

**PROCEDURE AND PRIVILEGES
COMMITTEE**

COMMENTS MADE BY THE MEMBER FOR CANNINGTON

**TRANSCRIPT OF EVIDENCE
TAKEN AT PERTH
MONDAY, 11 OCTOBER 2010**

SESSION TWO

Members

The Speaker (Mr G.A. Woodhams) (Chairman)
Mr M. McGowan (Deputy Chairman)
Mr F.M. Logan
Mr M.W. Sutherland
Mr F.A. Alban

Hearing commenced at 11.33 am**JOHNSTON, MR WILLIAM JOSEPH****Member for Cannington, Legislative Assembly,
Parliament of Western Australia, examined:**

The CHAIRMAN: Thank you for your attendance before the Procedure and Privileges Committee today. The purpose of this hearing is to assist the committee in gathering evidence for its inquiry into comments made by the member for Cannington of 16 September 2010. You have been provided with a copy of the committee's specific terms of reference. This hearing is a formal procedure of the Parliament and therefore commands the same respect given to proceedings in the house itself. Even though the committee is not asking witnesses to provide evidence on oath or affirmation, it is important that you understand that any deliberate misleading of the committee may be regarded as a contempt of Parliament. Hansard will be making a transcript of today's proceedings for the public record. If you refer to any documents during your evidence, it would assist us if you could properly identify the documents. There is a series of questions I just need to ask now. Have you completed the "Details of Witness" form?

Mr W.J. JOHNSTON: Yes, I have.

The CHAIRMAN: Do you understand the notes at the bottom of the form about giving evidence to a parliamentary committee?

Mr W.J. JOHNSTON: Yes, I do.

The CHAIRMAN: Did you receive and read the information for witnesses briefing sheet provided with the "Details of Witness" form today?

Mr W.J. JOHNSTON: Yes, I did.

The CHAIRMAN: Do you have any questions in relation to being a witness at today's hearing?

Mr W.J. JOHNSTON: No.

The CHAIRMAN: No? Can I get you to state your full name and the capacity in which you appear before the committee today?

Mr W.J. JOHNSTON: Sure. My name is William Joseph Johnston and I am the member for Cannington.

The CHAIRMAN: Excellent; thank you very much. The committee has a recording of what you said in the Legislative Assembly in the chamber on 16 September 2010. We have also produced a verbatim transcript of those words. I think you probably have that copy yourself.

Mr W.J. JOHNSTON: Yes, I do; only one copy.

The CHAIRMAN: What we might do, and we are into this process now, I am going to formally stop this procedure to enable vision to be captured. So if we could do that as quickly as possible, that would certainly assist everybody in here.

Proceedings suspended from 11.36 to 11.40 am

The CHAIRMAN: We will recommence the formal part of the process. I might just backtrack to where I started from, Bill, so we are all on the same page. The committee has a recording of what you said in the Legislative Assembly chamber on 16 September this year, 2010. We have also produced a verbatim transcript of those words. Can you just let me know that you do have that verbatim transcript?

Mr W.J. JOHNSTON: Yes, I do.

The CHAIRMAN: Okay; thank you. What we will do is that we will play the DVD of that section, so we once again are all acquainted. If you could do that, thanks, David.

[DVD played.]

The CHAIRMAN: Thanks, David. Bill, do you have a copy of the duplicate with the requested amendments? It would be the *Hansard* proof.

Mr W.J. JOHNSTON: Yes.

The CHAIRMAN: You do have that; okay. There are some questions that then come out of that, so it would be very useful to go through this exercise with that document in front of you. *Hansard* has provided us with a copy of the relevant *Hansard* proof. And you might put it up on the screen as well, thanks, David, so everybody can see.

The CHAIRMAN: That is it; thank you. Can I get you, Bill, to confirm that this is your handwriting and that those are the amendments that you have requested?

Mr W.J. JOHNSTON: Yes, that is my handwriting. They are the amendments I requested.

The CHAIRMAN: And the reason for the amendments—can you explain why you requested those amendments?

Mr W.J. JOHNSTON: Because I do not believe the uncorrected proof reflected what I said.

The CHAIRMAN: Okay; let me then follow that. What did you mean when you said these words? And I will read them to you —

The Member for Wanneroo can explain himself and other members can explain themselves about why they've had their name expunged from the CCC's records.

Mr W.J. JOHNSTON: Which document are you reading from? I am sorry, Mr Chairman.

The CHAIRMAN: This is the verbatim transcript.

Mr W.J. JOHNSTON: That is not what I just said. You just played the tape. What I said was: "The member for Wanneroo can explain himself and another member can explain themselves about why they've had their name expunged." This is really the critical issue. I did not say "and other"; I said "and another".

The CHAIRMAN: All right. It may help us, then, if I ask a question directly related to that so we can tease more out. "The member for Wanneroo can explain himself"—quote; okay.

Mr W.J. JOHNSTON: Yes.

The CHAIRMAN: What were you referring to in relation to the member for Wanneroo?

Mr W.J. JOHNSTON: I was referring to the issues that he had dealt with in respect of his local government activities. There had been a petition tabled in the Legislative Council requesting an inquiry into affairs related to the investigation of the member for Wanneroo.

The CHAIRMAN: And that is the entirety of it?

Mr W.J. JOHNSTON: Yes.

The CHAIRMAN: If we move to 23 September in the house, the member for Victoria Park has suggested that when you said "the member for Wanneroo can explain himself" perhaps you were referring to an earlier interjection by the member for Wanneroo and thereby suggesting that your statement was in two separate parts: the first one being the member for Wanneroo's need for accountability to his electorate; and, secondly, other members having their name expunged from the CCC's records. Do you think that would be a correct assessment by the member for Victoria Park?

[11.47 am]

Mr W.J. JOHNSTON: I am not quite sure what you are getting at.

The CHAIRMAN: Okay, I will read it to you again. That is fine. You are familiar with the debate on 23 September, in the debate to refer this matter to this committee, so we are talking about what we actually are dealing with now in this inquiry, that debate that happened. The member for Victoria Park suggested that when you said the member for Wanneroo can explain himself, you were referring to an earlier interjection by the member for Wanneroo and thereby suggesting that your statement was in two separate parts, those two separate parts being: one, the member for Wanneroo's need for accountability to his electorate; and the second piece, that other members having their names expunged from the CCC's records.

Mr W.J. JOHNSTON: Mr Chairman, I am not quite sure that I am in a position to comment on the words of the member for Victoria Park.

The CHAIRMAN: Sure; that is fine.

Mr W.J. JOHNSTON: What I would do is, if you do not mind, go back to the words we have just discussed.

The CHAIRMAN: Please. Yes, that is fine.

Mr W.J. JOHNSTON: Clearly, the words that I have used are in two separate parts.

The CHAIRMAN: All right. And was it, in a sense, the member for Wanneroo's interjection that led you into those words that you said?

Mr W.J. JOHNSTON: I am unable to exactly answer that question. It is some weeks ago; I would not remember exactly now why I said particular words then, so I am not quite sure what you are trying to get me to say in respect of that.

The CHAIRMAN: I am not trying to get you to say anything, I am just curious; when we listen to the tape, you can clearly hear the member for Wanneroo making an interjection. So I guess my curiosity, in a sense, is: was it simply his interjection that caused you to make these comments about the member for Wanneroo?

Mr W.J. JOHNSTON: It is my assumption that that is what I did; I mean, I do not specifically — there are a series of interjections from the member for Wanneroo. At one stage I stopped my contribution to address him directly, and he subsequently does interject again; I think that can be heard on the tape.

The CHAIRMAN: Yes.

Mr W.J. JOHNSTON: I cannot exactly say what was in my mind at a particular moment, and I do not think you are asking me to do that.

The CHAIRMAN: I am not.

Mr W.J. JOHNSTON: But clearly, my comments to the member for Wanneroo are separate to other comments that I made in my contribution.

The CHAIRMAN: In the context of what we have in front of us and what we hear, would it be possible that you were alleging that the member for Wanneroo had his name expunged from the CCC records?

Mr W.J. JOHNSTON: No.

The CHAIRMAN: Okay.

Mr M. McGOWAN: Member for Cannington, as you will recall, the terms of reference of this committee were whether or not you breached parliamentary privilege or otherwise engaged in unparliamentary conduct in the comments that you made on 16 September in the house. I think it is quite pertinent to the whole debate as to whether or not you did that, as to what you were referring to, because I think we need to ask you what you were referring to, what you were talking about and what it is about. In the explanation during the period of the debate, you read out a transcript and a

number of other things, so my questions to you are: what were you talking about; what was the totality of what you were talking about; why were you talking about that? The other question relates to the transcript you referred to in which you referred to the member for Carine. How did you know that the member for Carine was the person whose name was suppressed? I suppose that is two or three questions there.

Mr W.J. JOHNSTON: On 16 September 2010, during a debate relating to accountability, my intention was, (a), to draw the attention of the member for Wanneroo, who was interjecting on my contribution, to his own need to account to his electors; and (b), more broadly to draw the chamber's attention to my understanding that a member of the Liberal Party had had their name deleted from the Corruption and Crime Commission's published records. The second question was, I think: how did I know that the member for Carine had had his name expunged? Because I had two copies of the CCC's transcript from 7 December 2004. In the first version—I call it the first version—that was published by the CCC, the member for Carine's name is mentioned, and then subsequently, I accessed the CCC's website and found that the CCC's transcript from that day had been amended to remove the member for Carine's name.

The CHAIRMAN: I wonder if it would be possible to make a copy of that document available to this committee?

Mr W.J. JOHNSTON: I only have one copy of each, but I would be happy to leave them with you, if you wanted, Mr Chairman.

The CHAIRMAN: Thank you; that would be very useful.

Mr W.J. JOHNSTON: At the end.

The CHAIRMAN: Yes. Will you need to—we will give you the opportunity, certainly, to make reference to them throughout this hearing, but it would be useful for us to have a copy of that during this hearing as well, so —

Mr W.J. JOHNSTON: It is just that I only have—it is a very large document, and I only produced one of each; I did not photocopy it. I am happy to hand it up.

Mr M. McGOWAN: We might get it at the end.

The CHAIRMAN: Yes, we would certainly like a copy. Thank you.

Mr M. McGOWAN: Okay, when you made the comments which are the subject of this inquiry, your claim is that you were referring to the member for Carine —

Mr W.J. JOHNSTON: That is correct.

Mr M. McGOWAN: — and some activities that took place in—when was it?

Mr W.J. JOHNSTON: 2004.

Mr M. McGOWAN: 2004. You say they are relevant because it was a discussion around accountability—is that why they were relevant?

Mr W.J. JOHNSTON: That is correct. It was a discussion about accountability. The minister at the table was not even prepared to explain why he was inserting a provision into a bill in the form that he was inserting it. That provision related directly to the question of the accountability of the minister to the people of Western Australia, and I believed that was a reflection on questions of accountability.

Mr M. McGOWAN: What were the facts that you were referring to? What were the events that you were referring to when you made that statement in the house?

Mr W.J. JOHNSTON: I have a copy of the Corruption and Crime Commission's transcript of 7 December 2004, in which the name of Tony Kristevic, the member for Carine, is mentioned. Nowhere in the transcript does the commissioner make a suppression order in relation to that

evidence. It was my reasonable belief that at some time subsequent to the publication of this transcript on the commission's website, the member for Carine took steps to have his name removed from the published transcript of the Corruption and Crime Commission.

Mr M.W. SUTHERLAND: Mr Johnston, we heard earlier from the Hansard reporter how they normally change the *Hansard*, to a degree, and we were given the guidelines. There are two documents: one is an extract from the proceedings of the Legislative Assembly. Have you got that one? And then, from that, we take you to the unreported *Hansard*, which is this one that you wrote on —

The CHAIRMAN: The uncorrected *Hansard*.

Mr M.W. SUTHERLAND: The uncorrected *Hansard*, which you wrote on. What you said was that another member had his name expunged from the CCC record; you did not say "other members", plural.

Mr W.J. JOHNSTON: Mr Deputy Speaker, you were here a moment ago when the tape was played, and you heard it too.

Mr M.W. SUTHERLAND: I am looking at it here and it says "other members can explain themselves". Are you saying that that word should be "another member"?

Mr W.J. JOHNSTON: Which document are you referring to?

Mr M.W. SUTHERLAND: If you look at this document, the extract from proceedings, the last paragraph, eight lines from the bottom, says "other members can explain themselves". Are you saying that should be "another member"?

Mr W.J. JOHNSTON: Mr Deputy Speaker, you heard the video played a moment ago. It is clear on the tape that I said "and another". Now, I agree that my diction is bad, but that is clearly "and another", not "and other".

Mr M.W. SUTHERLAND: If you look at the third paragraph there, in the last two lines you say that you know there are members opposite—"members", plural—who have had their names expunged from the record of the CCC. Then you go on to say "their names expunged"; that is again in the plural. You go down to where you say "another member" can explain—and then you say "themselves"; it is not singular. If you say the words "another member can explain themselves" about why they had their names expunged from the CCC record, that seems to be all in the plural. How do you align that with what you are saying in the singular? It all refers to "another member", it does not refer to the member for Wanneroo; it only refers to the member for Carine, if you read those words.

Mr W.J. JOHNSTON: With respect, Mr Deputy Speaker, you will see that the singular appears everywhere. I do not think you have the correct construction of the sentence.

Mr M.W. SUTHERLAND: Show me where you think the singular appears everywhere.

Mr W.J. JOHNSTON: On every occasion where the word "name" appears—it is clearly singular. On no occasion is there plural for "names". Mr Deputy Speaker, you will be aware that there is also a common modern usage of the term "their", which is to say that people like me use it as a non-gender specific singular. Whilst in tradition it is used as a plural, in the modern context it is used as a non-gender specific singular as well.

The CHAIRMAN: Can you see that there could be some ambiguity around it, though?

Mr W.J. JOHNSTON: I cannot put myself in the minds of others; I can only answer for myself, and I know both what I said and what I intended to say, and what I am strongly putting to you.

[12.00 noon]

The CHAIRMAN: I am not questioning what you said, I am quite simply putting the point that I think the Deputy Speaker is making, that in the modern use of the English language, these things can often be interpreted as being singular, can often be interpreted as being plural and they can be exactly the same words—the same phraseology.

Mr M.W. SUTHERLAND: Sorry, can I just finish?

The CHAIRMAN: Continue please.

Mr M.W. SUTHERLAND: If you say it is in the singular, I mean you look at those words in the last paragraph on the extract from proceedings, and you say, “The member for Wanneroo can explain himself and another member can explain ...” Then you have got the word “themselves”. That is not a singular word. “And another member can explain themselves about why they have”, plural, “had their name expunged from the CCC records.”

Mr W.J. JOHNSTON: Again, Mr Deputy Speaker, “themselves” is simply the same as “their” it is actually the same usage, it is just in a different context so you have to change the specific word. It is the same thing; it is the exact same discussion that we had a moment ago. It is entirely consistent on each occasion.

The CHAIRMAN: Mr Alban.

Mr F.A. ALBAN: Thank you. Member for Cannington, on the same vein, I was there during the debate, I have read the *Hansard*, listened to the recording, and to me it is very, very clearly plural. No singular parts appear to me. It says, “members opposite”, then again it says, “members opposite have had their name”, “their” is plural, and it goes on again, “other members can explain why they”. There is no singular bit at all and I am under no illusion as to what you said because I have watched the tape several times, and every single one of your statements was plural. Can you explain why we could not, would not, imagine that you are speaking about other members?

Mr W.J. JOHNSTON: I do not believe that I used the plural term when I was referring to a Liberal member having had their name expunged from the records of the Corruption and Crime Commission.

Mr F.M. LOGAN: I will just draw your attention to the verbatim extract and also the *Hansard* extract as well. There is quite a distinction between both those documents, because on the *Hansard* copy that was printed, which led to the motion before the house, which is the reason why we are here, at that point, halfway down the page, where it is referring to you, and halfway through that paragraph it says —

The member for Wanneroo and other members can explain why they have had their names expunged from the CCC’s records.

Now if you go to the verbatim, there are two parts to what I am putting to you: one that the verbatim says —

The Member for Wanneroo can explain himself ...

Now that is not in the original *Hansard* that was published. By stating, “The Member for Wanneroo can explain himself”, are you referring to “himself” over other past behaviour or the fact that he may or may not have had his name expunged from the CCC record?

Mr W.J. JOHNSTON: What I was referring to—I think it was the third occasion that I mentioned—I directed my comments to the member for Wanneroo. As I say, that relates to matters in his own electorate. I would draw your attention to the proceedings at the other place on 9 December 2008 the tabling of a petition by Hon Ken Travers, which was requesting an investigation into the investigation of Mr Miles. And I also draw your attention to *Sun City News* of December 2008, under a heading, “WAEC enquiry questioned in state parliament”. If you do not mind, perhaps I could quote from the newspaper. It says —

Sun City News editor, Terry Loftus, said: —

And then quotes —

“What concerns me most about this enquiry and confidential documentation is that there are either political donations being made and not being declared or there is a strong suspicion of possible fraud and deception.

“I find it quite amazing that the WAEC can dismiss this enquiry without making their report available to the public?”

That is the end of the quote. I make the point that I was not, as I understand, the WAEC has investigated that matter and found that there was no criminal behaviour by the member for Wanneroo. What I draw to your attention, and I was drawing to Mr Miles’ attention, inviting him if you like to —

Mr F.M. LOGAN: Respond.

Mr W.J. JOHNSTON: — respond, is the fact there is this question about why the report that was done into his behaviour was never made public. Now I am satisfied that the WAEC inquiry was adequate, but what I do not know is why the details were not made public.

Mr F.M. LOGAN: So in that sentence then, what you are referring to is not the member for Wanneroo, and this goes back to previous questions that we have just heard, the member for Wanneroo has had his name expunged from the CCC record. It is from the verbatim transcript, “The Member for Wanneroo can explain himself”.

Mr W.J. JOHNSTON: That is right, member for Cockburn. At no time, in plain reading of the words that I used either in any of the extract from proceedings in the Legislative Assembly, Thursday 16 September, or that we have been have given this morning or in the *Hansard*, do I make, in my view, any connection between the member for Wanneroo and the CCC.

Mr F.M. LOGAN: And, just then, following on from that—because that goes to the whole issue that we have been questioning you about, which is about the plural and the singular. So if the member for Wanneroo is not one of those people who has been—who is argued—that you referred to as having their names expunged from the CCC, then is that the reason why you have used, again it is in the verbatim transcript, at both the second paragraph and the third paragraph, you have used the singular, “There are members opposite who have had their name...Isn’t that interesting.....their name expunged”. And finally in the third—in the second paragraph “...members can explain themselves about why they have their name expunged ...” When you are talking about the name it is in the singular, but it is actually in a sentence that happens to be plural.

Mr W.J. JOHNSTON: Member for Cockburn, what I would say is that during debate relating to accountability, my attention was (a) to draw the attention to the member for Wanneroo, who was interjecting on my contribution, to his own need to account to his electorate, and secondly more broadly to draw the chamber’s attention to my understanding that a member of the Liberal Party had had their name deleted from the Corruption and Crime Commission’s published records.

Mr F.M. LOGAN: And in that instance you were referring only to one person, which is what you explained later to the house as the member for Carine?

Mr W.J. JOHNSTON: That is correct, absolutely; that is exactly right member for Cockburn. I would just like to go further to say even if the committee was of the mind to draw the conclusion that it was the plural, it still could not have been a reference to the member for Wanneroo, because clearly any reading of those words, that I have made comments about the member of Wanneroo and then comments about a second person, it cannot ever be the case that the member for Wanneroo was included in that second phrase following the conjunction of “and”.

Mr M. McGOWAN: Your contention is you are referring to one member when you are referring to having their name expunged from CCC records, and that was the member for Carine —

Mr W.J. JOHNSTON: That is correct.

Mr M. McGOWAN: And my—that is a fairly large allegation, to suggest that someone has had their name expunged from CCC records, and our remit, as a committee is to investigate whether you have breached parliamentary privilege or otherwise unparliamentary conduct. So, I think in order to examine that, I would like to know: one, what your evidence is for someone having done that, whether you have a reason behind someone having had their name expunged from CCC records.

Mr W.J. JOHNSTON: I have a copy of the Corruption and Crime Commission’s transcript, 7 December 2004, in which the member for Carine’s name is mentioned. Nowhere in the transcript does the commissioner make a suppression order in relation to that evidence. It was my reasonable belief that at some time subsequent to the publication of the transcript on the commission’s website, the member for Carine took steps to have his name removed from the published transcript of the crime and corruption commission.

Mr M. McGOWAN: Do you have any idea why?

Mr W.J. JOHNSTON: No, I do not.

Mr M. McGOWAN: Or how?

Mr W.J. JOHNSTON: No, I do not.

Mr M. McGOWAN: So you have not made any allegations about those things —

Mr W.J. JOHNSTON: No.

Mr M. McGOWAN: — you just are stating facts —

Mr W.J. JOHNSTON: Yes.

Mr M. McGOWAN: — that somebody’s name was mentioned in the inquiry and then removed?

Mr W.J. JOHNSTON: Yes.

Mr M. McGOWAN: In what context was this person’s name mentioned; what have they done?

Mr W.J. JOHNSTON: Well, it is perhaps—rather than for me to say, it is better for you to draw your own conclusions by reading the transcript, which I am happy to provide you. If you want, his name is mentioned in respect of the receipt six-odd ballot papers to a Mr Kukulj as part of the investigation into matters relating to Mr Spagnolo.

The CHAIRMAN: I think you may have made some of that information available in the house.

Mr W.J. JOHNSTON: I did. In fact I read three pages of transcript into the *Hansard* on 23 September.

Mr M. McGOWAN: So you are not alleging that a range of members had done that, you were alleging that one member had done that?

Mr W.J. JOHNSTON: I was stating my reasonable belief that that had occurred, yes.

Mr M. McGOWAN: Even though you had used the word “members” and then you had used the word “name”—you had used one that could be construed as plural and one that could be construed as singular.

Mr W.J. JOHNSTON: Yes.

Mr M. McGOWAN: Would you say that that was, sort of, the mixing of the “members” and “name” was part of, sort of, the heat of debate? Is that why you might have done that?

Mr W.J. JOHNSTON: I would accept that. As you know member for Rockingham, Deputy Chairman, that you do not have any time to prepare a debate. This is a committee stage, you are not aware of how the debate is going to proceed, you are doing your best on your feet to ensure that you get the words out in the way that you intend, and I assume, that that is why we have the process for

correcting *Hansard*—to ensure that the specific words that we are using and the specific meanings that we are trying to deliver are reflected in the words that we use.

The CHAIRMAN: Sorry, member for West Swan.

Mr F.A. ALBAN: Thank you. Member for Cannington I have been advised that the CCC —

The CHAIRMAN: Swan Hills, I apologise.

Mr F.A. ALBAN: That is okay, you have done it before! I am advised that the CCC does not expunge anybody's name from any document whatsoever, notwithstanding whatever the circumstance is. Is it not a fairly big claim from you that the CCC would go to that extent to expunge somebody's name from a document?

Mr W.J. JOHNSTON: Well, it is a matter of fact member for Swan Hills that the name —

Mr F.A. ALBAN: You have evidence that the CCC has actually done that?

Mr W.J. JOHNSTON: The evidence I have is a copy of the original transcript and a copy of the modified transcript.

Mr F.A. ALBAN: Or are you assuming? You are saying it is a fact that the CCC—that was the accusation you made—expunged somebody's name. That is a big accusation for both parties. That is an accusation on the CCC that they would deem to do such an act, as well as a member of Parliament or even if he was not a member of Parliament at the time, would even ask for it. That is a serious allegation, member.

Mr W.J. JOHNSTON: With respect member for Swan Hills, I think that the practice of the CCC in suppressing particular pieces of evidence is well known.

Mr F.A. ALBAN: But they did not.

Mr W.J. JOHNSTON: Well, not originally, that is true, and that is why I have made the point on a couple of occasions that from my reading of the original transcript there was no order of suppression for the name at that time.

Mr M. McGOWAN: I am interested in how this came to your attention because it is highly irregular that someone's name would be used in the context of a corruption inquiry. What was it? Ballot rigging or issues of that nature. And then at some point in the future their name was removed from the record, which was published. Do you know why that happens? How?

Mr W.J. JOHNSTON: Mr Deputy Chairman, I am not aware of the circumstances that led to the suppression order, which I assume is what has occurred, for the name from the transcript. All I am aware of is the original documentation and the current CCC record. And they have been—at some point of time there has been a modification, expungement of the name Tony Krsticevic on each occasion it was mentioned by the witness.

[12.15 pm]

Mr M. McGOWAN: And you do not know at what point in time that happened?

Mr W.J. JOHNSTON: No; I am unaware of what went on.

Mr M. McGOWAN: And you do not know why; it just did.

Mr W.J. JOHNSTON: No; I do not know why.

The CHAIRMAN: And if I might build on that and then give a question to the member for Mount Lawley. You might not also—I will ask the question: would you also know that it was in fact Tony Krsticevic who allegedly asked for the suppression?

Mr W.J. JOHNSTON: I make it—it is my reasoned belief that it was the member for Carine that asked for it.

The CHAIRMAN: Okay; member for Mount Lawley.

Mr M.W. SUTHERLAND: Right, you know this—the crime and corruption commission—they can make these suppression orders and do you know that they—that suppression orders—can be made at the time of the hearing and that they can be requested subsequent to the hearing? I mean, it is not within, you know, not exceptional that a person would ask for a suppression order after a hearing has taken place. Do you know anything about that?

Mr W.J. JOHNSTON: I agree that it is—that people do ask for their name to be suppressed.

Mr M.W. SUTHERLAND: Right; and that after it is considered by the crime and corruption commission it would be—if they think reasonable, then the person's name would be suppressed.

Mr W.J. JOHNSTON: I cannot answer why the commission did something—that they did. I can only answer to what I know. And what I know is that the record was amended after it was published.

Mr M. McGOWAN: Have you ever heard of it happening for a member of Parliament before?

Mr W.J. JOHNSTON: I am not aware—no. I mean, I am not saying that it has not happened for a member of Parliament, but I am certainly not aware of it happening.

Mr M. McGOWAN: Because I am aware of it happening for, you know, people not in the public eye, I think. But for members of Parliament, it seems highly unusual.

Mr F.A. ALBAN: Mr Chairman, can I —

Mr F.M. LOGAN: Hang on.

Mr F.A. ALBAN: Sorry.

The CHAIRMAN: Member for Cockburn.

Mr F.M. LOGAN: I just want to take you to the two words “suppression” and “expunge”. You remember there was a debate on this in Parliament, as well.

Mr W.J. JOHNSTON: Yes.

Mr F.M. LOGAN: The words used in the CCC “hansard” is “suppressed” and you have chosen to use the word “expunge”: is that on the basis that, what you have explained to the committee, that the name was there and then it was not there?

Mr W.J. JOHNSTON: Well —

Mr F.M. LOGAN: In a later version of the “hansard” it was not there.

Mr W.J. JOHNSTON: Indeed; I mean, that is the common usage of the word “expunged”—something that was there is no longer there. That is exactly the same way I used that word.

The CHAIRMAN: Member for Swan Hills.

Mr F.A. ALBAN: Just a point of clarification, Mr Speaker. The member for Carine was elected in the same year that I was, 2008. During the time that you are talking about, which is 2004, he was not a member of Parliament at all, that I am aware of. I believe he was newly elected, like I was. So at the time of 2004 when this happened, he was not a member of any Parliament whatsoever.

Mr W.J. JOHNSTON: Well, I am unaware of the date at which the suppression occurred. All I know is that it was—on 7 December 2004 the information was freely available to every Western Australian and on 16 September 2010 it is not. That is what I am aware of.

Mr M. McGOWAN: So we do not know what date his name was removed from the CCC transcript?

Mr W.J. JOHNSTON: No; I am not aware of what date it was removed.

Mr M. McGOWAN: Are you—in your commentary in the house—to the fact that you are referring to this—you obviously think that, you know, that there is something that you are not quite happy with in regards to this.

Mr W.J. JOHNSTON: Well, I think my specific words were that this was something that we needed to consider and I think in the debate on 23 September there was quite a long discussion—both, particularly, from the Leader of the Opposition—about the matters that a committee might properly consider in relation to the circumstances of the member for Carine.

The CHAIRMAN: Further questions?

Mr M. McGOWAN: How did it come to your attention that the name had been suppressed or removed?

Mr W.J. JOHNSTON: I was the secretary of the Labor Party. People brought all sorts of information to me over a long period of time. That is the nature of the job that I did. I did not specifically come into possession of the transcript until after I was elected to Parliament. But —

Mr M. McGOWAN: The original transcript, in which the name was in?

Mr W.J. JOHNSTON: The original transcript. It was obtained by the former senator, Ruth Webber, in the course of her parliamentary duties.

Mr F.M. LOGAN: Are you aware, Bill, of any other MPs who have had their name expunged from the record —

Mr W.J. JOHNSTON: No; I am not.

Mr F.M. LOGAN: —particularly on the Liberal side, because that is where it is referred to.

Mr W.J. JOHNSTON: No; I am not aware of any other circumstances in which that has happened.

Mr M. McGOWAN: And members of Parliament get their name mentioned all the time in transcript—in CCC. I am unaware of anyone else.

Mr W.J. JOHNSTON: Yes, indeed; I think what you say is correct, member for—deputy chairman.

The CHAIRMAN: What I would like to do for clarification is just—this is for all our clarification—is just to play once again the DVD—if you would not mind, David—because I think the words are central to why we do have this inquiry in front of us. So if we can do that, David—just to listen to the member for Cannington.

[DVD played.]

The CHAIRMAN: Having had the opportunity to listen to that, I simply ask the question: do you believe that you said “and another member” or do you believe that you said “and other members”?

Mr W.J. JOHNSTON: I believe I said “and another member”. That is what I believe I said.

Indeed, even if I have used a plural term it is clear that it cannot have been a reference to the member for Wanneroo because of the “and”—and if you read the previous paragraph it makes it 100 per cent clear because, in fact, if you watch, I am addressing the Deputy Speaker, Paul Miles, the member for Wanneroo, interjects; I turn and face him, address him on an issue and then I stop and turn back to the Deputy Speaker and begin another sentence with, “But we don’t worry about that.” So you can see from the playing of that video, that it is 100 per cent clear that whatever I am referring to in respect of the CCC, I cannot be referring to the member for Wanneroo.

The CHAIRMAN: All right.

Mr M. McGOWAN: You are—the terms of reference refer to a breach and the house seeks to work out whether your comments amount to a breach of parliamentary privilege or otherwise

unparliamentary conduct. You have been in the house, sort of, at this point in time, I think, less than two years —

Mr W.J. JOHNSTON: Two years.

Mr M. McGOWAN: I am just interested because, you know, someone who has been in the house maybe 25 years might have a different understanding of the rules as opposed to someone who has been there less than two years. I am just wondering what your understanding of the rules would be surrounding this sort of matter and the sorts of things that you are unable to say in the house.

Mr W.J. JOHNSTON: Indeed, Mr Deputy Chairman, that is a good question to pose to me because I suppose one of the things that I would need to be clear on is what is actually meant by the term of reference—the one that you, you know, point (a) of the terms of reference—particularly the words “breach of parliamentary privilege”. I am not sure whether as a member I can breach parliamentary privilege because it does seem to me—I understand that to be a protection for the Parliament and members of Parliament by way of immunity from civil or criminal action for anything said in Parliament. So, I would be pleased for the committee to explain what they—what is meant by “breach of parliamentary privilege” or indeed what parliamentary privilege is itself.

The CHAIRMAN: I would just simply provide the advice to you at this point that we are dealing with the inquiry given to us by the house; we are not here, at this particular point, to discuss what is, what might be, what will be or other issues surrounding parliamentary privilege.

Mr W.J. JOHNSTON: I suppose, Mr Chairman, that the only question I have really is: so what is it that I am being accused to have done? If I do not know what—if the committee cannot explain to me what is meant by parliamentary privilege —

The CHAIRMAN: No, no; that is not —

Mr W.J. JOHNSTON: —I do not know how to answer the accusation.

The CHAIRMAN: It is not a discussion that we need to have and the question is equally applicable to us.

Mr W.J. JOHNSTON: Hmmm.

The CHAIRMAN: We need to consider the question that you are asking of us. And that is something that we will do in the course following this. This is quite simply an exercise to gather the information we need to make some decisions on. It is not an exercise to discuss what parliamentary privilege is.

Mr M. McGOWAN: But I am interested, Mr Speaker, in the fact that there is one member who is, sort of the accused, if you like, in this proceeding—I am interested in what that member’s view of his rights of speech in the house are —

The CHAIRMAN: Yes.

Mr M. McGOWAN: —and whether he thinks they are broad, or what he thinks they actually are. You have sort of indicated—you have not really indicated what you think they are.

Mr W.J. JOHNSTON: Sure.

Mr M. McGOWAN: I may have my views on what they are; I am not presuming what you are, because you are the person who is, if you like, the accused in this proceedings.

Mr W.J. JOHNSTON: If I may, Mr Deputy Speaker—excuse me—my understanding in respect to parliamentary privilege is that that is a protection given to all members and the Parliament itself from being held to account by bodies other than the Parliament. And so, therefore, you know, it would seem to me by definition and certainly what we were informed at our members’ seminar that a number of the members of this committee were at as well—the member for Swan Hills and the member for Mount Lawley were both at the same session, and I think that you were one of the

people that spoke at that proceedings, Mr Deputy Chairman. Oh no, sorry. It was not you; it was the member for Balcatta. Anyway, the point that I was getting to is that we were informed that we had the right to free speech protected by ancient law in Parliament to be able to say—to speak freely in the Parliament. It is also my understanding that if we say something that is unparliamentary, there is a procedure in the house for a member to move a point of order and request the Speaker or the Deputy Speaker or the Acting Speaker to decide whether the words that have been used are parliamentary and that if they are not parliamentary words that they are—that the member is required to apologise. And indeed, I understand, I think it is 148—standing order 148—that allows members, who think that something said of them in the chamber by another member is inappropriate, for them to seek the call from the Speaker. Sorry, I have just had my attention drawn to the fact that it is standing order 98, which provides that if a member objects to words used in debate and then the procedure that is to be used.

[12.30 pm]

Then it is standing order 148, Mr Speaker—I think that is correct—which is personal explanation. So that the matters that are dealt with here would appear to me—and I am only an ordinary member of the Parliament; I am not dedicated to the positions of high office that this committee takes upon itself—but my understanding is that if people had objected to the words that I used, they should have raised a point of order at that time in the chamber so that I could have—Mr Deputy Speaker could have held me to account for the words that I had used; and, failing that, a member aggrieved could have sought the call at a time of no business in front of the chamber with the Speaker to make a personal explanation. Indeed, I did that myself on 23 September in respect of the words used, or some of the words used, by the Attorney General in the chamber.

So I am interested why we are here, given that those procedures actually exist in the standing orders and there did not need to have this referral. But, even given that, I am only here because—I voted in favour of the resolution—I am still unsure of what amounts to a breach of parliamentary privilege by a member of Parliament in respect of words said in the house, or, alternatively, what is unparliamentary conduct of a member of Parliament in respect of words used in the house where no-one objected, in accordance with the standing orders, to the words I used at the time I used them, and no-one has sought, subsequent to me using those words, to avail themselves of the procedures in the standing order to clarify the record.

The CHAIRMAN: Certainly. Let us make decisions about that. I certainly appreciate the comments you have made, but unless there are further questions from the committee —

Mr F.M. LOGAN: Just one final point of clarification, because it is an issue that has come up and, I think, has led to the reason why we are here today, and I would like you to clarify it finally. The view held by certainly members of the Liberal Party is that in the statement that you made you were referring broadly to members of the Liberal Party as having their name—some, more than one, having their name expunged from the CCC record. Is that correct or not?

Mr W.J. JOHNSTON: I am sorry. Are you asking me what their opinion is?

Mr F.M. LOGAN: The view of members of the Liberal Party is that you were being broad in your approach in saying that there was more than one member of the Liberal Party that had their name expunged from the CCC record. Is that true or not?

Mr W.J. JOHNSTON: Well, I cannot answer what their understanding is —

Mr F.M. LOGAN: No, no, I am not —

Mr W.J. JOHNSTON: — but in respect of me —

Mr F.M. LOGAN: In respect of you.

Mr W.J. JOHNSTON: — it was never my intention to refer to any more than the member—the one member, the member for Carine.

Mr F.M. LOGAN: Thank you.

Mr M. McGOWAN: Hold on. But the statement that has been referred to this committee is, “The member for Wanneroo can explain himself”, which is the—as you have explained, that is the first half.

Mr W.J. JOHNSTON: Yes; sorry.

Mr M. McGOWAN: And then there is the second half, where you were referring to the member for Carine. I was completely unfamiliar with what you were referring to before about the member for Wanneroo. I am just wondering—so you are not saying he had information explained; you are saying there is another inquiry by the CCC in relation to him.

Mr W.J. JOHNSTON: No, no. It is not by the CCC. What occurred was, you know, that—I have—what occurred for the member for Wanneroo is a question regarding disclosure of donations for his campaign for the City of Wanneroo. That is a matter that has been investigated by the WAEC. It was referred to by the Attorney General in the chamber. It is well known to everybody in the northern suburbs. It was the subject of a petition in the other chamber on the date that I referred to—December 2008, I think I said—and it has been widely reported in the northern suburbs media. Member for Rockingham, I imagine you would not read the northern suburbs media. But it is a well-known series of events. There is, I accept—and that is why I did not go back and have a look at the video. I do not say to the member for Wanneroo, “You’re corrupt”, because I am not making that allegation. That is never said. What I say is, “You need to take account of accountability”, because the question that arises in the northern suburbs is not whether he was—you know, he did the wrong thing, was investigated and corrected the record, but, rather, why was the investigation not made public? Why were the details of the evidence of the investigation not made public? And that is why I referred specifically to him. I say—absolutely, as has been drawn to my attention—“Member for Wanneroo, why it is you haven’t been accountable to the people of your electorate.” Okay. I am very, very specific, and I am sure the member for Wanneroo knew—the fact that the Attorney General referred to the same issue in his answer, the member for Wanneroo knew what I was talking about. That is a completely and utterly separate issue to the CCC. So in respect of the answer that I gave to the member for Cockburn, Mr Deputy Chairman, yes, I was specifically answering the part of the question related to the CCC, because I do not believe any reading of the extract from proceedings in the Legislative Assembly tabled with me today or the *Hansard* record would allow anybody to think that I was referring to the member for Wanneroo in respect of the CCC.

The CHAIRMAN: Further questions? Thank you. I do need to provide a closing statement to you. I do thank you for your evidence before the committee today. A transcript of this hearing will be forwarded to you for correction of minor errors. Any such corrections must be made and the transcript returned within two days from the date of the letter attached to the transcript. If the transcript is not returned within this period, it will be deemed to be correct. New material cannot be added via these corrections and the sense of your evidence cannot be altered. Should you wish to provide additional information or elaborate on particular points, please include a supplementary submission for the committee’s consideration when you return your corrected transcript of evidence. Thank you very much. And you did indicate earlier that you might provide us with a couple of documents, which we can have a look at. We will have those copied and returned. Thank you very much.

Hearing concluded at 12.36 pm