

LEGISLATIVE COUNCIL — SPEAKING PLACES AND DIVISIONS

Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.30 pm] — without notice: I move —

That, until the house is adjourned on 7 April 2022, so much of the standing orders be suspended so that —

- (a) when called to speak, a member may speak from a place in the chamber other than the member's own; and
- (b) during a division, members shall gather in the chamber, which includes the President's gallery, and indicate an "Aye" vote by standing and a "No" vote by sitting.

HON MARTIN ALDRIDGE (Agricultural) [2.30 pm]: Thank you, President, and thank you for providing a copy of the motion, which I am reading for the first time. I rise to make some comments on this motion. The first is to point out the irony of dealing with particularly the first part of this motion now, because effectively I am speaking in a place right now that is not my own, as did Hon Donna Faragher a few moments ago. I listened to your statement, President, which said that you had designated the President's gallery as the floor of the house, and that members may also use it for seating, and that you had designated the lectern as a place from which other members may speak. I accept that this may be my designated place, President, but it also raises the question as to why standing order 35 will need to be suspended to allow a member to speak from a place in the chamber other than the member's own, which indeed is what I am doing right now.

Notwithstanding that, President, I want to raise a few points on this motion. I think I have made some of these comments on previous occasions. One of those is that we need to make sure that the Legislative Council acts in a way that is not only proportionate, but also consistent with health advice. I draw members' attention to the www.wa.gov.au website. As much as I dislike that website, I have been able to extract from it the following statement about capacity limits —

There are no longer any capacity restrictions for venues and events. This means private gatherings, concerts, sporting games, and weddings can go ahead at full capacity.

I understand that is the current advice to Western Australians. It would seem that the measures that are proposed to be taken in this place to try to mitigate the health risks upon members and staff within the Parliament are above and beyond that stated health advice.

I will raise some of the practical implications of this motion, which deals with two things. Firstly, it will authorise members to speak from a place other than their own. The President has already dealt with the seating allocation through the revised seating plan. Secondly, the motion deals with divisions. I will deal with the second matter first. I thought that the standing up and sitting down arrangement that we implemented for divisions last time worked quite effectively. It certainly helped the Whips in counting members during a division, because quite often during divisions members group together and discuss what we did on the weekend. It is often quite difficult for the Whips to identify who is standing on each side of the chamber. I also point out that there could be a circumstance in which there is no place available in the Council chamber for a member to sit during a particular division. According to the seating plan that members all now have, there are effectively 20 seats on the floor of the Council chamber where members can sit, not including the President's seat. There are also 12 seats in the President's gallery, and as members can see, all those seats are currently occupied. That brings us to 32 members, and obviously we have a 36-member chamber, minus the President. That will leave three members without a place. A situation could arise—it might not—whereby Hon Dr Brad Pettitt might argue fiercely for an amendment on a particular matter and, during a division, he might be the only one who votes yes to his amendment and therefore be the only member standing. The remaining members of the chamber would need to find somewhere to sit. It could be the case that a member who wished to vote no could not find a place to sit other than the floor. That situation could arise under these new seating arrangements and measures in the interests of social distancing.

I want to also make some comments about the first limb of the motion, notwithstanding my view that I am in contravention of standing order 35 as I am speaking from the podium, but I will continue to do so whilst nobody raises a point of order. The issue I have is whether we are actually doing the right thing. Looking at the seating plan, only 14 of the 36 members of the Legislative Council have an allocated seat on the floor of the Council. Will all of us who do not have an allocated seat in this chamber be doing the right thing with regard to public health if we speak from this very lectern? We will be speaking from the same lectern, the same podium, during question time. It could be one member after the other in quick succession. Have we sought and do we have the support of public health advice that this is a better way to mitigate the risks of operating in the current environment than sitting in our ordinary places? I just observed Hon Donna Faragher speak from this very lectern. I did not see any cleaning measures occur in between her and I speaking. We are operating in the same space, on the same desk, on the same surfaces. That would not necessarily be the case if I were sitting in my place, although I would be sitting

next to another member of Parliament if they were in the chamber at the same time. That is something we should contemplate further. If we are taking these decisions in the interests of mitigating public health risks to members and staff, and, importantly, continuing the operation of the Council during an uncertain time, I think these matters ought to be well considered and advice provided from somebody such as the Chief Health Officer.

I am thankful that the President talked about some different arrangements for the way in which Hansard will report during question time, and that members' questions will be recorded against their name in the *Hansard* record. I think that will be a helpful outcome of these revised arrangements. But I will say this: it was my observation last time that question time was significantly slower as a result of these revised measures; that is, members, particularly of the opposition and the crossbench, who were sitting in the President's gallery had to wait for their turn to walk to the podium, unmask, ask their question and then return to the gallery. I think fewer questions were asked during that process than would be the case with an ordinary question time arrangement. Unless there will be some understanding of that, and some tolerance of the length of question time, we will likely have fewer questions asked during an ordinary 30 minutes or so of question time, which will mean less accountability of the government in this chamber during that important 30 minutes or thereabouts every day.

With those few comments, President, I will take my place—wherever that is—and allow anyone else who wants to contribute to this motion to do so.

HON TJORN SIBMA (North Metropolitan) [2.39 pm]: It is the first sitting day of 2022 and I think we have adopted the provisions of the early days of 2020—that period of unknowing—when the virus first hit. In principle, I absolutely support the measures that the President has taken and this chamber is taking to protect the health and welfare of not only the members elected to the chamber, but also the hardworking staff. But it is also important to reflect upon the fact—we will get to this in a subsequent motion, no doubt—that the vast majority of members here are fully vaccinated or will be fully vaccinated after the definition of contemporary or up-to-date vaccination is decided upon. For the purposes of everybody here, I am double-vaxxed and boosted. We have a vaccination rate of about 95 per cent. Everybody who walks into this chamber is wearing a mask. I would like to be convinced of the marginal health benefit of the practices that are being recommended, because they seem to be recommended in the absence of any objective medical advice.

I think it is worthwhile that the chamber reflects on whether these measures are effectively about public safety or for show. I am unconvinced by the public health merits of not only what is proposed in this motion, but also what an appropriate approach to question time, for example, might be. I will reflect very briefly on the contribution made by my colleague Hon Martin Aldridge. I think that last year in this chamber we found an extra hour each sitting week to be given over to formal business. We made some adjustments there. I think that reflections on the approach to question time in 2020 are well taken. We should not discount scrutiny of the government even for five or 10 minutes of the day. I would like to reflect on that. If we are going to take an adaptive and nimble approach to these measures, we need to absolutely ensure that the government is still held to account.

This is not a formal position, but if the government wanted to guarantee the safety of everybody in this chamber, why not subject members to a daily rapid antigen test? I would think that would be a more appropriate and contemporary way of doing things. That is just a suggestion I make humbly from this dispatch place, but I will say this. I am probably operating in a cloud of particles left by my predecessors. I do not necessarily think that my safety is enabled by this motion. I think that we need to maintain logic and a sense of proportion and rationality. I fear that we have completely lost it.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [2.43 pm]: I want to make a small contribution to this debate and not repeat the fine words of Hon Martin Aldridge and Hon Tjorn Sibma. I note that if a cloud were left for Hon Tjorn Sibma at the podium, I am sure that it would be a cloud of goodwill and positivity. It could not possibly be anything else, given the members that preceded him.

I obviously agree with the comments of both of those members, particularly Hon Martin Aldridge, and their concerns about the operations of this Parliament, but I want to put a suggestion or plea in place. In my view, question time in the Legislative Council remains a critical component of accountability of the government. We have very few real opportunities for accountability. In my view, there should be a way that members of the opposition and the crossbench can maintain their place in the chamber. It is not the tradition in this house that backbench members of the government ask Dorothy Dixier questions, and I think that is to the credit of the chamber and is a very good outcome. If their presence is not required to ask a question, I would have thought that there would be room within the opposition side and potentially the President's gallery for members of the opposition and the crossbench to be able to ask at least one question in person during question time. It may be that someone can stand up for them, and I am quite prepared to stand up and read as many questions as is required to facilitate the operations of the house, but it is a far less effective tool. It does not have the same degree of formality or impetus. I think that this house should look at a way to make sure that members of the various parties who attempt to hold the government to account can be facilitated in doing so. It may mean that question time will go slightly longer than usual, particularly if someone has to walk up to use the lectern, but I think that there is a sensible opportunity for a greater accountability to be

maintained, and so I recommend to both the President and the Leader of the House, with all goodwill, that that opportunity should be taken up if at all possible. I suspect it might be. I am very keen to see accountability held.

As I said two years ago, I think it is important that the chamber continues. It is not my intent as the Leader of the Opposition to minimise the number of people who can make a contribution. I think that our role is incredibly important and I think that members of both sides need to have that opportunity. The accountability part of question time is intrinsic to what we do, and I would hate to minimise that. If the President would take that on board and look at how we might maximise the impact of question time to maximise accountability, I think that would be a good outcome for democracy in this state.

HON SUE ELLERY (South Metropolitan — Leader of the House) [2.46 pm] — in reply: I note the comments made by the honourable members. I am happy to ensure that question time provides enough time for everyone to ask the questions that they need to. Members might not be aware that I actually take a note of the number of questions that are asked every single question time. I tick them off against members' names. If members opposite want to get their act together and not struggle to fill a full question time, good luck to them. I will make the time for them.

Question put and passed with an absolute majority.