



Procedure and Privileges Committee

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

Report No. 14

September 2012

Legislative Assembly

Parliament of Western Australia

Committee Members

Chairman	Hon Grant Woodhams, MLA Speaker of the Legislative Assembly Member for Moore
Deputy Chairman	Hon Michelle Roberts, MLA Member for Midland
Members	Mr Michael Sutherland, MLA Member for Mount Lawley Mr Frank Alban, MLA Member for Swan Hills Hon Fran Logan, MLA Member for Cockburn

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Procedure and Privileges Committee

*Report on a Corporation Adversely
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RacingThePlanet*

Report No. 14

Presented by

Mr Michael Sutherland, MLA
Deputy Speaker of the Legislative Assembly

Laid on the Table of the Legislative Assembly on 27 September 2012

Report

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee a letter dated 26 September 2012 from Ms Mary Gadams, Chief Executive Officer, on behalf of RacingThePlanet, seeking to use Standing Order 114 to respond to comments made on 13 September 2012 by the Deputy Premier, the Hon Dr Kim Hames, MLA.

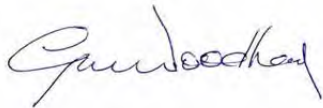
The Committee has agreed to recommend the incorporation in *Hansard* of the attached response by RacingThePlanet.

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

Recommendation

Your Committee recommends –

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



Hon Grant Woodhams, MLA
Chairman of the Committee
27 September 2012

Appendix One

Response by RacingThePlanet

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

26 September 2012

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

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

Dear Mr. Speaker,

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

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

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

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

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

1. Tourism WA had demanded RacingThePlanet's full insurance policies "in the last two weeks." Dr Hames also said "It made a demand for those insurance policies but without success." In fact, RacingThePlanet's lawyers received a letter from Mr Gwyn Dolphin of Tourism WA requesting certain insurance information on 11 September 2012, only two days prior to Dr Hames' statements in the Legislative Assembly. That letter requests a response from RacingThePlanet by 25 September 2012. Accordingly, Dr Hames' answer to Mrs Roberts' question contained incorrect information and was misleading in suggesting that:
 - a. a request was made for RacingThePlanet's full insurance policies before 11 September 2012; and
 - b. RacingThePlanet had not responded to that request in accordance with its terms.
2. "[E]verybody with whom I have spoken has received a legal letter from RacingThePlanet saying that if any statement is made against RacingThePlanet in any way in a public

forum, it will take legal action ... I have had such a letter, particularly in response to my comments outside this house when I said that RacingThePlanet had a great deal to answer to in line with the member's comments. ... [The Shire of Wyndham East Kimberley] received a letter from the lawyers of RacingThePlanet warning it to not make any public statements whatsoever. That is a disgrace. RacingThePlanet should be condemned for that".

These statements are false and without foundation:

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

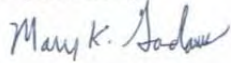
Dr Hames' false and misleading statements were reported in the media and broadcast to a wide public audience via the internet – see for example <http://www.watoday.com.au/wa-news/kimberley-ultramarathon-exgratia-payments-appear-likely-20120913-25unq.html>.

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

RacingThePlanet wrote to Dr Hames directly about this matter by letter dated 14 September 2012, requesting that he correct the false and misleading statements made on 13 September

2012. As at the date of writing this letter, RacingThePlanet has not received a response from Dr Hames.

Yours sincerely,



Mary Gadams
CEO of RacingThePlanet Events Limited



Appendix Two

Committee's Functions and Powers

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

Procedure and Privileges Committee

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