



***PROCEDURE AND PRIVILEGES
COMMITTEE***

**REPORT ON PERSONS ADVERSELY
REFERRED TO
IN THE LEGISLATIVE ASSEMBLY**

MR NOEL CRICHTON-BROWNE

REPORT NO. 6

2008

Presented by Ms Dianne Guise, MLA
Deputy Speaker of the Legislative Assembly
Laid on the Table of the Legislative Assembly
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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.

REPORT

The Speaker of the Legislative Assembly referred to the Procedure and Privileges Committee three letters dated 11 and 12 May 2008 from Mr Noel Crichton-Browne, seeking to use Standing Order 114 to respond to comments made on by the Premier, Mr Alan Carpenter MLA, the Treasurer, Mr Eric Ripper MLA, and the Minister for Education, Mr Mark McGowan MLA.

The Committee has agreed to the attached response proposed by Mr Crichton-Browne.

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

Recommendation

Your Committee recommends –

That a response by Mr Noel Crichton-Browne in the terms specified in the Appendix to this report, be incorporated in *Hansard*.

HON. FRED RIEBELING, MLA
CHAIRMAN OF THE COMMITTEE
19 June 2008

APPENDIX 1

RESPONSE BY MR NOEL CRICHTON-BROWNE

AGREED TO BY MR NOEL CRICHTON-BROWNE AND THE PROCEDURE AND PRIVILEGES COMMITTEE PURSUANT TO STANDING ORDER 114

On 20 March 2007 and on eight other occasions during 2007 set out below, Mr Alan Carpenter, by words used in the Legislative Assembly, made certain claims about Mr Crichton-Browne's conduct which have had the effect of traducing, slandering and defiling Mr Crichton-Browne's reputation.

The various imputations, inferences and allegations made by Mr Carpenter have received wide media coverage and have caused great distress to Mr Crichton-Browne's family. They have caused enormous discomfort and embarrassment to Mr Crichton-Browne.

The unique and privileged position Mr Carpenter holds as Premier has ensured that his allegations made against Mr Crichton-Browne have not only been widely reported but have also assumed a special gravitas and legitimacy. The consequence has been to indelibly stain Mr Crichton-Browne's standing and reputation.

Each and every allegation made against Mr Crichton-Browne by Mr Carpenter is untrue.

Mr A.J.CARPENTER: 20 March 2007 *My government recognises that lobbying is a legitimate part of the democratic process. All vibrant democracies have lobbyists. In Western Australia the overwhelming majority of lobbyists are honest, decent individuals who operate according to ethical business practices. Unfortunately, the reputation of lobbying and lobbyists has been damaged through the actions of Brian Burke, Julian Grill and Noel Crichton-Browne. Evidence submitted to the recent hearings of the Corruption and Crime Commission has shown that Burke, Grill and Crichton-Browne have, at the very least, shown an absolute contempt for standards of political probity and a total disregard of the ethics expected of individuals operating in the sphere of public life. For this reason, the government will not allow Burke, Grill and Crichton-Browne to be on the Register of Lobbyists.*

The clear and obvious inference of Mr Carpenter's allegation is that Mr Crichton-Browne by his behaviour as a lobbyist has been shown to be a dishonest and indecent individual. No evidence was provided to the Corruption and Crime Commission which could give rise to Mr Carpenter's allegation.

Mr Carpenter's next allegation was that evidence had been given to the Corruption and Crime Commission that the reputation of lobbying and lobbyists has been damaged through the actions of Mr Crichton-Browne.

No such evidence was given to the Corruption and Crime Commission and nor was evidence given that could have led to that conclusion. The allegation is untrue.

Mr Carpenter's further claim is that evidence presented to the recent Corruption and Crime Commission found that Mr Crichton-Browne had shown an absolute contempt for standards of political probity.

No evidence was given to the Corruption Commission which gives the slightest support to Mr Carpenter's allegation.

Mr Carpenter claimed that evidence was presented to the Corruption and Crime Commission which showed that Mr Crichton-Browne had at the least shown a total disregard of the ethics expected of individuals operating in the sphere of public life.

No such evidence was presented to the Corruption and Crime Commission and nor was there evidence which could give rise to the allegation.

The following thematic allegations against Mr Crichton-Browne all in different forms allege that Mr Crichton-Browne surreptitiously met Mr Troy Buswell in a car park for the purpose of conspiring with and concocting evidence Mr Buswell and Mr Crichton-Browne were to give to the Corruption and Crime Commission.

Each and every one of these allegations is contrary to and in contradiction to evidence given to the Corruption and Crime Commission.

Mr A.J. CARPENTER: 20 March 2007(1)-(2) *On a number of fronts I find the question remarkable; remarkable for the audacity of the member who asked the question to dare get on his feet and ask questions of this nature. Is the Deputy Leader of the Opposition the member who squatted down in a car out there in the darkness with Noel Crichton-Browne so that no-one could see him, concocted the evidence that he was about to provide to the Corruption and Crime Commission, and went there and gave his evidence in concert?*

The Australian Concise Oxford Dictionary definition of concoct is: invent (a story, a lie etc)

Mr Carpenter's words could only be interpreted by a reasonable reader as alleging that Mr Crichton-Browne had been complicit with Mr Buswell in inventing lies as evidence Mr Buswell and Mr Crichton-Browne were to provide to the Corruption and Crime Commission. Such allegation against Mr Crichton-Browne were it true may well fall within the crime by Mr Crichton-Browne of attempting to pervert the course of justice.

Equally, the words used by Mr Carpenter could only be interpreted by a reasonable reader as alleging that Mr Crichton-Browne had conspired to give false testimony to the Corruption and Crime Commission. Both allegations allege criminal behaviour by Mr Crichton-Browne.

These allegations are entirely baseless.

No evidence was given to the Corruption and Crime Commission that the purpose of the meeting to which Mr Carpenter referred was for the purpose of discussing what evidence Mr Buswell may give to the Corruption and Crime Commission.

The unassailable and uncontested evidence given to the Corruption and Crime Commission by both Mr Crichton-Browne and Mr Buswell was that the purpose of the meeting was to discuss Liberal Party political matters; in particular the forthcoming ballot for the State Liberal Parliamentary Party leadership which was to take place in the next two days.

The harmless circumstances in which the meeting took place were set out in clear evidence to the Corruption and Crime Commission.

The ineluctable evidence given to the Corruption and Crime Commission was that the extent of the discussion about the Corruption and Crime Commission was minimal. Mr Crichton-Browne's contribution was in essence, "Look, I don't want to discuss things." "Troy, if I'm ever asked about that conversation I'll tell them the truth," and I think I said, "It was a perfectly civilised conversation and I asked nothing of you".

On 30 October 2006 Mr Buswell gave the following evidence to the Corruption and Crime Commission about his meeting with Mr Crichton-Browne.

HALL: *You met with Mr Crichton-Browne I assume in the course of him [Liberal Party] lobbying you?*

BUSWELL: *Yes.*

HALL: *All right. But do I understand you to say that neither before nor after the interview Mr Crichton-Browne ever sought to jog your memory as to what had occurred back in 2003?*

BUSWELL: *No, not to the best of my recollection.*

On 31 October 2006 Mr Crichton-Browne gave the following evidence to the Corruption and Crime Commission.

HALL: *Was this the meeting that occurred in the carpark at Parliament House?*

CRICHTON-BROWNE: *Yes, it was.*

HALL: *Right. Well, you may have spoken about leadership issues in the Liberal Party, I expect. Did you?*

CRICHTON-BROWNE: *Yes, we did.*

HALL: *All right, we will put those to one side. Did you also take this opportunity to speak about the meeting that you had back in 2003?*

CRICHTON-BROWNE: *Yes, it came up very briefly because, again, I said, "Look, I don't want to discuss things." I don't remember how it came up, Mr Hall, but I said words to the effect, "Troy, if I'm ever asked about that conversation I'll tell them the truth," and I think I said, "It was a perfectly civilised conversation and I asked nothing of you," yeah, but we did talk about politics. I think that was about the extent of it.*

HALL: *What did he say to that?*

CRICHTON-BROWNE: *He said nothing.*

HALL: *Pardon me, Mr Crichton-Browne, but having a meeting in the carpark has a certain clandestine quality about it. Was there some reason that you were meeting in the carpark?*

CRICHTON-BROWNE: *Yes, there was indeed. At that point - I don't know whether Mr Buswell is aware of it but his vote was likely to be crucial as to decide who was going to be the next leader of the Parliamentary Liberal Party and I've become a longstanding straw man ... Straw man, and so I wanted to ensure that me meeting Mr Buswell and Mr Buswell meeting me wasn't used to the advantage of one side.*

This evidence demonstrates that the purpose of Mr Crichton-Browne's meeting with Mr Buswell was not to "concoct evidence" Mr Buswell or Mr Crichton-Browne were to give to the CCC. The evidence of the CCC reveals that the meeting was quite obviously held to discuss Liberal Party politics.

The question of Mr Buswell's future meeting with staff of the Corruption and Crime Commission was entirely inconsequential and insignificant.

On 23 May 2007 Mr Carpenter made certain statements about Mr Crichton-Browne which a reasonable person could only interpret as implying that Mr Crichton-Browne had conspired with Mr Troy Buswell in an improper and dishonest way about the evidence he and Mr Crichton-Browne were to subsequently provide to the Corruption and Crime Commission.

Mr A.J. CARPENTER: *The member might be able to provide, while he is in the chamber, a detailed explanation of why he was sitting in a car in the car park with Noel Crichton-Browne, undertaking surreptitious activity in advance of providing his evidence to the Corruption and Crime Commission - a misdemeanour for which I believe the member should have been dismissed from his position!*

The evidence of the Corruption and Crime Commission transparently demonstrates that Mr Crichton-Browne was not sitting in a car in the car park with Mr Buswell undertaking surreptitious activity in advance of Mr Buswell providing evidence to the Corruption and Crime Commission.

As is patently self evident, this allegation is false.

On 18 October 2007 Mr Carpenter further repeated his allegation that Mr Buswell had met with Mr Crichton-Browne to conspire with Mr Crichton-Browne about evidence Mr Buswell was to give to the CCC next day.

Mr A.J. Carpenter: *He [Mr Buswell] admitted having a secret meeting in the car park of state Parliament with Noel Crichton-Browne to discuss the evidence he would give at a Corruption and Crime Commission inquiry the following day.*

Again as is clear from the evidence of the Corruption and Crime Commission, this allegation is untrue.

On 28 November 2007 Mr Carpenter made a speech in the Legislative Assembly in which he alleged Mr Crichton-Browne had a clandestine meeting with Mr Buswell to discuss the evidence Mr Buswell was to allegedly give to the Corruption and Crime Commission the following day:

Mr A.J. CARPENTER: *Here I am, the Premier of the state of Western Australia, trying to clean up politics in this state and the state Liberal Party in the Parliament is trying to stop me. What has happened in the world? Not only that, here is the next layer of intrigue and topsy-turviness: in the very moment that I am trying to clean up Western Australian state*

politics and the state Liberal Party is trying to stop me, they are contemplating replacing their current leader with a person who is directly involved with some of the shady characters I am trying to get rid of! The member for Vasse is a puppet of Noel Crichton-Browne. What other member of this Parliament has had secret, clandestine meetings with Noel Crichton-Browne in the car park of the state Parliament? It is almost inconceivable, but it is happening. Ladies and gentlemen, this is what is happening in state politics in Western Australia today. The Premier of the state is trying to clean up the politics of Western Australia but the state Liberal Party is trying to stop me and it is also trying to replace its current leader with a person who is caught up in it all. He admitted having a secret meeting in the car park of state Parliament with Noel Crichton-Browne to discuss the evidence he would give at a Corruption and Crime Commission inquiry the following day. He is still walking around the streets of Perth as bold as brass. Not only that, he has got his hand up for the state Parliamentary Liberal Party leadership.

On this occasion Mr Carpenter goes further in his attack upon Mr Crichton-Browne with words that render the clear implication that Mr Crichton-Browne is a shady, dubious and undesirable character of the type Mr Carpenter is attempting to get out of politics.

Mr Carpenter, in delivering this attack upon Mr Crichton-Browne, offers no facts or evidence in support of his allegations.

Subsequently on the same day in the Legislative Assembly, Mr Carpenter referred to Mr Crichton-Browne as having an “evil influence” and of being “monstrous”.

Mr A.J.CARPENTER: *Who would know more about the internal workings of the Liberal Party than the shadow Attorney General, who has suffered at the hands of the monstrous Noel Crichton-Browne, and who sees his evil influence still at work with the Deputy Leader of the Liberal Party sitting in that chair opposite?*

Mr Carpenter’s attack upon Mr Crichton-Browne conjures up notions of Mr Crichton-Browne as a malevolent and vile person. The Shadow Attorney General has not suffered at the hands of Mr Crichton-Browne.

References to Mr Crichton-Browne as monstrous and having evil influence are cast without evidence or fact and are untrue.

On 27 March 2007 Mr Carpenter attacked Mr Crichton-Browne’s alleged “commitment to environmental issues in the south west”.

Mr A.J. CARPENTER: *The Liberal Party kicked him [Mr Masters] out of Parliament and replaced him with none other than the current Deputy Leader of the Opposition, who is a puppet for Noel Crichton-Browne. I ask people to think about Noel Crichton-Browne’s commitment to environmental issues in the south west, and they will then start to get a clearer picture of how genuine members on the other side are. As for the National Party running up issues of environmental protection, please! Is this opportunistic politics at its very worst or not? Which political party went to great lengths to protect the environmental values of the south west? We did.*

There is no apparent reason for Mr Carpenter’s comments about Mr Crichton-Browne’s alleged commitment to the environment. Mr Carpenter offers no evidence or facts for his statement.

Mr Crichton-Browne has in the past published a detailed article in support of old growth forests in the south west.

On 18 October 2007 following an interjection in the Legislative Assembly by Mr Buswell, Mr Carpenter alleged that the Report of the Corruption and Crime Commission had found that the Member for Vasse was to be given credit for revealing to Busselton Councillors that he had been threatened by Mr Crichton-Browne.

Mr T. BUSWELL: *Have you read the report?*

Mr A.J. CARPENTER: *I have read the report. If it is correct, the report says that the member for Vasse should be given some credit for revealing to councillors in Busselton that he had been threatened by Noel Crichton-Browne - but he denied that he had been threatened.*

Mr Crichton-Browne most certainly did not threaten Mr Buswell to which under oath Mr Buswell attested before the Corruption and Crime Commission and further and equally, the CCC Report did not find that Mr Crichton-Browne had threatened Mr Buswell.

Mr Buswell gave the following sworn evidence before the Corruption and Crime Commission that he had not been threatened by Mr Crichton-Browne.

On 30 October 2006 At p505 Mr Hall [for the CCC]: “Can I suggest to you that in this regard that he said words to the effect of that you would be going no where in the Liberal Party unless you supported developments on council”?

HALL: *Nothing like that was said?*

BUSWELL: *No, not that I can recollect...*

HALL: *But whatever you thought of his capacity, the point is did he make any such suggestion to you.*

BUSWELL: *No.*

HALL: *Well, would you dispute that you told Councillor Shervington that you had a threat from Mr Crichton-Browne?*

BUSWELL: *Yes, I would.*

Equally, Mr Crichton-Browne gave clear and concise evidence that he did not threaten Mr Buswell.

On 31 October 2006 at p545 Mr Hall asked Mr Crichton-Browne:

HALL: *Can I suggest to you that you said something to Mr Buswell at this meeting to this effect: “If you don’t get these Development Applications through, you will have no future in the Liberal Party”?*

CRICHTON-BROWNE: *You can put it, with respect, Mr Hall, but it’s utterly untrue.*

HALL: *Did you say anything at all like that?*

CRICHTON-BROWNE: *Not at all.*

The Corruption and Crime Commission observed: “that if the accounts of the two councillors, one in particular, were accepted, and it is inferred that a threat was made, the actions of Mr Buswell at the time in reporting it are to his credit. It is important to acknowledge that the only two people present at the meeting both deny that any threat was made”.

This is blatantly different to the claim made by Mr Carpenter.

On 22 November 2007, Mr Carpenter alleged that Mr Crichton-Browne was involved in a grand conspiracy over a matter that Mr Carpenter claimed went “to the way in which industry relates to government in this state”.

Mr A.J. CARPENTER: *The chamber passed a motion without dissent in exactly the same terms as this motion today and, incidentally, in exactly the same terms as the motion moved by the opposition under different circumstances on 20 March this year, at which time opposition members argued vociferously that Hon Shelley Archer should be thrown out of the Parliament and expelled. The circumstances pertaining to the two individuals are the same. One was influenced by and did the bidding of Brian Burke, quite willingly and quite deceitfully, and knowingly deceitfully as the evidence has demonstrated. The other, with exactly the same motivation, knowing he was in contempt of Parliament and breaching privilege, knowing exactly what he was doing, as exposed by the transcript, and knowing that what he was doing was wrong, went ahead and acted as an instrument for Noel Crichton-Browne. He acted as a proxy for Noel Crichton-Browne pursuing a personal financial interest, using a committee of the Parliament to further the private financial interests of people outside Parliament in a grand conspiracy, not over a little itty-bitty dispute in a neighbourhood but a massive issue that goes to the way in which industry relates to government in this state.*

Not only was Mr Crichton-Browne not involved in any “grand conspiracy”, Mr Crichton-Browne knew nothing of any “grand conspiracy”. Mr Crichton-Browne’s first knowledge of what the Select Committee describes as a “strategy” was when he was provided with part of a draft copy of the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations .

Not only was Mr Crichton-Browne, not “engaged in a grand conspiracy”, the Select Committee “was unable to establish conclusively that Mr Crichton-Browne was fully informed by the other participants in the strategy as to the true nature of the intended use of SCEFO”.

The unvarnished truth is; there was no evidence at all given to the Select Committee that Mr Crichton-Browne was partly or wholly “informed by the other participants in the strategy as to the true nature of the intended use of SCEFO”.

Mr Crichton-Browne’s view about the dispute between Cazaly Resources and Rio Tinto is publicly recorded in a published article written by Mr Crichton-Browne in which Mr Crichton-Browne gives unqualified support for the decision made by Minister Bowler.

Mr Crichton-Browne wrote inter alia that:

“Western Australian Resources Minister John Bowler was correct to terminate Cazaly’s application for the Shovelanna iron ore deposit in the Pilbara previously held by Rio Tinto.

Not to put it unkindly, those who bought into Cazaly Resources punting on Minister Bowler granting the area to Cazaly Resources were taking an enormous risk and were always likely to lose their money.

There was nothing unlikely or untoward in Bowler’s decision which was very much in line with precedent and the spirit of the Western Australian Mining Act, not the least amendments recently passed through parliament with the support of all parties.

Putting aside the absurd argument that billions of dollars of resources should be allocated on misadventure, given the nature of exploration, development and sale of iron ore, that metal has always been treated differently to almost all other resources by governments of all hues. The WA Mining Act reflects this very sensible and necessary policy”.

Claims that Mr Crichton-Browne was in some way involved in a grand conspiracy to assist Cazaly Resources obtain the Shovelanna iron deposit from Rio Tinto are untrue.

On 28 November 2008 Mr Carpenter made certain allegations against Mr Crichton-Browne which are untrue.

Mr A.J. CARPENTER: *Please; the Leader of the Opposition cannot get himself thrown out today. He knows what that might mean. He should not get himself thrown out today.*

After all that rhetoric for years, we get a changed situation. However, what do we have here? It is almost a daily occurrence that the state Parliamentary Liberal Party, the leader, and the deputy leader, Noel Crichton-Buswell, come into this place and make some outrageous allegation or assertion that is completely false. They did it to the police minister a couple of days ago. It was completely false. When we show that it is false, what is the response? We show what they have said is false, and their response is, “You’ve been caught out again.” The guys on that side should thank their lucky stars that they have The West Australian newspaper completely silent about what is going on in this state. A major conspiracy has been revealed involving parties outside the Parliament trying to use members of this Parliament, and the processes of the Parliament itself, to extract money from Rio Tinto. When it was revealed, I think The West Australian newspaper described the process by which it was revealed as an attack on democracy. What is laid out there is a major conspiracy upon which, in large part, the daily newspaper of this state is silent. Why? Because it is caught up in it. It is under the same influences as the people whom I am trying to get rid of. Its editor is, and Paul Murray, of whom the editor is an acolyte, is as well. Do members remember who Paul Murray’s two expert panellists were when he was a 6PR talkback radio host? Brian Burke and Noel Crichton-Browne! What have we got in this state? For God’s sake, what is happening in Western Australia when the state Parliamentary Liberal Party is trying to stop the Premier cleaning up politics in this state? The daily newspaper, The West Australian, is totally silent on it –

When this speech is read in the context of the earlier allegations made by Mr Carpenter that Mr Crichton-Browne had been party to a “grand conspiracy” against the State and a major mining company, references in this speech to a “major conspiracy has been revealed involving parties outside the Parliament trying to use members of this Parliament, and the processes of the Parliament itself, to extract money from Rio Tinto, are untrue.

The only interpretation which a reasonable man can place upon this speech is that Mr Carpenter is including Mr Crichton-Browne as a person so infamous that he is not a fit or proper person to fill so much as the role of a political commentator on a radio station.

The Corruption and Crime Commissioner's various findings have not on one occasion reflected adversely upon Mr Crichton-Browne.

The allegations are untrue.

Yours faithfully

Noel Crichton-Browne

APPENDIX 2

RESPONSE BY MR NOEL CRICHTON-BROWNE

AGREED TO BY MR NOEL CRICHTON-BROWNE AND THE PROCEDURE AND PRIVILEGES COMMITTEE PURSUANT TO STANDING ORDER 114

On 3 April 2007 and on six other occasions in 2007 set out below, Mr Eric Ripper, by words used in the Legislative Assembly, made certain claims about Mr Crichton-Browne's conduct which have had the effect of traducing, slandering and defiling Mr Crichton-Browne's reputation.

The various imputations, inferences and allegations made by Mr Ripper have received wide media coverage and have caused great distress to Mr Crichton-Browne's family. They have caused enormous discomfort and embarrassment to Mr Crichton-Browne.

Given Mr Ripper's public office and the repetition of these allegations, they have attracted wide media coverage. The consequence has been to indelibly stain Mr Crichton-Browne's reputation and standing.

Each and every allegation made against Mr Crichton-Browne is untrue.

Mr E.S. RIPPER: 3 April 2007. (1)-(2) *The member for Vasse knows all about disgraced lobbyists! He meets them in the car park of Parliament House and has meetings with them, and concocts his evidence before he goes to the Corruption and Crime Commission to give that evidence! So, what a laugh that he should ask that question! I must say that I have been waiting all question time for the member for Vasse to ask that question, because he just does not have any credibility on this issue. The member for Vasse should have been sacked, Leader of the Opposition, from his position on the front bench because of his disgraceful conversations with Noel Crichton-Browne in the car park of Parliament House. The Commodore confidante, the Ford fandango –*

Mr Ripper referred to Mr Crichton-Browne as one of a number of "disgraced lobbyists". The Corruption and Crime Commission did not make any such adverse finding about Mr Crichton-Browne and most certainly no evidence was given to the CCC which in any way justified in the slightest, Mr Ripper's reference to Mr Crichton-Browne as a "disgraced lobbyist".

Mr Ripper by his claim that Mr Buswell participated in "disgraceful conversations with Noel Crichton-Browne" infers for the reader to clearly understand that there was something disgraceful in the conversation Mr Crichton-Browne had with Mr Buswell.

The Concise Oxford Dictionary defines disgraceful as "shameful, dishonourable, degrading". The Corruption and Crime Commission had made no such finding and nor did it find Mr Crichton-Browne's conduct or that of Mr Buswell to be improper or inappropriate.

In referring to Mr Buswell "as concocts his evidence before he goes to the Corruption and Crime Commission to give that evidence" in collusion with Mr Crichton-Browne in a car

park, Mr Ripper alleges that Mr Crichton-Browne conspired with Mr Buswell as to the evidence he was to give to the Corruption and Crime Commission. This claim by Mr Ripper apparently alleges criminal behaviour by Mr Crichton-Browne.

This allegation does not reflect the evidence or the findings of the Corruption and Crime Commission and nor is it true.

No evidence was given to the Corruption and Crime Commission that the reason for the meeting between Mr Crichton-Browne and Mr Buswell was for the purpose of discussing what evidence Mr Buswell may give to the Corruption and Crime Commission.

The unimpeachable evidence given to the Corruption and Crime Commission by both Mr Crichton-Browne and Mr Buswell for the purpose of the meeting was to discuss Liberal Party political matters; in particular the forthcoming ballot for the State Liberal Parliamentary Party leadership which was to take place in the next two days.

Mr Ripper's allegations that Mr Crichton-Browne met "surreptitiously" for the purpose of conspiring in respect to evidence Mr Buswell was to give to the Corruption and Crime Commission is untrue.

The uncontested evidence given to the Corruption and Crime Commission was that the extent of discussion between Mr Crichton-Browne and Mr Buswell about the Corruption and Crime Commission was minimal. Mr Crichton-Browne's contribution was in essence, "Look, I don't want to discuss things." "Troy, if I'm ever asked about that conversation I'll tell them the truth," and I think I said, "It was a perfectly civilised conversation and I asked nothing of you".

On 30 October 2006 Mr Buswell gave the following evidence to the Corruption and Crime Commission about his meeting with Mr Crichton-Browne:

HALL: *You met with Mr Crichton-Browne I assume in the course of him [Liberal Party] lobbying you?*

BUSWELL: *Yes.*

HALL: *All right. But do I understand you to say that neither before nor after the interview Mr Crichton-Browne ever sought to jog your memory as to what had occurred back in 2003?*

BUSWELL: *No, not to the best of my recollection.*

On 31 October 2006 Mr Crichton-Browne gave the following evidence to the Corruption and Crime Commission.

CRICHTON-BROWNE: *Late in March. A day or two before the leadership change for the state Liberal Party.*

HALL: *Was this the meeting that occurred in the carpark at Parliament House?*

CRICHTON-BROWNE: *Yes, it was.*

HALL: *Right. Well, you may have spoken about leadership issues in the Liberal Party, I expect. Did you?*

CRICHTON-BROWNE: *Yes, we did.*

HALL: *All right, we will put those to one side. Did you also take this opportunity to speak about the meeting that you had back in 2003?*

CRICHTON-BROWNE: *Yes, it came up very briefly because, again, I said, "Look, I don't want to discuss things." I don't remember how it came up, Mr Hall, but I said words to the effect, "Troy, if I'm ever asked about that conversation I'll tell them the truth," and I think I said, "It was a perfectly civilised conversation and I asked nothing of you," yeah, but we did talk about politics. I think that was about the extent of it.*

HALL: *What did he say to that?*

CRICHTON-BROWNE: *He said nothing.*

HALL: *Pardon me, Mr Crichton-Browne, but having a meeting in the carpark has a certain clandestine quality about it. Was there some reason that you were meeting in the carpark?*

CRICHTON-BROWNE: *Yes, there was indeed. At that point - I don't know whether Mr Buswell is aware of it but his vote was likely to be crucial as to decide who was going to be the next leader of the Parliamentary Liberal Party and I've become a longstanding straw man ... I wanted to ensure that me meeting Mr Buswell and Mr Buswell meeting me wasn't used to the advantage of one side.*

Mr Ripper's claims ignore the inescapable evidence given to the Corruption and Crime Commission as to why the meeting between Mr Crichton-Browne and Mr Buswell took place and in the circumstances that it did. The perfectly obvious response exists in the Corruption and Crime Commission evidence set out above.

Again On 5 April 2007 Mr Ripper alleged that Mr Buswell and Mr Crichton-Browne had met "in a car in a car park" so as to avoid interception of the conversation by the "Crime Commission".

Mr E.S. RIPPER: *I noted the member's ridiculous comments about lobbyists. I understand that the approved procedure in the opposition is for a meeting to be organised with Noel Crichton-Browne in a car in a car park. If the member wants to talk about lobbyists, he should ask his colleague the member for Vasse how to have a meeting with Noel Crichton-Browne in an environment where the Corruption and Crime Commission would not have a telephone intercept or microphone. Apparently, the approved Liberal Party procedure is to go to a car park and have a meeting.*

Mr Ripper's allegation is that Mr Crichton-Browne held a meeting with Mr Buswell in circumstances designed to prevent the contents being electronically intercepted by the Corruption and Crime Commission. The only inference that can be drawn from Mr Ripper's allegation is that Mr Buswell and Mr Crichton-Browne were conducting a nefarious conversation of a nature which they would wish to have hidden from the Corruption and Crime Commission.

This allegation is untrue.

On 15 June 2007 Mr Ripper further repeated his allegations against Mr Crichton-Browne.

Mr E.S. RIPPER: *Let us deal with the Leader of the Opposition's claim about standards. It falls away when we think about the lack of action by the Leader of the Opposition relating to the Deputy Leader of the Opposition. Let us look at what the Deputy Leader of the Opposition has done. He has misled his own electors. He said that he was opposed to the Smiths Beach development but then he went behind their backs and helped the lobbyist Noel Crichton-Browne - who is a person of interest in a corruption inquiry - organise candidates for the Busselton shire council elections who will, as the Deputy Leader of the Opposition understands, support the very development that the Deputy Leader of the Opposition has publicly opposed. There was also that meeting in the car park when the Deputy Leader of the Opposition cooked up his evidence that he was to give to the CCC with Noel Crichton-Browne, the disgraced lobbyist.*

To distil the principal allegations made against Mr Crichton-Browne by Mr Ripper contained in this speech, they are these: Mr Crichton-Browne was at the time, according to Mr Ripper, party to and part of Mr Buswell conniving to perjure himself before the Corruption and Crime Commission and consequently attempting to pervert the course of justice; Mr Crichton-Browne was a person of interest to the Corruption and Crime Commission and that Mr Crichton-Browne was a disgraced lobbyist. Each of these assertions is without fact or substance.

In saying of Mr Buswell "There was also that meeting in the car park when the Deputy Leader of the Opposition cooked up his evidence that he was to give to the CCC with Noel Crichton-Browne, the disgraced lobbyist", Mr Ripper alleges that Mr Crichton-Browne conspired with Mr Buswell as to the evidence he was to give to the Corruption and Crime Commission.

This allegation also in keeping with others of an almost identical nature made by Mr Ripper is neither supported by evidence or fact and is untrue.

On 3 April 2007 Mr Ripper again repeated his allegation.

MR E.S. RIPPER (Belmont - Treasurer) [3.35 pm]: *The member for Vasse made a number of comments about arrogance as he delivered his speech. I will say this: there is nothing as arrogant as the member for Vasse staying in his position after he met a person who was of interest to the Corruption and Crime Commission in the Parliament car park to concoct his evidence before that inquiry. There is nothing so arrogant as the member for Vasse being the Deputy Leader of the Opposition. His arrogance has led him to make an error. The Deputy Leader of the Opposition spent most of his speech attacking the Premier. However, the Premier has never had ministerial responsibility for this project. The member for Vasse was completely wrong for two-thirds of his speech. What sort of arrogance leads to that sloppy level of research?*

Mr Crichton-Browne was not a "person of interest" to the Corruption and Crime Commission in the manner that Mr Ripper claims.

In saying of Mr Buswell "there is nothing as arrogant as the member for Vasse staying in his position after he met a person who was of interest to the Corruption and Crime Commission in the Parliament car park to concoct his evidence before that inquiry", Mr Ripper alleges that Mr Crichton-Browne conspired with Mr Buswell as to the evidence he was to give to the Corruption and Crime Commission.

Presumably it follows that Mr Crichton-Browne was part of a criminal conspiracy in conspiring with Mr Buswell for him to perjure himself before the Corruption and Crime Commission and is guilty of attempting to pervert the course of justice.

This allegation is also untruthful.

Again on 3 April 2007 in the Legislative Assembly, Mr Ripper's allegations against Mr Crichton-Browne had the effect of smearing Mr Crichton-Browne's character:

Mr E.S. RIPPER: *The member for Vasse tries to fight back! The member for Vasse's credibility will never recover from that meeting with Noel Crichton-Browne in the car park of Parliament House! People will always ask: why did the member for Vasse meet with Noel Crichton-Browne in a car in the car park? Why did they not meet in an office? Why did they not conduct their business by telephone? Why did they conduct their business in that way? The member for Vasse's credibility will never recover from that meeting. The member for Vasse's reputation for integrity will also never recover from what he did to the member for Kalgoorlie.*

The only interpretation that a reasonable and objective person can place on the words of Mr Ripper is that Mr Buswell in meeting Mr Crichton-Browne in the circumstances that the meeting took place destroyed Mr Buswell's "credibility and reputation for integrity" from which he would "never recover". Equally and consequently Mr Ripper by his words introduces the inferred suggestion that there was something improper and sinister in the meeting which took place between Mr Crichton-Browne and Mr Buswell.

The inescapable inference is clear; that in meeting Mr Crichton-Browne in the circumstances that Mr Buswell did, odium settled upon both Mr Buswell and Mr Crichton-Browne, not the least upon Mr Crichton-Browne. "Why did they not conduct their business by telephone" Mr Ripper asks the parliament? Such was the odium of Mr Buswell meeting Mr Crichton-Browne that Mr Buswell's "reputation would never recover".

Mr Ripper's various allegations against Mr Crichton-Browne are not supported by fact or evidence. They are in every respect, in contradiction with evidence before the Corruption and Crime Commission which entirely refutes Mr Ripper's claims.

In the Legislative Assembly on 15 May 2007 Mr Ripper described Mr Buswell as duplicitous and treacherous, alleging that his was the type of behaviour of someone who met with Mr Crichton-Browne in dubious circumstances in a car park.

Mr E.S. RIPPER: *He is duplicitous and treacherous. It was the sort of behaviour that we would expect from the man who met with Noel Crichton-Browne in a car park. The shadow Treasurer said that this budget imposed \$590 million in household fee increases.*

There can be no other inference in this statement by Mr Ripper other than an allegation that Mr Crichton-Browne was someone who dealt with duplicitous and treacherous people and correspondingly, it was a characteristic which Mr Crichton-Browne attracted.

Mr Ripper's claim is without substance and is untrue.

Mr Ripper's statement again ignores the evidence given to the Corruption and Crime Commission as to why the meeting took place in the circumstances that it did.

Yours faithfully

Noel Crichton-Browne

APPENDIX 3

RESPONSE BY MR NOEL CRICHTON-BROWNE

AGREED TO BY MR NOEL CRICHTON-BROWNE AND THE PROCEDURE AND PRIVILEGES COMMITTEE PURSUANT TO STANDING ORDER 114

On 20 September 2007 Mr McGowan stated in the Legislative Assembly that Mr Crichton-Browne had been involved in corrupt dealings and in so doing, Mr McGowan traduced, slandered and defiled Mr Crichton-Browne's reputation.

Mr McGowan in making his allegations against Mr Crichton-Browne alleged that Mr Crichton-Browne had been involved in corrupt dealings with Mr Buswell.

Mr M. McGOWAN: (1)-(2) *The answer is no and no - neither of the above. Here we see crocodile tears from a person [Mr Buswell] who does not care about anything or anyone but himself. He has a record in public life of saying one thing and doing another. That has been his experience over two and a half years in this Parliament. He gets all angry, rambunctious and loud because we point out the truth about him all the time, and his colleagues know it. He got involved in corrupt dealings with Noel Crichton-Browne.*

No evidence was given to the Corruption and Crime Commission that Mr Crichton-Browne had acted corruptly or was involved in any corrupted dealings.

Mr Crichton-Browne has not been involved in corrupt dealings with Mr Buswell and Mr McGowan's allegations are untrue.

On 21 November 2007 Mr McGowan made a number of untrue allegations against Mr Crichton-Browne and in doing so Mr McGowan claimed to be quoting from the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and financial Operations. The words used by Mr McGowan are not to be found in the Report.

Mr M.MCGOWAN: *That is, he did have a conversation. That is what he said. Going further into the report, page 143 is interesting. Noel Crichton-Browne is the best friend of Hon Norman Moore. I do not think he would deny that. Noel Crichton-Browne indicated, through a tapped phone call and emails, that he was going to contact Hon Norman Moore, MLC, about the draft inquiry terms of reference. The report states that Noel Crichton-Browne and Hon Norman Moore do not remember that contact. Tapped phone calls and emails by Noel Crichton-Browne indicate he was going to speak to Hon Norman Moore about this issue. A person does not have to speak on the phone, because he can speak in person, particularly to a best friend, I would expect. This indicates to me that, although there was no direct evidence by way of tapped phone calls of Hon Norman Moore and Mr Crichton-Browne being involved in this issue together, Hon Norman Moore has some questions to answer and there are some implications for him from this report. He is implicated in these matters, yet he went out and responded to the media yesterday on these issues. It was not the Leader of the Opposition and it was not the Deputy Leader of the Opposition. It was Hon Norman Moore who told the media what the Liberal Party's point of view on these issues is, which is that it is not going to have a bar of what the government is proposing. Does it not strike members as somewhat strange that a person who was*

implicated in these issues and who dominates the Liberal Party is saying that the party is not going to have a bar of it, and that he happens to be the best friend of one of the lobbyists involved? There are two key lobbyists - Brian Burke and Noel Crichton-Browne - involved in these issues.

Mr McGowan begins his speech claiming to be quoting the Report which he claimed stated that “Noel Crichton-Browne indicated, through a tapped phone call and emails, that he was going to contact Hon Norman Moore, MLC, about the draft inquiry terms of reference”.

Mr McGowan further claimed to be referring to the Report when he stated “Tapped phone calls and emails by Noel Crichton-Browne indicate he was going to speak to Hon Norman Moore about this issue.

Mr McGowan was not quoting from the Select Committee Report and the Select Committee Report said no such thing. Mr Crichton-Browne most certainly did not indicate through a tapped phone call and emails, that he was going to contact Hon Norman Moore, MLC, about the draft inquiry terms of reference.

There are no telephone calls and nor are there any emails from Mr Crichton-Browne where Mr Crichton-Browne indicated that he was going to speak to Hon Norman Moore.

Mr McGowan followed that allegation by strongly inferring that Mr Crichton-Browne gave false evidence to the Committee when denying having discussed the proposed reference with Hon Norman Moore.

Mr McGowan alleged “A person does not have to speak on the phone, because he can speak in person, particularly to a best friend, I would expect. This indicates to me that, although there was no direct evidence by way of tapped phone calls of Hon Norman Moore and Mr Crichton-Browne being involved in this issue together, Hon Norman Moore has some questions to answer and there are some implications for him from this report. He is implicated in these matters, yet he went out and responded to the media yesterday on these issues”.

Mr McGowan by these words alleges that Hon Norman Moore and Mr Crichton-Browne met in circumstances which would have avoided interception by the Corruption and Crime Commission and in doing so, both Hon Norman Moore and Mr Crichton-Browne gave false evidence to the Select Committee. The allegation is entirely baseless.

Mr McGowan concluded his remarks by referring to: “There are two key lobbyists - Brian Burke and Noel Crichton-Browne - involved in these issues”. Mr Crichton-Browne most certainly was not a key lobbyist.

The Select Committee found to the contrary. Not only was Mr Crichton-Browne not a key lobbyist involved in these issues, the Committee “was unable to establish conclusively that Mr Crichton-Browne was fully informed by the other participants in the strategy as to the true nature of the intended use of SCEFO”.

When Mr Crichton-Browne appeared before the Select Committee he was not even questioned about it and nor was the matter coherently raised by the Committee with Mr Crichton-Browne.

No credible evidence at all given to the Select Committee that Mr Crichton-Browne was partly or wholly “informed by the other participants in the strategy as to the true nature of the intended use of SCEFO”.

This allegation is untrue.

On Wednesday 28 November 2007 in the Legislative Assembly Mr McGowan referred to Mr Crichton-Browne repeatedly as an “evil dark force”.

Mr M.MCGOWAN: *The Leader of the Opposition has been driven to this state by the vicious undermining for which the member for Vasse has a long record, stretching back to his time as a shire councillor in Busselton; he is being controlled by evil dark forces in the Liberal Party - Noel Crichton-Browne. Evil dark forces in the Liberal Party are pulling his strings and if he gets into a position of power in the Liberal Party, we will know who will be running it. It will be Noel Crichton-Browne.*

Mr McGowan’s untruthful remarks about Mr Crichton-Browne in which he refers to Mr Crichton-Browne as an “evil dark force” are not supported by evidence.

Yours faithfully

Noel Crichton-Browne