

SCHEDULE
AFFIDAVIT FOR PURPOSES OF SO 134

Re the Petition of Mr Noel Crichton-Browne

I, Kevin Burgoyne, solicitor for the petitioner Noel Crichton-Browne, make oath and say as follows:

The statements of fact made by the petitioner in paragraphs 1-4(incl), 6-61(incl) of the petition are true to the best of my knowledge, information and belief, and the allegations made are, in my professional opinion, sustainable.

Sworn at Perth this 7th day of November 2008

A handwritten signature in blue ink, appearing to be 'K Burgoyne', is written below the text.

STATEMENT OF FACTS STANDING ORDER 134 (a)

1. On Thursday 29 November 2007, Hon Ljiljanna Ravlich made a number of statements in the Legislative Council about Mr Noel Crichton-Browne which were untrue.
2. The matters of which Mr Crichton-Browne complains relate to statements made about him by Hon Ljiljanna Ravlich during debate on the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.
3. The only objective and reasonable reading of Hon Ljiljanna Ravlich's speech is that in making her various claims about Mr Crichton-Browne she claimed to rely upon the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations.
4. Hon Ljiljanna Ravlich having read the Report of the Select Committee would have or should have known that the statements made by her, of which Mr Crichton-Browne complains, were untrue.
5. Mr Crichton-Browne asserts that in misleading the Legislative Council, Hon Ljiljanna Ravlich is in contempt of the House.
6. The relevant sections of Hon Ljiljanna Ravlich's speech are set out below:
7. **Hon LJILJANNA RAVLICH:** *In supporting the amendment I wish to recapture some of the key points in the chronology of events of the Select Committee and what it uncovered. The origin of this whole matter is found in 2005 in the dispute between Cazaly Resources Ltd together with Echelon Resources Ltd on one side and Rio Tinto on the other side. Shovelanna was an iron ore deposit near Newman that was originally pegged in the 1970s. Rio Tinto's documentation for the renewal of its lease somehow had not arrived in the Mining Warden's office by the prescribed date, which was 28 August 2005, and therefore Cazaly Resources successfully applied for a lease over what was technically vacant land under the WA Mining Act. The Minister at the time, John Bowler, had to rule on the matter. He ruled in favour of Rio Tinto's application to have Cazaly's lease struck out under the Mining Act. Following that, I understand that the ruling was tested in the Supreme Court, which found in the Government's favour. Therefore, Minister Bowler's decision was upheld. It was that decision that Cazaly was seeking to overturn. I suspect that what happened from there was that Cazaly may well have been advised of the services of Mr Burke and Mr Grill in this matter. They worked with Mr Crichton-Browne in order to affect a shift, if you like, from the position it was in.*

8. The only reasonable interpretation of Hon Ljiljanna Ravlich's words insofar as they relate to Mr Crichton-Browne is that Mr Crichton-Browne 'worked' to have the decision made by Minister Bowler overturned.
9. Hon Ljiljanna Ravlich's claim is false and is not supported by the evidence in the Report of the Select Committee.
10. Following is one of two articles written by Mr Crichton-Browne and published on the matter of the disputation between Cazaly Resources and Rio Tinto prior to the Corruption and Crime Commission hearings and those of the Select Committee. In stark contradiction to the false allegations of Hon Ljiljanna Ravlich, Mr Crichton-Browne's article gives unqualified support for the decision made by Minister Bowler and gives no comfort to those who were seeking to have it overturned.
11. "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.

Rio's undoubted bumbling and incompetence in attempting to renew its Exploration Licence 46/209 were never going to be sufficient to have this billion dollar deposit taken from it.

There is nothing unlikely or untoward in Bowler's decision which is 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.

The facts of the matter are these: Rio's Exploration Licences were due to expire on 26 August 2005 and accordingly, on 28 July 2005, Rio provided the Head Office of the Department of Industry and Resources with the appropriate renewal fee. Due to an antiquated provision of the Act which has its origins in the Mining Act of 1904, the renewal application, as distinct from the fee, must be lodged with the Mining Registrar of the relevant mining field; in this case the Marble Bar Mining Registrar.

Rio dispatched the renewal application to Marble Bar by overnight courier. In the event, the delivery was far from overnight, however, the application did arrive in Marble Bar prior to the close of business on the last eligible day. Due to a quaint local practice, the courier dropped his dispatched at 'Lenny Lever's store' in the main street.

In keeping with Marble Bar time, Lenny rang the Mining Registrar six days later to inform he had mail for her. Upon retrieving her package, the Mining Registrar discovered Rio's renewal documentation.

There is no Western Australian precedent on all fours with Rio's case. However, Pancontinental Mining had a not dissimilar situation in 1986. On that occasion, Pancontinental failed to renew the lease upon which its major Paddington gold mining operation north of Kalgoorlie was situated. At one minute past midnight, a prospector, Bierberg, pegged the ground.

With the approval and support of the Liberal Party, the Labor Government of the time introduced retrospective legislation which saw the dramatic expansion of Sec 111A of the Act. That provision enabled the Minister to terminate Bierberg's mining lease application and return the ground to Pancontinental through its further application.

It is precisely the provision used by Minister Bowler to terminate Cazaly's application.

111A Minister may terminate or summarily refuse certain applications

- (a) by notice served on the mining registrar or the warden, as the case requires, terminate an application for a mining tenement before the mining registrar or the warden has determined, or made a recommendation in respect of, the application;
- (b) refuse an application for a mining tenement

if in respect of the whole or any part of the land to which the application relates
—

- (c) The Minister is satisfied on reasonable ground in the public interest that —
 - (i) the land should not be disturbed; or
 - (ii) the application should not be granted;

When Rio discovered its error, it pegged the area as mining leases which placed its applications second in time to those of Cazaly and following the Minister's action, they now became first in time. It could not apply for further Exploration Licences for the ground because the Act required a three month 'cooling off' period between Exploration Licences for the same ground by the same applicant.

In respect to the need to lodge tenement applications with the relevant Mining Registrar, legislation had passed through the Parliament prior to Rio's difficulties which allowed for all applications to be lodged with the Department in Perth,

however the legislation had not been proclaimed, which event occurred in early February.

Putting aside the absurd argument that billions of dollars of recourses 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 government of all hues. The WA Mining Act reflects this very sensible and necessary policy.

For instance, the Minister has complete discretion in the granting of exemptions from expenditure conditions. Such applications need not even go before a Mining Warden.

The truth of the matter is, Rio's treatment of its Shovelanna deposit, in which incidentally, Hancock Prospecting and Wright Prospecting both hold a 25 per cent interest, is entirely in keeping with the treatment of iron ore prospects held by other iron ore miners.

The development of iron ore deposits in Western Australia has always been based on an orderly sequential basis. One need not visit the enormous disputes Langley George Hancock and Earnest Archibald Maynard Wright had with then Resources Minister, Charles Court, in the late sixties and early seventies to understand a policy embraced by successive Western Australian governments.

Whatever the arguments put that Rio has not properly exploited Shovelanna, they have no bearing on the underlying principle which must dictate the grounds of the Minister's deliberations. At the time of tenement renewals, it is always within the keep of the government of the day not to grant a renewal if the Minister is not satisfied with the performance of a holder; that is however an entirely different matter.

It, of course, goes without saying that were it not for the very recent dramatic increase in iron ore prices, Cazaly would have no interest in Shovelanna. Of the ten exemptions granted to Rio in respect to this area in past years, to my knowledge none has been met by an objection.

Lest my views be understood to give some support to the general conduct of Rio and BHP and their grim determination to maintain an unfair and unjust duopoly in the Pilbara iron ore industry, the behaviour of those companies in attempting to keep Fortescue Metals off their railways is by any measure, without a shred of public interest".

12. **Hon LJILJANNA RAVLISH:** *...However at the heart of all this was the plan that was devised about how the share price could be influenced by using the Standing Committee on Estimates and Financial Operations to bring pressure to bear so that there could be some change in the outcomes.*

13. Hon Ljiljana Ravlich is again repeating her earlier allegation in relation to Mr Crichton-Brown, this time with further embellishments which have no truth in fact and of which no evidence was provided in the Report of the Select Committee.
14. At the heart of Hon Ljiljana Ravlich's allegation against Mr Crichton-Browne is the false assertion that he was part of a plan which was apparently to have Rio Tinto pressured into settling in some form with Cazaly Resources in respect to the Shavalanna iron ore deposit.
15. The consequence of this plan, according to Hon Ljiljana Ravlich, was to be the inflation of Cazaly resources shares. The instrument and vehicle to facilitate this outcome was to be the Standing Committee on Estimates and Financial Operations.
16. This statement by Hon Ljiljana Ravlich and the implication of its claim are entirely untrue insofar as it refers to Mr Crichton-Browne. The Report expressly sets out whom it alleged was responsible for the strategy and who was not. Mr Crichton-Browne knew nothing, nor was party to, any '*plan that was devised about how the share price could be influenced by using the Standing Committee on Estimates and Financial Operations in bringing pressure to bear so that there could be some change in the outcomes*'.
17. The Committee Report listed those whom it alleged were responsible for *devising and implementing of the "strategy"*, listed those whom it alleged *had varying degrees of involvement in the development and/or implementation of the strategy (or parts of the strategy) and finally listed those who were involved without knowledge of the full details of the strategy and its true purpose*. In so doing the Report addressed the last category of people in the following terms.
18. *"The Committee notes that a number of people were involved at varying degrees in the implementation of the strategy and, based on the evidence before the Committee, without knowledge of the full details of the strategy and its true purposes, including Mr Noel Crichton-Browne, Lobbyist for Cazaly Resources Limited; Dr Walawski, Chief Executive, the Association of Mining and Exploration Companies Inc; Mr Ian Loftus, Policy and Public Affairs Manager, the Association of Mining and Exploration Companies Inc; and Mr Malcolm McCusker QC, Barrister.*
19. Not only was Mr Crichton-Browne not involved in any such "*strategy*" or *plan*, Mr Crichton-Browne knew nothing of any such "*strategy*". 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 .
20. When Mr Crichton-Browne appeared before the Select Committee he was not directly questioned about it and nor was the matter coherently raised by the Committee with Mr Crichton-Browne.

21. Not only was Mr Crichton-Browne, not involved in such a strategy, 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”*.
22. The unvarnished truth is; there was no credible evidence 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”*.
23. It does not go to the matter of Hon Ljiljana Ravlich misleading the Legislative Council however the Committee Report at 8.24 is incompetently and crucially inaccurate.
24. 8.24 On 10 October 2006 Mr Grill, Mr Burke, Mr McMahon, Mr Edel and Mr Alex Jones, meet with Mr Crichton-Browne at the offices of DLA Phillips Fox (with whom Gadens had then amalgamated) in order to brief him and review the draft terms of reference for the proposed parliamentary inquiry into the iron ore industry.
25. The facts are that Mr Crichton-Browne had no meeting with Mr Burke and or Mr Grill about the terms of reference for the proposed parliamentary inquiry into the iron ore industry on 10 October 2006 or on any other date.
26. Mr Crichton-Browne had no communications with Mr Grill in any form about the Cazaly matter and to his memory spoke with Mr Burke twice and received one email from Mr Burke about the matter.
27. Mr Crichton Browne met with Mr Edel on one occasion, that being some weeks after the decision by the Standing Committee not to proceed with a reference into the iron ore industry.
28. **Hon LJILJANNA RAVLICH:** *the Select Committee’s inquiries reveal that the financial interests of other parties were involved in these matters, but the key figures at the centre of this whole issue were Mr Burke, Mr Grill and Mr Crichton-Browne.*
29. The truth is that the Committee’s inquiries did not reveal that Mr Crichton-Browne was a *‘key figure at the centre of this whole issue’* of a *‘plan about how the share price could be influenced by using the Select Committee on Estimates and Financial Operations...’*.
30. Not only was Mr Crichton-Browne not a key figure at the centre of the whole issue, 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.*
31. The truth is, there was no evidence in the Report 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”* as set out in the Report.

32. **Hon LJILJANNA RAVLICH:** *They (Hon Anthony Fels and Hon Shelley Archer) were, in my view, manipulated and used by Mr Burke, Mr Grill and Mr Crichton-Browne. It is made clear throughout the report that there had been consistent manipulation. It is quite clear that all three, Mr Burke, Mr Grill and Mr Crichton-Browne, did not reveal to those two members of this House the extent to which they would profit from this matter.*
33. It is false of Hon Ljiljanna Ravlich to claim that Hon Anthony Fels and Hon Shelley Archer were manipulated in any way by Mr Crichton-Browne and neither does the Select Committee Report 'make clear through the Report that Hon Anthony Fels and Hon Shelley Archer had been consistently manipulated by Mr Crichton-Browne.'
34. Mr Crichton-Browne gave sworn evidence that he had informed Hon Anthony Fels that Mr Crichton-Browne was engaged by Cazaly Resources.
35. **Hon LJILJANNA RAVLICH:** *It is quite clear from everything presented in the Report that the level of fee that Mr Grill and Mr Burke were due to make was very substantial. A figure of \$2 million was mentioned in the Report. I have no issue with people making money. In some sense the market determines how much money a person does make from success fees and a whole range of considerations. However, the heart of this is how people make money. It is about their integrity, or sometimes, their lack of integrity. Therefore, it seems apparent to me that some of the \$2 million was based on share options. There were some share options. However, it is not clear from the Report how much was going to be a success fee as opposed to shares options.*
36. **Hon LJILJANNA RAVLICH:** *It is quite clear that all three, Mr Burke, Mr Gill and Mr Crichton-Browne, did not reveal to those two members of this House the extent to which they would profit from this matter.*
37. Hon Ljiljanna Ravlich, having dwelt upon the fees that she believed Mr Burke and Mr Grill were to receive from Cazaly Resources, then proceeded to smear Mr Crichton-Browne by falsely misrepresenting his fee by clear inference as being that which she claimed Mr Burke and Mr Grill were to receive.
38. The entirety of Mr Crichton-Browne's payment from Cazaly Resources was \$7,500. To claim by association that Mr Crichton-Browne was to receive an enormous fee which he had deliberately chosen to hide from Hon Antony Fels, Hon Ljiljanna Ravlich misled the Legislative Council.
39. Having created a false impression that Mr Crichton-Browne had been the recipient of an enormous, dishonestly hidden and tainted fee, Hon Ljiljanna Ravlich then proceeded to traduce Mr Crichton-Browne's integrity by moralising about his fabricated ill-gotten gains by claiming, 'However, the heart of this is how people make money. It is about their integrity or, sometimes, the lack of it.'

40. **Hon LJILJANNA RAVLICH:** *As I was coming into work the other day, I heard Hon Anthony Fels speaking on the radio. He made the point that he thought it was okay to accept some Terms of Reference, because Mr Crichton-Browne had told him that those Terms of Reference were in fact drafted by the Parliamentary Inspector. That is certainly what I heard on the radio, and that is a separate issue. However, I am sure that nobody had told Hon Anthony Fels and Hon Shelley Archer how much was to be gained financially. Rather, the tactic that was used by Mr Burke, Mr Grill and Mr Crichton-Browne with Hon Anthony Fels and Hon Shelley Archer was that this was all about presenting the interests of the little guy as opposed to the interests of the big guy; in other words, the big multinational company, Rio Tinto.*
41. Insofar as Hon Ljiljanna Ravlich referred to Mr Crichton-Browne as having deceived Hon Anthony Fels as to whom Mr Crichton-Browne represented, the size of his fee and having presented to Hon Anthony Fels that the matter at issue was representing 'the interests of the little guy', Hon Ljiljanna Ravlich conjured up untruths.
42. Mr Crichton-Browne informed Hon Anthony Fels that he was representing Cazaly Resources; there was no deception by Mr Crichton-Browne about his insignificant fee of \$7,500 and Mr Crichton-Browne did not represent to Hon Anthony Fels 'that this was all about presenting the interests of the little guy as opposed to the interests of the big guy; in other words, the big multinational company, Rio Tinto.'
43. **Hon LJILJANNA RAVLICH:** *I refer to page 444 of the Select Committee Report and to a telephone call on 15 August 2006. Mr Burke called Ms Archer and said -*
- Shelley, uhm you know that Committee that was set up in the Upper House that you got on, do you remember, what was that called?*
- Hon Shelley Archer said -*
- The Financial and Estimates Committee*
- Mr Brian Burke advised -*
- Uhm, I'm looking for a committee or a vehicle that can look at one particular aspect of the resources industry in the State, uhm, you know how these big companies get in and they tie up those areas of land for twenty or thirty years and ... no one can explore them.*
44. **Hon LJILJANN RAVLICH:** *The theme for Mr Burke, Mr Grill and Mr Crichton-Browne was that multinational resource companies were acting against the interests of small local companies, and therefore they were slowing down the development of Western Australia.*
45. Having quoted a telephone conversation between Mr Burke and Hon Shelley Archer from which Hon Ljiljanna Ravlich divined that Mr Burke was promoting 'the theme was that resource companies were acting against the interests of small local

companies and therefore slowing down the development of Western Australia', Hon Ljiljanna Ravlich then falsely included Mr Crichton-Browne in her allegations.

46. Hon Ljiljanna Ravlich's allegation against Mr Crichton-Browne is not to be found in the evidence or in the findings of the Select Committee Report.
47. **Hon LJILJANNA RAVLICH:** *It is clear that Mr Burke, Mr Grill and Mr Crichton-Browne presented the need for an iron ore inquiry as being good public policy and good politics – in the best interests of the State. They did not reveal their objectives; they did not reveal personal gain or promise any member any personal gain. It is also clear from the Report that, in fact, they were quite contemptuous of the abilities of the two Members concerned. They drew them into their manipulations and abused the trust that those Members placed in them by presenting themselves as their mentors. I believe that they used those Members.*
48. This series of statements is untrue. Mr Crichton-Browne informed Hon Anthony Fels that he represented Cazaly Resources; he demonstrated '*no contempt of his abilities*'; he most certainly did not '*manipulate*' him; did not '*abuse his trust*', he '*did not use him*' and it is absurd to claim that Mr Crichton-Browne presented himself as a '*mentor*'.
49. **Hon LJILJANNA RAVLICH:** *They sought also to draw in other Members by involving Mr Chapple and exploiting that link. Through Mr Crichton-Browne's connections, there was a concept of drawing in a broader range of Members. Mr Burke sent an email to Mr Edel on 13 September 2006 and cc'd a range of other people, with Hon Shelley Archer's emailed advice of 13 September 2006, although he does not specifically name her as the source of the advice, on amending the draft Terms of Reference to fit within the Committee's Terms of Reference. He suggested that Noel Crichton-Browne should approach Hon George Cash MLC and Hon Norman Moore MLC to ensure that the Liberal Party Members on the Committee supported an iron ore inquiry. I am not alleging that Hon George Cash and Hon Norman Moore did anything wrong. Indeed, there is no evidence of that. The bottom line is that I am just making the point that other people were being manipulated. The three people concerned – that is, Mr Burke, Mr Grill and Mr Crichton-Browne – certainly tried to bring in other people so that they could affect the outcome. There was also a reference to Hon Norman Moore and that Noel Crichton-Browne was to phone him.*
50. Mr Crichton-Browne did not '*seek to draw in other members*'. He has never met nor spoken to '*Mr Chapple*'. There was never a '*concept*' by Mr Crichton-Browne to '*draw in a broader range of members*'. Mr Crichton-Browne knows nothing of, nor did he receive any email '*dated 13 September and addressed to Mr Edel*'.
51. Mr Crichton-Browne knows nothing of any discussions by Mr Burke about Mr Crichton-Browne contacting Hon Norman Moore or Hon George Cash and Mr Crichton-Browne most certainly did not ever discuss the matter of an iron ore industry inquiry with either Member of the Legislative Council. No one was being

manipulated by Mr Crichton-Browne as Hon Ljiljanna Ravlich continues to dishonestly claim.

52. **Hon LJILJANNA RAVLICH:** *In a file note of 10 October 2006 from a meeting at Phillips Fox, there is evidence of a conversation with Noel Crichton-Browne about why the Standing Committee on Public Administration was not chosen for the proposed iron ore inquiry and discussion of the draft Terms of Reference and historical aspects of the policy.*
53. Hon Ljiljanna Ravlich is apparently in this statement, seeking to place a sinister connotation upon a reference to the Standing Committee on Public Administration and why it was not chosen for the proposed iron ore inquiry.
54. Mr Crichton-Browne played no part in which Committee was the appropriate one to consider the proposed reference. He was informed by Phillips Fox that Mr McCusker QC had considered the matter and given advice to Phillips Fox.
55. **Hon LJILJANNA RAVLICH:** *There are references to many people in this Report. At the end of the day, there is no doubt that a part of the way in which Mr Burke, Mr Grill and Mr Crichton-Browne operated was to try to get as many people as they could into their web.*
56. The inferences in Hon Ljiljanna Ravlich's statement are that Mr Crichton-Browne acted in a deceitful and devious fashion so as to entrap people for improper purposes.
57. This claim is without substance or truth and it does not arise from the evidence or the findings of the Select Committee.
58. **Hon LJILJANNA RAVLICH:** *In support of this amendment, I am of the view that the influence of Mr Burke, Mr Grill and Mr Crichton-Browne should cease once and for all. It will protect public life in the State from exploitation for private gain by those unscrupulous enough to use other people while presenting their own position as being that of serving the public good. I am also of the view the Premier is acting in the best interests of Western Australia in wanting to get rid of the influence of Mr Burke, Mr Grill and Mr Crichton-Browne. The truth is that Mr Burke, Mr Grill and Mr Crichton-Browne have acted in financial self-interest. The truth is that they have scant regard about who they hurt in the process of achieving their desired outcomes. The truth is that many have fallen because of their association with Mr Burke and Mr Grill. The truth is that good people do not use, exploit and deceive others intentionally in pursuit of their own financial interests. They do not manipulate long-standing institutions like the Parliament, and they do not corrupt the process of democratic decision making.*
59. In essence, Hon Ljiljanna Ravlich falsely portrays the Select Committee Report as finding Mr Crichton-Browne someone so monstrous in his alleged unscrupulous exploitation of others while disguised behind the veil of public good, that his pernicious and evil influence is such that he should be removed from association with public officers.

60. Such is Mr Crichton-Browne's behaviour in the matter before the Legislative Council, according to Hon Ljiljana Ravlich, that he has scant regard for whomever he hurts for personal financial gains. In making this claim, Hon Ljiljana Ravlich contrasts Mr Crichton-Browne's conduct with good people *'who do not exploit and deceive others intentionally in pursuit of their own financial interests.'*
61. In a final allegation about Mr Crichton-Browne, Hon Ljiljana Ravlich by inference, untruthfully accuses Mr Crichton-Browne *'of manipulating long-standing institutions like the Parliament and of corrupting the process of democratic decision making.'*
62. Mindful of the fact that Hon Ljiljana Ravlich had read the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations and quoted directly from it, she was intimately familiar with its content and findings and her various allegations about Mr Crichton-Browne were not therefore made in ignorance or misunderstanding;
63. Mindful of the enduring and abiding damage to the standing, dignity and integrity inflicted upon the Parliamentary institution by the failure of Members to maintain the highest level of honesty and truthfulness when participating in debates of the House or Committees thereof;
64. Mindful of the loss of confidence and faith by members of the public when these standards are not maintained;
65. Mindful of the inviolable right of parliamentarians to speak frankly, boldly and without fear, in the knowledge that they may with impunity do so, Members of Parliament bear a corresponding burden of responsibility to speak honestly and truthfully when addressing their colleagues.
66. Mindful that the history of the Westminster system is one which provides checks and balances and those members who defile their rights may expect to be met by their obligations with firmness and surety;
67. Mindful that the Bill of Rights, Parliamentary Privileges Acts and Standing Orders are blind to rank, station or standing, Ministers may expect both right and obligations in equal portion with those on the farthest row from the President;
68. Mindful of the grave and serious manner with which the Legislative Council views matters of misleading the House insofar as they constitute a contempt of the House;
69. Mindful that the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations quoted extensively and with approval the considerations of Erskine May on matters of parliamentary privilege and contempt of the House, that on the question of deliberately misleading the House

May states:

The Commons may treat the making of a deliberately misleading statement as a contempt. In 1963, the House resolved that in making a personal statement which contained words which he later admitted not to be true, a former Member had been guilty of a grave contempt¹²⁷ (Profumo's Case CJ (1962-63) (246).

70. Mindful of the 'House of Representatives Practice Fifth Edition':

The circumstances surrounding the decision of the House of Commons in Profumo's Case are of importance because of the guidance provided in cases of alleged misrepresentation by Members. Mr Profumo had sought the opportunity of making a personal statement to the House of Commons to deny the truth of allegations currently being made against him. Later, he was forced to admit that in making his personal statement of denial to the House, he had deliberately misled the House. As a consequence of his actions, he resigned from the House which subsequently agreed to a resolution declaring him guilty of a grave contempt.

Whilst claims that Members have deliberately misled the House have been raised as matters of privilege or contempt, the Speaker has not, to date, accepted such a claim.

On 16 September 1986, Speaker Child advised the House that she had appraised a statement to the House on 22 August by a Member, following her reference to remarks critical of her attributed to the Member. The Speaker, having examined the transcripts of the remarks in question, and comparing them to the Member's statement to the House, claimed that he had misled the House and this action, in her opinion, constituted a contempt of the House.

The Member then addressed the House on the Matter. The Chairman of Committees then moved a motion to the effect, inter alia, that the Member's statement to the House on 22 August 'being clearly at odds with his original comments, misled the House, and thus constitutes a contempt of the House.' After debate, and the Member having again withdrawn the remarks to which attention had been drawn, and having again apologised, the motion was withdrawn, by leave;

71. Mindful of the Report of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations

**CHAPTER 1 (inter alia)
THE OBLIGATIONS OF MEMBERS OF PARLIAMENT**

1.1 Members of Parliament have an obligation to maintain the highest standards in the performance of their duties. This obligation including understanding and observing the requirements of parliamentary privilege, along with the standing orders, custom and usage of the Parliament.

1.2 In the forward to Gerard Carney's *Members of Parliament: law and ethics*, former Chief Justice of the High Court of Australia, Gerard Brennan, states:

*"The efficiency and integrity of political institutions are functions of the qualifications and character of those in whom political power is reposed and of the manner in which that power is exercised. The public expects that certain standards will be maintained and, provided those standards are maintained, accepts and peacefully submits to the exercise of political power. The maintenance of proper standards underpins the peace, order and good government of society."*³

72. Mindful of the vigour, dedication and relentless determination so transparently demonstrated by the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in pursuing and prosecuting alleged findings of contempts of the House including of the most minor and insignificant nature;
73. Mindful of the unanimous resolution of the Legislative Council in adopting without amendment or reservation the findings of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations in respect to the various findings of contempt of the House;
74. Mindful of Members being bound to speak equally honestly and truthfully in the Legislative Council and in Committees of the Council, whether as witnesses or Members of a Committee;
75. Mindful of the standards and consequences convention imposes upon Ministers of the Crown in the discharge of their duties and obligations to the House;
76. Mindful of Hon Ljiljana Ravlich's statement to the Council during debate on the Matter of the Select Committee of Privilege on a Matter Arising in the Standing Committee on Estimates and Financial Operations that '*I also have to say that at the heart of the matter we are dealing with and have before us today is the integrity of this place. This is about the integrity of the working of this place.*'
77. Your petitioner prayfully and respectfully requests the President and Members may consider this petition and if it be their will, incorporate its contents into Hansard and refer it to the Procedures and Privilege Committee to consider whether the matters of misleading the House disclosed by this petition and complained of by the petitioner, amount to a contempt of the House.

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