

PROCEDURE AND PRIVILEGES COMMITTEE

*Fourteenth Report — “Report on a Corporation Adversely Referred to in the Legislative Assembly —
RacingThePlanet” — Tabling*

MR M.W. SUTHERLAND (Mount Lawley — Deputy Speaker) [3.16 pm]: I present for tabling the fourteenth report of the Standing Committee on Procedure and Privileges of the thirty-eighth Parliament entitled “Report on a Corporation Adversely Referred to in the Legislative Assembly—RacingThePlanet”.

[See paper 5425.]

Point of Order

Mr M.P. MURRAY: I think several other people wished to speak to the Economics and Industry Standing Committee report, but have been cut short. I wonder whether that is the case. I would like to hear their views on that report. There was a change in order.

The SPEAKER: I was not made aware, member, that other people were seeking the call. I do not know at this point. Another document has been tabled in this place. I will have to seek advice on whether we can retreat to the former matter. It is my opinion that we probably cannot do that at this stage, so we will proceed with the document in front of us at the moment.

Debate Resumed

Mr M.W. SUTHERLAND: The Chairman of the Standing Committee on Procedure and Privileges received a letter from Ms Mary Gadams seeking to respond to comments made by the Deputy Premier, Hon Dr Kim Hames, on 13 September 2012. The committee has agreed to recommend the incorporation of the response by RacingThePlanet into *Hansard*. The response is appended to the report just tabled. I advise that in accordance with standing order 114, the committee has not considered or judged the truth of any statement made in the Legislative Assembly or in the submission.

Adoption of Report — Motion

On motion by **Mr M.W. Sutherland (Deputy Speaker)**, resolved —

That the report be adopted.

The following response was incorporated, pursuant to standing order 114 —

26 September 2012

Hon Grant Allen Woodhams MLA
The Speaker of the Legislative Assembly
Parliament House PERTH WA 6000

Also by email:
grant.woodhams@mp.wa.gov.au

Dear Mr. Speaker,

Response to adverse statements made by Dr K.D. Hames to the Legislative Assembly on Thursday, 13 September 2012

RacingThePlanet Events Limited (**RacingThePlanet**) makes this submission under Standing Order 114 – Responses from persons adversely referred to in the Assembly.

RacingThePlanet is concerned that a number of statements made by the Hon Dr KD Hames in the Legislative Assembly on 13 September 2012, in response to two questions from the Hon Mrs MH Roberts are incorrect, misleading and adversely affect the reputation of RacingThePlanet and those associated with it.

RacingThePlanet requests the incorporation of this submission into *Hansard*.

On 13 September 2012 Dr Hames stated in the Legislative Assembly (Western Australia, *Parliamentary Debates*, Legislative Assembly, 13 September 2012, 5866) that:

1. Tourism WA had demanded RacingThePlanet’s full insurance policies “in the last two weeks.” Dr Hames also said “It made a demand for those insurance policies but without success”. In fact, RacingThePlanet’s lawyers received a letter from Mr Gwyn Dolphin of Tourism WA requesting certain insurance information on 11 September 2012, only two days prior to Dr Hames’ statements in the Legislative Assembly. That letter requests a response from RacingThePlanet by 25 September 2012. Accordingly, Dr Hames’ answer to Mrs Roberts’ question contained incorrect information and was misleading in suggesting that:

- a. a request was made for RacingThePlanet’s full insurance policies before 11 September 2012; and

- b. RacingThePlanet had not responded to that request in accordance with its terms.
2. “[E]verybody with whom I have spoken has received a legal letter from RacingThePlanet saying that if any statement is made against RacingThePlanet in any way in a public forum, it will take legal action ... I have had such a letter, particularly in response to my comments outside this house when I said that RacingThePlanet had a great deal to answer to in line with the member's comments ... [The Shire of Wyndham East Kimberley] received a letter from the lawyers of RacingThePlanet warning it to not make any public statements whatsoever. That is a disgrace. RacingThePlanet should be condemned for that”.

These statements are false and without foundation:

- a. No legal letters have been sent by or on our behalf of RacingThePlanet saying that “if any statement is made against RacingThePlanet in any way in a public forum, it will take legal action” or words to that effect.
- b. RacingThePlanet, through its lawyers, has written to the Shire of Wyndham East Kimberley, the Fire and Emergency Services Authority, the Department of Regional Development and Lands and Tourism WA. However, those letters contain no threat whatsoever with regards to statements made by those agencies in relation to RacingThePlanet. Dr Hames’ statements misrepresent the actual content and purpose of those letters.
- c. RacingThePlanet, through its lawyers, wrote to Dr Hames on 17 August 2012 in relation to certain statements made by Dr Hames following the tabling of the report of the Economics and Industry Committee in relation to the Kimberley Ultramarathon 2011. That letter did not state that “if any statement is made against RacingThePlanet in any way in a public forum, it will take legal action” or words to that effect. Dr Hames’ statements on 13 September 2012 misrepresent the content and purpose of that letter.
- d. Dr Hames’ statements that RacingThePlanet’s conduct is “a disgrace” for which it should be “condemned” are serious, emotive and inflammatory statements that are completely without foundation.
- e. Dr Hames’ statements suggest that RacingThePlanet has made vexatious legal threats against an undefined but potentially broad group of people (“everyone with whom I [Dr Hames] have spoken”). This proposition is completely untrue.

Dr Hames’ false and misleading statements were reported in the media and broadcast to a wide public audience via the internet—see for example <http://www.watoday.com.au/wa-news/kimberley-ultramarathon-exgratia-payments-appear-likely-20120913-25unq.html>.

It is clear that by virtue of such false and misleading statements that RacingThePlanet would suffer, and will continue to suffer, harm to its reputation if its response is not incorporated into ***Hansard***. RacingThePlanet requests that this be done as a matter of urgency to avoid further ongoing detriment to the company and those associated with it.

RacingThePlanet wrote to Dr Hames directly about this matter by letter dated 14 September 2012, requesting that he correct the false and misleading statements made on 13 September 2012. As at the date of writing this letter, RacingThePlanet has not received a response from Dr Hames.

Yours sincerely,

Mary Gadams
CEO of RacingThePlanet Events Limited
