

LEGISLATIVE ASSEMBLY — CORONAVIRUS — MANDATORY VACCINATION

Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [12.25 pm]: I move —

That —

- (1) In order to protect the health and safety of members and parliamentary staff and to give effect to the Chief Health Officer's published health advice, this house requires members of the Legislative Assembly attending the chamber, Parliament House or the Legislative Assembly Committee Office to be fully vaccinated during a lockdown or similar restrictions.
- (2) Members must provide proof of their first and second COVID-19 vaccine doses, or proof of a valid exemption, to the Clerk by 31 January 2022.
- (3) Unless otherwise ordered, any member who has not complied with the requirements set out in paragraph (2) is determined to have failed to comply with an order of the house and therefore is suspended from attending the chamber, Parliament House and the Legislative Assembly Committee Office during a lockdown or similar restrictions.
- (4) If a member who is suspended under paragraph (3) provides proof of their first and second COVID-19 vaccine doses, or proof of a valid exemption, to the Clerk, their suspension is immediately lifted.
- (5) For the purposes of this resolution:
 - (a) "COVID-19 vaccine" means a vaccine to protect a person against SARS-CoV-2 that has been registered or provisionally registered by the Therapeutic Goods Administration;
 - (b) "proof of their first and second COVID-19 vaccine doses" means forms of evidence approved by the Chief Health Officer; and
 - (c) "proof of a valid exemption" means forms of evidence approved by the Chief Health Officer.
- (6) The Clerk:
 - (a) must ensure all information provided under this resolution remains confidential and is stored securely; and
 - (b) must destroy all information provided under this resolution at the end of the session or an earlier time determined by the house.
- (7) The house may agree to further resolutions to:
 - (a) vary or amend this resolution; or
 - (b) provide for arrangements for sittings in 2022 based on health advice.

As members would be aware, the mandatory COVID-19 vaccinations directive was issued some weeks ago and comprises three key sectors. The first category of mandated occupations listed under the directive are required to have their first dose by 1 December 2021 and to be fully vaccinated by 31 December 2021. The second category is those occupations deemed critical to the ongoing delivery of business and functioning of the community. Again, a range of occupations are listed. People in that category are required to have their first dose by 31 December 2021 and to be fully vaccinated by 31 January 2022. The third category is for a range of occupations, which, of course, includes members and staff of members of the Parliament of Western Australia, in the event of a lockdown or similar restrictions. In order to prepare for compliance with the directive, it is important for the house to ensure that members comply with the same obligations as members of the public. That is an important consideration, and the drafting of this motion has been done in consultation with the Presiding Officers—I understand a similar motion will be moved in the other place—and the Clerks of the chambers.

As members will see, the motion before us includes several paragraphs, the first of which outlines how a member will be able to ensure that they comply with that directive. Paragraph (2) highlights that members must provide proof of their first and second COVID-19 vaccine doses or proof of a valid exemption to the Clerk by 31 January 2022. This will ensure that we align and that we are ready when Parliament resumes, as is proposed, in February 2022. Paragraph (3) highlights that unless otherwise ordered, any member who has not complied with the requirements set out in paragraph (2) will be deemed to have failed to comply with the order and therefore will be suspended from attending the chamber, Parliament House and the Legislative Assembly Committee Office during a lockdown or similar restrictions. Again, I remind members that this is in the event of a lockdown or a similar restriction being ordered. Under paragraph (4), if a member is suspended under paragraph (3) and provides proof of their first and

second COVID-19 vaccine doses, or proof of a valid exemption, to the Clerk, their suspension will be immediately lifted. Paragraph (5) effectively contains the definitions of “COVID-19 vaccine”; “proof of their first and second COVID-19 vaccine doses”, which relates to appropriate forms of evidence approved by the Chief Health Officer; and “proof of a valid exemption”, which also relates to forms of evidence approved by the Chief Health Officer. Paragraph (6) refers to confidentiality issues for the storing and ultimate destruction of information provided under the resolution at the end of the session or an earlier time determined by the house. Paragraph (7) allows the house to agree to further resolutions to vary or amend this resolution or, indeed, to provide for arrangements for sittings in 2022 based on health advice.

As members will be aware, in 2020, the house was subject to arrangements for how Parliament and the chambers would operate. Members will recall that we had social distancing processes in place for the seating in this chamber. There were also arrangements for question time et cetera. These are possible measures that may be introduced next year, depending on the circumstances and the directives at the time.

In framing this motion, it is important to note a couple of things about mandatory vaccinations and members of Parliament. As we are all aware, parliamentary freedom of speech is guaranteed by article 9 of the Bill of Rights and is one facet of the broader principle that what happens within Parliament is a matter for control by Parliament alone. Essentially, that is why we are doing this. It is up to our Parliament to make a determination about the public health directive, and that is why this motion is before us. This is known as the principal of exclusive cognisance, which recognises that each house has the right to manage its own affairs without interference from outside Parliament. We are aware that it is the duty of each member of this place to attend the house when it is sitting and any committees on which the member may serve. It is true that the imposition of such a requirement on a member of this house to be vaccinated before he or she can attend this house or a committee office cuts to the core of the privileges of the house and its members, but it can be imposed upon only the Assembly itself. That, again, is the intent of the motion before the house this afternoon.

By this motion, the house is giving effect to the Chief Health Officer’s published advice by recognising that members fall within the category of workers who need to be fully vaccinated to attend work in the case of a lockdown or similar restriction. Members may ask why we are doing it this week. The simple reason is that this is the last scheduled sitting week of the Assembly; therefore, in order to prepare in the event of a lockdown and to prepare for next year’s sitting schedule, this will need to be in place for us to comply with a health directive.

By this motion the house will impose a sanction on members who do not provide proof of their vaccination status to the Clerk by 31 January 2022. They will be suspended from attending the chamber, Parliament House and the Legislative Assembly office in the event of a lockdown or similar restriction. However, as I said earlier, their suspension will be immediately lifted if they provide proof of their first and second COVID-19 vaccine doses. As I said, members will be aware of the directive that has been highlighted. It is important that members are aware of our obligations in regard to that directive and, indeed, our obligations in terms of the health and safety of our members and, of course, the staff of this place. I commend the motion to members.

MS M.J. DAVIES (Central Wheatbelt — Leader of the Opposition) [12.36 pm]: Thank you, Leader of the House. I rise on behalf of the opposition to say that we are supportive of the motion before the house and to note that the leader of government business noted that last year when we made certain arrangements to accommodate that state of emergency so that Parliament could continue. At the time the opposition worked collaboratively with the government on an arrangement so that we could come to Parliament, ask questions and continue to perform our duties, albeit with some restrictions. Some members of the opposition could not take their seat on that occasion, but they were extraordinary times. We understand that there is a requirement on us to work with government and to make sure that this Parliament can continue to operate.

It was noted when the transition plan and mandatory vaccination announcement was made that there would be some technical difficulties around implementing this from a parliamentary perspective. I think everyone in this house understands those difficulties. It is harder to explain, perhaps, to those who are not across the conventions of the house the inability to force members of Parliament or impede members of Parliament from taking their seat and performing their duties. Therefore, the solution that has been reached from the advice that has been provided to the house today is that we are the masters of our own domain and we can set those requirements.

I would say, given that we continually get asked for bipartisanship on these types of matters, that it might have been nice to have sighted these directives before they were read in and to have gone through them to provide us with an update. But, certainly, from our perspective, there is no question that we have a responsibility to make sure that this workplace is safe not only for MPs, but also the staff who provide support and to make sure that it continues to operate seamlessly on a day-to-day basis. We have a responsibility to be vaccinated and we consistently point to that in the broader community to say that we cannot be outside the actions that we are asking every other member of our community to take.

I will take this opportunity to say that I am completely appalled by some of the behaviour of the public that we have seen in relation to mandatory vaccinations. I have said publicly on a number of occasions that I am distressed by the level of misinformation, manipulation, anger and violence that has been displayed as people express their views. Everyone has a right to an opinion, but they do not have a right to use violence or threats to express that opinion, and they should be condemned for that. The behaviour of some people in making those views known crosses the line. By all means peacefully protest, but we live in a society and we cannot act as individuals and expect there not to be ramifications for our fellow community members. There is a requirement for us to make sure that if we are able and eligible to be vaccinated, we go out and do that so that we can protect those who are unable, ineligible or not yet eligible in the case of our children and those with medical conditions. The very strong message is: get vaccinated; do not wait. That is our way out of this and our way to protect our community. Certainly, members of Parliament and everyone who operates in this place should be included in the discussions that we are having at a broader level around protecting workplaces and essential workers.

The opposition supports these changes to our standing orders. I will just say that it would have been preferable if we had seen these changes before they were read in yesterday. I think that when we are asked to take a bipartisan approach on such serious matters like this, it would have been a professional courtesy to offer the opposition an opportunity to go through the government's reasoning rather than having to wait for the government to simply read it in. With that said, I am very happy to offer the opposition's support on this matter.

MS L. METTAM (Vasse — Deputy Leader of the Liberal Party) [12.41 pm]: I rise, as the shadow representative in the alliance, to make a couple of points and back up the comments made by the Leader of the Opposition in support of this motion that has been brought before the house. We certainly support what this motion represents. It is important that we, as members of Parliament, set an example. Given the expectation on people to get vaccinated to keep our communities safe in the face of the threat of COVID-19, it is important that all members of Parliament meet that standard and are vaccinated for the safety of our community, our loved ones and the vulnerable. As the Leader of the Opposition has also stated, as an opposition, we have been very supportive of and have taken a bipartisan approach to many of the emergency and extraordinary measures that have been brought before the house with regard to COVID. It is with that same level of support that we support this motion that has been presented today. I would also like to put on the record the condemnation we feel towards those whom have used threats of violence and aggression, particularly towards our Premier and other members and ministers of Parliament. We respect the right to peaceful protest, but there is certainly no room for that level of aggression, and obviously it should be condemned. With those words, I again put on the record our support for the motion. I encourage people to get vaccinated for not only their own health, but also the health of their loved ones and the vulnerable in the community.

Question put and passed.