

## **A summary of an inquiry into the conduct of a Member of the Western Australia Legislative Assembly**

The Western Australia Legislative Assembly referred a matter of privilege to the Procedure and Privileges Committee ("PPC") on 28 February 2007 to inquire into the actions of a Member in relation to another inquiry into mining resources issues by the Economics and Industry Standing Committee ("EISC"). The purpose of the PPC inquiry was to look into the alleged Member's involvement in releasing a confidential EISC draft report, and the making of amendments to that report. During the inquiry, PPC also looked into an alleged conflict of role of the Member arising from the stakeholder's contribution to the election campaign fund of the Member.<sup>1</sup>

2. According to the PPC inquiry report, John BOWLER, a Member of the Legislative Assembly, and also a member of EISC in 2004, forwarded without the authorization of EISC a Chair's draft report to Julian GRILL, a former Member of the Legislative Assembly who was a paid lobbyist and a personal friend of BOWLER. GRILL then forwarded the Chair's draft report to a major stakeholder in the EISC inquiry. That stakeholder<sup>2</sup> directly inserted into the Chair's draft report amendments and returned the amended draft by email to BOWLER. BOWLER then forwarded the amended draft to EISC Chairman John MCRAE. It was revealed in the PPC inquiry that the stakeholder's company was engaged in an on-going legal dispute at that time and it had commercial interest in the direct outcome of the EISC inquiry.

3. Subsequent investigations by PPC found that a parliamentary officer responsible for handling the Chair's draft report had discovered via the "track changes" function that there were alterations made by multiple parties in the Chair's draft report. These alterations were separately marked as written by the stakeholder, and persons identified as "MP" which is a standard identifier in laptop computers issued to all Members of the Legislative Assembly. The officer flagged his concern of a possible breach of privilege to the Clerk Assistant of the Legislative Assembly.

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<sup>1</sup> The inquiry was launched following revelations by the Corruption and Crime Commission that the Member under inquiry, John BOWLER, had leaked a confidential draft committee report.

<sup>2</sup> The stakeholder's company was involved in a legal dispute with another company whose actions in closing down a mining operation were the subject of the 2004 inquiry of EISC.

4. After investigation, it was ascertained that some of the amendments were directly made by the stakeholder in the stakeholder's computer. That was later confirmed by evidence given by the stakeholder at the PPC inquiry. BOWLER, who leaked the Chair's draft report to the stakeholder, also admitted his knowledge of the amendments to the Chair's draft report made by the stakeholder.

5. In concluding its recommendations to be taken by the Legislative Assembly, PPC considered that the actions of BOWLER represented a serious breach of process and trust.

*"Members source information for debates and amendments in the House and in committee from a broad range of areas. They are not required to say who has drafted those amendments or helped them form their views. In this case however, the PPC believes that other members of the EISC were entitled to expect that if Mr Bowler brought to the Committee the written views of an interested party to the inquiry, especially in the form of proposed amendments to the report, he should have made that clear. It is likely that the proposed amendments would have been scrutinised more closely if other members were aware of their source".<sup>3</sup>*

6. In sum, PPC was of the view that John BOWLER's actions, among others including the release of the draft inquiry report and acceptance of election donation from a stakeholder with a direct interest in the inquiry outcome, had the effect of diminishing the standing of the Legislative Assembly Committees and the Legislative Assembly, reducing confidence of the public in the capacity of the Parliament to undertake its work in a fair and impartial manner, and undermining the trust in individual members to properly represent the people of Western Australia. In these regards, PPC recommended the Legislative Assembly to take the following actions against BOWLER: (a) to find him guilty of contempt of the Legislative Assembly in unauthorized disclosure of confidential proceedings; (b) to strongly censure him for his actions which had diminished public trusts in parliamentary institutions and process; (c) to disqualify him from membership of any parliamentary committee for the remainder of the session of the Parliament; (d) to suspend him from the service of the House for a period of 7 sitting weeks or 21 sitting days, whichever is the longer; and (e) to direct him not to enter the parliamentary precincts until the expiry of the suspension period. A motion to adopt these recommendations was passed by the Legislative Assembly on 21 June 2007.

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<sup>3</sup> See pages 23-24 of the PPC report (English version only).