Adverse statements made without providing witnesses an opportunity to respond

The Committee failed to provide RacingThePlanet's Course Director, Medical Director and members of its Events Team with an opportunity to respond to adverse statements and findings about them in the Report. The Committee's failure to do so is procedurally unfair and does not accord with natural justice, particularly given the serious nature of the findings.

RacingThePlanet provides the following examples by way of illustration:

- (a) At pages 81 and 83 of the Report, the Committee makes the adverse statement that it has "a number of serious concerns" about the actions of RacingThePlanet's Medical Director, Event Manager and Course Director and they "did not take all reasonable steps to maintain the safety of competitors by failing to determine the exact location, direction and severity of the fire referred to in the message received from the helicopter pilot".
- (b) Further adverse statements were made against the Medical Director, Event Manager and Course Director at the following paragraphs/pages:
  - (i) Paragraph 2.337 of the Report (the Medical Director and Event Manager);
  - (ii) Paragraph 2.347 of the Report (the Event Director);
  - (iii) At page iii of the Report (RacingThePlanet's plan for using the helicopter in the event of an emergency);
  - (iv) At page 105 of the Report (the Event Director and RacingThePlanet's medical evacuation plan); and
  - (v) At page 63 of the Report (RacingThePlanet not meeting the reasonable standard for mitigating risk to safety).
- (c) Despite making these, and other adverse statements about the Medical Director, Event Manager and Course Director, including findings about their "apparent" state of mind, the Committee failed to raise the allegations with each of them during the Inquiry, nor did it provide them with a reasonable opportunity to respond.
- (d) Although the Committee sent written questions to the Course Director, to which he responded, none of the questions from the Committee to the Course Director raised

the crucial issues of the message from the helicopter pilot or the holding of competitors at checkpoint 2.

- (e) The Medical Director and Event Manager were not asked any questions by the Committee. Further, the Medical Director was not requested by WA Police to provide a statement, and accordingly her important evidence was not before the Committee.

I travelled from Hong Kong to appear voluntarily before the Committee and give evidence on 2 May 2012. Despite this I was subject to a number of arbitrary and unfair processes during my appearance including:

- (a) the Committee would not allow me to complete my opening statement (see pages 3 and 5 of the transcript of my evidence);
- (b) the style of questioning adopted by a number of Committee members was hostile and argumentative. I was interrupted on numerous occasions when answering questions. See for example pages 11 to 13 of the transcript; and
- (c) without prior notice the duration of my appearance was shortened due to Committee members' conflicting commitments.

By letter dated 28 June 2012, RacingThePlanet sought to make a submission pursuant to Speaker's Procedural Rule 11 in relation to statements made during the Inquiry that reflected adversely upon it. In its letter of 10 August 2012, the Committee declined to publish RacingThePlanet's submission of 28 June 2012 on its website.

### 2.3 Adverse statements made without calling key witnesses

The Committee failed to call key witnesses of fact, despite having powers of compulsion in relation to witnesses resident in Western Australia. In light of other evidence before the Committee suggesting people were aware of, monitoring and/or lighting fires before and on the day of the race, the following people were essential witnesses who the Committee should have compelled to attend to give evidence, or taken other steps to obtain their evidence on certain critical issues.

This evidence would have also highlighted to the Committee clear shortcomings and errors in the investigations conducted by the Police and FESA, and the findings made by them, particularly the following findings in the FESA Fire Investigation Report dated 17 January 2012 ("FESA Report"):

- (a) investigators could not substantiate any report of a controlled burn;
- (b) the three back burns put in place by the Wuggubun Community were the only burns authorities knew were placed by human intervention at that point in time; and
- (c) the cause of the incident is to be formally recorded by FESA as undetermined.

Furthermore:

- (i) the Committee received evidence that El Questro, James Salerno Sr, James Salerno Jr, FESA and SWEK were monitoring (and in some cases deliberately lighting) fires in the area where competitors were injured in the days leading up to, and including, 2 September 2011 yet did not properly investigate this evidence, nor provide it to the Police, nor address it in its report;

- (ii) despite this clear evidence of knowledge of deliberately lit fires, not one government agency or land occupier:
  - (A) took steps to extinguish the fires;
  - (B) warned RacingThePlanet about the risk of fire or, more significantly, that there was a fire in the area that may cross the course and injure competitors;
  - (C) warned tourists or any other members of the public about the risk of fire or that there was a fire in the area which might be a danger to them;
  - (D) evacuated the area; and
  - (E) took appropriate and timely steps to assist with the evacuation of the injured competitors.

#### El Questro

Employees of El Questro were aware of and monitoring the fire that injured competitors in the days leading up to the race and on the day of the race itself, namely:

- (a) Mr Michael Bass from El Questro should have appeared before the Committee to give evidence about his knowledge and monitoring of fires on and prior to 2 September 2011. In particular Mr Bass was not called to explain critical evidence in his incident diary (Annexure D to his statement to the Committee dated 27 March 2012).
- (b) Not only did the Committee fail to call Mr Bass, but:
  - (i) the Report makes no reference to his incident diary; and
  - (ii) the Committee failed to table his incident diary.No explanation is provided for these failures.
- (c) The Committee did not ask Mr Bass nor anyone else from El Questro about the back burning referred to in his incident diary, including why they did not inform RacingThePlanet about it.
- (d) The Committee relied upon Mr Bass' limited evidence to support the adverse statement that RacingThePlanet failed to consult with stakeholders.
- (e) The Committee saw fit to make this statement without calling Mr Bass to clarify:
  - (i) why he did not take steps to inform RacingThePlanet, FESA or emergency services as a matter of urgency that he and his staff had observed:
    - (A) heavy smoke and flames on and around the north face of the Tier Range at about 12.30 pm; and
    - (B) that the fire had died down at about 2.30pm;
  - (ii) whether he told Tony Stevenson of FESA at about 3pm on 2 September 2011 that:

- (A) he had been to the Tier Gorge and witnessed the last of the RacingThePlanet cars leaving the area;
  - (B) there were no other persons still in the gorge area;
  - (C) there was fire activity in the area but only minor; and
  - (D) El Questro staff had been monitoring the fire and extinguishing it when it got into accessible areas<sup>2</sup>.
- (f) The Committee also failed to consider whether Mr Bass' actions, particularly his apparent failure to communicate his observations of fire in and around the Tier Gorge on 1 and 2 September 2012, deprived RacingThePlanet and FESA of information that may have changed the course of events that day.
- (g) On page 31 of the Report the Committee (incorrectly) found that RacingThePlanet did not have permission to be on El Questro land). However the Committee failed to:
- (i) ask RacingThePlanet or El Questro whether this adverse statement was true;
  - (ii) call Mr Dale Niblett and/or Mr Bass of El Questro to appear before the Committee; or
  - (iii) have proper regard to the evidence provided by El Questro.
- (h) The Committee failed to consider emails attached to the statement of Mr Niblett, which clearly demonstrated that El Questro knew in 2010 that RacingThePlanet intended to conduct the 2011 race on El Questro, that El Questro suggested to RacingThePlanet that September 2011 would be the best time to hold the race and that El Questro confirmed its permission for RacingThePlanet to race on El Questro.

James Salerno Jr

- (a) Despite Mr Bass' incident diary stating that:
- (i) at about 12.25pm on 1 September 2011 he requested "Ryan and Gumby" to drive to the Tier Gorge Circuit to assess fire front locations and to locate James Salerno Jr for his opinion on the fire situation; and
  - (ii) at 13.00 on 1 September 2011, "Gumby and Ryan met with James Salerno Jr who told them that the fire fronts they had seen were his back burns";
- the Committee failed to call James Salerno Jr to question him about his back burns including:
- (iii) why he lit the backburns. The obvious conclusion is that they were lit in response to the approaching fire from Wuggubun;
  - (iv) his authority to light fires on 1 and 2 September 2011 (including any permits he had obtained);
  - (v) any steps he took to notify other people of his back burns, including tourists in the area, FESA, SWEK and/or other authorities; and

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<sup>2</sup> See Mr Bass' statement dated 27 March 2012 and his responses to written questions from the Committee.

- (vi) why he or his father, James Salerno Sr (who had met with the Course Director on the course on or about 26 August 2011) did not notify RacingThePlanet of his back burns.
- (b) Although Mr Salerno Sr gave oral evidence to the Committee that he and his sons were managing fires on their property throughout the day of the race, the Committee did not give adequate weight to this evidence and/or did not understand its significance.

The Committee failed to call witnesses who were at checkpoint 2 who could have given evidence about John Storey's alleged message. Such witnesses include:

- (a) the helicopter pilot, Nathan Summers,<sup>3</sup> who received a message from Mr Storey. His evidence is that he flew over the course between checkpoint 2 and checkpoint 3 (after a version of a message was delivered to the Medical Director) and did not observe any fires that were a threat to competitors;
- (b) Beyond Action cameraman Nathan Tomlinson<sup>4</sup> (a trained fire spotter) who was in the helicopter and overheard the conversation with John Storey. His evidence was that he and Nathan Summers were at checkpoint 2 for about 45 minutes before they took off again and filmed for about half an hour. On the way to checkpoint 3 from checkpoint 2 he noticed a small grass fire about 5 metres by 5 metres with a flame height of about 2 feet. It was moving very slowly and it was two kilometres from the race track. It did not concern him. When the helicopter returned to the Tier Gorge to investigate the incident at the request of RacingThePlanet he was surprised to observe the extent of the burnt area. His account is supported by video footage filmed from the helicopter<sup>5</sup> at approximately 11am of a fire on the southern arm of the Tier Range. The Committee did not obtain evidence from any member of the 12 person media crew from Beyond Action who were filming the event for Tourism Western Australia/Eventscorp;
- (c) local residents who were at checkpoint 2 around the time a version of John Storey's message was delivered including:
  - (i) John Storey's daughter-in-law and Beyond Action film crew member Vicky Biorac, who was at checkpoint 2 when she received a message about fire from the helicopter pilot, and passed it on to the Medical Director. Ms Biorac did not raise concerns, or suggest any further steps that should be taken in response to the message;
  - (ii) Scott Connell, a local volunteer member of the course team. Mr Connell was told about a message concerning fire when he arrived at checkpoint 2 with the Course Director a short time after a message was conveyed. He did not raise concerns, or suggest any further steps that should be taken in response to the message at that time;
- (d) residents from the Wuggubun Community. The FESA Report concluded that the fire originated within the boundary of the Wuggubun Community on 29 August 2011 and

<sup>3</sup> Mr Summers' police statement was available to the Committee. He was provided with, and responded to, some written questions from the Committee.

<sup>4</sup> Mr Tomlinson's police statement was available to the Committee.

<sup>5</sup> This footage was available to the Committee – see [2.238] of the Report.

the community residents were conducting back burns in the days prior to the race; and

- (e) Charles Morton-Stewart, a producer from Beyond Action, who was located at the Barrels from approximately 11.20am to 12 noon. He saw a small, low intensity grass fire similar to the fires that typically burn in the Kimberley on the ridge of the southern arm of the Tier Range and took photographs of it. He (reasonably) concluded that the fire did not pose a threat to competitors and (therefore reasonably) did not raise any concerns with RacingThePlanet or anyone else. His police statement and photographs were available to the Committee but were not referred to in the Report or tabled by the Committee.

If these key witnesses had been called they would have given evidence that did not support the adverse findings in the Report in relation to RacingThePlanet.

2.4 Adverse statements arising out of failure to call appropriately qualified and impartial expert witnesses

The Committee failed to consult qualified and independent experts to assist it with its deliberations on certain technical matters, instead, for example, relying on the purported "expert" evidence of a person who made an unsolicited approach to the Committee and who has never been to the Kimberley.

Fire and risk management

- (a) The Committee relied on the FESA Report as the sole expert opinion as to the origin, path and intensity of the fire. FESA's conduct was itself required to be scrutinised by the Committee.<sup>6</sup> The FESA report was therefore not independent.
- (b) RacingThePlanet has consulted an experienced, qualified and independent fire expert who has examined the scene of the fire and other relevant factual material. In summary that expert has concluded:
  - (i) early September is a reasonable time to hold an ultramarathon in the East Kimberley because the risk of fires causing injury to humans is low;
  - (ii) fires are frequently lit intentionally in this region in the early dry season because the fire risk is low;
  - (iii) on 2 September 2011 the risk of fires causing injury to humans in the area of the ultramarathon course was low;
  - (iv) had he been asked to advise RacingThePlanet on 2 September 2011 as to whether the event should be cancelled, his response would have been that the fire risk of injury to humans was such that it was acceptable to hold the event, that the Gibb River Road fire should be monitored, and that the available information indicated that there was no more than a low risk of injury from fire over the rest of the course; and
  - (v) it is probable that the Tier Range fire would not have been visible to RacingThePlanet prior to about 12:41pm on 2 September 2011.

<sup>6</sup> For example, finding 26 of the Report on pages 217 to 219 states the "Committee is concerned by FESA's apparent lack of response to the potential for a rescue operation on the day of the race".



- (c) RacingThePlanet provided the Committee with the detailed risk management planning it undertook leading up to the event in its written submissions dated 4 April 2012, 2 May 2012 and 22 May 2012. The Committee made adverse statements about RacingThePlanet's risk management without obtaining an independent expert opinion. These are not matters about which the Committee had expertise to inform itself.
- (d) The Committee failed to give adequate weight to the fact that the fire danger index published by FESA and the Bureau of Meteorology on 2 September 2011 was "low moderate" – the lowest fire danger level on the scale used by FESA such that controlled burns were being carried out in the vicinity of the race on 1 and 2 September 2011
- (e) RacingThePlanet was not at liberty to rely on its own experts before the Inquiry. Having limited itself to the FESA Report, and not having access to other independent experts, the Committee reached ill-informed and incorrect conclusions.
- (f) The Committee failed to give adequate weight to RacingThePlanet's supplementary submission to the Committee dated 22 May 2012 that prior to 2 September 2011 at least 19 third parties, including government agencies, were aware that the event was taking place.

#### Communications equipment

- (a) The Committee made adverse statements about the adequacy of RacingThePlanet's communications equipment including on page 51 and 63.
- (b) The Committee did not consult an independent communications expert. Rather, the Committee relied upon the evidence of:
  - (i) Mr Andrew Hewat an ultrasonographer and Health Services Union official who organises endurance races in Victoria (and who has never been to the Kimberley);
  - (ii) Mr Simon Rimmer who is responsible for the Lake Argyle Adventure Race and the Gibb Challenge; and
  - (iii) competitor Mr Michael Hull.
- (c) None of these witnesses had:
  - (i) direct knowledge or experience of the communications equipment used by RacingThePlanet; or
  - (ii) the requisite experience and/or expertise to provide an opinion on communications in the Kimberley;

and accordingly it was not appropriate for the Committee to rely on their evidence to support prejudicial conclusions about RacingThePlanet.

- 2.5 Adverse statements in findings by the Committee that have been made contrary to the objective evidence available

The Committee's failed to reach the correct conclusions on the evidence before it. This failure resulted in the Committee, without proper foundation, making adverse statements

about RacingThePlanet's communications' equipment, assessment of the fires in the area and risk management planning for the 2011 Kimberley Ultramarathon.

On pages 77 and 79 of the Report the Committee concluded that the plume of smoke seen by the Course Director at checkpoint 1 was in the vicinity of the Tier Range. This conclusion was wrong. It is contradicted by the objective evidence:

- (a) The photos at checkpoint 1 which were taken at approximately 10:28am, show a plume of smoke behind a hill to the south/south-east of Checkpoint One: Figure 9 on page 74 of Report labelled: "Plumes of smoke visible behind a feature in a south-easterly direction from Checkpoint One".
- (b) The Cardno Surveyors' map with the location of the plume of smoke is published on page 75 of the Report: Figure 10 on page 75 of report labelled "Bearings of smoke plumes visible behind a feature in a south-easterly direction from Checkpoint One".
- (c) The satellite image of the site taken at 9:57am published on page 277 of the Report: Satellite image on page 277 of Report titled: "2nd September 2011 – 9:57 "hotspots" are represented as yellow diamonds and fire activity represented by orange and pinkish red pixels".

The direction of the plume of smoke located by Cardno Surveyors together with the satellite image of the site taken at 9.57am, clearly show that the plume of smoke in the photos taken at checkpoint 1 at approximately 10.28am was generated by a fire on the eastern side of the hill labelled "Ridge Shown in Photo 33" in the Cardno Surveyors' map. It was not a plume of smoke in the vicinity of the Tier Range because:

- (a) the satellite imagery clearly shows that at 9.57am there was fire activity on the south eastern side of the hill labelled "Ridge Shown in Photo 33" in the Cardno Surveyors' map, consistent with the Course Director's statement that the plume visible from checkpoint 1 was from a spot fire in that area that the Course Director was monitoring throughout the morning of 2 September 2011;
- (b) the satellite image of the fire in the vicinity of the Tier Range (at the north east tip of the Tier Range which entered the Tier Gorge and injured competitors later in the afternoon on 2 September 2012) is:
  - (i) outside of the boundaries of the direction of the plume of smoke plotted on the Cardno Surveyors' map; and
  - (ii) as stated on page 279 of the Report, the Committee was struck by "the faint orange pixel at the northern entrance to Tier Gorge" [in the satellite image taken at 9.57 am] when compared to fire activity on the south eastern side of the hill labelled "Ridge Shown in Photo 33" in the Cardno Surveyors' map.

The Course Director was not permitted to respond to the Committee's allegation that he "made an error in judgement" about the direction of the plume from checkpoint 1. This contributed to the Committee falling into error on a crucial factual matter.

3. The privacy of people associated with RacingThePlanet has been unreasonably invaded by reason of statements in the Report

As a result of the Inquiry and publication of the adverse statements in the Report:



- (a) There has been a significant amount of negative publicity about RacingThePlanet spanning all forms of media including social media.
- (b) RacingThePlanet has received hate mail.
- (c) A large number of abusive and threatening comments regarding RacingThePlanet and those associated with it have been published on Twitter.
- (d) I have been physically restrained by journalists while conducting an ultramarathon in Iceland and by a mob of journalists in Perth following my appearance before the Inquiry. During these encounters I have feared for my safety.
- (e) Certain media outlets have investigated and reported on my personal affairs, as well as those of my husband, including in relation to our assets, our places of residence and current and past employers.
- (f) Each of these incidents has constituted an unreasonable invasion of the privacy of me and/or others associated with RacingThePlanet. I have reported a number of these incidents to the Police given the serious and hostile nature of the threats.

4. Conclusion

RacingThePlanet conducts long distance endurance footraces in remote locations around the world. The tabling of the Report, which contains criticisms of it made without a proper basis, has the potential to unfairly adversely impact its business and reputation. RacingThePlanet requests that its response be published in Hansard.

Mary Gadams  
CEO of RacingThePlanet Events Limited



## Appendix Two

### Committee's Functions and Powers

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Legislative Assembly Standing Order No. 284 provides the following functions, powers and terms of reference to the Procedure and Privileges Committee —

#### **Procedure and Privileges Committee**

- 284.** (1) A Procedure and Privileges Committee will be appointed at the beginning of each Parliament to —
- (a) examine and report on the procedures of the Assembly; and
  - (b) examine and report on issues of privilege; and
  - (c) wherever necessary, confer with a similar committee of the Council.
- (2) Membership of the committee will consist of the Speaker and four other members as the Assembly appoints.
- (3) Standing Order 278 will apply except that where possible any report of the committee will be presented by the Deputy Speaker.
- (4) When consideration of a report from the committee is set down as an order of the day it will be considered using the consideration in detail procedure.