

RESERVES (RESERVE 43131) BILL 2003

Referral to Standing Committee on Legislation

HON JIM SCOTT (South Metropolitan) [2.00 pm]: I move -

That the Standing Committee on Legislation inquire into and report to this House the basis or grounds on which the Government introduced the Reserves (Reserve 43131) Bill 2003 and the reasons underlying its passage through both Houses at such short notice.

I will explain my concerns to members. When legislation is introduced into this House, it is the duty of members to read it carefully, to be fully briefed by the minister's advisers and to consult with stakeholders. When we are informed, we can quickly make sensible decisions on behalf of the people of Western Australia. I have a huge concern about the manner in which this legislation has gone through Parliament. It is unprecedented. I have not seen anything like it in my time in Parliament - at least, not through both Houses. Another piece of legislation from the other place was quickly debated and was thrown out by the High Court.

This Bill was introduced into the other place at 3.40 pm on Thursday, 15 May and passed through all stages in less than two hours. The first my colleagues and I heard about the Bill was in the corridors while the debate was going on. We heard that the Government wanted us to introduce the Bill to the Legislative Council on that same day and, if possible, pass it through this House on the same day. The upper House did not do that because there was no opportunity for the Bill to be introduced that day. The following day, members of the upper House were put under considerable pressure to pass the legislation without any realistic or meaningful examination. Members were not given a chance to consult with stakeholders.

This is not an ordinary Bill. What is even more alarming, is the procedure involved, which was outlined by the leader of the Parliamentary Liberal Party, Colin Barnett. He was informed of the Bill's existence at 10.30 pm on the day before the Bill was introduced. He was told that he would be briefed on it at 10.30 am the next day. However, that briefing never occurred because the Bill had not been completed; it was still being drafted. There was an incredible urgency to pass a Bill that had not yet been written. That Bill ended up in the hands of Legislative Assembly members shortly after three o'clock and was debated at 3.40 pm. The Leader of the Opposition said that the members in that House did not debate the Bill but passed it, even though some members had not read it. Subsequently, the Bill was sent to the upper House. Members in this place had similar pressures put on them. They were told about the absolutely urgent need for the Bill and they were told that people in the camp were under immediate threat. They were told about the bad things that were happening day by day in the community. The implication was that if members of the upper House did not hurry up and pass the legislation, any adverse actions that happened after that time would be on their heads. I never like that type emotional and political blackmail, which was used particularly by ministers and the Premier. I have not heard quite the same level of intemperate remarks coming from members of this House, thank goodness.

Clearly, the Government set up a campaign after this House had decided that it would at least give the legislation some scrutiny and would make some amendments. The vilification that followed was quite shameless. The most shameless aspect is that the upper House had before it a piece of extraordinary legislation that gave absolute discretionary power to an administrator. The legislation provided that the administrative decisions and actions of the administrator did not have to comply with the rules of natural justice. Furthermore, no reasons had to be given for those decisions. In addition, the Bill provided that people who were aggrieved by those actions could not seek redress through the courts. In short, the legislation severely eroded the accepted standards in this country of people's rights and liberties.

It is exactly this type of legislation that I believe most needs scrutiny. If Parliament is to take away from a certain sector of the community rights that apply to the general community, Parliament must be properly informed of the reasons for doing so. Frankly, I do not think it should be done in any case. There are always other ways for more imaginative Governments to deal with difficult issues. However, at the very least, members of Parliament should be provided with good information and they should be given time to consider that information and to talk to people who will be affected by the legislation. That process was denied to this Parliament. To me, the Premier's criticism of this House was amazing. This House did its job and tried to analyse what was contained in the Bill and whether it was appropriate to the circumstances. It did that with limited time and limited ability to ascertain the facts.

As matters unfolded, the Bill, as amended, was not accepted in the other place. That gave members some time. I congratulate all members who continued to carry out some research into this matter. In particular, I congratulate Hon Derrick Tomlinson, who took the time to talk to many people who had been involved with that community, usually on an official level, whether it was the police or people from the Department for Community

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Development. He discussed the issues with the stakeholders. I also spoke to people who, in briefings, had been branded as people who supported those who were abusive. My experience, similar to that of Hon Derrick Tomlinson, was that that information was not correct. In this hothouse situation, we were given information that, at the very best, was misleading and incorrect. I hope that that was not a deliberate attempt to sway members to pass legislation that should not have been passed. Unfortunately, that implication sits heavily on my shoulders.

As it turned out, the interesting thing is that not only members of the Opposition and the crossbench parties in this House, and the Opposition and Independents in the other House, but also government members were not given adequate time, briefings or advance notification of the Bill. Government members could not have been given adequate time. If the Bill was still being put together on the same day that it was introduced, they would hardly have had time to properly scrutinise the Bill. Therefore, a Bill was being pushed through this House with haste, and nobody really knew anything about it. To do that is an abrogation of the duty of the Parliament. I am proud of this House because it stood up to that. Even so, there has been a cave-in to the flak that has flown around about people assisting the perpetrators of evil deeds, even though many of those evil deeds did not even take place in that community; they took place in other areas.

Hon Kim Chance: Are you going to provide evidence of that allegation?

Hon Peter Foss: As much as we got in the briefing.

Hon Kim Chance: You made a very serious allegation.

Hon JIM SCOTT: Hon Derrick Tomlinson has already outlined that the person who was allegedly beaten up fell from a -

Hon Kim Chance: No, he has not. He said that somebody else said that.

Hon JIM SCOTT: He certainly outlined that a woman who ended up at that community was not abused in that community; she was abused at another place and moved there.

Hon Kim Chance: That is a counter-allegation.

Hon Peter Foss: That's a bit rich coming from somebody who wants to pass on the same allegations.

Hon JIM SCOTT: I have personally spoken to people who were accused of assisting Robert Bropho by always being present when Aboriginal women were spoken to by the government agencies, and I found, from their words, that what was said was simply not true.

Hon Kim Chance: You have not proved that.

Hon Dee Margetts: Nor have a lot of the statements that Geoff Gallop made been proved. That is the problem. He acted on statements that he had not proved were true.

Hon Kim Chance: No, he acted on information from the appropriate agency.

Hon JIM SCOTT: This is precisely what can be cleared up by inquiring into the Bill and bringing those people before a committee to find out. That is exactly what I want to do; that is, find out who was and was not telling the truth.

Hon Derrick Tomlinson: Hear, hear!

Hon JIM SCOTT: That is the reason I stand here today. I do not believe that the people to whom I spoke were lying. I know one of those people. In fact, a couple of people to whom I have spoken more recently have taught children in that community. They have given me quite a lot of information about what has occurred in that community, and I do not believe those people are liars. I am talking about people who went to that community to assist in teaching music and painting to kids because they wanted to help the community. It has been not only implied but also directly claimed that those people were assisting Robert Bropho in hiding the abuse of women and children in that community. Let us hear the truth and get it out into the open.

We need to also consider other issues. It is our duty to protect victims of abuse, and sometimes we need to assist the Government with the fast passage of protective legislation. However, it is not our duty to mindlessly accede to draconian legislation on the basis of hearsay. To go down that path would make us party to some great injustices and would be the first steps towards a fascist State, and I do not want to live in a fascist State. It is very important that we examine the procedures that were followed in progressing the reserves Bill, and examine putting in place measures to ensure that all legislation is adequately scrutinised in this Parliament - certainly in this House.

Furthermore, I would like some other issues to be examined. For instance, was there really an emergency situation that required draconian action? Was the haste necessary; or if the haste was necessary because children were at risk, why were those children not taken out of that community and placed in a safe situation, or why

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were the perpetrators not moved away from that place - not the whole community, victims and perpetrators alike? The other question I have already raised is: were members deliberately provided with false information to induce them to pass the Bill quickly? Were innocent people treated unfairly; that is, the people who lived in that community and had not harmed any other person, but who have been subjected to this legislation? Were people's reputations unfairly tainted? Were there any other motives for the Government's haste? Is this an appropriate way to deal with legislation that has such a powerful impact, especially when concern has been expressed about the legality of the Bill with regard to the federal discrimination legislation?

We have been given absolutely no time to seek proper legal advice on whether the Bill would collapse the minute it was challenged. There are many reasons for examining the passage of that legislation, but most importantly the reputation of this House for properly examining legislation is on the line. Luckily this House was not fooled. The other House was fooled, and there was an attempt to fool this House into passing legislation on the basis of false or exaggerated information. It has been rushed and not thought through, and the people suffering the greatest impact were the victims. All the possible alternative procedures were ignored. There were other ways of dealing with this situation that would not have had that same impact, but they were ignored. It could have been dealt with in such a way that had the maximum support of both Houses of Parliament. There is not a single person in either House who wants anybody to be abused or maltreated, and neither do members want the perpetrators to get away with abuse or maltreatment. We want the truth, and to protect people's rights and liberties. We do not want to go back to an age in which some Aboriginal people lose their citizenship. That is what has happened with this legislation.

Hon Kim Chance: Who has lost their citizenship?

Hon JIM SCOTT: A person without access to common law has lost his or her citizenship. Such a person is in the same position as refugees who have been denied access to common law.

It is important that we look at what has happened here and analyse the situation very carefully. Since I have been in this place, there has always been a convention that members do not comment critically about what happens in the other place.

Hon Kim Chance: It is actually a standing order rather than a convention.

Hon JIM SCOTT: Yes, it is a standing order, but it does not appear to apply the other way around. There is constant criticism of this place in the other place. Now, with the extreme ill-will engendered by this legislation, this has reached new heights. Previously people in this Chamber were very much above such things, and looked at that kind of comment with bemused tolerance, but I think it is now wearing a little thin. This House needs to assert its right to do its job properly and not be bullied into passing draconian legislation that takes away people's rights without proper scrutiny. I want the committee to look at the truth behind this issue, and to come up with a way of preventing this kind of thing from happening in the future. That is the only way to deal with this issue. I understand that an amendment may be brought forward about the type of committee to which to refer this matter. I will listen with interest to the views of other speakers.

HON NORMAN MOORE (Mining and Pastoral - Leader of the Opposition) [2.25 pm]: The Liberal Party will support this motion. It is not often that I find myself in agreement with Hon Jim Scott. The Liberal Party has no truck with Mr Bropho and some of the things taking place on that site. We will support any action of anyone in authority to deal with child abuse. That is a given; Governments are required to deal with issues of that sort. However, the Opposition is concerned about the way in which the Government went about dealing with the issues it believed existed at the Swan Valley camp. Everyone I have talked to about that series of events - including the media and anyone else interested - has told me that they were mystified about the way the Government went about it. If its aim was to protect women and children, why did the Government bring in legislation with one day's notice, ram it through Parliament; reject properly thought out and reasoned amendments; and go on the attack in a political way, accusing the Opposition of supporting Robert Bropho and child abuse? I am also mystified.

Hon Kim Chance: I do not know why because the Government told you very clearly why it was taking that action.

Hon NORMAN MOORE: I will go back a step in time. The Bill was passed through the Assembly on a Thursday. We were offered a briefing on Friday morning at 9.00 or 9.30. The intention was that the legislation would be dealt with in this House on the Friday. I remind the Leader of the House that I agreed that we would deal with it. Unfortunately I did not get to the briefing because members will recall that on that day there was a storm and the Swan River covered half the freeway. It took me three hours to get from my home to Parliament House. I arrived here at 9.59 am, having missed out on the briefing altogether. That is contrary to the assertion made by the Premier in the other House that I had been briefed. I had not been briefed for the very simple

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reason that I spent three hours in the car on the freeway listening to the radio that morning. However, my colleagues - people of the calibre of Hon Peter Foss, Hon George Cash and Hon Derrick Tomlinson - were briefed, and advised the party room of the explanation provided to them by the Government's advisers. They took the view, and convinced us of that point of view, that the Government's actions as outlined in the Bill were unnecessary to deal with the issues raised at the briefing. That is why the Opposition moved, at very short notice, to amend the legislation to at least make it reasonable in the context of some basic human rights. We did not, as the Premier suggested, reject the legislation; we amended it. We dealt with it in a very short period in the context of the processes of this House. We send it back to the Government in the other House amended in a way that we believed - based on advice given to us in the briefings - would deal with the issues the Government said it had to deal with. We all know the result. According to the Premier, the legislation was gutted. He said the upper House was obstructionist and refused to deal with issues that needed to be dealt with urgently. As it has transpired, the Liberal Party ultimately agreed to let the Government have its legislation to avoid the ongoing, unfair political criticism that somehow or other the Liberal Party's position was motivated by support for child molesters. The great pity of all this was that some media commentators did not read the Bill. It was what was in the Bill that concerned the Liberal Party, not so much what the Government wanted to do about concerns about that community. As I said, a Government is obliged to deal with issues in a community if there are concerns for the safety and wellbeing of women and children. Our concern was the content of the Bill and the way in which it was constructed and its clear removal of what we consider the basic rights of any individual in our community. We were amazed that the Government would do it to an Aboriginal group. I have been involved in arguments concerning Aboriginal people since I have been in Parliament. Most of the time I have been on the opposite side to Hon Tom Stephens. I never believed that I would see the day when he would put up his hand for legislation like that and accuse the Opposition of supporting child molestation as the reason it sought to take out the unfair and unprincipled clauses that deny natural justice. As part of the mystification surrounding this issue, I could never understand why the Government would say that its officers of the various government agencies were too frightened to go onto the site. It said they could not do their job properly. We have a Police Service full of strong, burly characters. Part of it is called the Tactical Response Group. If necessary, it could go onto any site in Western Australia and deal with anyone causing any problems who needed to be dealt with. I cannot understand how a 74-year-old Aboriginal man with a walking stick can frighten away police. When I heard about all this, it seemed to me that there must be another way of deal with this issue other than whacking legislation through Parliament in two days, especially legislation that is so draconian in its content. However, had the Government been able to persuade the Opposition at the briefings to the view that the legislation in its original form was absolutely vital, the Opposition may well have put up its hand and told the Government to go and do it if it had to be done. It would have recognised that the Government needed those powers. That message was never given to the Opposition in a way it thought acceptable. The advice and briefings given to my colleagues, who are well respected on these issues, was such that that sort of legislation was not necessary and an amended version would do the job. We then experienced the political grandstanding of the Premier.

Today's motion, which the Opposition will support, is designed to try to find out what actually happened. What led the Government to seek to solve the problem by that means and not some other means? Why did the Government feel it necessary to whack a Bill through Parliament in a few days and take away basic civil rights in order to deal with an issue that the average person thinks could be dealt with in 1 000 other ways and not the way the Government chose? The proposed inquiry is to try to find out why the Government chose its strategy and why it went down a particular road and not another. I expect the Government will support this motion. It should. People who have thought about this long and hard - not just the average Joe Blow on the street who does not like Robert Bropho and believes he should be legislated out of existence - are mystified. They think, why go down that path? This is an opportunity for the Government to prove, through a committee of inquiry, why the course of action it took was the only one appropriate. This is the chance for the Government to put its cards on the table in a public way and ensure that the community knows why it did what it did and not something else. If the Government puts its cards on the table, and I am subsequently convinced that it was the only course of action available to it, I will say that the Government did the right thing. Right now, I am not convinced at all. The only briefings the Opposition got were briefings that suggested that the Government did not need the legislation in the way it was originally drafted. The comments of the Premier, ministers and others since then have done nothing to convince me that it was nothing other than a straight-out political exercise. The consequences of the Legislative Council doing its job in amending the legislation led to the Premier and his advisers saying that they could give the Liberal Party absolute curry over this. As the Liberal Party had amended the legislation, they felt they could tell the community that the Liberal Party supported Robert Bropho's behaviour and child molestation. They said the Liberal Party would not support the Government in its legitimate endeavours to prevent child abuse. The Premier and his advisers made an absolute meal of it for a few weeks. It was a straight-out, blatant political exercise with no attempt to deal publicly with the legitimate concerns raised by this House and no attempt to explain to anyone why the Government had to go down its particular path. The Leader of the House

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has not given an explanation. He might think he has, but he has not. This is the chance for him to do it. He should agree to the establishment of the committee. If he does, he will agree to have the Government's actions scrutinised. If he does not, he will say he does not want the Government's actions scrutinised. I would have thought that an "open and accountable Government" - which it claims to be - would be quite delighted to do so. In fact, it would have moved the motion itself to have its actions scrutinised by a parliamentary inquiry.

The Liberal Party supports the formation of a committee of inquiry into this matter. It is not an inquiry into everything that has been going on in the Swan Valley Nyungah Community. It is an inquiry to look at why the Government went down its particular path and not another. It is as narrow as that; it is not a retreading of all the events that occurred in that camp. The inquiry will demystify the circumstances surrounding this very sorry saga.

HON PETER FOSS (East Metropolitan) [2.39 pm]: I also support the motion. I endorse the remarks of previous speakers, and in particular those of Hon Norman Moore, that the intention is not to go into the events that took place at the Swan Valley Nyungah Community camp but, more importantly, to look at the events that led to the legislation and, in particular, what was told to members of Parliament. I do not have the same degree of familiarity with the issue as Hon Derrick Tomlinson, but I will give one example. We were told that civil servants were not prepared to go into the camp because they feared for their safety and that Robert Bropho insisted on being present during interviews. I have spoken to more than one of those civil servants and they contradict that view. I believe that would be direct evidence in a court of law. It is not just hearsay. I do not know what the answer is. All I know is that I was told one thing and one of those civil servants - supposedly the basis of the information - denies it. It could very well be that other civil servants have differing points of view. It could very well be that the person who gave me that undertaking at the briefing had been misled by somebody else. I am not in any way trying to work out in this Chamber how we got the briefing we did or how it can be reconciled with what a particular civil servant told me.

Hon Kim Chance: A police officer?

Hon PETER FOSS: I am not saying who the person is; I am saying a civil servant.

Hon Kim Chance: We never denied that police officers could get onto the site. You are trying to construct a vision that somebody misinformed somebody.

Hon PETER FOSS: I am saying that a person denied the information given to us that civil servants, other than police officers, were not able to speak to people at the site without Robert Bropho being present because he insisted on it. The very important point that was made to us was that Robert Bropho insisted on being present while women were interviewed. That person made it quite clear to me that, from personal knowledge, that was not the case.

Secondly, I was informed by the same person, who is, I admit, only one of the people involved, that it was not a recommendation of the task force and that it was seen as counterproductive. That may or may not be correct. However, if it is correct, it is a matter of concern. I could present a number of matters of concern, but I do not think it is very profitable for us to argue across the Chamber about who has the best information and who is right. Frankly, that is not the way to resolve matters such as this. The important point is that there is a significant dispute about the facts that we have been able to verify from a source, and it demands resolution. That means that a committee of this House needs to inquire into whether some of the fundamental justification for our dealing urgently with this legislation was either mistaken or false. That concerns me. As I said, it is not a matter of judging whether there has been child abuse. That is for the courts to decide. I am concerned about the processes of this Parliament.

I will speak in more general terms now because that legislation has been passed. It is now up to the courts to decide what will happen to the legislation. Regardless of the suggestion that we are or are not supporting one particular group, we need to deal with our processes. We need to review our Parliament. Has it acted incorrectly for whatever reason, through our fault or the fault of others? I will give members two sets of circumstances that we need to consider. On many occasions urgent Bills have come before this Parliament. I will go through some of the reasons that urgent Bills come before this Parliament. The classic example is the Bill for an Act with an expiring sunset clause. Every Government does it. I am pleased to hear that this Government is currently renewing an expiring sunset clause well before it expires. If that is a correct report, I congratulate the Government. It must be one of the first Governments to get its act in order and renew an expiring sunset clause before the legislation needs to be dealt with urgently. This may be another of those false rumours.

Hon Kim Chance: Probably!

Hon PETER FOSS: That is what I heard.

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Hon Kim Chance: I am trying to work out which one it is.

Hon PETER FOSS: I do not know. It may be a complete myth.

Hon Norman Moore: It is the Tourism Commission. They are going to get rid of it all together.

Hon PETER FOSS: Is that it? The important point is that every Government has always seemed to deal with expiring sunset clauses too late. Strictly speaking, one of these days we should say too bad.

Hon Kim Chance: I am dreaming about an electoral Act with a sunset clause.

Hon PETER FOSS: That is probably the most common type of urgent Bill and the one we seldom object to. Of course, we dealt with the prostitution legislation the other day. Secondly, there are Bills with self or commonwealth-imposed deadlines. We introduced Standing Order No 230A to deal with those self or commonwealth-imposed deadlines so that we had a chance to consider them. I do not like to keep reminding everybody about the finance legislation, which left us all feeling pretty dirty. It is all too easy to let the Commonwealth set deadlines, and then we do not do a proper job on the legislation simply because somebody has unnecessarily set a deadline. Sometimes there is a mere failure to act in time. Sometimes that relates to sunset clauses. Sometimes there is a factual situation that the Government should deal with in time but it does not. Again, all Governments have been guilty of failing to act in time so that proper priority can be given to their legislation, and by the time it gets to the Parliament we are not given enough time to deal with it properly. The first two types of Bills to which I have referred are merely an indication of neglect, which we have become accustomed to accepting.

The third type is budget Bills. They fall partly within the first type of Bills. The previous Government changed the timing of the budget Bills. We tried to pass the budget prior to the expiry of the financial year. When I first came to this Parliament, it was one of the last Bills to be passed before the Parliament was prorogued in December. The year was half over before the budget was passed. Sometimes amendments need to be made as a result of court decisions. Every now and then the law is thrown into confusion by a court decision, which changes the law as we understand it and needs to be fixed. We all accept that they are urgent Bills that cannot be anticipated and must be dealt with urgently. There are also Bills with a political urgency; that is, Bills that people want to pass urgently as a matter of political policy. Again, we are all guilty of that. There is no real urgency other than that people want to carry out their own political agenda.

To those types of Bills I add one more; that is, Bills with some other factual urgency. Those types of Bills differ from the others in that the factual urgency must be established. I am not too keen on this new breed of urgent Bills. However, the reserves Bill certainly was one such Bill. We need to examine under what circumstances this Parliament will accept that a Bill is urgent on the basis of some other factual urgency. To what extent will we accept assurances of that fact and to what extent will we insist that it be somehow proved? Let us put those aspects aside and deal with Bills that require extra scrutiny. All Bills deserve scrutiny, but some Bills deserve extra scrutiny. Large, complex legislation deserves scrutiny simply because it is so easy to get it wrong. Without scrutiny something wrong will get through. Contentious legislation obviously must be scrutinised because some people are dead against it and nothing should be allowed through that members do not agree with if they can possibly make an argument that it should not be allowed through. Legislation dealing with people's civil rights deserves scrutiny. If we are to take away people's civil rights, the legislation must always be scrutinised; it is our duty to do it. To that list we must add another type of Bill; that is, legislation affecting individuals against their interests and without their consent. We have had two such Bills recently. Such a Bill is a new animal. I have come across Acts which have dealt specifically with bodies such as trustee companies, banks and so forth. I usually agree with them because people say that they want such a Bill. However, this new kind of legislation that deals with a particular person or group of people and for which we legislate without their consent and against their interest is novel. I thought such legislation went out, if my history serves me correctly, in about the eighteenth century. However, it is back, and we have had two such Bills this year.

Hon Dee Margetts: There was the Bill at federal level.

Hon PETER FOSS: Was that against his consent?

Hon Dee Margetts: Was it not a specific Bill?

Hon PETER FOSS: It was to protect his name, but I do not think that Don Bradman was necessarily against that - I do not know.

This Bill fits into both those categories. It is one of those Bills that require some sort of understanding of when we accept them as urgent Bills. It is also a new form of Bill that fits into the category of those requiring extra scrutiny. Of course, the two lists are incompatible. How is a Bill that requires extra scrutiny also an urgent Bill? We have just dealt with one such Bill - to be quite frank, not very well. The Government might be totally happy

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with its performance, but I am not; I am deeply worried by it. Whatever the reason, we may very well find that everything was quite all right, that the best of interests were covered, that anything that went wrong was immaterial and that any errors were purely the result of haste, but we do not know. All we do know is that it has happened and we all have a very bitter taste in our mouth.

What concerns me is that in my electorate four families are still living together with the same men we heard about in this House. They are living in close proximity to one another, probably closer than before. Leaving aside all the other requirements, I said that I was concerned that it would not be much of a solution if all it did was to shift the problem. It is not relevant to this inquiry, but it concerns me that it indicates that possibly with proper time and with proper preparation, where the solution was the priority, and with urgency within government, rather than the legislative hammer, we might have got a better result for everybody. I am not saying that and I am not trying to tell the Government how to solve a very difficult problem. Please do not get the idea that I am saying that it would have been a simple problem had the Government gone about it in another way. It is a far more complex problem and a far more ingrained and difficult problem than anybody with simplistic solutions would like to suggest. The public likes simplistic solutions. It thinks that if we double the penalty, it will solve the problem; if we give people the whip, it will solve the problem; if we put forward simple solutions, it will solve the problem. It never wonders why nobody has thought of them before. However, the reality of the matter is that human problems are complex and that social problems require social solutions. This problem will not go away, whether it is within that community, any other Aboriginal community or the non-Aboriginal community. It is a problem, and nobody has a simple solution.

As a result of this solution, we have done something that has singled out a particular group and deprived it by law of its rights. Whatever the justification might be, that is a very, very, very serious step, one which we took in haste and which we may be able to repent at leisure. As part of that repenting at leisure, perhaps we should look at what happened this time.

Amendment to Motion

Hon PETER FOSS: I support Hon Jim Scott's motion, but I would like to move an amendment. I move -

1. To delete the words "the Legislation Committee" and substitute -
a select committee of 5 members, any 3 of whom constitute a quorum, is appointed
2. To add to the motion, as amended, the following -
 2. The committee, and the proceedings of the committee, are subject to chapter XXII of standing orders and it is to be regarded for all purposes as a committee appointed under that chapter.

Hon Kim Chance: That makes it a select committee.

Hon PETER FOSS: Yes. I will just explain why I moved the amendment. I frankly think that this issue was always something that was more appropriate for a select committee than a standing committee. I understand the reasons it was moved to a standing committee. The Clerk has been very keen that there be no new select committees. I understand that, but I believe that this select committee could be capable of carrying out its duties without being an undue burden on the purse of the Clerk. I am sure that its members would be mindful of that when carrying out their duties. I am sure that they would not intend to fly around the world. However, I believe the subject is more suited to a select committee than a standing committee. It is unsuited to the Standing Committee on Legislation. It has the potential - I hope not - of possibly being a slightly partisan committee. I may be wrong. It remains to be seen, when we see who is on the committee, whether the Government will enter into the spirit of the matter. I suppose that could still happen if it were the Legislation Committee by substitution. I believe the Legislation Committee has established a collegial approach in dealing with the sometimes very difficult, highly contentious problems that have been referred to it. Committee members have come out smiling at the other end, having produced something that deals fairly with everybody. The result may not be to the satisfaction of everybody, but everybody feels that they have had a fair hearing and the committee has felt that it has done a worthwhile job. I am being complimentary to the committee. I must commend the chairman. I realise it is probably disastrous for his career, but I commend him once again for his excellent chairmanship.

Hon Kim Chance: He was doing so well too.

Hon PETER FOSS: I should resist the temptation to congratulate him publicly, but I cannot because he has been a very good chairman. I also congratulate the other members - Hon Kate Doust, who has been a very good member, and Hon Bill Stretch and Hon Giz Watson. I believe we have been a good team.

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Hon Robin Chapple; President

Leaving aside the fact that I do not think the matter should go to a standing committee, I would rather, if possible, not bring this sort of matter into the Legislation Committee, which I do not think comes within its role. That is why I moved the amendment and ask that it be accepted by the House. There are benefits for everybody in it. I believe that a select committee could be set up without unnecessarily impinging on the Clerk's purse.

The DEPUTY PRESIDENT (Hon Adele Farina): I seek a point of clarification from Hon Peter Foss. The motion that appears on the Notice Paper does not quite reflect the words that the member's amendment proposes to delete from the motion. According to the motion on the Notice Paper, the words that the member wishes to delete are "the Standing Committee on Legislation", and the word "to" would need to be included at the end of the words that the member wishes to substitute.

Hon PETER FOSS: Madam Deputy President, you are correct and I accept every criticism you make.

The DEPUTY PRESIDENT: It is not a criticism; I am just seeking clarification.

Hon PETER FOSS: I will faithfully adopt every suggestion that you make.

HON MURRAY CRIDDLE (Agricultural) [3.00 pm]: I reflect back on the comments I made when this legislation was before the Parliament when I said that I would be particularly interested in how the process was put in place and the outcome finalised. I have some concerns about what has happened as a result of people leaving the reserve, and what has happened up to this point. I would like to more clearly know the basis on which the Government introduced the Bill, because, as things have unfolded, I do not think this matter has been resolved satisfactorily for the community. Having drawn that conclusion, and following the comments I made when the Bill was passed, there are grounds for further investigation to occur. I would also like to know some of the underlying reasons. It is not just this instance that concerns me, which I also commented about at the time. If this legislation is to be some form of template for the cleaning up of a situation that exists within the community, we certainly need to get it right in the future. There are grounds for believing that in some cases the rights of people were removed when the action was taken. There are reasons for putting this committee in place. I have some sympathy for Hon Peter Foss's amendment. I do not believe that the Legislation Committee is the correct forum for this type of investigation. An investigation of this type is warranted of not just this issue but also the outcome, which is something that we could reflect on when future decisions are made.

HON KIM CHANCE (Agricultural - Leader of the House) [3.03 pm]: The Government will support neither the amendment nor the motion. I do not intend to speak for long on this motion. Hon Jim Scott spoke to me outside and asked whether the Government would filibuster on the motion. I have no intention of doing that. I think I have about 20 minutes in which to speak, but it is the Government's view that we should make a determination on this matter and move on. However, I want to say one or two things. I will first address some of the matters raised by Hon Jim Scott and others in the debate. Hon Jim Scott began by outlining the process in this place for dealing with legislation. Indeed, Hon Peter Foss then picked up what is a desirable process for dealing with legislation that occurs outside the normal course of events. The Government has said repeatedly about this legislation that we were dealing with a situation that was far beyond the scope of normal legislation. Like Hon Jim Scott, I cannot recall circumstances that were quite so extraordinary. On behalf of the Government, I have already said that this was extraordinary legislation. It was reported that I said it was outrageous legislation, but what I said was that it was extraordinary legislation. The Government will not take issue with that.

Hon Norman Moore: You also said it was over the top.

Hon KIM CHANCE: Fortunately, it was not reported.

Hon Derrick Tomlinson: It will be this time.

Hon KIM CHANCE: When we look at the time scale, the allegation that there was no time to read the Bill was certainly true for members of another place. This House became aware of the legislation around 15 May, although not officially as it was in another place, and dealt with the Bill finally on 10 June. However, I do not detract from the argument of members opposite about effectively having only one day in which to read the Bill.

Hon Norman Moore: If a Bill is in the other House, we are doing other things in this House. Your colleague the Attorney General has argued that we should be the full bottle on the Corruption and Crime Commission Bill because it has been in the Parliament. That is not a factor. We deal with other legislation. He should not expect us to know about it because it is in the Parliament.

Hon KIM CHANCE: The standing orders of both Houses recognise that when a Bill is in another House, it does not exist as far as the other House is concerned. That is why we are not allowed to refer to such Bills.

Hon Peter Foss: That is the only way we could possibly function.

Hon Jim Scott; Hon Norman Moore; Hon Peter Foss; Deputy President; Hon Murray Criddle; Hon Kim Chance;
Hon Robin Chapple; President

Hon KIM CHANCE: Yes. Hon Jim Scott also said that his concerns began when he heard that the matter would come before this House on the same day it was introduced in the Assembly. He may well have heard that, but he did not hear that from me. I assure him that that was never going to happen. Perhaps there was speculation; it was not official.

Hon Peter Foss: One of those rumours again.

Hon KIM CHANCE: One of those rumours indeed. Hon Jim Scott confirmed that he was informed of the events at the community that led to the urgency of the legislation, and later said that some of the reports of events had been challenged. He said that members needed to be properly informed. In the Government's defence, the Government made every effort to brief members in the time that it had.

Hon Jim Scott: Time was inadequate.

Hon KIM CHANCE: Time was certainly in very short supply. Hon Jim Scott referred to the Premier's criticism and implied that it was criticism of this House. I think the Leader of the Opposition may also have referred to that. I do not think the Premier's criticism, in that instance, was a criticism of the House for doing its job. He criticised the House, certainly, but his criticism was that this House supported amendments that, in the Government's view, defeated the purpose of the Bill. That was ultimately recognised by this House when it reverted to the Government's original legislation.

Hon Peter Foss: We did not recognise that at all.

Hon KIM CHANCE: That is my claim. Hon Jim Scott also claimed that he was misled, but he has provided no evidence to support his claim. However, when I questioned him, he said that a committee inquiry was needed so that these matters could be tested. That is fair enough.

A number of issues have been raised about questions or statements. I will develop this argument a little later. The finding of answers to these matters vastly exceeds the powers that are contemplated for the committee, if the terms of reference are based around the terms of this motion. By sending this legislation to a committee, opposition members want to ask the Government whether the Act has been effective. However, that is not within the scope of this committee's inquiry. They also want to ask whether people were unfairly treated. That is not within the scope of this committee's inquiry. The desire of opposition members to protect people's rights and liberty is not within the scope of this motion. Does the Act deny the right of citizenship? That is not within the scope of this motion. Whether the Government should prove that the course of action chosen was the only course of action available to it may or may not be within the scope of the motion.

Hon Norman Moore: That is fundamental.

Hon KIM CHANCE: That is arguable. Was the Bill the right response? That is not within the scope of this motion. I will explain that in a moment. The Leader of the Opposition alleges that the Government's political motivation was to use this issue as a hammer against the Opposition.

Hon Norman Moore: I said that is what you used after the House had amended the legislation.

Hon KIM CHANCE: In that case, that is also not within the scope of this motion.

Hon Norman Moore: I did not say it was. I just explained what you did.

Hon KIM CHANCE: The member just happened to say it.

Opposition members have asked whether the briefing information that was provided to members was mistaken or false. I will not say that everything members were told can be conclusively proven. However, I will tell members why I think the Government was justified in providing that information. Appropriate agencies have a task, one of which is to provide information to the Government. The Government acts on the information that its agencies provide to it. That is the process of government. The Government provided that information to Parliament because, on the balance of the information with which it had been provided, the Government considered that members needed to know of that information and the Parliament needed to act collectively based on that information. Some members have said that a public servant in Midland denies that fact. Okay. However, let us weigh the evidence. A whole government department says one thing and a public servant - a voice on the other end of a phone - says another.

Hon Norman Moore: That is not correct. The advice given at the briefing resulted in those amendments. The advice provided to Hon Peter Foss was subsequent to the amendments being dealt with.

Hon KIM CHANCE: The Government did not attempt to wilfully mislead anyone. It acted on advice provided by its agencies. Members should remember what the critical advice was.

Hon Dee Margetts: George Bush said that with regard to weapons of mass destruction.

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Hon Robin Chapple; President

Hon KIM CHANCE: George Bush might have been acting in good faith, just as Prime Ministers Blair and Howard might have been acting in good faith. On the other hand, they might not have been. However, let us not go into that. The Government acts on the information that is provided to it. The Government trusts that that information is correct and accurate.

Hon Robin Chapple: The briefings we were given were so generic that the evidence was second-hand. That is the nature of the evidence provided to us. No evidence was actually provided. Generic statements were made.

Hon KIM CHANCE: I accept that. Government agencies receive allegations of this nature that are made by people for whatever reasons. The agencies then decide whether it is worth acting on those allegations. On some occasions, particularly with regard to the young man whose legs were broken in an incident of some kind - it is now disputed where that incident occurred and how that matter took place - advice is provided that is contrary to the advice provided to the Department for Community Development. The advice provided to the department was very specific and was provided by a person who was very close to the subject person. Who is the Government to believe? The department attempts to check the information with which it is provided. The DCD told the Government that it was not able to go into the camp and check that information. That is one of the difficulties with which the Government was faced in this situation.

Hon Derrick Tomlinson: The boy concerned was in hospital and was interviewed by DCD officers in hospital. Robert Bropho was nowhere near the hospital.

Hon KIM CHANCE: I am sure the boy was at the hospital after his legs were broken, not before.

I thank Hon Peter Foss for his contribution. He indicated a very deep understanding of the issues. I understand his call for the legislation to be sent to a select committee rather than a standing committee. I do not have a view on that one way or the other, but I understand what he said.

The Premier and the Government made the reasons for the closure of the community abundantly clear. The Gordon inquiry raised a number of concerns about the Swan Valley community, particularly the difficulties that were being experienced by government departments in accessing the site and in providing services to the residents due to the access being controlled by the management of the community. To address those problems the Government revoked the management order over the Swan Valley reserve held by the Swan Valley Nyungah Community Aboriginal Corporation and replaced it with one that guaranteed government officers full access to the site. However, despite those actions, the failure of the management of the community to take any action on the abuse and the violence that was endemic in the community meant that grave concerns continued to be held for the safety of children and women living in the Swan Valley community.

Just prior to the introduction of the legislation, the Government was advised that since the Gordon report, 10 further reports of suspected abuse or domestic violence had been made. In December 2002, officers from the Department for Community Development visited the camp. Although the officers were allowed to enter the camp, controls were placed on where they could meet people, which people they could talk to and who had to accompany them. In December 2002 a child was interviewed virtually in the open air with other people looking on and with tight controls inhibiting the officers from carrying out the investigation in the way that they are charged to do by statute. In March 2003 the crisis care unit was contacted about a domestic violence incident. Two people were concerned for their safety. Allegations of substance abuse were made and police reported a young person was sleeping in a park owing to substance abuse and allegations of domestic violence. The police removed that person from the camp. In April 2003 the police picked up a young person and were concerned about returning the person to the camp because of suspected drug taking. A 13-year-old female was removed from the camp because of allegations about her safety. Further, the Government has been advised by the responsible directors general that residents at that site were not free to access government services and that the flow of information between government officers and women and children who resided at the site was being hindered by the very people who managed it. Having been advised of the situation at the community and of the very grave concerns that were held about the safety and welfare of the women and children living there, the Government was obliged to act to protect its citizens.

I turn to the question arising in the second part of the motion; that is, the need for rapid passage of the legislation through both Houses. I am a little confused by this part of the motion. Why the House would need the advice of a committee on the urgency of this matter and of the need for a firm and rapid response is beyond me. The Government, supported by opposition speakers and Aboriginal organisations, provided ample reasons why decisive action was needed. I do not know what else we need to know. I have said that for the Government to fail to act in those circumstances would have been a dereliction of duty.

Hon Murray Criddle: Can you identify any other community in the State that needs attention?

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Hon Robin Chapple; President

Hon KIM CHANCE: A number of Aboriginal and non-Aboriginal communities in the State have difficulties; there is no doubt about that. Are any of the nature of this one? Frankly, none is. A number of communities have serious problems, including substance abuse and sexual abuse, certainly. However, none of those communities is effectively closed to the adequate supervision of government agencies. They may not be doing enough to correct the problem, and the finance and human resources that the Government can throw at the problem may be inadequate for the task; I do not know. However, no community in this State offered identical or even remotely similar problems to those offered by this community.

I do not know what else a committee could tell the House about the matter of urgency that we do not already know and have not already discussed at great length. Frankly, if people cannot see those reasons now, I doubt that a committee will be able to do anything for them to help them understand the urgency. I state again that anything other than urgent attention would have increased the risk of women and children residing at that community being exposed to abuse and violence. The situation had gone on quite long enough. Once the Government was apprised of the risk, it was obliged to act. I do not know how many times I have said that in the past month or so. They are the facts, and the Government acted on those facts.

It is a relatively simple equation. When people live on a reserve and the management will not let in government services, or will so inhibit their actions as to make their presence meaningless, and when women and children are being forced to live in danger of abuse and violence, the Government will change the management. It will not muck around for six or 12 months -

Hon Derrick Tomlinson: We agreed to that.

Hon KIM CHANCE: Yes, I am sure the Opposition does.

Hon Derrick Tomlinson: We did. Our amendment -

Hon KIM CHANCE: The Government will change the management and act now. Unfortunately, the Government does not agree that the Opposition's amendments would have allowed it to do that within an adequate time frame, and it said that at the time.

Hon Norman Moore: You know why we said that.

Hon KIM CHANCE: Yes. The management of the camp had all the natural justice that could be reasonably expected. It had opportunity upon opportunity - after the deaths, after the inquest, after the inquiry and after the new management order; and yet it maintained the same position: that the Premier will need to fall into line with the plans made by Robert Bropho for those women and children. The management plan merely reiterated that kind of thinking, and, frankly, that was the last straw. There was a need for immediate action, and that need was plain and clear.

Hon Murray Criddle: Do you think that that is happening anywhere else in Western Australian communities for the same reasons?

Hon KIM CHANCE: I have nothing to add to the answer I have already given the member. Yes, I think it is happening, but I do not think it is happening in the same way. In fact, I do not think it is remotely close to that.

The whole motion, though, and its tenor bother me a bit. If the matter is referred, the committee will not have the power to analyse the Act at all. It could be that the Opposition is right and the Government is wrong. Therefore, why has the Opposition denied the committee the opportunity to look into that? The one thing that the Opposition could have done post-legislation, if it wanted an inquiry into this matter, was to examine the Act and the failings that it perceives are in the Act. Where are the deficiencies in the legislation? If the legislation is not right, what should it do? How could the legislation be reformed? The Opposition has denied itself an inquiry into all those questions by adopting the words that it has adopted. Basically, it has gone out on a head-bashing exercise among a few people who advise government.

Hon Murray Criddle: Would you allow an inquiry to go ahead on that basis?

Hon KIM CHANCE: The Government would consider the motion in a different light. I will not make a decision outside my portfolio.

Hon Murray Criddle: You're putting forward that suggestion; I'm not putting it forward.

Hon KIM CHANCE: I am. I am saying that if that is what the Opposition wanted to do, why did it so specifically exclude itself from doing that?

Hon Robin Chapple: When I speak, I will advise you of what that committee can and can't do in terms of Erskine May's *Parliamentary Practice*.

Hon KIM CHANCE: I believe I can provide the member with that advice as well, but it might be different.

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Hon Robin Chapple; President

From my reading of the motion, the committee will not have the power to analyse the Act. There is no capacity for it to do so, because the motion specifically points to the basis or grounds for the Government's action. Therefore, it refers to the reasons for the legislation, but excludes the legislation itself. In other words, why did people do things, not is what they did right or wrong. If the Opposition wanted to recast the motion, it should have looked at the effect of the Act. Was the Act successful? Did it disadvantage people unreasonably or unfairly? That would have been a reasonable question to ask and a reasonable matter for the Parliament to seek to analyse. However, the Opposition specifically excluded itself from doing that. Under the wording in the first part of this motion, all the committee can do is report on the Government's reasons for introducing the Bill, and, under the second part of the motion, report on the Government's stated reasons for the urgency of the Bill. They would be the two functions of the committee; that is all it could do. I believe that both those issues have been clearly explained already by government.

Even assuming that the committee came to a different view from that which it thinks the Government held, that would be irrelevant, because all that could arise from that is that the committee has a different view about the Government's reasons. Where does that get us? It does not help anybody who the Opposition believes might have been disadvantaged. How the committee would even begin to deliberate on something that is already known, has already been clearly articulated, and will not change anyway because we are talking post facto, has not been explained in the motion. I believe the motion is an absolute nonsense. The committee can do nothing, because the reference motion confines the committee's scope to considering the Government's motivation for an action that has already been taken. That motivation is already well known and understood. Members might not agree with the actions that sprung from the motivation, and that certainly can be a debatable matter. However, the motion leaves no scope for the committee to deliberate on what it might see as a more appropriate action, nor to even analyse the issues that it might see as deficiencies in the legislation. There might have been a purpose in the reference if it permitted the committee to deliberate on those two matters. However, as I have said before, it is specifically excluded by the wording of the motion.

It would have been preferable had Hon Jim Scott consulted with the Government on the wording of the motion. Unfortunately, that did not occur, nor was the Government even given notice that the motion would be promoted to the top of the motions list. Now we are debating a motion that seeks to refer a task to, in the wording of the motion itself, the Standing Committee on Legislation, or, in the amendment, a select committee, which we know those committees could do absolutely nothing with. Frankly, it would be a waste of their time and ours. I urge members to defeat the motion or at least amend it so that it makes sense.

HON ROBIN CHAPPLE (Mining and Pastoral) [3.30 pm]: In response to the Leader of the House, I quote from Erskine May's *Parliamentary Practice*, page 618, section 24, the system of committees, which refers to select committees -

Orders of reference. A select committee, like a Committee of the whole House, possesses no authority except that which it derives by delegation from the House by which it is appointed.

This is followed by a number of other points, but the next paragraph reads -

The interpretation of the order of reference of a select committee is, however, a matter for the committee.

It is not a matter for the Leader of the House by his decision or his analysis within this Chamber. The section continues -

Thus on 21 July 1981 the Welsh Affairs Committee resolved 'That in the opinion of the Committee, the Boundary Commission for Wales may be regarded for the purposes of this Order of Reference as an associated public body of the Welsh Office'

This meant they used very wide terms of reference indeed. The original motion for referral to the Standing Committee on Legislation, which is to be amended to a referral to a select committee, reads -

That the Standing Committee on Legislation inquire into and report to this House the basis or grounds on which the Government introduced the Reserves (Reserve 43131) Bill 2003 and the reasons underlying its passage through both Houses at such short notice.

This will certainly encompass everything we need to have encompassed in our evaluation of this piece of legislation.

HON JIM SCOTT (South Metropolitan) [3.32 pm]: I thank members for their support and the Leader of the House for his comments. Hon Norman Moore supported my argument, so I have nothing to criticise in what he said. He agreed that the committee needs to examine why the Bill was handled in the way it was. Hon Peter

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Hon Robin Chapple; President

Foss also outlined his support, and the need to ensure that proper process was followed. I thought about mentioning this myself, but I did not want to spend too much time on the motion. Hon Peter Foss mentioned that there are types of Bills that need speedy resolution, but other types need greater scrutiny. That is correct. At one stage under the previous Government there was an informal committee that put together ratings of Bills, rating them as A, B or C to allow the speedy resolution of Bills that did not need too much scrutiny. This Bill certainly would not have been given the speed rating under that system. Hon Peter Foss also moved for the select committee.

The DEPUTY PRESIDENT (Hon Adele Farina): Order, members. I point out to Hon Jim Scott that he is speaking to the amendments, not exercising a right of reply. He has a right of reply after the amendments are put.

Hon JIM SCOTT: I thought everyone had completed their remarks. I waited and looked around to see whether anyone else wanted to speak before standing. I am getting nods that that is the correct assumption, and that I could both round up and speak to the amendments.

The DEPUTY PRESIDENT: The matter before the House is a procedural motion and does not accord a right of reply. Hon Jim Scott can therefore speak to the amendments.

Hon JIM SCOTT: I agree with the amendments of Hon Peter Foss. I refrained from moving initially for a select committee only because I understood that the House was rather short of funds. That was the principal reason I did not go down that path. I would otherwise have moved for a select committee myself. I understand that others are better than I at negotiating with the people with their hands on the money. The select committee as outlined by Hon Peter Foss would certainly be able to encompass many of the issues Hon Kim Chance thought could not be taken up by the motion. There were certain matters that could not be discussed by the committee, when they reflected on a decision of the House anyway, and a decision to pass the Bill would have precluded us from examining it.

Hon Kim Chance: Nothing would preclude you from examining the operation of an Act of Parliament.

Hon JIM SCOTT: Yes - the operation of such an Act. The select committee as outlined by Hon Peter Foss would be able to deal with some of those matters. For instance, Hon Kim Chance questioned whether the issue of people being unfairly treated and having their reputations unfairly tainted could be looked at by the select committee. Those two things were part of the basis or grounds on which the Government introduced the legislation. If the grounds were misleading and members were given misleading information, that affects the decisions they make.

Hon Kim Chance: I did not exclude that as one of the things included in the motion. That certainly could be considered. However, the outcome of the operation of the Bill to the extent that it disadvantages people is clearly beyond the scope of your motion.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon JIM SCOTT: I was concerned about the processes by which the Bill passed through this House; that is, by ignoring the normal conventions, standing orders and so on, we allowed legislation to not be scrutinised. That is the principal worry to me. This select committee needs to ascertain the reasons underlying the passage of the legislation through both Houses at short notice. If the House has been given incorrect information about the impending doom of people in the community, the House has not only been misled, but also has shown that, by using such a process, it can throw away the normal ways of looking at legislation. Legislation must be checked to see whether it will carry out the job that is intended. That is important for this House. It is not useless to obtain information and make recommendations on how we can deal with such matters in the future. It is not just that it has happened; we must ensure it does not happen again. Most of the issues I raised can be dealt with by a select committee, as proposed by Hon Peter Foss. I support his amendments. If the House supports the amendments, I hope it will support the principal motion.

Amendment No 1 put and a division taken with the following result -

Extract from *Hansard*
[COUNCIL - Wednesday, 25 June 2003]
p9171b-9183a

Hon Jim Scott; Hon Norman Moore; Hon Peter Foss; Deputy President; Hon Murray Criddle; Hon Kim Chance;
Hon Robin Chapple; President

Ayes (17)

Hon Alan Cadby	Hon Peter Foss	Hon Norman Moore	Hon Giz Watson
Hon George Cash	Hon Ray Halligan	Hon Barbara Scott	Hon Bruce Donaldson (<i>Teller</i>)
Hon Robin Chapple	Hon Barry House	Hon Jim Scott	
Hon Murray Criddle	Hon Robyn McSweeney	Hon Christine Sharp	
Hon Paddy Embry	Hon Dee Margetts	Hon Bill Stretch	

Noes (12)

Hon Kim Chance	Hon John Fischer	Hon Nick Griffiths	Hon Ljiljanna Ravlich
Hon Sue Ellery	Hon Jon Ford	Hon Frank Hough	Hon Ken Travers
Hon Adele Farina	Hon Graham Giffard	Hon Louise Pratt	Hon Ed Dermer (<i>Teller</i>)

Pairs

Hon Derrick Tomlinson	Hon Tom Stephens
Hon Simon O'Brien	Hon Kate Doust

Amendment No 1 thus passed.

Sitting suspended from 3.46 to 4.00 pm

The PRESIDENT: Now we proceed to amendment No 2, which is to add a new part 2. The question is that the words proposed to be added be added.

Amendment No 2 put and passed.

Motion, as Amended

Question put and passed.