

Mr Rob Johnson; Mr John Kobelke; Mr Eric Ripper; Mr John Day; Speaker; Ms Sue Walker; Mr Colin Barnett;
Mr Mick Murray

**PROCEDURE AND PRIVILEGES COMMITTEE- REFERRAL OF MEMBER FOR
MURCHISON-EYRE**

Standing Orders Suspension - Motion

MR R.F. JOHNSON (Hillarys) [12.05 pm] - without notice: I regret that I must move this motion after the personal explanation by the member for Murchison-Eyre, but I must move it. I move -

That so much of standing orders be suspended as is necessary to enable the following motion to be moved forthwith -

- (1) That this house refers to the Standing Committee on Procedure and Privileges for inquiry and report the actions of the member for Murchison-Eyre in relation to the "Inquiry into Vanadium Resources at Windimurra" undertaken by the Economics and Industry Standing Committee and his involvement in releasing a confidential committee draft report and the making of amendments to that report.
- (2) That the committee make both findings and recommendations as to what action should be taken by the house as a result of the actions of the member.

Mr R.F. JOHNSON: Mr Speaker, I do not intend to -

Mr J.C. Kobelke: We will support the suspension.

Mr C.J. Barnett: Yes, we will speak to it and you can speak to it too and support the motion.

Mr R.F. JOHNSON: I think I must resume my seat.

Mr J.C. Kobelke: Yes, but I think we can put the suspension motion through and then deal with the motion.

Mr C.J. Barnett: You can get up and expressly support the motion.

MR J.C. KOBELKE (Balcatta - Leader of the House) [12.06 pm]: The government, as I indicated yesterday, believes these are very important matters. We will support the suspension of standing orders, firstly, because these are very serious matters that impinge upon the house and, secondly, the motion that I have only just heard - no notice was given - seems to be a properly formed motion that we will then consider on suspension. I hope to have a look at the motion and read it more carefully, but as the member read it, it appeared to be one to which the government will most probably give support. On that basis, therefore, we will support the suspension of standing orders.

Question put and passed with an absolute majority.

Motion

MR R.F. JOHNSON (Hillarys) [12.07 pm]: I move -

- (1) That this house refers to the Standing Committee on Procedure and Privileges for inquiry and report the actions of the member for Murchison-Eyre in relation to the "Inquiry into Vanadium Resources at Windimurra" undertaken by the Economics and Industry Standing Committee and his involvement in releasing a confidential committee draft report and the making of amendments to that report.
- (2) That the committee make both findings and recommendations as to what action should be taken by the house as a result of the actions of the member.

It gives me no pleasure whatsoever to move this type of motion in this house, but I do so, and I realise that I must move this type of motion at the first opportunity as it is a matter of privilege. I do not intend to speak for more than about another 60 seconds because I am a member of the Standing Committee on Procedure and Privileges and will be one of the committee members who will consider this matter when it is referred to the committee by the house. Issues such as these are very important and very serious. That is the why, as a member of this house, I have moved the motion that stands in my name. As I said earlier, I intend to say no more at this stage. It would be inappropriate for me to go into the substance of the motion. As a member of the committee, I will make my deliberations at that time.

MR E.S. RIPPER (Belmont - Deputy Premier) [12.10 pm]: The government will support this motion. Parliamentary privilege is a very important aspect of the operation of the institution of Parliament. We must defend and protect the institution of Parliament and the principles that support its operation. The relevant rule of privilege is that committee deliberations should not be revealed to people outside the committee until the house, as a whole, has had the courtesy of receiving the committee's report. The member who moved the motion has sat with me on the Procedure and Privileges Committee in the past and he and I, through the operations of that

Mr Rob Johnson; Mr John Kobelke; Mr Eric Ripper; Mr John Day; Speaker; Ms Sue Walker; Mr Colin Barnett;
Mr Mick Murray

committee, have a common understanding of the importance of parliamentary privilege and the way in which the particular aspect of the rule applies in these circumstances.

Evidence has been given to the Corruption and Crime Commission which, of itself, would absolutely require the action the member has suggested. In addition to that, we have just heard a personal explanation from the member for Murchison-Eyre, which is evidence to this house that requires consideration by the Procedure and Privileges Committee.

Like the member for Hillarys, it gives me no pleasure to be referring a fellow member of this Parliament for investigation by the Procedure and Privileges Committee of the important principle of breach of privilege. However, it is absolutely essential that Parliament attend to its own protection and breaches of its rules on this matter. The government will support the motion.

MR J.H.D. DAY (Darling Range) [12.12 pm]: I am glad the government will support this motion. In reality it has no choice because of what appears to be a clear and obvious breach of parliamentary privilege.

I speak as a former member of the Economics and Industry Standing Committee that, in 2004, considered this particular matter. As a member of that committee I thought that the committee was going through all the processes and hearing from all the interested parties in a fair-minded way and that the report would be produced on the basis of the evidence that had been provided and the hearings that had been undertaken. We now know from the surveillance that has been undertaken by the Corruption and Crime Commission and its hearing that was held yesterday that the information was, unfortunately, being provided almost instantly by the member for Murchison-Eyre to one of the parties with a very strong -

[Interruption from the gallery.]

The SPEAKER: Will someone from security check to ascertain who threw that cap into this chamber and stop that person?

Mr J.H.D. DAY: We now know that information from the committee, particularly the draft report, was being provided almost instantly - within a matter of 12 minutes - to one of the parties with a very strong commercial interest in the matters concerning the Windimurra vanadium mine. Clearly, that was grossly improper and it should not have occurred. It would appear from the statement by the member for Murchison-Eyre today that he understands that and has accepted that he made a very grave error. I appreciate the apology that he made to me and the former members of the committee for breaching parliamentary privilege, undermining the work of the committee and, in effect, misleading members of the committee and duping people, like me, who thought they were going through the processes in a fair-minded and proper way. Despite that apology it is important that this matter be referred to the Procedure and Privileges Committee for appropriate consideration of the action that may be taken because Parliament simply cannot work properly if this sort of thing is happening. Future members or members who are in the Parliament now who will be involved in these sorts of inquiries must clearly understand that they have an important responsibility to act properly and fairly and that they cannot give commercial advantage to particular parties on the basis of confidential and privileged information that they hold.

We must also ensure that other members of the committee were not aware that this action was being taken by the member for Murchison-Eyre, in particular in arguing for changes to the final report on the basis of what had been written by one of those commercial parties; namely, Precious Metals Australia. I can certainly say for my part that I had no knowledge that that was going on.

Mr M.P. Murray: And I did not hear it either.

Mr J.H.D. DAY: I appreciate hearing that from the member for Collie-Wellington and I hope we can hear it from the chairman.

Several members interjected.

Mr J.H.D. DAY: I am not casting a slur on anyone. It is important that the question be asked and answered. If it is answered clearly, as it was by the member for Collie-Wellington, that should be the end of the matter. The question could be asked of me, but I have answered it. The question could be asked of the other former Liberal member of the committee, the former member for Vasse, Bernie Masters. I assume that he had no knowledge of it, but if someone wants to ask him that question, they should do so.

This is a very serious and unfortunate matter. It was with a sense of not only outrage and surprise, but also substantial disappointment that I learnt about these events following the revelation in the CCC hearing yesterday. There is no alternative other than for the Procedure and Privileges Committee to hear from the member for Murchison-Eyre, consider the matters and make an appropriate recommendation to this house.

Mr Rob Johnson; Mr John Kobelke; Mr Eric Ripper; Mr John Day; Speaker; Ms Sue Walker; Mr Colin Barnett;
Mr Mick Murray

MS S.E. WALKER (Nedlands) [12.17 pm]: I support the motion moved by the member for Hillarys. It has taken a lot of damage, politically and financially, to this state before this government has taken seriously the sending of an issue to the Procedure and Privileges Committee. It gives me no pleasure to stand here and support this motion to send this matter to the Procedure and Privileges Committee, because in my dealings with the member for Murchison-Eyre, I have always found him to be one of the better members of the government. However, he is now publicly disgraced and he is going through that. He knows that what he did was wrong. What he and the Premier, through his actions, have done has brought financial and political damage to this state. It is imperative that the powers of this Parliament are used and that a clear message is sent to the community that we will act with integrity and will pull into line any members who do not act with integrity.

The last time I stood in this Parliament to move a motion to send a member to the Procedure and Privileges Committee was on 20 October 2005 and it involved the member for Perth. There was a lot of laughing on the other side of the house. The member for Perth became a comedian.

Mr J.N. Hyde: Because it was a stunt.

Ms S.E. WALKER: Members of the government laughed as well. If they had not laughed then and had taken their role seriously, we might not be in this position today.

Mr J.A. McGinty: You should have been blamed for aborting that trial.

Ms S.E. WALKER: Let us talk about aborting trials.

Point of Order

Mr E.S. RIPPER: On a point of order, this debate would proceed better from the point of view of the institution of Parliament if members stuck to the terms of the motion.

Mr C.J. BARNETT: On the same point of order, I request that the member for Perth desist from his behaviour in this house. It is called decency.

Several members interjected.

The SPEAKER: It is true that when members are speaking to a motion they should stick to the content of the motion before the house. I advise the member for Perth that it is inappropriate to interact; however, when a member on his or her feet attacks a member, there is some capacity for a response. That is what occurred and I hope it will not occur again.

Debate Resumed

Ms S.E. WALKER: When dealing with the motion I moved on 8 November 2005, I said that it was important that such matters go before the Procedure and Privileges Committee. Erskine May's *Parliamentary Practice* reads -

The publication or disclosure of debates or proceedings of committees conducted with closed doors or in private, or when publication is expressly forbidden by the House, or of draft reports of committees before they have been reported to the House will, however, constitute a breach of privilege or a contempt.

That was my reasoning when I suggested that the actions of the member for Perth be considered by the Procedure and Privileges Committee. I am pleased that members are treating this house and its rules and procedures seriously.

Personal Explanation

MR M.P. MURRAY (Collie-Wellington - Parliamentary Secretary) [12.23 pm]: It has been implied that I may have had some knowledge about the passing on of information.

Mr J.H.D. Day: I did not say that.

Mr M.P. MURRAY: It is the member for Darling Range's turn to listen. I want it on the public record that I had no knowledge of the passing on of information. I reject any claim that I had some knowledge.

Debate Resumed

Question put and passed.