

PROCEDURE AND PRIVILEGES COMMITTEE

*Second Report — “Misleading the House: Statements Made by the Member for Darling Range” — Adoption —
Standing Orders Suspension — Motion*

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [3.49 pm] — without notice: I move —

That the standing orders be suspended as is necessary to allow the following motion to be moved forthwith —

That this house accepts the second report of the Procedure and Privileges Committee titled “Misleading the House: Statements Made by the Member for Darling Range”, and endorses all eight of the committee’s recommendations, and hereby revokes any and all privileges the member for Darling Range would otherwise have as a former member of the Parliament.

This is a grave day in the history of the Parliament of Western Australia, in which we have seen the handing down of a very significant report by the Procedure and Privileges Committee. Indeed, we have heard from you, Mr Speaker, as the chair of that committee, and from the committee members. We have also heard a statement by the now former member for Darling Range. No doubt this matter was considered a matter of grave concern for the committee and I acknowledge and congratulate you, Mr Speaker, and the members of the committee for their diligence with the matters before them.

All of us in this place acknowledge that these matters are of a very serious nature. We acknowledge the findings that have been highlighted in the report and also the recommendations. Indeed, a recommendation to expel a member of the Western Australian Parliament is particularly of significance and one that I am sure members of the committee considered with great concern and that weighed on their minds, as the member for Geraldton said in his comments. This matter would have been one that would have certainly laid heavily on the member’s thoughts, as well as the other members of the committee. The members have heard from the former member for Darling Range. It is appropriate that we acknowledge his comments and bear in mind the importance of mental health; that is important. All of us come to this place with a great deal of responsibility and therefore when one of us, such as the former member for Darling Range, is faced with the seriousness of the matters before him, we need to be mindful of his mental health going forward. It is sad. One can only feel for a member’s family and indeed friends when one is faced with such grave findings and recommendations.

The motion that I have moved acknowledges the seriousness of the matter before the house with regard to the report handed down by yourself, Mr Speaker, and your committee members. We acknowledge the seriousness of those and also acknowledge the seriousness of the recommendations that have been made including, of course, the recommendation for expulsion. The former member for Darling Range has now tendered his resignation to you, as per the protocols, and we will have a by-election with regard to the vacancy of the seat of Darling Range. Mr Speaker, I will just finish by saying that this is a very serious matter that we all understand has been considered diligently by yourself and by the bipartisan committee that has arrived at a collective and endorsed position. That is why I have moved this motion forthwith.

MR M. MCGOWAN (Rockingham — Premier) [3.54 pm]: Firstly, I thank the members of the Procedure and Privileges Committee for their work on this report. As members would have noted from their presentations, it was obviously a very difficult task. I thank you for your presentation, Mr Speaker, and I thank members of the research staff of the Procedure and Privileges Committee for their research of this matter to get to the bottom of the claims by the former member for Darling Range. Clearly, from what I heard over the course of the presentation and what I read over that time, the committee has found that there was unacceptable conduct on the part of the former member for Darling Range, Barry Urban, and the committee was of the view, rightfully, that it was completely and utterly unacceptable. What has occurred here today and in the presentations and the representations made by the former member for Darling Range, Barry Urban, is a lesson to all of us in truthfulness and honesty. I would like to once again apologise to the people of the electorate of Darling Range that Barry Urban was our candidate and that he made those representations to the people of Darling Range and to me and my party. We referred these matters to the Procedure and Privileges Committee, as I recall late last year, on the basis that a lot of claims were being made about Barry Urban, a lot of counterclaims were being made by Barry Urban, and in order to afford him natural justice, to ensure that there was due process and we got to the bottom of the matters at hand, the committee would have the opportunity to examine those matters.

Mr Urban was providing us with documentation that showed that he had university degrees. He was insistent that he had served in Bosnia in conversations to myself. He was insistent publicly with those things, so we thought the best way of resolving these issues to the satisfaction of everyone to get to the truth was to refer the matter to the Procedure and Privileges Committee. To be fair, the decision that the government made to refer Mr Urban to the committee has turned out to be the right one in the interests of not only natural justice, but also establishing the truth. I want to refer to two pages of the report.

The SPEAKER: Premier, we are talking about the suspension of standing orders, not the actual report.

Mr M. McGOWAN: I will go back to the point of the suspension, I am sorry, Mr Speaker. The point of the suspension is that we deal with the report immediately. Its seriousness is such that it needs to be dealt with.

Mrs L.M. Harvey: Without being considered?

Mr M. McGOWAN: We actually want to deal with this matter because we heard the presentation by members of the government and by members of the opposition—the member for Roe and the member for Geraldton—about it.

Mrs L.M. Harvey: They haven't spoken to us about the contents; we've just got it.

Mr M. McGOWAN: This is the choice, I suppose, for the Parliament. Do members want to treat this with the seriousness it deserves and deal with it immediately or do you not? That is the choice.

Several members interjected.

The SPEAKER: Members!

Mr M. McGOWAN: We said that we want to deal with this immediately and allow for this serious matter to be dealt with by the Parliament immediately. That is the proposition that we are putting to the house. We heard from the Speaker in a comprehensive report, the matter has been discussed publicly for some considerable time and our view was that in the interests of everyone, including Barry Urban, the Parliament and the public, this matter be dealt with immediately.

DR M.D. NAHAN (Riverton — Leader of the Opposition) [3.58 pm]: Firstly, I congratulate the Procedure and Privileges Committee and its members on the thoroughness and the difficulty of this report. We are dealing with probably one of the most important issues to do with privileges of this house: whether someone should remain in this house. This house, as does all Parliaments, needs to be self-governing. It is important, like never before, because democracy is important and the standing of our democratic institutions are at a low. I will not say a record low, but at a low. Support for parliamentarians is not high and that is why the PPC went about this and examined the issue in a most thorough manner. The problem we have is that we have just received a 145-page report on probably the most important decision a PPC has ever made in the history of this state and Parliament—that is, to expel a member, which is unprecedented. We have just received the report. I respect the comments made by the member and the Speaker; they were thorough, detailed and from the heart. They understood the importance of this matter. However, we in the house need time to read it ourselves, understand the report's detail and come to a conclusion. After hearing the summary speeches from the Speaker and members of the committee, we have to decide whether we support all aspects of the committee report without being able to read it. Quite frankly, that is an outrageous suggestion. We need time to read it and digest. This is an issue of monumental importance to this Parliament and to Parliaments in the future. We should be given time to read it.

There are some complications. How can we accept a recommendation to expel a member when the member has already left? We can debate that later, but I seek to amend the motion to suspend standing orders, which will basically allow deferred debate on this issue to the next sitting of Parliament, which is tomorrow. We need time to read the report. Not too many things have changed. The member has already expelled himself from Parliament; he has taken action from the PPC's recommendation. It is only reasonable and appropriate and it would be rather foolhardy to do anything but allow the members of this house to consider a thorough five-month report on one of the most important issues facing this Parliament—that is, whether to expel a member of Parliament and the basis for it, something which is unprecedented. The government seeks to rush this matter through today. I can understand why it would want to do so politically—to get it off the agenda. It will not come off the agenda.

Standing Orders Suspension — Amendment to Motion

Dr M.D. NAHAN: I move —

To add after “forthwith” —

, and defers debate on this serious issue until the next day's sitting of the Parliament to allow members to consider the report and the recommendations contained therein

MS M.J. DAVIES (Central Wheatbelt — Leader of the Nationals WA) [4.02 pm]: I rise to support the amendment and echo the comments of the Leader of the Opposition. Essentially, the government is providing us with a Clayton's choice. We are equally concerned about the contents of this report. I do not think one member of Parliament is not concerned and would not like to see it dealt with swiftly. To deal with the report moments after it has been handed down would be to dismiss our responsibilities on what is one of the most significant things that we can consider. Should we stand and say that we do not support dealing with this report swiftly, I am sure that we will be portrayed as an opposition that is not taking it seriously enough. I have no doubt that that will be portrayed in the media by the government. It is hard not to be cynical about why members could not be given at least 24 hours to consider the hard work that the members of the committee have put in over the previous months.

This is a serious issue. We are being asked to set a precedent in the Western Australian Parliament. The appropriate thing to do would be for members of the committee to rise, as they have done today, and say that they have committed themselves to try to present a fair and balanced report to the Parliament, then for us to read it and

consider the implications of those recommendations. That could be dealt with tomorrow or the next day. It is difficult not to feel some degree of cynicism that this government is trying to clear some air for Thursday, when the state budget will be brought down. I do not want to think that is the case. I cannot understand why we would not be given the courtesy as members of this place to at least be able to read it and then have a debate. Nobody is underestimating how serious this issue is. We have seen members from all sides of Parliament conducting themselves diligently and going to committee meetings, and we have heard from them today. I want to be able to do this report justice. I do not want to be accused as a member of the opposition of obstructing what is clearly a serious matter. It would be an enormous disservice to the committee and the seriousness of the issue if some time was not given for us to consider this and then come back and debate it.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [4.05 pm]: I have listened to the debate. I do not have a copy of the amendment. The outcome of the report is obviously very clear-cut. It has ultimately resulted in the resignation of the former member for Darling Range. The government has the view that the matter was serious and we have treated this in a serious manner. However, we are quite happy to accept the amendment and we will place this matter on the notice paper tomorrow for debate. The motion that stands in my name will be amended. We will bring on this matter for debate tomorrow, which will allow members the opportunity to read the report in full.

I make the point that this is a very serious matter. One wonders if we had moved to put it off until tomorrow what the reaction would have been by the opposition at that time, but that is pure speculation. In the spirit of cooperation, as Leader of the House, I am happy to accept the amendment, which seeks to defer debate on this serious issue until the next sitting of Parliament.

Ms R. Saffioti: The next sitting day.

Mr D.A. TEMPLEMAN: I think that should be “the next day’s sitting”, if members are happy with that. That will allow members to consider the report and the recommendations contained therein. I am happy to accept that.

MRS L.M. HARVEY (Scarborough — Deputy Leader of the Opposition) [4.07 pm]: I rise to make some very brief remarks. I am very pleased that the government has chosen to take this step. The risk that we run as a Parliament is being accused of being some sort of kangaroo court when we get handed a report that has been deliberated on by a committee for over five months with a serious recommendation—indeed, a recommendation for expulsion of a member, which is only the second time in history that an Australian Parliament has made such a recommendation. To accept a recommendation like that, having held the report in our hands for a very short period—a report that has taken five months of deliberations to reach the findings and recommendations—is, quite frankly, offensive. I put to members in this house that there is the community court—those people in the community, including the constituents of Darling Range, and most members of this house—who have watched these activities unfold with dismay.

I expect that every single person in Western Australia has an opinion about what should happen to the former member for Darling Range. I think every single person in Western Australia, every single parliamentarian, every single police officer and every single person who serves in the armed forces in Western Australia would have a view about what should happen and what the consequences for Mr Urban should be. That said, it does not mean that this Parliament should become a kangaroo court and say that we agree without deliberating on the findings and recommendations of the most senior parliamentary committee of this Parliament. It was a very reasonable request of the opposition to allow members of this Parliament—both government and opposition members, because until this point in time only those members of the committee have been subject to these deliberations—some time to peruse the report. I doubt that any members here will dissent from the recommendations. However, we do not know that. We need to read the report and give it the due consideration it deserves as a report of this Parliament.

I thank the Leader of the House. We appreciate that he has given us a 24-hour time frame in which to consider the five months’ worth of work of this parliamentary committee. We are considering a very sad set of circumstances. I do not think anybody here wants to trivialise that by making a snap decision and turning this Parliament into a kangaroo court by not giving due consideration to the hard work of that committee. I look forward to the debate tomorrow. I doubt it will be a long debate; I think people’s minds are made up. We do not need to be judge, jury and executioner over a 60-minute period on a report that makes recommendations that have taken five months to reach.

Amendment put and passed.

Standing Orders Suspension — Motion, as Amended

Question put and passed with an absolute majority.