

Hon. Lorna Harper MLC

Member of the East Metropolitan Region



Honourable Alanna Clohesy MLC
Chair, Procedure and Privileges Committee
President of the Legislative Council

Dear Chair

Re: Matter of Privilege – Hon James Hayward

Please find below my comments on matters as requested:

1. Your confirmation or otherwise of Hon James Hayward's claimed undertaking to the Select Committee into Cannabis and Hemp to resign as a member of the Select Committee if he were unsuccessful in varying his bail conditions, as set out in his statement; and

At the meeting on Monday 21 February 2022. I was the member that raised issues regarding James's ability to remain on the Committee due to what was happening in his private life. Other members of the Committee aired their views; however, I was quite specific in saying that if James could not travel then he should think about whether he should remain on the Committee.

The other members of the Committee disagreed with me on the travel. The Hon Jackie Jarvis clearly stated that it was not essential for all members to travel and that there could be many reasons why a member could not attend. Therefore, being unable to travel would not be a reason to resign from the Committee. The other members agreed with Jackie.

At the meeting held on Monday 2 May 2022, there was an agenda item • *Consideration of draft letter to Chief Magistrate Stephen Heath*. We were asked to consider whether as a Committee we supported the letter that had been written in support of an application to vary bail by James. I stated quite clearly that I would not support the letter but would support the Committee Clerks confirming details of the Queensland trip with the court if asked to do so. I do not recall any discussion with members that James would have to resign if he were unsuccessful in having his bail conditions changed. James volunteered himself that if he were unsuccessful, he would resign. I do not recall James being asked, nor any other member of the Committee raising this with him on that day. I note that James had already put this in his affidavit dated 29 April 2022 before raising with the Committee.

2. Your view as to whether the work of the Select Committee into Cannabis and Hemp has been substantially obstructed by the actions of Hon James Hayward in relation to his bail variation application and, if so, in what way.

I had concerns about James remaining on the Committee as I did not want his other matter to touch on what we were doing. Since the beginning of this Committee there has been sniggers and comments about "mulling" over deliberations and being asked whether it was a "joint" Committee.

Add to that the adverse newspaper article in November 2021 regarding Hon Dr Brian Walker and his appointment and then resignation as a strategic consultant to Creso Pharma.

It has been difficult to have this Committee seen as a worthwhile and important endeavour. The Committee has been tainted by headlines "**Child sex abuse accused WA MP James Hayward's bail conditions altered to attend cannabis forum**" with Committee members named in the articles and also now associated with the matter before the courts.

The thing that I wanted to avoid from the beginning has occurred. The charges against the Hon James Hayward are overshadowing and diminishing the work the Committee is doing. James applied for bail to attend a Symposium that he did not need to attend and indeed that he did not attend in person as he said he had Covid and was confined to his hotel room. I am surprised that we did not see any media around this nonattendance! Would James have had to again vary his bail conditions as he was stuck in Queensland for almost a week after he was due to return? The accompanying headlines will forever now be associated with the Committee and have potential to undermine what the Committee is trying to achieve.

3. Any additional material that you believe to be relevant to the matter of privilege.

I have been open and honest to James about my feelings and thoughts of his position on the Committee. James has been resolute from the beginning that to resign on his own accord would somehow convey a sense of guilt in these charges and that he is innocent until presumed otherwise. I have particular concern about wording in an email from James dated 16 May 2022 where he states, "*The final matter I would bring to the committee's attention is the substantive issue that is before the Court and whether this proposed action taken by the Committee could have some influence or bearing on the ability of the State to provide a fair trial.*" This felt to me that he was threatening the Committee members by using his matter before the courts to his benefit.

The decision to resign if bail was not granted was made by the Hon James Hayward and that at no time was it stated or suggested that he was required to do so by the Committee as a whole. He has made his own decisions after seeking advice from his lawyer and the Committee Clerks. What James said in his Affidavit to the Court was false and misleading. The Hon James Hayward is trying to make himself look like a victim here and it is far from fact.

If you require any further information or would like to discuss this matter, I am happy to do so.

Regards



Hon Lorna Harper
Member for East Metropolitan Region

11 July 2022