

Legislative Assembly

Tuesday, 20 December 1988

THE SPEAKER (Mr Barnett) took the Chair at 10.45 am, and read prayers.

STANDING ORDERS - SUSPENSION

Select Committee of Privilege

MR PEARCE (Armada - Leader of the House) [10.49 am]: I move, without notice -

That so much of the Standing Orders be suspended as would prevent -

- (a) the Leader of the House from moving forthwith the following motion -

That a Select Committee of Privilege be appointed to inquire into and report upon the allegation made in the House on 15 December 1988 by the member for Mt Lawley that Government members have been involved in a conspiracy to have the facilities, offices or homes of certain people in this town bugged; and

- (b) the House from hereby directing that no business other than consideration of the foregoing motion shall be considered on this sitting day and that no business other than receiving the report of the Select Committee whose establishment is proposed in the preceding paragraph, and considering any motion moved by the Leader of the House which is directly relating thereto, shall be considered on the day set down for receiving the report of the Select Committee.

This sitting is unexpected for many members. In a debate on a matter of public importance on Thursday last, the member for Mt Lawley made claims of criminal misconduct in relation to telephone tapping by alleged unnamed Government members.

The House is sitting today for the sole purpose of giving the member the opportunity, which he did not take during the debate on the MPI, to present the evidence on which the claim was made. It is a serious allegation. It is the Government's belief that it should follow the long established practice of this place and set up a Select Committee of Privilege to allow the member for Mt Lawley to produce his evidence to substantiate that serious allegation. Because the Parliament has been called together specifically for that purpose, the motion that I moved is designed to give it the opportunity to deal with that allegation only.

The House had finished its legislative program and its normal program of meetings until today. It is not the intention of the Government to move a motion which would have the effect of reconvening the whole of the parliamentary process in the week before Christmas, when members have heavy commitments in their electorates, to re-establish a parliamentary session. Apart from anything else it would be to reward the Opposition for the outrageous allegations which have been made by the member for Mt Lawley and it would lead us into the position that all that members of the Opposition would have to do to keep the Parliament sitting as long as they wanted would be to make outrageous allegations of that kind on every occasion on which the Parliament sat.

I do not wish to canvass the substance of the motion - I will do so if I get the opportunity, with the indulgence of the House, to move a further motion. The reason I moved the procedural motion in the form I did was to ensure that the House has the opportunity to focus on the matter of privilege for which the House has been reconvened and for nothing else.

MR MacKINNON (Murdoch - Leader of the Opposition) [10.53 am]: The manner in which this Government treats this Parliament with absolute contempt is highlighted perfectly today by not only the wording of the motion, but also why we are here. We are here today because the Premier of this State was too busy having a cup of tea last Thursday to take a point of order on the member for Mt Lawley when he made his comments. In a fit of pique, against the advice of his closest colleagues and advisers, the Premier has brought back this

Parliament. The Government of this State must remember and realise that this Parliament is not a play thing of the Government; it is not a coffee shop which can be opened when business is good and closed when business is a bad. It is a Parliament which has Standing Orders, rules and regulations to protect the people of Western Australia and to give them, through the elected members of this Parliament, rights and privileges to take up points of view for them.

The Opposition will not support this motion for very good reason; that is that the Parliament has been recalled for one reason only which, as I said earlier, is for the Government to undertake and participate in something that is nothing more nor less than a stunt. For the Leader of the House to get up in this place and say that the Parliament has concluded its business really shows again the contempt with which he and the Premier treat this House.

The Opposition has myriad matters it would like to debate and it would like to debate them today. Mr Speaker, the Opposition has given you notice of a matter of public importance because there is a huge problem, outlined on the front page of today's *The West Australian*, in this State's juvenile security institutions. Why are we in this House today to debate an item which appeared on the front page of Friday's *The West Australian*, but we are not allowed to debate a very important matter which is of concern to the Opposition and, I know, to thousands of Western Australians? The reason we cannot debate it is that it does not suit the interests of the Government, which treats this Parliament as a play thing and not as what it should be; that is, a proper Parliament - an accountable Chamber, making the Government and the Opposition accountable to the people of this State.

There are myriad Bills on the Notice Paper which the Opposition would like to debate. I will be happy to indicate - I am sure the member for Gascoyne will also - to all the pastoralists of Western Australia that the Government does not see their interests and security of tenure in terms of land holding as being important. What is more important from the Government's point of view is to abuse this House and the rules and to ignore what concerns those pastoralists. The Government ignores also Order of the Day No 1, which is an important piece of tax avoidance legislation and which has sat on the Notice Paper for weeks. The Government does not seem to worry about tax evaders and tax cheats; it is more interested in scoring political points.

Another important point which is highlighted in this motion is that the Government does not want to be in this Parliament to debate the real issues in a manner that would cause it some concern. I will turn to the motion later, but the wording of it outlines that Parliament has been recalled today to consider only motions which the Government will move. We will not have question time; the Opposition will not have the ability to ask questions of Ministers and members opposite about the myriad concerns that have arisen since last Thursday relating to the phone tapping affair. For example, I would like to have asked questions of the Minister for Agriculture and the Premier about comments they made in July 1986. During a debate at that time the Minister for Agriculture said, when he was indicating he had access to information, "I am not prepared to declare the source of my information at this stage." A little later in the debate - three or four paragraphs later - the Premier at that time said, "We all pay security agents to go and pay for ads. Don't you do that?" What was the Government doing with security agents at that time and why was it using them to pay for advertisements? I would have thought it could do that by using somebody from their offices. That was one of the questions I would have liked to ask. Government members may laugh, but did the Government employ security agents in July 1986 and, if so, for what purpose? The laughter subsides and silence prevails.

The second question I would have liked to ask is how much this security agency was paid by the Government. This question has been put to the Government more than once by people in the media as well as by members of the Opposition. Surely that cannot be commercially confidential and cannot breach security arrangements by the Government. I challenge the Government to tell me how much has been paid to this man by the taxpayers of Western Australia. The Premier will not answer that question because I would think it would be a little embarrassing to him to learn he was probably paid in the order of \$40 000 every three months to sweep - using the words of the Government - the telephones. Is that how much it was costing? We hear no comment from the Government.

The third question I would have liked to ask is when the Government last commissioned

work from that agency and what was the nature of the work. That question has also been put by members of the media, but no answer was given in response. When was the agency last commissioned by the Government? Again, there is a deafening silence from the Government.

The fourth question I would have liked to ask is what other security agents have been employed by the Government, how many and for what purposes? Again, there is no comment from the Government. The fifth question I would have liked to ask the Premier is how long he has known Mr Smith and how long he has known of his employment by the Government. He has been seen talking to this particular individual quite often at ALP functions. How long has the Premier known Mr Smith? Again, there is a deathly silence. It seems that silence from the Government reigns supreme today. It is the first time the Government has made any sense this year.

The final question I would have liked to ask is how many security agents the ALP employs. Is it a fact that it currently employs a Mr Brian Wall as a private detective? For what purposes is he employed? Once again, there is no comment from the Government. We will be precluded from asking those serious questions in this Parliament. I come back to the fundamental question that will underpin the debate today: Why restrict the debate? What is the Government trying to hide? What is it really trying to achieve with today's charade? I put it to you, Mr Speaker, that it is the hope and intention of the Government, not the Opposition, that today's parliamentary sitting will see the trial that is to hear charges that have been levied against certain individuals in this community somehow or other thwarted or jeopardised.

Withdrawal of Remark

Mr PEARCE: Mr Speaker, I raise this point of order in some sense at the request of the Leader of the Opposition because Parliament has been asked to gather today to allow members of Parliament to make a stand on the abuse of parliamentary privilege by the making of allegations for which there is no evidence.

Mr Hassell: That hasn't been established.

The SPEAKER: Order!

Mr PEARCE: The Leader of the Opposition has just alleged that the Government is trying to thwart a trial. That is very much a reflection on members.

Mr Cash: Are you saying you are not? Make your position very clear.

The SPEAKER: Order!

Mr PEARCE: Mr Speaker, that is yet another example of the person who is about to be given the opportunity to present the evidence to make his position clear with regard to the claims that he made last Thursday making the same sorts of claims again today. The Leader of the Opposition has just alleged that the Government is trying to thwart a trial. There is absolutely no truth in that claim. It is an absolutely unwarranted reflection on members of the Government with no evidence whatsoever, and I seek a withdrawal.

Mr LIGHTFOOT: I raise a further point of order, Mr Speaker.

The SPEAKER: To this point of order?

Mr LIGHTFOOT: Yes, Sir.

The SPEAKER: Are you seeking to advise and guide me?

Mr LIGHTFOOT: Yes, Sir, as much as I am able, given the fact that you have a full and comprehensive knowledge of the fact now before the Chair. The allegation by the Leader of the House that the Leader of the Opposition said that the Government was seeking to abort the trial is irrelevant. What is relevant is that irrespective of whether this side of the House is seeking to abort the trial - which I deny - the trial could very well be aborted solely on the fact that if the full and unfettered information is to come out here today it may very well prejudice a fair trial. The fact that the Government is accused of seeking to thwart the trial is simply irrelevant. I put it to you, Sir, that if this were to proceed along the lines that normal debate would proceed along, anything with respect to those people currently charged, and others who may be charged, would necessarily be prejudiced by what was to come out here

today. If it did not come out, the very actions by the Government in bringing this before Parliament in a special sitting at great expense may very well prejudice the position of the member for Mr Lawley.

The SPEAKER: I have said before on a number of occasions that a method is open to members of the House by which they may make the sorts of allegations made by the Leader of the Opposition. It is not in the course of debate. Standing Order No 132 is quite clear in respect of the claim which was just made by the Leader of the Opposition. The Leader of the House is clearly within his rights to call for a withdrawal. I ask for that withdrawal.

Mr MacKINNON: Mr Speaker, I withdraw, but I want to disagree with your ruling. It seems to me that if that is your ruling, it is too restrictive to allow me to develop the argument that I wished to develop later in the debate. I disagree with your ruling, Mr Speaker, because we have been brought back here today and been provided -

Point of Order

Mr PEARCE: Mr Speaker, my understanding with regard to the points of order was that you sought a withdrawal from the Leader of the Opposition at my request and he withdrew. Having taken it upon himself to withdraw at your request, there is no point on which he can disagree with your ruling because he has actually accepted it by withdrawing his comment. I will clarify the position. The Leader of the Opposition made a clear allegation in the hearing of everybody here that the Government was seeking to abort a trial. That is not the truth and it is a reflection on members. I sought a withdrawal on that basis.

Mr Court: That is what we are here to debate today.

The SPEAKER: Order!

Mr PEARCE: That is not the same as saying that the Leader of the Opposition cannot adduce the argument at a later point when we come to the substantive motion itself that the passing of that motion by the House might have an impact on the trial. It will be quite competent for him to raise that matter then and the Government will not seek to restrain him. If he continues to make personal remarks against members we will continue to seek withdrawals, but the Government will not continue to take exception to the general line of argument.

The SPEAKER: I thank the member for his advice, although I am not convinced that it has anything to do with the point of order on which I have been asked to rule. It is true that the Leader of the Opposition should have moved a motion to disagree with my ruling at the time I made the ruling, rather than withdrawing his comment and then proceeding to move a motion to dissent from my ruling. I apologise for not having guided him, but I was not quite sure that that was the course he wanted to take before he withdrew. The matter before the Chair now is the motion that we suspend Standing Orders.

Debate Resumed

Mr MacKINNON: I will continue with my remarks and if the problem arises again, we will both know the course of action to take, Mr Speaker.

A fundamental question that must be answered by the Government is why it is trying to restrict debate today. Many people will pose the question of whether it is because the Government wants to thwart deliberately the imminent trial in this State of people who have allegedly been involved in phone tapping, the trial of people whom the Government has employed. That must be a question people will continue to ask because there can be no other reason why the Government would want to proceed down a path that will lead us to the establishment of a Privilege Committee. From legal advice we have been provided with, we know, as you do, Mr Speaker, that that will undoubtedly mean that the trial will have to be set aside. That question needs to be asked: Why is the Government so hell bent on going in the direction which ultimately would lead to that conclusion? The only sensible answer to that question is that the Government wishes to hide something or protect somebody connected with this affair.

The restrictive nature of this motion to suspend Standing Orders is virtually unprecedented in this Parliament; if carried, it would have the effect that not only would the Leader of the House move to suspend Standing Orders, which would allow a Committee of Privilege to be appointed to inquire into and report upon the allegation made, but also once that committee

had reported, the only person in this House who could move any motion in relation to that report would be the Leader of the House. How often in the history of this Parliament has a motion been presented that would set aside the Standing Orders to establish a Privilege Committee - that has been done before, of course - and allow no debate whatsoever on the report of that committee from any member other than the Leader of the House? That is unprecedented. The Government wants not only to set up a kangaroo court in the form of the Committee of Privilege, but also by the weight of numbers to impose its will upon this House, irrespective of the findings of the committee. The Leader of the House, with the support of his Premier, has moved that he shall be the only person who can move a motion after the report is presented to the Parliament. If that is not the ultimate insult to this Parliament, I do not know what is. It is absolutely astounding that a motion should be framed in those terms.

I return to the question I asked earlier: Why is that so? Why is the Government so scared of this whole affair that it will not allow the Parliament to debate that report? I predict that a motion of censure has already been written out by the Government and I ask why the Parliament will not be allowed to debate that motion properly, and perhaps to move some amendments. There are two very good reasons for the Government's actions: The first is that the Premier of this State has made a monumental blunder in recalling the Parliament today.

Mr Lightfoot: Many members on that side know it too.

Mr MacKINNON: That is true; two Government members have spoken to the Opposition directly to that effect. You, Mr Speaker, know that also and so do I. Two members of the Government have agreed with the Opposition that the Premier has made a mistake in recalling this House today. If the Premier allows the Opposition to follow the normal course of business in this House, his reputation will be very badly damaged as a consequence. The loser, in the form of the Premier of Western Australia - as the member for Mt Lawley termed him last week, and it is a very apt description - is not prepared to allow one inch of latitude, one question, or one move from the predetermined path because he knows what the ultimate result would be. The Government will not let the Parliament work; it will not let the ultimate committee of accountability work to ensure that the Government is accountable.

Secondly, it comes back to the fundamental question which will underpin the whole of the debate today: What really is the Government about in this matter today? That question will continue to be asked. Does the Government of Western Australia want that court case to be set aside? Is that the underlying reason at the end of the day? Will that court case elicit something through the trial hearings that the Government would rather it did not? The Opposition wants that trial to proceed forthwith, and if there were a way it could be brought forward, the Opposition would support the Government in the necessary action. Let the hearing be held and let us see what that trial will elicit. The Opposition is not prepared to take any action that may ultimately thwart the right of people in this community - no matter who they are - to a fair trial; and, the Opposition wants that trial to proceed as quickly as possible.

In conclusion, firstly, the motion to suspend Standing Orders will not be supported by the Liberal Party in the Opposition for the very good reasons I have indicated. The primary reason is that the ultimate move to establish a Committee of Privilege is nothing but a stunt in which this House will be abused by the Government. Secondly, the ultimate abuse is contained in the wording of this motion, which is the most restrictive motion I have seen in the 12 years I have been a member of Parliament. It is restrictive for the very good reason that the Premier of this State has bungled this affair by bringing it back to the Parliament, and he is not prepared to allow the debate to stray from the very narrow path set out in the motion. In addition, I refer to the question that has been raised throughout the length and breadth of Western Australia, and will continue to be raised after today's debate with increasing intensity: What is the Government hiding in this whole affair, and why is it proceeding in this way?

MR COURT (Nedlands - Deputy Leader of the Opposition) [11.18 am]: I add my opposition to the motion to suspend Standing Orders, moved by the Leader of the House. We are certainly witnessing a stunt today. The Government has been told by its public relations machine that it has a problem because the public do not think the Government is

straight and accountable. Therefore, it has come up with a gimmick by which to try to change the public's perception of the Government. It came up with the idea of recalling this House today, even though when this subject was debated in the Parliament last week the Opposition was told very specifically by you, Mr Speaker, what it could or could not say. In fact, your advice at the beginning of that debate is regarded by people who follow parliamentary procedures around Australia as some of the most restrictive ever given in this Parliament; and, as a result of that ruling, the Opposition had difficulty presenting its argument. At one stage I was asked to withdraw a comment, which I did. I believe that you, Mr Speaker, are being insulted by this stunt of the Premier's. In effect, he has decided to leave aside your ruling, to recall this House, and to start debating the court case which will be held. You, Mr Speaker, must find yourself in a very difficult position with regard to these proceedings. The Premier told the Leader of the House to recall the Parliament, but to make sure it went through this sequence of events without any debate so that the Government would not be held up for any length of time. It is interesting that the Premier has told all his members to shut up; they will sit here and we will be out by lunch time.

Mr Crane: Even the member for Mandurah has not said a word.

Mr COURT: Nor has the member for Scarborough; I have been waiting for his interjections. I usually only have to stand for a minute and members opposite say, "Have you been on the phone to daddy?" or "Boy wonder is up speaking." Look at them! Members opposite are all shutting up. They are not saying boo today. I will tell you why, Mr Speaker: We received a phone call yesterday from the Leader of the House. Out of courtesy he told us what the proceedings were to be today and said that the Government wanted to suspend Standing Orders, which it is trying to do now. It wants to get its special Privilege Committee set up. The Government wanted to adjourn the House before lunch and the original motion was to the effect that the House would come back at 2.15 pm to consider the report of that committee.

Mr Pearce: That is untrue.

Mr COURT: The Leader of the House told us nothing different from what is in the motion today. That is the sequence of events the Government is trying to achieve. The motion to be moved by the Leader of the House is such that we will not even have an opportunity to amend that motion - will we?

Mr Pearce: I do not see why the Deputy Leader of the Opposition would not have the capacity to move an amendment. The proposition is that the motion I will move subsequently will appoint me Chairman of the Privilege Committee and, arising out of the report of that Privilege Committee, I will, in the normal course of events, move a motion.

Mr MacKinnon: Where does it say that the Leader of the House will be chairman?

Mr Pearce: That is the proposal in a subsequent motion to be moved. Members opposite would have the capacity to debate that motion and to move amendments.

Mr COURT: We are being put through an unbelievable exercise in this House today. The Government wants to suspend Standing Orders when the procedures of this House have been established over hundreds of years and when there is an order of business to which we adhere in this House, which gives the people out in the community an opportunity to be heard in this Parliament. This Parliament is not the Government's plaything. It has treated this place in the past few days - at the flick of a switch, as the Leader of the Opposition said - like a coffee shop that can be opened when the Government wants to do so. That is not the case. This Parliament is for the people and there are procedures which we go through in this House and which mean we can discuss matters of public importance, and can have question time.

But, oh no, that does not suit the Government's purposes because many of its members were out having a cup of tea when the MPI was debated last week. There were few Government members left in this House at the end of what was an important MPI - "It is Christmas time. We do not need to take things too seriously." That happens a lot in this House. The Government leaves it up to the Leader of the House to be present to defend it, and I give him credit that during the past three years he has backed up a lot of members on the Government side who did not like spending a lot of time in this Chamber; so, rather belatedly, and instead of taking action under Standing Orders, which are clearly set out, and as the Premier did

earlier during that debate when he used the Standing Orders of this House to ask me to withdraw something I had said to which he had taken exception - which was the proper procedure to take - the Government has decided to carry on with this stunt today.

People talk about allegations made in this House. In the past three years we have had a pretty good track record of backing up what we have said - and I will not give a talk about the different matters that we have raised in this House and produced evidence for, because I believe we have been very thorough in the way in which we have tried to ensure that this Government has been accountable. I know this in relation to my dealings with Exim, particularly in its early stages in relation to the terrible financial disasters it got itself into. In Victoria, at least, they have had the decency to have a proper investigation into their version of the WADC, which is what is required here.

I was asked to produce evidence about the case of John O'Connor, the truck driver in Geraldton. We did and charges were laid. What happened? The Government had those charges withdrawn. We were asked to produce evidence about the Government's receiving \$5 000 from a financial institution it had been bailing out with taxpayers' funds. We provided that evidence and at the end of this Government's murky reign we now have a telephone tapping scandal on our hands. Plenty of evidence will come out in the court case which is to be heard, but it is not our role to prejudice that court case because all the people concerned in that case, as you clearly outlined last week, Mr Speaker, have the right to represent and defend themselves properly in that case.

You must be appalled, Mr Speaker, with the position that you are put into by the Premier of this State having this Parliament recalled to try to prejudice that court case. That is absolutely shameful and typical of the sorts of gimmicks -

Withdrawal of Remark

Mr PEARCE: The Deputy Leader of the Opposition has done it again. He has just said that the Government has recalled the Parliament with the intention of prejudicing that trial. There is no truth in that claim. It is a reflection on members, and I seek its withdrawal.

Mr COURT: Mr Speaker, I withdraw.

Debate Resumed

Mr COURT: The Government can try every little rule in the book today to make sure that we go through that little gate it has opened up so that it can get its gimmick under way; it can try every rule in the book, but the fact of the matter is that at the end of the day the truth will come out about these incidents, but it will probably be some years before we know the full extent of the damage that this Government has done to this State. This telephone tapping scandal is on top of the financial incompetence displayed by this Government.

I am opposed to this suspension of Standing Orders. The Government is making a mockery of this institution. We have established rules so that we can run this Parliament in a proper way. The Parliament has been recalled at great expense to taxpayers. I do not mind the Parliament being recalled if it is used properly, but this Government tried to get out of the Parliament early, did not provide us with an opportunity to debate very important private members' business on the Notice Paper, and got out. It is now pulling this little gimmick and I hope the public of this State realises just what it is doing by way of this little stunt it has tried to pull today.

MR HASSELL (Cottesloe) [11.28 am]: As the Deputy Leader of the Opposition has said, the calling together of Parliament today is a political stunt undertaken by a desperate Premier who panicked and acted contrary to the advice of his own advisers and a number of his own members who are concerned about being called back on this basis. That, Mr Speaker, is the politics of the situation.

The substance of the situation is that before the House is a completely unprecedented form of motion designed to have the House sit to hear only what the Government wants to be heard. The reality is that the Government has given the game away completely in the terms of its own motion. You should look at the words, Mr Speaker, and all the implications of those words, as follows -

... the House hereby directing that no business other than the consideration of the foregoing motion shall be considered on this sitting day.

I will take the motion to that point. There are no petitions; no notices; and, no MPI's; all of these are provided for in the Standing Orders of this House. I remind you, Mr Speaker, that this Parliament does not belong to the Government. This Parliament is not the instrument of the Government; it is the instrument of the people. If the Government calls the Parliament together, the Parliament must operate as a Parliament and not as an instrument of the Government. The Government is seeking today to open a tiny gap by saying, "We have been upset politically by what has appeared in the newspapers. We intend to use the instrument of Parliament to try to score political points against the Opposition and to try to correct an impression that the Opposition may have created by the words used in Parliament." That is a totally cynical and dishonest political exercise, because we can see as we read the motion - which has been very carefully drafted - what the Government is really about. The Government has made a blunder. The Premier decided that the Parliament would be recalled because he was so shocked by the headline in *The West Australian* last Friday. The Government announced its decision to set up a committee, but once it realised the enormity of its error - that by calling the Parliament together, there would be a public debate - it could not back off from that decision without losing political face.

Mr Speaker, you have been brought into this matter contrary to your wishes. The Parliament has been brought together to consider a motion which flies in the face of parliamentary propriety and tradition. There is no place in Western Australia which ought to defend more vigorously the right of free speech and debate than this Parliament, yet what we are debating at this time is a motion designed to stop a free debate. Mr Speaker, let us look at the record of your conduct, when at the beginning of debate last week you made a very stringent ruling. You said -

It is not my intention to bar this debate from proceeding due to the sub judice rule. However, charges have been laid regarding a matter very close to the one that the Leader of the Opposition wants to debate. I am extremely concerned that today's debate should be a very confined debate. I understand what the Leader of the Opposition wants to do, and I sympathise with that in terms of my position here; that is, to allow members to debate these things if at all possible. However, I have no doubt that the sub judice rule will apply to some of the things that some people will want to say in this debate. I want to caution all members that this place should not be used to prejudice the trial of certain people who have already been charged with offences which are matters that go very close to the debate that the Leader of the Opposition wishes to hold.

Mr Speaker, your words were that this Parliament should not be used to prejudice the trial of certain people. Your ruling was made at the beginning of the debate, and clearly, as with all Speakers, you made that ruling on the basis of advice you had received - the sort of advice about which you spoke later in the debate when you paid tribute to the Clerk of the House, Mr Okely, for the advice he had given you from time to time. You believed in your ruling to such an extent that you said you would name members who broke your ruling. The Premier has broken your ruling by calling together the Parliament today, because there is no way that this Parliament can deal with the issue raised by the Government in the motion before the House without breaching your ruling.

Mr Peter Dowding: That is nonsense.

The SPEAKER: Order! It is probably an opportune time, since two members have chosen to reflect on my ruling, to make a couple of comments on their statements. First, the member for Cottesloe indicates that this Parliament has been brought together contrary to my wishes. I take strong exception to members thinking that they can stand in this place and put words in my mouth, and have me sit here and cop it. It is not true that this Parliament has been brought together contrary to my wishes. The statement is in fact totally untrue; and, if it were not unparliamentary, I would call it a word which I have ruled out of order when used by anyone else. I take strong exception to people taking advantage of the position that I fill, and having to sit in this place and not say anything. I will not continue to allow them to do so. I consider the step now being taken by the member for Cottesloe to be a reflection on my ruling last week, and to be erroneous. I would appreciate it if he would get on with the matter before the Chair, in which case I will protect his right to speak in this place. Last week I could have taken the easy way out - and I would have been justified in doing so - by saying the matter which the Leader of the Opposition wished to debate could not be debated.

because it was sub judice. It was difficult to allow the debate to continue, and that was why I placed those stringent rules on the debate.

Mr HASSELL: Mr Speaker, I do not wish to say anything about what you think is not right; and, without your having asked, I withdraw that suggestion in deference to what you have just said. I am certainly not reflecting on the ruling you gave at the beginning of the proceedings last week. What I am very legitimately saying is that this motion cannot be dealt with properly and fairly without those resultant proceedings coming into conflict with your ruling; and that is a matter of the Government's conduct on which I comment very vigorously. We accepted your ruling last week. I might say also, without canvassing your ruling, that it has been suggested subsequently that it is not within Standing Orders for people to be named without first having been cautioned. However, that was not a point taken at the time, and the substance of what you said was not dissented from or disagreed with because we did not want to prejudice the trial. I raised a point of order about whether pressure should be put on from outside the Parliament about how we should deal with matters in this place, on which you did not rule.

To come back to the essential point: Everyone in this House knows - as the Government knows at its highest level - that the issue of substance relates to, first, whether there has been a breach of privilege, which the Government asserts there has and which I contest. Secondly, the real matter that the Government wants to get to is not whether there has been a breach of privilege but what was said by the member for Mt Lawley. The Government is desperate to try to put on record something that will counter what the member for Mt Lawley said, and that is what this proceeding is about. We have been called together, at a time that the Leader of the House has said is inconvenient, in the Government's attempt to make a feeble excuse for the outrageous motion now before the House. It seeks to confine, in a way which has never been done before, the right of members in this place to speak and to act during a sitting of the House. In the fullness of time I have no doubt it will be argued by some that there has been no breach of privilege, and that therefore a Privilege Committee is not justified. That is relevant to this motion, because if there has been no breach of privilege there should be no motion to suspend Standing Orders to set up a Privilege Committee.

But let me go back to the reality of what happened. The member for Mt Lawley made his one line remark, which has given such pain to the Government that it has recalled Parliament, in a short speech which began at 3.51 pm, according to the record of *Hansard*. In a speech which began at 5.57 pm, the Premier had this to say about the member for Mt Lawley -

To the member for Mt Lawley, elected on 17 November 1984, who has been Shadow Minister for Transport, Police and Emergency Services and Fisheries, we trust that he enjoys his retirement for as long as it may be. It may well be until 21 May 1988 -

I think he meant 1989; to continue -

- or not, as the case may be, but he has made an important contribution in this House on behalf of the Opposition.

So about two hours after the member for Mt Lawley made a remark which has caused the Premier to summon this Parliament together, the Premier was singing the member's praises in this Parliament.

Mr Pearce: In a valedictory speech.

Mr MacKinnon: Did he mean it?

Mr Cash: Surely he is not going to withdraw it!

Mr HASSELL: As the Leader of the Opposition so correctly says, did he mean it? If one does not mean a valedictory, one should not give it. If one is not sincere, why say it? One point is established by the sequence of events: At three o'clock in the afternoon the member for Mt Lawley made a remark which has caused the Government great pain and panic.

Mr Peter Dowding: Just a remark!

Mr HASSELL: At six o'clock the Government sang the praises of the member for Mt Lawley. But more importantly, the next morning at an early hour the Government saw the headline in the newspaper. We are not here because of what the member for Mt Lawley said;

we are here because of what appeared on the front page of the newspaper. That is what this is all about. It is the pure politics of a Government in panic, and when it realised its blunder in rushing to announce that Parliament would be recalled the Government tried to sort out the mess through this offensive motion which goes to the heart of the rights of Parliaments. Firstly, it directs that no business other than consideration of the foregoing motion should be considered on this sitting day, and that no business other than receiving the report of the Privilege Committee, whose establishment is proposed in the preceding paragraph, and any motion moved by the Leader of the House which is directly relating thereto, shall be considered on the day set down for receiving the report of the Privilege Committee.

The Leader of the House has said by way of interjection that that may permit an amendment to be moved. Every member of this House, including every Minister, is equal to every other member in his rights before this House, subject only to the Standing Orders, which give certain recognition to the Government, and to the established practices of the House which recognise that the Government is entitled to direct the order of business and the priority of business.

But the practice of this House has never been to exclude the right of members other than the Minister, the one named Minister, to move motions to exclude completely the operations of the Standing Orders. We have heard the suspension of Standing Orders moved hundreds of times, and we have always heard that so much of the Standing Orders be suspended as would permit and allow a certain motion to be moved and dealt with forthwith. It is simply directed to the order of business, not the substance of business. The truth is that the Government is now trying to direct the substance of business. It presumes the outcome. It presumes that the Privilege Committee will make a report which leads to the Minister's wanting to move a motion.

Mr MacKinnon: It presumes it will move it today.

Mr HASSELL: As has been stated earlier in this debate, the Government has no doubt drafted the motion already, or had its advisers draft the motion. There is absolutely no shadow of doubt that the Government came here today to condemn the member for Mr Lawley, and that is its purpose. The Government has no desire to find out the truth. It is not using the matter of privilege to protect the privilege of this House, because the privilege of this House is not threatened.

Mr Pearce: You do not have much confidence in the ability of the member for Mr Lawley to produce the evidence to support what he claims.

Mr HASSELL: We will see about the member for Mr Lawley. I will tell the Leader of the House, through you, Mr Speaker, that the member for Mr Lawley is in a very happy position today. He has nothing whatsoever to worry about. It is the Government that is very worried, and it is very dishonestly and dishonourably using the forms of this House for its own political purposes. They are not devious purposes because they are blatant - they are there on the record for all to see: A stunt in calling together Parliament to try to take off the heat. This motion we are about to discuss further and to vote upon is directed to the political heat and fire under the Government at the moment. This Government knows that there is a widespread and growing perception in the community of corruption in this State. This Government knows that it is tarnished in the public eye. It knows that every new piece of evidence about what it did with Rothwells, what it did about hiring whatever his name was and his colleagues for whatever purposes they were hired - every piece of evidence as it comes out condemns the Government. That is the Government's concern, because the Government knows that it will be on trial in a matter of weeks.

Mr Smith and his colleagues are on trial on a criminal offence, but the Government is on political trial. What we are here for today is for the Government to put up its lame defence, but instead of wanting to put up this defence in a fair and open forum it wants to make the rules and rulings as well. It wants to exclude the possibility that anybody else should say something which offends the Government.

There is no doubt in my mind that there has been no breach of privilege whatsoever. The substance of this motion proposed to be moved is itself deficient. Any member may get up in this House and say today that Government members are incompetent. I say that the Premier is politically incompetent for having brought us back. Am I to be put on a charge of

privilege because I have no written evidence of that? That is what members of the Government are trying to do. Members of the Government are trying to put the member for Mt Lawley on trial because he said something which offends them. That, of course, is the abnegation of the right of freedom of speech, and this motion should be vigorously opposed.

MR COWAN (Merredin - Leader of the National Party) [11.50 am]: One of today's more famous historians, who is now the Governor of Western Australia, made the comment some time ago in a paper that there are greater likenesses between Governments of different political colours than there are between parties when in Government compared with when they are in Opposition, and I think that has probably been borne out today. We would have to go back to 1976 to find anything like what is happening today. I refer, of course, to a case where a certain allegation was made in the Parliament of Western Australia. The then Premier was present at the time and interjected on the member speaking; nevertheless, some two or three days later a Committee of Privilege was established. Very clearly, in this present case, while this Premier was not present during debate - and most of his ministerial colleagues were not present either - a comment was made which was passed over at the time. Then, of course, the matter was given what could only be described as a very good airing in *The West Australian*; in other words, it appeared on the front page. Clearly the Government has decided that the only way it can defend itself is by establishing a Committee of Privilege and offering the member for Mt Lawley an opportunity to substantiate his claim.

The member for Mt Lawley has been placed in a very difficult position indeed. That is something I would like to elaborate on when we come to the motion itself because I have a great deal of sympathy for his position. He is more or less damned if he does and damned if he does not, because you, Mr Speaker, have given a ruling with which the member for Mt Lawley must comply, and compliance with that ruling turns this whole debate and this whole special sitting of Parliament into a farce. The Government knows that the member for Mt Lawley is bound by your ruling, Mr Speaker. It knew it when it called the Parliament together for this very special purpose, and that is something of a disappointment to me.

However, there are some matters in this motion to suspend Standing Orders that do concern me; they have been aired before but still I would like to put the National Party's point of view on them. They relate to part (b) of the motion to suspend Standing Orders. Quite clearly the Government had two options: One was merely to move to suspend so much of Standing Orders as would prevent part (a) of the motion being put forward and then simply use its numbers to proceed. It would never have had to be specific and outline what it was going to do, both today and in any other sitting of the Parliament. However, it does concern me that the motion makes the assumption - and I am sure it is a correct one - that the Leader of the House will be the Government's nominee to the proposed Committee of Privilege and, as the Government's nominee, he will be the chairman of that committee and it will be his responsibility to report to the Parliament and also, once the report has been received, to move a motion which emanates from the findings of the Privilege Committee's report. That has been assumed.

However, one question does concern me, and it has been stated before; that is: Because part (b) is so restrictive, it is stifling free speech. I do not see it that way. As far as I am aware this Parliament has been recalled - no matter how farcical it is - for one purpose alone, and quite clearly it has been advertised as such; that is, to establish a Committee of Privilege. But I would be very disappointed if, when the committee has reported and a motion comes before this Parliament as a result of that committee's report - and I assume it will be from the Leader of the House - the report cannot be fully debated -

Mr Pearce: That is our intention.

Mr COWAN: - and, given the normal constraints which you apply, Mr Speaker, there is not free debate, and free speech is not protected by you to your utmost. One would assume that included in the right of free speech and parliamentary privilege will be the right to amend the motion that is to be moved.

Mr Pearce: That's right.

Mr COWAN: Well, I appreciate that, because that is very important.

As I have said, we regard this sitting as being somewhat farcical. Quite clearly the Government was in a position where it had to respond to the front page article in *The West*

Australian, and it chose this response. I make this prediction now: Just as in 1976 the Committee of Privilege which investigated what is now known as the "sticky fingers" affair achieved nothing, produced nothing and did nothing, so too will the Committee of Privilege which is about to be established achieve precisely that result. However, it is within the right of this Parliament to examine the question of privilege; it is the right of this Government to treat very seriously an allegation that the Government has been involved in a conspiracy associated with the tapping of telephones. It does have to treat that seriously.

The National Party is prepared to support the motion to suspend Standing Orders, we are prepared to support the establishment of a Select Committee of Privilege, but under no circumstances will any of my colleagues in the National Party be prepared to support something which conducts a witch hunt and which is designed to do nothing more than cause harm to the member for Mt Lawley. Under no circumstances will we support that. Just as in 1976 we would not support any proposal which would personally victimise the then member for Ascot, under no circumstances will the members of the National Party support anything which personally victimises the member for Mt Lawley.

House to Divide

Mr THOMAS: I move -

That the House do now divide.

Question put and a division taken with the following result -

Ayes (31)			
Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Taylor
Mrs Beggs	Mr Evans	Mr Marlborough	Mr Thomas
Mr Bertram	Dr Gallop	Mr Parker	Mr Troy
Mr Bridge	Mr Grill	Mr Pearce	Mrs Watkins
Mr Burkett	Mrs Henderson	Mr Read	Dr Watson
Mr Carr	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Hodge	Mr D.L. Smith	Mrs Buchanan
Mr Donovan	Mr Tom Jones	Mr P.J. Smith	(Teller)

Noes (24)			
Mr Blaikie	Mr Grayden	Mr Mensaros	Mr Wiese
Mr Bradshaw	Mr Greig	Mr Schell	Mr Williams
Mr Cash	Mr Hassell	Mr Stephens	Mr Maslen
Mr Clarko	Mr House	Mr Thompson	(Teller)
Mr Court	Mr Lewis	Mr Fred Tubby	
Mr Cowan	Mr Lightfoot	Mr Reg Tubby	
Mr Crane	Mr MacKinnon	Mr Watt	

Question thus passed.

The SPEAKER: I advise members when putting this motion that an absolute majority is required. If I hear a dissentient voice, I will have to divide the House.

Question put and a division taken with the following result -

Ayes (36)			
Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Stephens
Mrs Beggs	Mr Evans	Mr Marlborough	Mr Taylor
Mr Bertram	Dr Gallop	Mr Parker	Mr Thomas
Mr Bridge	Mr Grill	Mr Pearce	Mr Troy
Mr Burkett	Mrs Henderson	Mr Read	Mrs Watkins
Mr Carr	Mr Gordon Hill	Mr Ripper	Dr Watson
Mr Cowan	Mr Hodge	Mr Schell	Mr Wiese
Mr Cunningham	Mr House	Mr D.L. Smith	Mr Wilson
Mr Donovan	Mr Tom Jones	Mr P.J. Smith	Mrs Buchanan (Teller)

Noes (19)

Mr Blaikie	Mr Crane	Mr Lightfoot	Mr Reg Tubby
Mr Bradshaw	Mr Grayden	Mr MacKinnon	Mr Watt
Mr Cash	Mr Greig	Mr Mensaros	Mr Williams
Mr Clarko	Mr Hassell	Mr Thompson	Mr Maslen
Mr Court	Mr Lewis	Mr Fred Tubby	(Teller)

Question thus passed with an absolute majority.

MOTION - SELECT COMMITTEES

Privilege - Appointment

MR PEARCE (Armadale - Leader of the House) [12.05 pm]: I move -

That a Select Committee of Privilege be appointed to inquire into and report upon the allegation made in the House on 15 December 1988 by the member for Mt Lawley that Government members have been involved in a conspiracy to have the facilities, offices or homes of certain people in this town bugged.

In moving this motion I might say I have been very interested to hear the debate which has been carried on so far by members of the Opposition in opposing the suspension of Standing Orders to allow that motion to be discussed. The first thing that occurred to me is that none of them has much confidence in the capacity of the member for Mt Lawley to actually substantiate -

Mr Cowan: You have only read part (a).

Mr PEARCE: No, my understanding of the position is that we have moved the suspension of Standing Orders to move parts (a) and (b); now I am moving the substantive motion.

Mr Cowan: But you have only read part (a).

Mr PEARCE: I am moving the motion to establish the Select Committee of Privilege.

Mr MacKinnon: That is part (a).

Mr Clarko: You have already done that. You have done part (b) in now.

Mr PEARCE: Let me explain the wording of the motion to members of the Opposition. The motion I moved was to suspend Standing Orders to do a number of things. One of them was to ensure that the discussions of the Parliament today and tomorrow will concentrate on this matter. All of that has already been carried by the motion which the House has passed. Now I am moving the substantive motion that the Select Committee of Privilege be established. If the House agrees to the motion that the Select Committee of Privilege be established, I will move other motions which will set in place the machinery of the committee, its membership, its power and its reporting. All those members who are going "Hoo ha" on the other side I am afraid have it wrong. We are now to discuss the substantive motion, which I am moving. I might say that in their discussion of all the other bits of the motion -

Mr Clarko: That is not what you did before.

Mr PEARCE: That is the case.

Mr Clarko: You did not move the whole motion. That is the reason you had to give notice.

Mr PEARCE: I am sorry; I had to get the motion back because I had to hand it in to read it to the House.

Mr Clarko: No, to be propped up again.

Mr PEARCE: Members opposite have made a simple error, which I will not concentrate on.

Mr Clarko: Why are you getting notes passed to you by the Clerk other than to help you?

Mr PEARCE: The substantive motion, which is the matter before the House and which I would have thought members might like to focus on because it is of such great importance to the absolute, fundamental basis of the parliamentary system in this State, is to do with the comments made in the Parliament by the member for Mt Lawley. I noted that when Opposition members were speaking in opposition to the procedural motion, they did not have

any great confidence in the capacity of the member for Mt Lawley to produce the evidence for the claim he made. I ask members to reflect on this: If it were the case that the member for Mt Lawley could prove his claim, he would welcome the opportunity to go before a Privilege Committee to substantiate that claim, to elaborate upon it and to produce the evidence for it because the claim he is making is that members of the Government have been involved in criminal activities. That is the claim, and the Government is now giving the member a forum in which he can substantiate that claim.

If it were the case that members of the Opposition had any confidence at all in the capacity of the member for Mt Lawley to substantiate the claims, they would welcome the opportunity for a Privilege Committee to be established in order to give this forum for the member for Mt Lawley. I expect that if the member for Mt Lawley had that evidence, the Leader of the Opposition and all his colleagues would have stood one after another to say, "We welcome the establishment of the Privilege Committee; we welcome the opportunity for the member for Mt Lawley to put forward the evidence of the claim of criminal activity by members of the Government," because in the pre-election climate I would have thought there was nothing that the Opposition would grab more rapidly than a forum in which it could prove that members of the Government had been involved in criminal activity. The lack of confidence which Opposition members show in the capacity of the member for Mt Lawley to prove those allegations is the same lack of confidence that members of the Government have in him to prove those allegations.

The other side of the coin is that if it is the case that the member for Mt Lawley has come into this Chamber using the privilege which the Parliament gives to him to say whatever he likes without being subject to legal action or any other check by those people maligned by him, that is an abuse of parliamentary privilege.

Mr Lightfoot: He used parliamentary privilege precisely as it should be used.

Mr PEARCE: That is an interesting interjection because that no doubt highlights not only the way in which the member for Murchison-Eyre has performed during his brief time in this place but also the way in which an increasing number of members of the Opposition have operated in their time here during the last three years; that is, they believe that parliamentary privilege is given to provide an opportunity to make all sorts of outrageous claims without evidence and without fear of legal actions being taken against them.

Parliamentary privilege was established by the Westminster Parliament itself; the institution of parliamentary privilege was established so that when members came into Parliament they could raise serious matters to do with the Government or the Executive or anybody else in the kingdom without fear of actions being taken. Those people who take parliamentary privilege so lightly and abuse parliamentary privilege so readily ought to remember that our predecessors in Westminster Parliaments of the world died for that privilege - some heads were lost and some members were imprisoned for long periods. Those people stood to assert the rights of the people against the king or to check various abuses in the kingdom. The institution was established in the end so that members of Parliament could rightfully raise matters of concern without fear of legal or Executive action. However, with that freedom goes a responsibility. Every member of Parliament who uses parliamentary privilege to make any claim ought to be standing on his or her honour when making a claim which would otherwise attract legal action, and should do so on this basis: I have clear evidence for the claim which I am putting forward - that is, this is a matter of grave concern to the Parliament and to the people. I am using the institution of parliamentary privilege because of those things.

I ask the House to consider whether that is the way in which the member for Mt Lawley made his claim last Thursday. First, he made it in the last couple of minutes of a debate which had gone on for an hour; he was the third of the speakers on his side of the House. None of his lead speakers had even suggested that there was any evidence or that he had any belief that the members of the Government had been involved in a conspiracy to bug people's telephones. When the Deputy Leader of the Opposition appeared to imply that, and the Premier sought a withdrawal, the defence mounted was that that was not what the Deputy Leader of the Opposition had meant. In the course of the debate it appears that the member for Mt Lawley came into the House and was assigned the last four minutes of Opposition time allocated for the matter of public importance. In a style which has become uniquely his

own in this House, but mimicked by some of his colleagues, the member for Mt Lawley could not avoid putting in the throwaway line, the un-thought-out allegation, the absolute abuse of parliamentary privilege, saying in a thorough way that members of the Government have been involved in a conspiracy to bug people's phones around this town.

Mr Lewis: They have too.

Withdrawal of Remark

Mr PEARCE: I know that it is hard to seek a withdrawal of an interjection of that kind but I seek that withdrawal.

The SPEAKER: A withdrawal is sought and I request that withdrawal.

Mr LEWIS: Mr Speaker, how is it unbecoming or unparliamentary language to say, "They have too"?

The SPEAKER: Quite clearly, that comes under the auspices of Standing Order No 132. I ask again for the withdrawal of the words.

Mr LEWIS: I withdraw.

Debate Resumed

Mr PEARCE: That is the fourth withdrawal that Opposition members have made during the course of today's debate. The Parliament has been called together to discuss one of the most fundamental aspects on which this Parliament is based; that is, the privilege which the Parliament reserves to itself for members in this House to be able to make claims which set the members and the claims above the law. That is not a thing to be taken lightly and parliamentary privilege means that in speaking in Parliament members are able to set themselves above the law which applies to every other citizen; things which are said in this place attract parliamentary privilege which no other citizen enjoys. Because we have that responsibility we should not take it lightly. The most incumbent responsibility that this House has is to protect its privileges even against its own members, because every member who abuses parliamentary privilege abuses those members of Parliament in centuries gone by who have lost their lives or been gaoled to establish that kind of parliamentary privilege. There is nothing more fundamental to the parliamentary process than the protection of parliamentary privilege.

The member for Dale, who is a recent appointee to this place and has unfortunate flashes of honesty which his leadership has not yet drilled out of him, has said that what we should have done was to seek a withdrawal on the day from the member for Mt Lawley. He said that that is the way to deal with the abuse of parliamentary privilege. That opinion does not show any great confidence in the accuracy of the member for Mt Lawley's claim. Secondly, the claim of criminal activities on the part of Government members is so serious that it deserves investigation. The member for Mt Lawley has been given an opportunity now not just to withdraw because he is reflecting on members but also to produce evidence of the claim. If the member for Mt Lawley is able to produce evidence of the claim that Government members have been involved in a criminal conspiracy, action will have to be taken against those Government members. The first people to take action would be the Government because it would not protect any of its members who might be involved in a criminal conspiracy. But our clear belief is that no Government member has been involved in this way. The clear tenor of the debate last Thursday and the clear tenor of discussion so far is not only that the member for Mt Lawley has no evidence of this claim but also that members of the Opposition believe he has no evidence. That is the truth of the matter.

Parliament has been called back in this unusual way because we on this side believe that parliamentary privilege is central to the Parliament; it is one right that sets members of Parliament above all other members of the community. At the same time, it puts great responsibility on us for self-regulation; it is up to members of Parliament to protect the responsibility of the Parliament. It is a very sad thing to see a special sitting of Parliament called for the express purpose of ensuring that the Parliament reacts in a responsible way on these matters, that it works in a way which stops people saying the kinds of things people in this community say about politicians - that they make baseless allegations and throw mud at each other.

We have a special sitting today and all we have heard, during the course of the last hour and

a half, has been members of the Opposition throwing mud, making unsubstantiated allegations, repeating them and having to withdraw their claims four times in a row. Do not members on the Government side think it is disgraceful that, when a special sitting of Parliament is held to try and give Parliament itself a greater aura of responsibility within the community, all we have heard so far is four comments that have had to be withdrawn by the Opposition?

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: The claim which was made by the member for Mt Lawley has been repeated today in Parliament by the Leader of the Opposition and the member for East Melville. I suppose it would be quite reasonable now for the Privilege Committee to seek to interview those two people with regard to any evidence they may have with regard to that claim. I point secondly, as the Leader of the National Party has already done, to the immense hypocrisy involved in the Opposition's failure to support this matter. I have in front of me -

Mr Cowan: And yours, because you went kicking and screaming all the way down the track with that.

Mr PEARCE: I was not in the House in 1976.

Mr Cowan: Your party did.

Mr PEARCE: The member for Kalamunda, who seems to have absented himself, actually moved the motion.

Mr Court: No, he hasn't.

Mr Thompson: I am right here.

Mr PEARCE: He moved that a Select Committee be appointed to inquire into and report upon allegations made against a member or members of the Government by the member for Ascot in the Legislative Assembly on 9 November 1976. We have followed the procedure for appointing a Privilege Committee because, in our view, the privilege of Parliament is being abused here. The member for Mt Lawley, when he made that baseless claim, did so on the basis that he thought it would be harmful to members of the Government. He thought, "If I can get in the paper that members of the Government have been involved in a criminal conspiracy, the election is only a few weeks away, that will hurt them a bit." It is part of the mudslinging tactic in which the Opposition's United States expert has told it to become involved.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I think the people of Western Australia are getting a bit sick of the way in which this Parliament carries on. I think the people of Western Australia do not want to see their elected representatives operating in a bear pit.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: I think the people of Western Australia would be shocked if they were to hear the discussion that has taken place this morning. I think they would have been shocked if they had come in here during the last three years and heard any of the speeches of the member for Mt Lawley. I think the people of Western Australia would expect to see a higher standard of behaviour on our part than that which has tended to apply here.

Several members interjected.

Mr PEARCE: One of the purposes of today's sitting is to give Parliament the capacity to look inwardly a little on some of these matters, and review the way in which some members have, in my view, abused parliamentary privilege. All Opposition members have done during the course of the debate is to carry on as if they were in a bear pit. I exempt the members of the National Party, but that is true of the members of the Liberal Party. I ask members of the Opposition - and this is why I have not responded, by and large, to the interjections that have been made - to consider the seriousness of the matters that have been raised in the course of this debate.

Mr Court: The seriousness is that you want to prejudice a court case. That is the seriousness of the situation. Your Premier wants to go against the ruling of the Speaker.

Withdrawal of Remark

Mr PEARCE: Mr Speaker, I have already sought withdrawals from the Leader of the Opposition and the Deputy Leader of the Opposition with regard to the claim that the Government is seeking to influence a court case. That is not true and I seek a withdrawal again.

Point of Order

Mr LIGHTFOOT: My point of order is against the withdrawal. Mr Speaker, unlike you I do not have a full and comprehensive knowledge of our Standing Orders, but, from the knowledge that I do have I understand that the course that the Leader of the House has asked you to undertake with respect to a comment made by the Deputy Leader of the Opposition simply does not fall into the category of our Standing Orders. There is no basis for his calling for that withdrawal. What the Leader of the House is asking for is the withdrawal of something that could be substantially true - in my personal view, it is true - and something that may be of benefit to this House were it to come out in full.

The SPEAKER: I will read this for the benefit of members who have failed to find it in Standing Orders so far this morning -

All imputations of improper motives, and all personal reflections on Members, shall be considered highly disorderly.

Withdrawal of Remark Resumed

The SPEAKER: There is no question about that remark fitting into that category, and I ask for its withdrawal.

Mr COURT: Mr Speaker, I said, "You want to prejudice the court case." I have great difficulty in withdrawing that remark because, on the one hand, I have your ruling saying you do not want me to prejudice the court case, and, on the other, the Government is doing the opposite and forcing us into a situation where we would have to prejudice a court case.

The SPEAKER: Order! You know it is improper for you to canvass the ruling. If you want to dissent from my ruling I will give you that opportunity.

Mr COURT: I want to make it clear that we have been put in a difficult position.

The SPEAKER: I know that.

Mr COURT: I withdraw the remark.

Debate Resumed

Mr PEARCE: We are asking the Opposition to try and lift the standards in this House.

Several members interjected.

Mr Court: How can we do that if we have to abide by one set of rules and you and the Premier want to come in here and change them? Come off it. You are making a mockery of this place.

Several members interjected.

The SPEAKER: Order!

Mr PEARCE: It seems to be a demonstration of something that when I say we are giving the House the opportunity to raise its standards, I am confronted with that kind of cacophony.

Several members interjected.

Mr Court: How can you raise the standards if you have brought us here to debate a subject which we cannot talk about because of the court case? How do you raise the standards in that situation?

Mr PEARCE: Let me say two things about that.

Mr Court: You are making a fool of yourself.

Mr PEARCE: The first aspect is that the member for Mt Lawley is being offered a Privilege Committee before which he can produce any evidence that he might have.

Mr Court: That is very generous of you.

The SPEAKER: Order!

Mr Court: You know he cannot say anything in that committee because of that court case.

Mr PEARCE: Of course he can. That is not the truth at all.

Mr Court: He can now, can he?

Mr Lightfoot: The Speaker says he can't. Who is right, you or the Speaker?

The SPEAKER: Order! We are not making a great deal of progress, and we have not made an awful lot during the last few minutes. I am very loathe to invoke Standing Orders as they exist and say that there will be no interjections. I have no intention of doing that, but I do ask for the cooperation of members in respect of interjections so that they are not made in a manner which prevents the person on his feet from being heard.

Mr Lightfoot: Why don't you tell us about the transcripts that your members have?

The SPEAKER: Order! The member for Murchison-Eyre knows that is a highly improper act. I ask you to behave in the way in which you normally do.

Mr Lightfoot: I will, Mr Speaker.

Mr PEARCE: If the House agrees to my motion for a Privilege Committee then, at the request of the member for Mt Lawley, that Privilege Committee could meet in camera and not in public.

Mr Hassell: It still has to report to the House. You know the matter can't possibly be dealt with without all those issues of the trial being raised.

Mr PEARCE: That is not the case at all. Firstly, the member for Mt Lawley, if he had to produce evidence that would be prejudicial to a trial, could seek to have the meeting of the Privilege Committee in camera.

Mr MacKinnon: That is just not true, according to our advice.

Mr PEARCE: That is our advice.

Mr MacKinnon: Who gave you the advice?

Mr PEARCE: That is our advice, and that is that.

Several members interjected.

Mr PEARCE: The second point which ought to be made is that clearly Opposition members would be involved in drawing up the report of the committee, because Opposition members would be on the committee and involved in its conduct. The member for Mt Lawley will have every opportunity to produce any evidence of any character that he has.

Mr MacKinnon: Can he bring witnesses before the committee?

Mr PEARCE: The member will be able to produce any evidence that he has.

Mr MacKinnon: But, can he bring witnesses before the committee?

Mr PEARCE: That will depend upon the nature of the evidence that he has, and it is up to the committee to determine whether witnesses can be brought forward.

Mr MacKinnon: So, the answer is no.

Mr PEARCE: No, that is not the answer. The situation is that if the committee is formed, the member for Mt Lawley will be asked to formally come before the committee and present whatever evidence he has. Under those circumstances the committee would make sure that the member for Mt Lawley has no way of trying to pretend that circumstances or procedure would prevent him from producing the evidence that he has. The Privilege Committee will be able to ensure that the member for Mt Lawley can present whatever evidence he has in order that the Privilege Committee can draw conclusions and report to the House in a way that does not impinge on the case before the court.

It has to be said that the allegations made by the member, in the terms it is made in *Hansard*, do not have any reference at all to the case before the court. The claim that he made was that Government members are involved in the bugging of facilities, offices and homes of people

around town. That claim does not relate to the court case that the members of the Opposition referred to. If it was the case that the member's evidence was tied to the court case, clearly that would have to be handled in a sensitive way which does not impinge on the case. The Privilege Committee has the capacity to deal with evidence in that way. So it is not a good enough excuse for the member to use that as his reason for not producing the evidence that he claims he has. I say to the House that what is already becoming clear during the course of this debate is that the member for Mt Lawley has no evidence, and the members of the Opposition know that he has no evidence.

Mr Cash: Rubbish!

Mr PEARCE: The Opposition is trying to create a smokescreen and do everything it can to prevent the committee being set up to work out what evidence the member does or does not have. It is starting to prepare the lines of excuses that the member might use when he is not able to produce any evidence, because the political reality is that if he has any evidence, he would welcome any opportunity to shout it from the tree tops, or even to whisper it in a Privilege Committee in camera. Every opportunity would be seized by the member because he has been no shrinking violet so far in his tenure in this Parliament, and now he has been given an unparalleled forum to tell the people what he knows, if anything.

I conclude by saying that the issue involved here is much more fundamental than the unthought-out utterances of the member for Mt Lawley; the issue at the base of this discussion is parliamentary privilege, and the responsibilities that fall most heavily upon the people who sit in this place. Members have the capacity to put themselves above the law through the operation of parliamentary privilege, and at the same time have the gravest of responsibilities, not only not to misuse or abuse parliamentary privilege themselves, but also to bring into line and check those members of the House who abuse that privilege. Everybody who misuses that privilege not only diminishes the currency of parliamentary privilege; they also diminish the institution of Parliament itself. Also, they demean all our predecessors who have established the system of parliamentary democracy of which we are all so proud. When somebody comes in here throwing mud under parliamentary privilege, they are not only hurting the person upon whom the mud lands and themselves; each time they do so, they also diminish the institution of Parliament itself. It is possible to have over time the reverse of the process that established parliamentary privilege in the first place. Parliamentary privilege has been built up over hundreds of years, and it can be diminished and degraded over the same period of time. If the abuse of parliamentary privilege is allowed to continue for decades, the people will call out for the privilege to be taken away; the people would say, "Why should some people in the community be allowed to come into the Parliament and slander somebody else willy nilly and get away with it?" The people would try to take it away from Parliament because it is being abused and misused. What a shameful thing that would be if, because of the activities of members like the member for Mount Lawley, this leads to the diminution of the standing of Parliament in the community and the achievements of generations and centuries. I think that the people of Western Australia expect better of this Parliament. I say to the member for Mt Lawley that if he has got the evidence, he should take the opportunity to present it, and if he does not have it, he should apologise like a man and say that what he said was wrong and do something on his way out of this House to try to build a little on the standing of the institution of Parliament in the community.

Several members interjected.

The SPEAKER: Order!

MR CASH (Mt Lawley) [12.36 pm]: We have just heard in this Parliament one of the greatest hypocrites of all our members making requests of the Opposition to try to lift the standards of this House. Those people who have been in this House for a number of years will know that that member, the Leader of the House, has been mostly responsible for the massive slide in the propriety and dignity of the House over recent years.

There is no doubt that this Government is desperate. Only last Thursday I said on a number of occasions to the Premier that he was acting like a loser, and the sort of things that he was saying clearly indicated that he did not think that he was going to be the Premier for much longer. During the debate on a matter of public importance I made some comments in this place, and in making those comments I had due regard for the very proper and important

ruling that you, Mr Speaker, gave to this House prior to the commencement of that debate. I understood you to say Sir, and I paraphrase what was said, that members had to be particularly careful to make sure that they did not say anything whatsoever that might prejudice the trial of certain persons currently before the courts in Western Australia. I went out of my way to abide by that ruling; a ruling that I believe was correct in every instance.

Mr Peter Dowding: Your friends wish that you had never said it. That is what the Leader of the Opposition said yesterday.

Mr CASH: I do not know what the Premier is referring to. All I can say is that it would be something that he made up on the run.

Mr Clarko: He might have your room bugged!

Mr CASH: Or he has my room bugged, but I doubt that very much. I guess that is another clear indication of a loser at work for all the House to see. The Premier is a loser and will say anything to try to grab a headline.

Mr Hassell: The Leader of the House has to carry the can for the Premier's political blunder.

Mr CASH: Prior to the debate last Thursday, the Speaker read to the House part of a letter he had received from Mr Brian Singleton QC, who is the counsel for one of the people currently before the court. So that it is on the record, I want to read that letter to the House, and so that it is clear where Mr Singleton believes his client stands -

Mr Pearce: What did the member for Cottesloe say about that letter?

Mr CASH: - or may stand as a result of any discussions that may occur in this place.

Mr Pearce: Is that the letter that the member for Cottesloe thought was a breach of privilege?

Mr CASH: The letter was sent to the Premier, Parliament House, West Perth and it reads -

I have been retained by Mr. Kevin Bonomelli, Solicitor, to act for Robert Smith in several charges preferred against him relating to the Telecommunications Interception Act (Cwlth).

I am writing to you and to those indicated hereunder for I am particularly concerned that matters which bear upon the charges yet to be heard may be mentioned in the House. It is my considered opinion that should any matter which will be the subject of evidence or even only touch upon the subject of evidence is raised in the House the trial of Mr. Smith will be prejudiced. It may well be that such matter raised could amount to a contempt of court. (See Attorney General -v- Times Newspapers (1973) 1 Q.B. 710)

My purpose in writing is to request you and fellow members of your party to take great care in raising any matter which may well have the affect to prejudice a fair trial of Mr. Smith and further may delay an early hearing and determination by the Court of those matters alleged against him.

It is signed by Brian J. Singleton QC, acting on behalf of Robert Smith. I went out of my way to have due regard and respect for the comments in that letter, but, more importantly, Mr Speaker, for your direction as the Speaker of this House.

On Friday morning I was advised by the media that the Premier had been somewhat offended by a newspaper comment that appeared on the front page of *The West Australian* on that day. It was suggested that he was out of his tree and beside himself and that he could not cope with those headlines. At about eight o'clock on that morning I received a phone call at my office advising me that the Premier intended to call a special Cabinet meeting to determine whether action should be taken against me and against West Australian Newspapers Ltd for the comments that had been published.

Within half an hour of that first report, the Minister for Police and Emergency Services was heard to say on the radio that he knew nothing about the special Cabinet meeting and that he was in Kalgoorlie and would have to wait and see what happened during the day. Some time later, the Premier, still out of his tree and beside himself over the comments that had been published, decided that I should at least apologise or retract or at best withdraw the comments that appeared in the newspaper.

Later that morning the Premier again changed his mind and decided that he would hold a

Press conference. Because I had not been good enough to withdraw those comments he called me a coward. Mr Speaker, you know that the comments that I made in this Parliament the day before were made under parliamentary privilege, the right afforded to every member of Parliament.

Mr Peter Dowding: Didn't you confirm the story as it had been written? Didn't you confirm the story to the journalist who wrote it or to the newspaper?

Mr CASH: As I said, the Premier changed direction. By this time he was calling on me to withdraw and, because I did not, he called me a coward. Soon after I was advised that the Premier intended recalling Parliament to set up a Privilege Committee because he wanted to get to the bottom of what I had said. Why did the Premier not ask me to withdraw the comments that I made on the day that I made them?

Mr Peter Dowding: Did you confirm the story with the journalist?

Mr CASH: Why did the Premier not seek a withdrawal from me if the comments offended him? Why did the member for Welshpool, who, by interjection after I made my comments, suggested that there was no shred of evidence in what I said, not demand a withdrawal? With respect, I recall that you, Mr Speaker, were in the Chair at that time and, having regard to your earlier direction about the way the debate should proceed, you did not ask me to withdraw either. Perhaps that is unfair because you were not able to respond to my allegations at that stage. However, no-one in this Chamber believed at that time that those comments were unparliamentary or caused any offence to anyone. In fact, the Premier, having considered the position overnight and the recent polls which show that the Labor Party would lose an election if it was held in the next few weeks, was absolutely desperate for some sort of stunt and decided the stunt, against the advice of some of his senior colleagues, would be to recall Parliament for the purpose of putting me before a Privilege Committee.

Mr Lewis: A Star Chamber.

Mr CASH: A Star Chamber, as the member for East Melville said.

Mr Peter Dowding: Did you confirm the story with the journalist?

Mr CASH: The Premier asks me whether I supported the story which was published in *The West Australian* as I read it on Friday morning.

Mr Peter Dowding: Did you confirm the story with the journalist?

Mr CASH: The answer is that I did not confirm all of the story because *The West Australian*, after contacting me, acknowledged that there had been a mistake.

Mr Peter Dowding: What was the mistake?

Mr CASH: I understand *The West Australian* apologised for that mistake in the next edition.

Mr Peter Dowding: What was the mistake?

Mr CASH: The Premier should tell me what he thinks the mistake was. He should not try to hide. He should tell me what the mistake was. What does he believe the mistake was? This is another diversionary tactic of a loser Premier who knows that he is on the way out. He is desperate to do anything to grab a headline that would place him one inch in front of the Opposition.

Before the House sat this morning, members received copies of another letter which was addressed to you Mr Speaker, from Brian Singleton QC. That letter is of immense importance to the debate currently before the House. It was sent from Counsels' Chambers, 5th Floor, 524 Hay Street, Perth and is addressed to the Speaker of the Legislative Assembly of Western Australia, Parliament House, West Perth.

I want members to understand the significance of this letter because it is even more significant than the letter Mr Singleton wrote to members of this House some days ago. As a result of the articles of which Mr Singleton has obviously been made aware - articles which were published in newspapers - he again reiterates that he believes his client's case may be prejudiced by any discussions on that trial in this House. The letter reads -

Dear Mr. Speaker

I write to you as Speaker of the Legislative Assembly with reference to matters raised

in my letter dated 15th December 1988 and then directed to the Leaders of the respective political party represented in Parliament. In that regard I erred by addressing Mr. Cowan as Leader of the Country Parties rather than as Leader of the National Party and I extend my apology for so doing. It was not deliberately designed, simply an error.

In that letter I expressed my concern, and indeed that of my client Mr. Robert Smith should any evidentiary matter be raised in any debate concerning or touching upon the matters yet to be aired before a Court of Law relating to charges preferred against Mr. Smith. I believed then and now that such matters of an evidentiary nature could prejudice Mr. Smith's fair trial before a jury and most certainly give rise to an application to delay an early determination of the charges.

Mr MacKinnon: That means, does it not, evidence involving Mr Smith?

Mr CASH: Indeed. It also, I suggest, includes evidence in respect of other persons who may be called as witnesses at the trial of Mr Smith. The letter continues -

That would be, of course, undesirable.

I was concerned to read that an Honourable Member raised a question as to the possibility that my letter might well be a breach of the privilege of the House. I believed my letter was so worded to be no more than a caution that should the matter be debated, then Members should take some care that any person charged before a Court of Law would not be prejudiced at his trial yet to be held. Thus the letter was motivated by my genuine concern for my client. And whilst Parliament must not in any way be fettered in its debate upon matters of public importance, there comes a time when Parliament should take care not to hinder or prevent a subject's fair trial, particularly so once a charge has been preferred and most certainly when it involves a sensitive and political area.

I now read that the House is to be further recalled on Tuesday the 20th December 1988 and that the purpose of this sitting is to appoint a Privilege Committee to investigate certain remarks said to be claims of Mr. G. Cash made, I gather, during the debate in the House on the 15th December 1988. Should such a Committee be established then I express a very deep concern as to my client's position.

As I understand the powers of such a Committee witnesses may be summoned before it and questions may be asked by its members, of such witnesses appearing before it. Rules of evidence applicable in a Court of Law do not apply and understandably so. It would appear to me that Mr. Smith could well be such a witness. Should that event occur surely Mr. Smith would be highly prejudiced in his defence noting, as I advise, that his instructions to me amount to a denial of the charges preferred against him. The seemingly broad scope available to such a Committee, as I read a newspaper report, would be devastating to Mr. Smith's defence as presently instructed.

I thus write to you, Sir, expressing my concern. I hasten to point out that my letter is not to be taken as any attempt to enter any debate in the House nor is it to be taken as an attempt to curtail any debate and above all nor is it an attempt to threaten any member of, nor the House itself. I write simply as Senior Counsel engaged on behalf of Mr. Smith expressing my concern and that of my client that should such a Committee be established it could have a most damaging effect upon my client's fair trial. If such a Committee is established and if Mr. Smith is summoned before it he naturally will comply with that required of him but under protest. I would add upon instructions that Mr. Smith denies any allegations and rejects any innuendo that may be raised by the comments of Mr. G. Cash as reported in Hansard.

I have taken the liberty of forwarding a copy of this letter to the Honourables the Premier, the Leader of the Opposition and the Leader of the National Party for having written to all previously I think it only proper that I continue to acquaint them with my ever growing concern.

The letter is signed by Brian J. Singleton QC. One of the leading QCs in Perth is warning members of this House that anything they may say in this House that could prejudice the trial of Mr Smith is something which should be avoided at all costs.

As a result of the Premier's announcement that he intended to recall the House to convene a Privilege Committee, I sought independent advice from another senior QC in Perth, Mr Geoffrey Miller. Most members respect Mr Miller and recognise him as a person of very high repute in questions of proceedings at law. For the information of members I seek to table the opinion of Mr Miller QC.

The SPEAKER: The member does not have the privilege of tabling documents as is the case with Ministers. However, I will agree that the document lie on the Table of the House for the information of members for the remainder of today's sitting only.

[The paper was tabled for the information of members.]

Mr CASH: Mr Speaker, it is the original copy of the advice tendered to me by Mr Miller QC.

Mr Peter Dowding: Do you have a spare copy?

Mr CASH: Yes. I thank you, Mr Speaker, for allowing me to table the document for the information of members and I have handed to the Premier a copy of Mr Miller's advice. The opinion consists of some nine pages and it is not my intention to read it to the House, although I have circulated it to the Leader of the Opposition and other members on this side of the House in order that they might understand the conclusions Mr Miller has drawn. Briefly, on page 5 of his opinion Mr Miller says -

I have no doubt that reference in Parliament to matters which are to be the subject of criminal proceedings would ordinarily prejudice a fair trial of persons who are to face those proceedings. Whilst a Member of Parliament cannot be punished for making statements which might prejudice the fair trial of a criminal action, it is obviously essential to the administration of justice that Members of Parliament refrain from such statements.

I acknowledge that advice from Mr Miller. On page 6 he states -

In the instant situation, Mr George Cash, M.L.A. has accused members of the Government of having been involved in a conspiracy. That is of course a serious allegation, but in my opinion it is a privileged statement in the truest sense of parliamentary privilege and whether it reflects adversely upon members of the Government or not, having been stated in Parliament, I find it difficult to see how it could even be argued that it constitutes a breach of privilege of Parliament.

I should add, that at the time Mr Cash made his statement, neither the Speaker nor any Member chose to raise a point of order and ask that the statement be withdrawn. This process is obviously appropriate in circumstances where the House is of the view that there has been a breach of privilege, a contempt, or the statement is considered to be unparliamentary.

Mr Peter Dowding: Do you have another one? I have lost my copy.

Mr CASH: Has the Premier lost his copy or has he handed it to someone else?

Mr Peter Dowding: I have handed it to the Clerk.

Mr CASH: The Premier should not say it has been lost. He should tell me he has handed it to someone else rather than claim it has been lost.

Sitting suspended from 1.00 to 2.15 pm

Mr CASH: Prior to the luncheon suspension, I was making reference to the opinion I had received from a senior counsel in Western Australia, Mr Geoffrey Miller QC. On page 7 of that opinion, Mr Miller states -

If the Government upon reconvening Parliament constitutes a Privileges Committee to investigate the statement made by Mr Cash on the 15 December 1988, and if that Committee takes the view that it is entitled to conduct an enquiry into whether or not the statement constitutes a breach of privilege of Parliament, then the following practical considerations will arise at that time:

- a) The Committee will have to conduct a Hearing and as the joint Standing Rules and Orders envisage, witnesses will need to be called

- b) Mr Cash will be entitled to seek to be represented by counsel (Erskine May P170)
- c) Witnesses if called before the Committee may give their evidence publicly or in camera (Order 372) but presumably Mr Cash would seek a ruling that the evidence be in public.

I give the House notice that I would do that, Mr Speaker. The opinion continues -

- d) The calling of such witnesses and the cross examination of any such witnesses would undoubtedly have the result that if their testimony went to the merits of criminal proceedings already before the courts, the fair trial of those accused of crimes would be seriously prejudiced.
- e) The calling of witnesses before a Committee prior to the determination of criminal proceedings might also seriously jeopardise police enquiries and ongoing action in relation to those and other matters.

In practical terms, there would undoubtedly be severe prejudice to the fair trial of those charged with offences under the Telecommunications Interception Act who are shortly to stand trial. They include Messrs Martin and Smith, and I understand that counsel for Smith has already written to the Honourable Leader of the Opposition drawing attention to the undoubted prejudice to a fair trial of Smith "should the question of, certain telephone bugging and general surveillance work . . . done on behalf of the Government or people close to the Government" become the subject matter of debate in Parliament. The same can be said for discussion of that subject matter before a Committee.

Mr Cash is in the position where, if called before a Committee in relation to his comments made on 15 December 1988, he will undoubtedly wish to mount a vigorous defence to justify the comments he made.

That I will do, Mr Speaker. I continue with the comments in the opinion -

That will necessarily involve a wide ranging enquiry into the circumstances of certain "telephone bugging" operations, with the calling of some 12 or more witnesses to testify to the matter and thus allow Mr Cash to justify the statements he has made. In so doing however, Parliament and its Committee system, will undoubtedly prejudice the fair trial of those who are charged with offences arising out of the alleged incident.

I will not read the opinion in full, but in conclusion Mr Miller states -

I am of the opinion that whatever Mr Cash said in Parliament on 15 December 1988, whether it reflected adversely upon fellow Members or not, would not be a breach of Parliamentary privilege or a contempt of Parliament for the reasons advanced above. If the Legislative Assembly resolved to appoint a Privileges Committee to investigate the words spoken by Mr Cash, then:

- (i) Mr Cash would be entitled to mount a defence of justification
- (ii) In so doing he would be entitled to call numerous witnesses
- (iii) The evidence of those witnesses may be in camera or given publicly
- (iv) The evidence given would undoubtedly impinge upon the fair trial of those charged with offences under the Telecommunications Interception Act, and would be likely to jeopardise ongoing police investigations.
- (v) Even if the evidence were taken in camera, the Committee's report would undoubtedly become the subject of debate in the House at some later time.
- (vi) Severe prejudice to those facing trial must result.

The sixth point made by Geoffrey Miller QC is a very important and salient point that must be understood by all members of this House; that is, that severe prejudice to those facing trial must result. I have said earlier that the opinion has been tabled for the information of members, who are at liberty to read it at their leisure. I guess that on some occasions in this House some members may at times have taken offence at allegations made by the Opposition and the Government. However, they have not exercised their right to stand on each occasion

and to demand that matters be protracted, given that you, Mr Speaker, have from time to time indicated that to so do would interrupt the proceedings of the House and not allow it to adequately complete its business. With regard to some of the unsubstantiated allegations that have been made by the Premier, which have not attracted great media coverage or, indeed, much comment yet in this House, I refer to the following to show the sort of person we are dealing with in the Premier. Members are aware that the Premier has recalled the House for the purpose of convening a Privilege Committee to require me to give certain evidence before that committee. I have said in the past that it was an unwise decision. I understand members of the Government have also counselled the Premier on that line.

Mr Peter Dowding: That is not the case.

Mr CASH: The Premier should start talking to each one of his members, just to find out whether or not it is the case. In fact, it is the case.

Mr Peter Dowding: It is not.

Mr CASH: The Premier can deny it as much as he likes; he has a habit in this place of saying one thing and two minutes later denying it. I recognise that as one of his traits, and I also recognise that a few other Ministers in the Government do exactly the same and are not prepared to back their allegations with supporting information. The Leader of the Opposition has said that the Minister for Agriculture is one of the same type, and I agree.

I ask the Premier whether he remembers saying in this Parliament that John Samuel tapped his own telephone. This Premier accused a member of the public of tapping his own telephone, and that accusation was never ever substantiated. I am still waiting for the Premier to substantiate that claim. The Premier also suggested that John Samuel was trying to extort money from the casino; again, an accusation that has never ever been substantiated. The Premier ran for cover. He also claimed that Samuel operated under false pretences by claiming that he was an engineer; again, no evidence was ever produced to support that allegation. The Premier claimed in this Parliament that one of the Opposition members, the member for Murchison-Eyre, was lying about the fact that his telephone was being tapped. The Premier claimed that Mr Lightfoot's telephone was not being tapped, and yet the evidence to date appears to indicate that it was. I understand that the Australian Federal Police have statements that will verify that comment. The Premier stated the other day, in another unsubstantiated, grab in the dark claim, that the Leader of the Opposition had instructed David Parker to spy on a Labor Party meeting. What absolute garbage and drivel. Even the Leader of the House was embarrassed by the Premier's comments.

Mr Pearce: I was not.

Mr CASH: The Leader of the House knew that it was not true, but he could not stop the Premier from taking a sideswipe at the Leader of the Opposition; again, it was another unsubstantiated claim.

Mr MacKinnon: What does Mr Wall do for the ALP?

Mr CASH: The Leader of the Opposition has asked the Government a question: What does Mr Wall, a private investigator, do for the ALP? Will the Leader of the House answer that question?

Mr Pearce: If you are going to make an allegation, make an allegation.

Mr CASH: I am asking a question, not making an allegation. I am asking what a private investigator, Mr Wall, does for the ALP. Will the Leader of the House answer that question?

Mr Pearce: I have never heard of Mr Wall.

Mr CASH: We will see in due course whether that statement is accurate.

Mr Pearce: It is accurate all right.

Mr CASH: A further unsubstantiated allegation from the Premier was his comment that Liberal Party members were going overseas and running down Western Australia. What absolute garbage that was. He also said that Liberal Party members were undermining Rothwells. Surely he will not blame the collapse of Rothwells on the Liberal Party? He tried hard enough to do so, but surely the facts that have emerged to date have indicated that there was more to it than those silly unsubstantiated allegations. The Premier claimed that the

Liberal members were undermining the Teachers Credit Society. What absolute garbage. The facts have indicated that that is not the case, and I have no doubt that, in due course, court cases will proceed as a result of the activities of people associated with the Teachers Credit Society. Will the Premier ask me to withdraw that, or is it a fact that he too knows that that is the case?

Mr Peter Dowding: That is what we have told the member will happen.

Mr CASH: in relation to some of the allegations that the Liberal Party has made and it has substantiated, it claimed that Kevin Edwards made a phone call to the R & I Bank to get more credit for Teachers Credit Society in return for a \$5 000 donation to the ALP. We know that to be a fact - the Government has admitted that; in fact, it handed back the \$5 000 cheque that it tried to hide for so long. We claimed that TCS losses would be far greater than the \$43.6 million that the Government claimed originally; that came about - a fact. We claimed that the SGIC was, in fact, cooperating with Bond Corporation in the Bell takeover. That question has been investigated by the NCSC and investigations continue in that particular line.

Mr Pearce: Can I ask the member for Mt Lawley a question? Why does he not produce the evidence he alleges he has?

The SPEAKER: Order! I want to give the member for Mt Lawley sufficient latitude to say those things he feels he needs to say in his defence. I think, however, that he is straying somewhat from the motion before the House. I am reluctant to bring him back because it is a matter very close to him. I therefore caution members who follow the member for Mt Lawley that those things to which he is alluding now will not necessarily draw the same amount of lenience from me when other members speak.

Mr CASH: Thank you, Mr Speaker. The Liberal Party has made numerous allegations over recent years and the substantiated ones are here for all to see. We do not have a record of saying something and not backing it up.

Mr Pearce: Back this up then! Give us the evidence now.

Mr CASH: I will be given an opportunity to back it up, and I will, okay?

Mr Pearce: The member for Mt Lawley is opposing his getting that opportunity.

Mr CASH: The Leader of the House claims that I am opposing my getting that opportunity to back this up. I am suggesting to the House that there has been no breach of privilege and that there is no need for a Privilege Committee to be constituted. However, I must say that once that committee is constituted I will exercise my lawful right, if I am invited to attend before that committee, and we will take it from there, my friend, and we will see what are the results because, as Mr Miller has said, I am entitled to call witnesses to justify the statements I have made and that is exactly what I intend doing - unless, of course, the Leader of the House, as potential Chairman of the Privilege Committee, decides that I cannot call any witnesses at all. We will see.

I believe that this Government is attempting to have somebody, possibly me, make statements that will prejudice a trial that is about to begin in Perth. I question whether or not that is the Government's intention in having me make certain statements, either before this House or before the Privilege Committee and, if that is its intention - and I might say the Government claims that it is not - I further ask why the Government does not want the trial to go on. What is it that the Government is aware will come out in evidence that will embarrass the Government? Why is it that the question has to be asked as to why it would want that trial prejudiced?

Mr Peter Dowding: There is no suggestion that the member for Mt Lawley wants it.

Mr CASH: I ask that question of the Premier.

Mr Peter Dowding: There is no suggestion that we want to prejudice the trial.

Mr CASH: Is the Premier attempting to have me or any other person prejudice those two trials?

Mr Peter Dowding: No, absolutely not.

Mr CASH: I ask the Leader of the House: Is he attempting to have me or any other person prejudice those trials?

Mr Pearce: No, absolutely not. The Premier has already told the member for Mt Lawley that.

Mr CASH: Can I take it from that that the Premier requires that those persons who have already been charged are afforded a fair and just trial to determine their guilt or otherwise?

Mr Peter Dowding: Absolutely.

Mr Pearce: Absolutely.

Mr CASH: Fine. It is important that that be noted, because later my counsel will show that certain actions the Government proposes taking will, in fact, prejudice the trial of those people.

I have said that I believe that the House would be ill advised to constitute or appoint a Privilege Committee. I do not believe I have breached parliamentary privilege, and that is the opinion of senior counsel. Mr Brian Singleton QC, who represents one of those charged under the Telecommunications Interceptions Act, is most concerned that a member of this House, a member of another House, or members of the public may make statements that will prejudice the trial of his client. I understand and respect his request that that not happen.

The House would be ill advised to appoint a Privilege Committee, but if it does it will inevitably require that, to establish the truth of what I have said, numerous witnesses be called before that committee. Subject to the advice of my counsel, the following persons will be called as witnesses: Brian Burke, former Premier and member for Balga; Terry Burke, former member for Perth; Dallas Dempster of Burswood management; Robert Smith; Craig Quartermaine; Robert Martin; Peter Dowding, Premier and member for Maylands; Ken Hardy of the Australian Federal Police; Inspector Adrian Storm of the Western Australia Police Force; Ken Cumow of the Australian Federal Police; Peter White of the Australian Federal Police; Peter Baxter; Craig Coulson, formerly of Burswood management; John Samuel; Martin Saxon, Journalist; Gary Aslan; Mark John Peterson; and Hon Neil Oliver, MLC. Those are some of the people I will require to appear as witnesses to enable me -

Mr Pearce: The member for Mt Lawley lacks the capacity to require people to attend. He can make requests of the committee that those people be asked if they are in support of evidence he has.

Mr CASH: You see, Mr Speaker, already we have the Leader of the House backing down. If he reads the opinion of my counsel -

Several members interjected.

The SPEAKER: Order!

Mr CASH: If he reads the opinion of my counsel, a senior Queen's Counsel in Perth, he will see that Mr Miller is of the view that I am entitled to call witnesses to justify that statement. If the Leader of the House is to prevent that happening then all I can say is that this calling together of the House today and the constituting of the Privilege Committee is no more than a cheap political sham in a desperate attempt to try to improve the Government's losing stocks.

Mr Pearce: Is this the member for Mt Lawley's excuse?

Mr Court: If they bring Mr Burke back, they can do a Rothwells inquiry at the same time.

Mr CASH: I am sure that there will be a number of opportunities if those witnesses come forward to be examined, because one of the other matters -

Mr Pearce: A Privilege Committee is not a fishing expedition for an accused person.

Mr CASH: It is no good the Leader of the House rushing off and saying it is now a fishing expedition because I say to him, and to the House for its information, that I have already been interviewed by the Australian Federal Police and expect to be interviewed further by that organisation; as was suggested to me earlier today, it might just be that I will be required to be a witness at the trials about to commence in Perth. We will have to go through some very technical and legal complications if we are to be absolutely sure of not prejudicing those trials. I am not sure that the Leader of the House is genuine when he says he does not want to prejudice those trials.

Mr Pearce: How many excuses do you have there? Give us a rundown on the excuses and tell us the ones you will rely on.

Mr CASH: I regard the proceedings of this House today as being extremely serious. The freedom of speech of members in this place is of paramount importance. I will not have a situation exist where this Government can make allegations about various people and not have a Privilege Committee called to investigate those allegations, yet when the boot is on the other foot and when the Government is in its losing mode, as it is now, and when it thinks it has an opportunity to have a go at me or other members of the Opposition, it uses the facilities of this House to constitute a Privilege Committee.

Mr Hassell: How do you like its unbelievable cheek in calling the House together and accusing us of going on a fishing expedition? Who is doing the fishing?

Mr CASH: I should be given an opportunity of justifying the statements I have made. It is necessary for me to call certain witnesses before the committee and to have those witnesses examined by my counsel, Mr Geoffrey Miller QC, whom I have already retained but who needs to be properly briefed. I ask the Leader of the House, through you, Mr Speaker, whether he will deny me the right to have my counsel examine the witnesses who I wish to be brought before the committee. What sort of committee will we have? Will it be a real Committee of Privilege which will allow me to exercise my lawful rights, or will it be no more than a Star Chamber? Will it be a situation where the Government believes it can take me across the road to the Select Committee room and in a few quick moments, a few measly minutes, roll me because it has the numbers? If that is what the Government thinks, it has a second thing coming.

Mr Pearce: You should have a talk to your colleague, the member for Cottesloe, who served on the last Privilege Committee we had. He understands the rules about legal representation on such a committee, and I am sure he could explain them to you.

Mr CASH: I believe that, if this Privilege Committee is constituted, it should call the witnesses whom I will ask to be called before that committee. I ask also that my counsel be given the opportunity to cross examine those people. Mr Speaker, it is absolutely fundamental to your ruling, and to the opinion expressed by both Mr Brian Singleton QC and my counsel, that one of the most important aspects of determining the veracity or otherwise of my statements will be that we do not prejudice the trial of those people about to go on trial. As a result of that, the committee will have to adjourn until after the court has made a determination in that trial.

Mr Peter Dowding: That is ridiculous.

Mr CASH: We have again a situation where the Premier says that is ridiculous. He says that because he wants me to get those witnesses into the committee room - some of whom are, I might say, already appearing in the trials that will take place - so that the matter can be compromised. I will not be a party to that. I make my position very clear that I have -

Mr Peter Dowding: Have you given the Australian Federal Police a statement about your knowledge?

Mr CASH: I spoke to the Australian Federal Police yesterday afternoon; and the Premier knows it.

Mr Peter Dowding: You did not give them a statement.

Mr CASH: The Premier is again losing his cool. I told him on Friday that he fell out of his tree. As far as I am concerned, he is still out of his tree. He has lost his marbles. He pulled a stunt today which will not work because it will give me the opportunity of calling before this committee people whom I believe will be able to contribute to the veracity of the statement I made. I make it perfectly clear in respect of my interview with the Australian Federal Police that yesterday afternoon I met with a senior officer of the AFP, and we had discussions in respect of this case. I would not trust the Premier with any information at all, so he should not ask me to tell him -

Mr Peter Dowding: Did you help them with their inquiries? That is all I am asking.

Mr CASH: I hope the information I have given has assisted them. However, that is for them to determine. I met with the AFP yesterday afternoon, and the interview took something like 20 to 25 minutes.

Mr Peter Dowding: You did not give them any material.

Mr CASH: I challenge the Premier to tell me the basis on which he makes that statement. Does he have my office rapped? Was he there? That is another classic example of an unsubstantiated comment. I wonder what it is all about. Is it a case of the Premier plumbing the depths of despair because he knows he is a loser? I will call officers of the AFP to appear before the Privilege Committee. However, I believe that by calling certain police officers before the committee, I am likely to jeopardise the ongoing operations and investigations of both the Federal and State police, who are continuing to make investigations, not necessarily in respect of the matters currently the subject of a court case, but in respect of other matters that I understand involve a breach of the Telecommunications Interception Act.

Mr MacKinnon: And the Government well knows it.

Mr CASH: Of course; that advice has probably already been given to the Premier.

Mr Court: You could also affect the operations of the Irish Embassy!

Mr CASH: There is every possibility of that, and I assure the Deputy Leader of the Opposition that is not something I take lightly. If the vote is carried, the House is about to create a Privilege Committee. It is about to invite me to appear before that committee to substantiate the veracity of my statement made last week. I will do that. I will answer all questions asked of me so long as those answers do not prejudice the fair trial of people in this State who are currently subject to charges being laid. Mr Speaker, as I understand it, that would be in conformity with your ruling. It would certainly be in conformity with the advice of Brian Singleton QC and of my counsel. I am not running from the issue. Members must understand that I, possibly more than most members in this House - and certainly more than some members of the Government, I predict - want those trials to go ahead. I want the evidence, which I believe will come out, to be able to be brought out so that the people of Western Australia will recognise the depth to which this Government is prepared to stoop in its dirty business deals, and into its box of dirty tricks. There is nothing that I will do to prejudice those court cases.

I will not break your direction, Mr Speaker, and I will certainly not break the request of Mr Singleton or my own counsel, but I want to be given an opportunity to respond to the requests made to me. I believe it would be proper that the Privilege Committee be constituted, if that is the wish of the Government, and that it be adjourned until after those cases which are before the courts are properly settled. I say to the Government, do not prejudice those cases, do not put any of your members or members of the public in a position where they are required to prejudice those cases; the matter is far too important for that, and I hope that the Government recognises that.

As to the Leader of the Government's wish, if he believes that he can march me across the road and deal with me in 15 minutes so that he gets a cheap headline tomorrow morning, the administration of justice in this State deserves more than that cheap political trick or stunt. The reputation of this House is at stake, the administration of justice in this State is at stake, and this House should do nothing whatsoever to prejudice the fair trial of certain citizens who are currently charged with a number of offences.

I am not afraid to justify the statements I have made, and I will do that in due course. But let no-one think that he can ever force me into a position where I would be required to make statements which could prejudice the administration of justice and the fair trial of certain persons who are currently charged and who are due to appear before the courts in this State within the next two months.

MR. MACKINNON (Murdoch - Leader of the Opposition) [2.52 pm]: I oppose the action being taken by the Government because I do not believe that this House can in any way support what is, in effect, nothing more nor less than a blatant attempt to set up a kangaroo court; a court where, as the Leader of the House has already indicated, the normal rules will not apply.

Mr Pearce: That is not true. I have just explained what the normal rules were to the member for Mt Lawley.

Mr MacKINNON: Witnesses will not be able to be brought forward.

Mr Pearce: Of course witnesses can be brought forward. I will not argue it now.

Mr MacKINNON: Now we see the Leader of the House equivocating on the whole affair. He is underlining what I have been saying from the outset.

Mr Pearce: Not at all.

Mr MacKINNON: The Leader of the House expects this Parliament to set up a kangaroo court which will examine the concerns of the Government. I understand that committee is to report back to this Parliament tomorrow.

Mr Lewis: Having already written its report.

Mr MacKINNON: I do not know of many places in the world, except perhaps some of those banana republics Paul Keating talks about, where people are tried in that way; where they do not have the opportunity of putting forward a point of view and substantiating it with evidence and witnesses. It would seem quite clear that this Government will deny that opportunity to the member for Mr Lawley.

Let me come back to the beginning of this debate today, where the member for Cottesloe pointed out very accurately that the real culprit in terms of privilege is the Premier of Western Australia; it is not the member for Mr Lawley. When the House last met on Thursday you, Mr Speaker, ruled along certain lines and the debate proceeded ostensibly, as it would seem from the record, in accordance with your ruling. But now we have seen the Government requesting you to recall this House today with the express purpose of calling the member for Mr Lawley to account for what he said in the course of that debate. That indicates that the Government is committing contempt in that it is, impliedly at the very least, reflecting on your conduct as Speaker.

The first point to make in terms of a matter of privilege is that it is not the member for Mr Lawley, as I shall explain in a moment, who has committed any breach of privilege in this Parliament, but the Premier himself by taking this action - as we have said more than once, and with some feeling and truth - against the very best advice of his own colleagues.

The second point is to reinforce the comment made by the member for Mr Lawley when he referred to the opinion sought from Geoffrey Miller QC. I want the House to understand that we dealt very seriously with the letter from Mr Singleton, the letter you, Mr Speaker, referred to when the Parliament sat last Thursday. During that debate we were very careful to take note of your direction. In fact in only one case was a member asked to withdraw, to my memory, and that was the Deputy Leader of the Opposition, and the Premier asked him to withdraw his comments in relation to the Government, not, as I understood it, in relation to the sub judice ruling.

Having noticed that the Government was about to proceed with this course of action, bearing in mind the comments made by Mr Singleton on behalf of his client, we sought further advice. I would have thought that was the responsible course of action to take. Once again, on a most important matter like this, the Premier is not in the Chamber. Perhaps we will have a Committee of Privilege next week about some comment I make today when he is not here. I challenge the Leader of the House, or any of the members opposite of any stature - perhaps the Deputy Premier - to answer that.

Mr Hassell: He has left the Chamber to check the final draft of the Privilege Committee report.

Mr MacKINNON: Probably. I asked this question by interjection of the Leader of the House. What advice did this Government take on this matter? What advice did the Premier of this State seek before he undertook this action to determine whether it could jeopardise a court case being conducted in Western Australia, bearing in mind that counsel representing those people wrote to him, as he wrote to me, to the Leader of the National Party and to you, Mr Speaker, last week? The answer we get from the other side of the House is a deafening silence. One lonely Minister is sitting on the front bench, and it is not worth asking that Minister because he will not be here for much longer. We might as well make a valedictory speech for that Minister because his opinion is worthless.

What advice did the Government receive? It sought no advice whatsoever - none. How irresponsible it is for a Government to bring a matter of privilege before this Parliament, a matter which could upset a serious and very important trial in this State! It is an unprecedented trial. I do not know of a trial in this State involving the alleged phone tapping of members of Parliament of this State. It is unprecedented in the history of Western Australia, yet this Premier did not even bother to seek one skerrick of legal advice to see whether his action would jeopardise that trial. Why? Is it because the Government does not

want that case to proceed? As I have said before, that is the question which will underpin this whole debate today, tomorrow, and for as long as it proceeds. The Premier did not choose to take that advice, with all his resources. The Opposition did, with its meagre resources. Let us see what Geoffrey Miller QC, senior counsel, said - and I ask the Premier whether he respects Mr Miller.

Mr Peter Dowding: Yes I do, even when his opinion is not correct.

Mr MacKINNON: Yes he does, Mr Speaker. Geoffrey Miller QC spent the better part of yesterday examining this affair and all the Standing Orders of the Parliament and Acts relating thereto, and when he then talked about the matter of privilege he concluded by saying -

... I find it difficult to see how it could even be argued that it constitutes a breach of privilege of Parliament.

That was the advice of that distinguished Queen's Counsel in Western Australia; so the matter of privilege is not a breach of privilege by the member for Mt Lawley but a breach of privilege by the Premier of Western Australia.

The second fundamental question to examine is the committee to be established. Is it responsible, is it right, that we examine that question - the whole question that has been the subject of the debate today - by establishing a Privilege Committee? I repeat that for the benefit of the Premier, who has now at last returned to the Chamber and is reading the *Daily News* again. He is taking such a close interest in a very important debate, in a Parliament that he - nobody else - recalled today to debate an important matter of State, that he sits and reads the *Daily News*. I ask the Premier: Did he seek any legal advice and, if so, from what source, about the likely impact upon the court cases of this debate and his move to establish the Privilege Committee?

Mr Peter Dowding: Yes I did.

Mr MacKINNON: And who was it from?

Mr Peter Dowding: I do not intend to discuss that.

Mr MacKINNON: The Premier says, "Yes, and I do not intend to discuss it." Who was the lawyer? Was it the Crown Law Department?

Mr Peter Dowding: It is not a matter for you to know.

Mr MacKINNON: Did the Premier have a talk with the Minister for Agriculture?

Mr Peter Dowding: I will address the subject in due course.

Mr MacKINNON: He probably had a talk with the Minister for Agriculture, because he is a reliable man. He came to this Parliament and said one thing, then came back the next day and said, "Whoops, I did not really mean to say that, because I am going to get caught out. I had better say what really happened after all."

Mr Greig: It would have been free legal advice. We all know what free legal advice is worth.

Mr MacKINNON: Exactly. The Premier is not prepared to indicate where he got his advice from. We were prepared to go and seek advice and make that advice public.

Mr Peter Dowding: This is a matter for the House.

Mr MacKINNON: What did Geoffrey Miller QC say about the Government's proposed actions? That is very important. He said -

If the Government upon reconvening Parliament constitutes a Privileges Committee to investigate the statement made by Mr Cash on the 15 December 1988, and if that Committee takes the view that it is entitled to conduct an enquiry into whether or not the statement constitutes a breach of privilege of Parliament, then the following practical considerations will arise at that time:

- a) The Committee will have to conduct a Hearing and as the joint Standing Rules and Orders envisage, witnesses will need to be called.

"Witnesses will need to be called" - not just one. The member for Mt Lawley has in fact

briefed Geoffrey Miller QC. Bearing in mind the evidence provided, Geoffrey Miller QC's advice to us is that witnesses will need to be called and we have indicated already a list of those people we believe it is appropriate for us to call. He then went on to say -

- b) Mr Cash will be entitled to seek to be represented by counsel.

Erskine May is the reference for that, and I think he should be. Geoffrey Miller QC continued -

- c) Witnesses if called before the Committee may give their evidence publicly or in camera . . . but presumably Mr Cash would seek a ruling that the evidence be in public.

Why not? We have nothing to hide, and we do not want to prejudice the case. Assuming that was put to one side, the Opposition does not have anything to hide. Geoffrey Miller QC continued -

- d) The calling of such witnesses and the cross examination of any such witnesses would undoubtedly have the result that if their testimony went to the merits of criminal proceedings already before the courts, the fair trial of those accused of crimes would be seriously prejudiced.

On that point alone, how can the Premier and the Leader of the House credibly sit there and say that we can have a Privilege Committee that calls before it Mr Smith, who allegedly is the head of that agency -

Mr Peter Dowding: Why does it call Mr Smith?

Mr MacKINNON: "Why does it call Mr Smith?" asks the Premier.

Mr Peter Dowding: The allegation is that Government members have done things, not Mr Smith.

Mr Court: He was employed by the Government.

Mr Peter Dowding: The allegation is that Government members have done things. Why do they need to call witnesses?

Mr MacKINNON: It was the Premier who admitted to the people of Western Australia last week, after he knew that we had the information, that it was a Mr Smith who headed up the agency employed by the Government. Why would not we call that person?

Mr Peter Dowding: Because it is a question of what the member for Mt Lawley knew, not what Mr Smith said.

Mr MacKINNON: That person is crucial as a witness, I would have thought - firstly before that committee and secondly before the court case.

Mr Peter Dowding: Why is he?

Mr MacKINNON: There the Premier is. He wants me to say why. If I go on and say why, is not that exactly what he wants me to do?

Mr Peter Dowding: No, I do not, I want you to say why he should be a witness.

Mr MacKINNON: It is exactly what the Premier wants me to do. He wants me to prejudice that court case, to defy your ruling of last Thursday, Mr Speaker. That is what the Premier wishes us to do. That is what Geoffrey Miller QC was pointing our attention to, and that of the House, and he continued -

- e) The calling of witnesses before a committee prior to the determination of criminal proceedings might also seriously jeopardise police enquiries and ongoing action in relation to those and other matters.

That is important also. When the member for Mt Lawley met with Federal Police yesterday -

Mr Peter Dowding: He made no statement of fact at all.

Several Opposition members: How do you know that?

Mr Peter Dowding: I challenge him to say whether it is true or untrue.

Mr MacKINNON: How do you know?

Mr Peter Dowding: You ask him whether he made a statement or not.

Mr MacKINNON: Why does not the Premier tell us how he knows?

Mr Peter Dowding: You will hear in due course. You ask the member for Mt Lawley if he made a statement yesterday.

Mr MacKINNON: Mr Speaker, we will let the little boy lost over there continue to ramble -

The SPEAKER: Order!

Mr MacKINNON: - but the point is that during those discussions yesterday the police clearly indicated to the member for Mt Lawley that it was their wish also that this committee did not jeopardise their further examinations and investigations because they are not concluded, as Geoffrey Miller QC properly surmises in this advice here today. So if we were to proceed with that course of action not only would the trial be placed in jeopardy but so also would the ongoing inquiries of a very serious affair that I predict to you, Mr Speaker, will become a major scandal in this State within the next two to three weeks.

That was the advice of Geoffrey Miller QC. I would not have thought him a radical man. He is a senior Queen's Counsel in Western Australia, not wont to making rash, irrational, radical statements. At the very end of his summary he said -

- (i) Mr Cash would be entitled to mount a defence of justification
- (ii) In so doing he would be entitled to call numerous witnesses
- (iii) The evidence of those witnesses may be in camera or given publicly
- (iv) The evidence given would undoubtedly impinge upon the fair trial of those charged with offences under the Telecommunications Interception Act, and would be likely to jeopardise ongoing police investigations.
- (v) Even if the evidence were taken in camera, the Committee's report would undoubtedly become the subject of debate in the House at some later time.

The sixth point is really the point underpinning it all, Mr Speaker, in terms of equivocation and doubt, and I quote -

- (vi) Severe prejudice to those facing trial must result.

Not may, not might, but must result. That was the advice of Geoffrey Miller QC. The Premier of this State is prepared to say, "Ignore that advice. I do not care what it says; I do not care that it must severely prejudice the trial of people here in Perth. I do not care. All I care about is making the cheap political point." That is what the Premier is saying and we are entitled to ask why it is so. Why does the Premier want to see that trial upset? What is it that he has to hide?

Points of Order

Mr PEARCE: The Government has been very lenient in this debate, and with the innuendos and allegations made during the course of a debate designed to try to clean up the Parliament from that kind of business. However it is not the fact that the Premier, the Government or anyone else from this side of the House wants to see that trial aborted or upset. It is not proper for the Leader of the Opposition to imply that, and I seek a withdrawal.

Mr MacKINNON: That would be the fourteenth or fifteenth time I have said the same thing today. Acting on your instructions, Mr Speaker, I have not made the allegation; I have merely indicated that people will continue to ask that question. I fail to perceive how that can be considered to be the same as making an allegation, which is clearly what I said earlier. I withdrew that remark and I have continued to honour your direction, Mr Speaker, in that regard.

The SPEAKER: I must admit I did not hear the exact words used by the member and on that basis I take the member's word that he did not in fact make the allegation and that he just said that people would continue to question. On that basis, the member can continue.

Mr PEARCE: Mr Speaker, I certainly accept your ruling on this but I did hear what the member said -

Several members interjected.

Mr PEARCE: I have not sought a withdrawal at any time -
Several members interjected.

The SPEAKER: Order! I understand the concern of members, but when a member stands up to make a point of order it is important that I get an opportunity to listen to it. I have ruled on the previous point of order. I do not intend to change that. The member has now taken a further point of order and I intend to listen to that.

Mr PEARCE: That is right. I accept it; I will not persist with a request for a withdrawal on that occasion because of your ruling, Mr Speaker, on the basis that you accepted the word of the Leader of the Opposition about what he had said in the Parliament. My point of order now is that I have not sought withdrawals where members have sought to make that allegation by way of a question, which they have done frequently, having had to withdraw on other occasions when they asked, "Is the Government trying to abort this trial?" or "Is the Government trying to have this thing upset?" I think it is a snide way of getting around your ruling, Mr Speaker, but we have accepted that is the case. On this occasion, the Leader of the Opposition asked, "Why is the Government trying to upset this trial?" Although it is phrased in a question, it is a different kind of a question because the question has in it itself the allegation that the Government is trying to upset the trial and is seeking the motivation for it.

Mr Speaker, although I accept that you did not hear what the Leader of the Opposition said, I think he has misled you on this occasion. I indicate that I will seek withdrawals if the Opposition persists with that line of talk.

Debate Resumed

Mr MacKINNON: Going on from that, we then come to the advice relating to the question of the establishment of this committee, from Mr Brian Singleton QC. I remind members that it was not the Opposition which sought that advice; it came totally unsolicited last Thursday. In fact last Thursday it inhibited in some way the manner in which we approached the debate at that time, but properly so. I do not take any umbrage with Mr Singleton for doing that. However, subsequently Mr Singleton again wrote a letter to you, Mr Speaker, and sent a copy of it to the Premier, the Leader of the National Party and me. Once again, it was in crystal clear terms on behalf of his client. The member for Mr Lawley has again outlined quite clearly what the position is, but let me repeat Mr Singleton's words -

I write simply as Senior Counsel engaged on behalf of Mr. Smith expressing my concern and that of my client that should such a Committee be established it could have a most damaging effect upon my clients fair trial.

That was not an opinion sought by the Opposition; it came totally unsolicited to you, Mr Speaker, the Premier and the Leader of the National Party. However, the Premier again wants to say, "I do not care what Brian Singleton QC says." Again he is another senior counsel in this town who is not wont to make irrational statements but who wants to represent the interests of his client. Nobody in Western Australia is prepared to make any comment about Mr Smith and neither would I. Mr Singleton has the responsibility to properly represent his client. In due course the trial will make a judgment as to what is right or wrong in that case, but that is how it should be. One cannot have it both ways, as the Premier wants. He wants to say that one can come to this Parliament, have a full-blown debate, and have a committee which meets in secret - which does not have proper witnesses brought before it and which is a kangaroo court made up of three Government members and two Opposition members and must report to Parliament by 2.15 pm tomorrow - while at the same time saying, "I also want to have a trial down the Terrace in the Supreme Court -", wherever the trial might be, whichever court, " - without one affecting the other." That just does not happen. The Premier is a lawyer; he should know better. However, the Premier is prepared to throw straight out the window what is right for what he thinks will be the political achievement of today.

The Opposition is not prepared to go down that route because we know what is right and we know also that at the end of the day when that trial is conducted, the truth will win out, as will the whole question of the further inquiries of the Federal Police get to the bottom of this whole affair.

Let us turn quickly to the question of the committee itself as a forum to examine this matter.

Is such a Select Committee of Privilege the appropriate way to handle such an issue? That is a matter which has exercised our minds in this House previously, and been debated previously. I refer briefly to two of those committees, which were two of the most notorious committees held during the time I have been in Parliament. The first related to the previous member for Gascoyne, where we had a Select Committee of Privilege to inquire into that member's allegations. In a minority report to that committee the member for Cottesloe made a couple of interesting comments. I think they were appropriate comments when we talk today about how we should examine this sort of affair. He said -

In the total context I have described it is, and is seen to be, a case of attempted oppression of the minority by the majority in Parliament. It should not be so, but it is in the circumstances which I have described and which exist in this Parliament.

That was in 1986. I do not believe anything has changed. How can there be a fair examination of the allegation of the type made by the member for Mt Lawley when he was talking about Government members, when that committee comprises three Government members? In any court a lawyer would immediately challenge a trial jury which had any sort of person involved with that sort of interest. On that premise alone, the Government's attempted course of action - if one ignored all the arguments I have put forward today about privilege and about sub judice - would in itself indicate that the course of action we are taking today is inappropriate. The member for Cottesloe then went on to say -

It may be that the structure and procedure is more appropriate, more capable of adequate usage, when dealing with a matter of privilege related to a stranger.

In other words a non member of Parliament. The member for Cottesloe then continued -

But in relation to a Member of the House itself, the Standing Orders and the established procedures are not conducive to producing a proper result.

Again, I agree with him in that regard. I think today is a classic example of just that and why we should, as a Parliament, early in the next session - and when we are the Government I give a commitment that we will instigate this - have a thorough review of the Standing Orders that relate to privilege. In that way we can come up with a better way to handle this type of allegation or concern about an allegation. This is clearly an inappropriate way to handle the matter.

The 1976 Privilege Committee involved an ex Deputy Premier of Western Australia, Mal Bryce. A minority report was produced under the signatures of Arthur Tonkin and Brian Burke, ex members of this House. They said it was quite evident that that Privilege Committee was inappropriate for the investigation of the allegation because it deliberated and voted in secret; it took evidence in secret; and it was composed of a majority of members of the Government against whom the allegations were made. This is the very point I make today. The Privilege Committee at that time was not effective, and that is why Privilege Committees have been used sparingly.

The route down which the Government is taking us is inappropriate not only because of the sub judice ruling, and because this is not a matter of privilege, according to the view of Geoffrey Miller QC, but also because it is a totally inappropriate forum in which to conduct such an inquiry as the majority of the committee will be dominated by people who have already made up their minds irrespective of what the member for Mt Lawley may say. Predictably, the majority report would be accompanied by a minority report.

Why the charade today? Why did the Premier bring Parliament back to regurgitate the issue today? The questions by the general community which will continue to ring in the ears of the Leader of the House will be: Why did the Government take this action? Does the Government want to prejudice the trial? Why has not the Legislative Council been called back? Is that not where the whole affair began? Is that not the House in which members of Parliament of this State, in an unprecedented way, allegedly had their telephones tapped? Is that not the place where it all happened? The Legislative Council is not sitting because the Government cannot bring down a motion in that place which is so restrictive. The Government does not trust itself in a Parliament such as this operating under normal rules and regulations because the Opposition has the Government running so scared; rather, it introduces a motion in this place that ties up everything lock, stock and barrel. It will not allow us to stray in any way. The ultimate result of today's events and the effect of any

Privilege Committee is totally predictable. The result will be a kangaroo court - just as it was meant to be.

Questions will ring loudly throughout Western Australia for weeks to come: Why was the Government so hell bent on attempting to subvert that trial? What is it that the Premier has to hide? I predict that the public will not have to wait too long to find out.

MR PETER DOWDING (Maylands - Premier) [3.24 pm]: Over a period of some 12 months the Opposition has repeatedly raised allegations of impropriety on the part of a range of people, including serious allegations of impropriety against the Government, individual Government Ministers, Government members of this House, and indeed senior public servants. We are back in this House to consider these matters because last Thursday a very serious allegation was made by the member for Mt Lawley, an allegation which was not supported by the Leader of the Opposition or the Deputy Leader of the Opposition, and not taken seriously by many people in this House, because the member for Mt Lawley has made such allegations in the past. Whether the situation was true or not, the fact is that he made an allegation of gross impropriety against every Government member in this House. The Parliament may not have taken those remarks seriously that evening but clearly those people who observe what happens in Parliament did take the remarks seriously. They raised that most serious allegation publicly for general discussion across the community. I understand that the member for Mt Lawley confirmed that the story which appeared in the printed media was correct.

Mr Court: How do you know that?

Mr PETER DOWDING: I understand that to be the case; he confirmed that statement to be correct. On the Friday morning, in answer to my invitation, he had an opportunity to withdraw or modify those statements. He chose not to do that, in marked contrast to the conduct of the Opposition today. The Opposition has indicated today an alleged concern about the propriety of a trial of men which might occur in the future - not a concern that it had last Thursday morning.

When looking at the issue of sub judice, an issue which on this side we have repeatedly drawn to the attention of the Opposition, one cannot see in the words of the member for Cottesloe or in the words of the member for Mt Lawley any regard at all for that issue. The member for Cottesloe in fact raised as an issue whether it was proper for a member of the legal profession to write to this House. Yet yesterday the Leader of the Opposition was soliciting such a letter. Yesterday, the Leader of the Opposition sought such a letter because he wanted it desperately to save the bacon of the member for Mt Lawley.

Let us get the facts right. This is not a debate - whether the Leader of the Opposition wants to imply that or not - about a trial. This debate is about an allegation which on reflection and given the publicity that it has attracted is a most serious allegation about members of the Government. It is a most serious allegation because it suggests that members of the Government have been guilty of some criminal conduct. By refusing to state to whom it addresses those allegations, and by refusing to identify the men or women to whom they refer, the Opposition places that allegation and innuendo on the shoulders of every member on this side of the House. No member on this side, or any member of the Labor Party, can leave these premises and say that the Opposition has cleared him of this allegation. No matter what view the Opposition takes, it has made an allegation which falls on all of us. The Opposition has refused to justify that allegation.

The allegation is not made by the Leader of the House, the Leader of the Opposition, or the Deputy Leader of the Opposition; it was made by a retiring member of Parliament as a throwaway line which is so serious that it reflects on the credit and the question of criminality of every member of this House. It was an allegation which was made without any regard at all for the rights of the people charged before the courts of this State. It was an allegation made without any care or consideration of the propriety of their position. But the question which now comes before this House, the question of privilege that now arises, is not as to matters concerning a trial in due course, it is as to the member for Mt Lawley's having any material on which he could reasonably base an assertion directed against the men and women who sit on this side of this House.

The only allegation which this committee will inquire into is: Did the member for Mt

Lawley have material on which he could rest an allegation against every member sitting on this side of the House? That question can be answered by the member for Mt Lawley without his calling 20, 30 or 40 witnesses. The evidence can be given by the member for Mt Lawley as to his state of knowledge on Thursday of last week. The matter that can be reported to this House is: Was that a serious allegation for which the member for Mt Lawley has a reasonable basis, or is it an allegation which he has made without evidence? That is the question for the Privilege Committee.

What a long way this Opposition has come from the Liberal Party of the past. At least under Sir Charles Court the Liberal Party had some accountability and willingness to be accountable to this House. As the member for Kalamunda told this House on 11 November 1976, "The motion I have moved simply affords the opportunity to the member for Ascot to provide some base to the allegations that he has made."

It is not a question of calling people as witnesses from around the country, it is a question of the member for Mt Lawley providing the Privilege Committee with the basis on which he made that assertion. If it is, as I believe to be the case, an assertion which is baseless, it is an outrageous assertion reflecting on the honesty of men and women who are about to enter an election campaign. It is an assertion to which no-one has an opportunity to respond. It is an assertion which, as the member for Mt Lawley retiring from this place must have known, no-one would have a chance to defend because, even if they sue in an outside court on some material basis, there would be no trial before the next election.

Let us look, therefore, at the question of whether this House ought to protect the rights and privileges of its members or whether there are some overriding circumstances which justify the matter not proceeding.

Mr Court interjected.

Mr PETER DOWDING: Because quite clearly very few people on the Deputy Leader of the Opposition's side of the Chamber, and very few on our side of the Chamber, listen to the way in which the member for Mt Lawley makes his allegations. Unfortunately, that view was not shared in the wider community and the allegation has now been given a run. We have to have regard to the seriousness of the allegation, and understand the decision that was taken to give it that sort of widespread publicity. Having had that widespread publicity, the only way in which the reputation of the men and women on this side of the House can be protected is for the member for Mt Lawley to tell this House whether or not he had any basis for making those allegations and, if so, what it was.

The only overriding question which might modify the behaviour of this House in protecting the privileges of its members - and, after all, the Opposition ought to be as concerned about protecting the privileges of the members of this House as anyone else - might be if, inevitably, there were to be some major prejudice beyond the control of this House. Quite clearly, from the statements made by Mr Singleton and Mr Miller, it is within the control of this House to allow the privileges of the members to be examined without affecting the trial of people outside this place.

In the first place, the member for Mt Lawley knows perfectly well that the committee does not have to take evidence in public, given the sub judice nature of other matters. The committee does not have to consider the evidence of wrongdoing of other people, it simply has to look at the evidence that links members on this side of the House with any wrongdoing that is not sub judice. The second point to be made is that neither Mr Miller nor Mr Singleton has understood the nature of a Committee of Privilege. It is not a trial of the issue. It is not a trial of the veracity of what the member for Mt Lawley has said. It is an opportunity for this House to say whether the privileges of this House have been broken. The privileges, as we all know, include the right of members of Parliament to make statements in this House when they honestly and reasonably believe those statements to be true, without having to justify them to the point of establishing them beyond reasonable doubt. Members of this House have to have the freedom to make statements; they do not have the freedom to make statements for which there is no substance, which have such a serious impact on the integrity of people on this side of the House.

Mr Speaker, what is so fundamental here also is that the public are fed up. The public are fed up with the name calling; they are fed up with the innuendo; they are fed up with the

smear. The public think that politicians have got to get on with the job of governing this State, and they will not respect either side of this House if we engage in this sort of name calling. I can mix in the theatre of politics as well as anyone in this House. It is interesting that the member for Mt Lawley did not produce one skerrick of justification for a statement that suggests that we have alleged criminal conduct on the part of a member of Parliament without evidence.

No member of this House has had his reputation reflected in the serious way in which the member for Mt Lawley has done on this side of the House. The real question comes down to this: If we do not address this issue we leave the public with the clear impression that there is something to justify an assertion that members on this side of the House have been guilty of criminal conduct. It is an assertion which is unjustified and which even the Leader of the Opposition, I am sure, in his private moments, would agree is unjustified, but he has not the strength to make that line stick. We have an opportunity here for the House to rescue the reputations of its members. More importantly, we have an opportunity for the member for Mt Lawley to prove his case, if he wishes to. Finally, he has an opportunity to restore some of the dignity which the people of Western Australia certainly want from their Parliament.

MR COWAN (Merredin - Leader of the National Party) [3.37 pm]: It is clear to me that if I was in the position of the Premier undoubtedly some action would have to be taken to deal with the allegations which were made last Thursday. They are there in *Hansard* to be read, and nobody has denied the statement was made. Nevertheless, the Premier took the action of recalling Parliament in the knowledge that whatever action was to be taken subsequent to today's sitting would be an exercise in futility. There is no doubt of that because it was made very clear by you, Mr Speaker, from the outset of the debate last week, that nothing in the debate which took place last week was to prejudice a matter which was before the courts of Western Australia.

The member for Mt Lawley also made it very clear in his statement that the allegations he made and the evidence he has are directly related and, as a consequence, he understands he cannot reveal that information either to this Parliament or, if a committee is to be established, to that committee. Everybody in this House knows that fact and recognises that the establishment of a Privilege Committee will achieve nothing. All today has achieved is an exercise by which the Government can say, "We have called the Parliament together; we have invited the member to substantiate his allegations; we have established a Committee of Privilege before which he can substantiate those allegations in camera; he has chosen not to do so, therefore, there is no substance in it."

I predict that is what will happen. As a result, this is a futile exercise. There is no doubt that this House is responsible for matters of privilege under the Standing Orders. That is substantiated by Erskine May. My colleague, the member for Stirling, spends much of his time reading about these matters and knows far more about them than I do. However, even I am aware that this Parliament has the responsibility for matters of privilege and for the conduct of its members. Many members, including me, have compared this proposed committee with previous Committees of Privilege, but under no circumstances have those committees operated under the constraint of your ruling, Mr Speaker, that no statement should be made in a debate in this House which would prejudice matters that are before the court. Quite clearly the Government knew that you had made that ruling and the member for Mt Lawley has no alternative but to comply with that ruling.

I take exception to the comment that the Committee of Privilege will be a kangaroo court. That is a reflection by any member who may not aspire to be a member of that committee on those who will be elected by this House to serve on that committee. I would prefer those comments were not made. Nevertheless, the committee will be stymied - I am making an assumption and I hope that I do not reflect upon the integrity of that committee - by the ruling you gave; that is, that the member for Mt Lawley will be unable to present any evidence because the moment he does he will prejudice the matters before the court. All the member for Mt Lawley can do is make that clear. He can speak also to officers of the Federal police - he has indicated that he has already done so - about information which has been made available to him. He can do nothing more than that.

I suppose this day's sitting has satisfied to some extent the Government inasmuch as the Government, at the time, neglected to call for a withdrawal of an allegation which I

acknowledge could be seen by many as a reflection upon members of Parliament on the opposite side of the House. However, the Premier was not here. It was his duty to be here and seek a withdrawal at that time. Because the matter was given a degree of prominence in the Press, the Government is now seeking some form of redress and an easing of its conscience by changing the picture and putting the member for Mt Lawley in a position from which it knows, because of a ruling by the Speaker, he will be unable to present any evidence to a committee. Because of that, the Government will be able to say that its actions have been completely vindicated because the member for Mt Lawley has not provided any evidence.

It is a pity that members of Parliament do, in the heat of a debate, make comments which, in some respects, raise questions of privilege. It was ever thus and always will be. It is the responsibility of this Parliament to determine matters of privilege. For that reason, the National Party will support the setting up of a Committee of Privilege and allow that committee to do its work. However, again I predict that the committee will not be able to report because of a lack of evidence. Whether it conducts its hearings in camera is immaterial. The committee's report to this House will contain very few recommendations because it will not be able to make any progress. It will be the responsibility of this House to make a decision on the matter of privilege. The National Party will then afford every protection to the member for Mt Lawley because it was the Government's responsibility to deal with the issue at the time it arose. The Premier was not here and was not conscious of what was said. That makes it the Government's responsibility and problem. As I have said, the National Party will support the establishment of a Committee of Privilege, but under no circumstances will it support any action being taken by this House against the member for Mt Lawley.

House to Divide

Mr THOMAS: I move -

That the House do now divide.

Question put and a division taken with the following result -

Ayes (31)			
Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Taylor
Mrs Beggs	Mr Evans	Mr Marlborough	Mr Thomas
Mr Bertram	Dr Gallop	Mr Parker	Mr Troy
Mr Bridge	Mr Grill	Mr Pearce	Mrs Watkins
Mr Burkett	Mrs Henderson	Mr Read	Dr Watson
Mr Carr	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Hodge	Mr D.L. Smith	Mrs Buchanan (Teller)
Mr Donovan	Mr Tom Jones	Mr P.J. Smith	
Noes (23)			
Mr Blaikie	Mr Crane	Mr Lightfoot	Mr Reg Tubby
Mr Bradshaw	Mr Grayden	Mr MacKinnon	Mr Watt
Mr Cash	Mr Greig	Mr Mensaros	Mr Wiese
Mr Clarko	Mr Hassell	Mr Stephens	Mr Williams
Mr Court	Mr House	Mr Thompson	Mr Maslen (Teller)
Mr Cowan	Mr Lewis	Mr Fred Tubby	

Question thus passed.

Motion Resumed

Question put and a division called for.

Bells rung and the House divided.

Remarks during Division

Mr Pearce: I thought you would have voted for that.

Mr Cash: I think we have the opportunity to call witnesses.

Mr Pearce: Why did you vote against it?

Mr Cash: I want to see the witnesses called.

Mr Lightfoot: What a farce this place is. You abuse this place.

Mr Hassell: After all sorts of important legislation they promised, they shut the Parliament, but they reopen it for this. Blunder, Pete!

Mr Peter Dowding: How is your pilot's licence going?

Mr Hassell: I noticed that your deputy did not speak today. He was not going to get caught up in this charade.

Mr Peter Dowding: How is your pilot's licence going?

Mr Lightfoot: There is no record of your having divorced your second wife.

Several members interjected.

Withdrawal of Remark

The SPEAKER: Order! Irrespective of the fact that a division is now taking place, I personally take strong exception to that comment. It is highly unparliamentary and I ask that it be withdrawn. Furthermore, I caution members about using that sort of tactic in this place. I ask for the remark to be withdrawn.

Mr LIGHTFOOT: I withdraw.

Result of Division

The division resulted as follows -

Ayes (35)			
Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Taylor
Mrs Beggs	Mr Evans	Mr Marlborough	Mr Thomas
Mr Bertram	Dr Gallop	Mr Parker	Mr Troy
Mr Bridge	Mr Grill	Mr Pearce	Mrs Watkins
Mr Burkett	Mrs Henderson	Mr Read	Dr Watson
Mr Carr	Mr Gordon Hill	Mr Ripper	Mr Wiese
Mr Cowan	Mr Hodge	Mr D.L. Smith	Mr Wilson
Mr Cunningham	Mr House	Mr P.J. Smith	Mrs Buchanan (Teller)
Mr Donovan	Mr Tom Jones	Mr Stephens	
Noes (19)			
Mr Blaikie	Mr Crane	Mr Lightfoot	Mr Reg Tubby
Mr Bradshaw	Mr Grayden	Mr MacKinnon	Mr Watt
Mr Cash	Mr Greig	Mr Mensaros	Mr Williams
Mr Clarko	Mr Hassell	Mr Thompson	Mr Maslen (Teller)
Mr Court	Mr Lewis	Mr Fred Tubby	

Question thus passed.

SELECT COMMITTEES - PRIVILEGE

Appointment

On motion by Mr Pearce (Leader of the House), resolved -

That the following members be appointed to serve on the Select Committee together with the mover -

the member for Mitchell (Mr D.L. Smith);

the member for Welshpool (Mr W.I. Thomas);

the member for Stirling (Mr M.E. Stephens); and

the member for Cottesloe (Mr W.R.B. Hassell).

On motion by Mr Pearce (Leader of the House), resolved -

That the Committee -

- (a) have power to call for persons and papers, to sit on days over which the House stands adjourned, to move from place to place and to report at 2.15 pm on 21 December 1988; and
- (b) have leave to sit during the sittings of the House.

ADJOURNMENT OF THE HOUSE - ORDINARY

MR PEARCE (Armada - Leader of the House) [3.53 pm]: I move -

That the House do now adjourn.

Question put and a division taken with the following result -

Ayes (31)

Dr Alexander	Mr Peter Dowding	Dr Lawrence	Mr Taylor
Mrs Beggs	Mr Evans	Mr Marlborough	Mr Thomas
Mr Bertram	Dr Gallop	Mr Parker	Mr Troy
Mr Bridge	Mr Grill	Mr Pearce	Mrs Watkins
Mr Burkett	Mrs Henderson	Mr Read	Dr Watson
Mr Carr	Mr Gordon Hill	Mr Ripper	Mr Wilson
Mr Cunningham	Mr Hodge	Mr D.L. Smith	Mrs Buchanan (Teller)
Mr Donovan	Mr Tom Jones	Mr P.J. Smith	

Noes (24)

Mr Blaikie	Mr Crane	Mr Lightfoot	Mr Fred Tubby
Mr Bradshaw	Mr Grayden	Mr MacKinnon	Mr Reg Tubby
Mr Cash	Mr Greig	Mr Mensaros	Mr Watt
Mr Clarko	Mr Hassell	Mr Stephens	Mr Wiese
Mr Court	Mr House	Mr Thompson	Mr Williams
Mr Cowan	Mr Lewis	Mr Trenorden	Mr Maslen (Teller)

Question thus passed.

House adjourned at 3.55 pm