

LEWANDOWSKI AFFIDAVIT, CRIMINAL CODE PROVISIONS

**92. Mr C.J. BARNETT to the Minister for Police and Emergency Services:**

I refer the minister to section 83 of the Criminal Code, which states -

Any public officer -

That specifically includes a minister of the Crown -

who, without . . . reasonable excuse -

(a) acts upon any knowledge or information obtained by reason of his office or employment . . .

so as to gain a benefit . . . for any person . . . is guilty of a crime . . .

Will the Minister for Police and Emergency Services, as the minister responsible for upholding the law in Western Australia, refer this possible breach of the Criminal Code to the Commissioner of Police for further investigation? I refer to the actions of the Attorney General in handing over the Lewandowski affidavit to the Minister for Health.

*Point of Order*

Mr J.C. KOBELKE: The question directly suggests that there has been a breach of the law. If the question implies that, it is improper and, therefore, is not allowed under our standing orders.

Mr R.F. JOHNSON: The Leader of the House is attempting to stop the question being asked. The Leader of the Opposition was referring to the Criminal Code and the authority held by the Minister for Police and Emergency Services to enforce that Criminal Code. There is no point of order.

The SPEAKER: I think the Leader of the House is referring to Standing Order No 92, "Imputations and personal reflections". It is debatable whether phrasing a question in a particular way makes that imputation without directly saying it. I am sure all members know the difference. I listened to the question quite carefully and I do not think it offends Standing Order No 92, but it is getting very close. I ask the people who draft these questions to be mindful of that standing order in future.

*Questions without Notice Resumed*

**Mrs M.H. ROBERTS replied:**

Members should also read Standing Order No 77(2), which states that questions should not seek a legal opinion. The member has been rather cute in addressing that question to me. Any member of the public, including the member, can refer any matter to the Commissioner of Police or to the Police Service at his or her discretion.