

BUSINESS OF THE HOUSE

Standing Orders Suspension — Motion

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [1.03 pm]: I move —

That so much of the standing orders be suspended as is necessary to enable for the remainder of this week —

- (1) bills received from the Legislative Council to be taken immediately to the second reading stage on the day that they are received and to progress through all remaining stages without delay between the stages; and
- (2) messages from the Legislative Council to be taken into consideration on the day on which they are received.

I will briefly speak to this motion. I had a discussion with the manager of opposition business. Members, we essentially have two key bills that we are waiting to pass before we rise on Thursday. Both of those bills currently are in the Legislative Council. The first is the Public Health Amendment (Immunisation Requirements for Enrolment) Bill, which we are expecting to receive some time this evening, followed by the Local Government Legislation Amendment Bill, which we are expecting to receive either later tonight or tomorrow. This motion will enable the house to deal with those messages promptly in order to ensure that those bills can be passed by this place before we rise for the winter break. I appreciate the understanding of the manager of opposition business. Therefore, we will sit later tonight in anticipation of the no job bill and, depending on the receipt and the handling of the local government bill tomorrow, we expect to pass both of those bills. The government's priority is to have those two bills passed before we rise for the winter recess tomorrow afternoon.

MR S.K. L'ESTRANGE (Churchlands) [1.05 pm]: Although the opposition certainly supports the passage of the Public Health Amendment (Immunisation Requirements for Enrolment) Bill, because of the intent of that legislation and its significance in making sure that as many children as possible are immunised—we will talk more about that when the bill and any notices from the Legislative Council come to this place—we are concerned with the way in which the government has managed this bill to date, and we want to highlight why.

We have standing orders and procedures bound in the standing orders that are there for a reason. Normally, when a Council message arrives in this place, the presiding member reads it in and the minister then moves that the first reading of the bill be made an order of the day for the next sitting of the Assembly or that the bill be read a first time. The minister might present an explanatory memorandum and the presiding officer would put the question and read the long title of the bill. The minister would then say that the second reading of the bill would be made an order of the day for the next sitting of the Assembly. There is a reason for that process. It is so that members can take that information away overnight, at least, and digest what has been debated in the Council, read the messages attached to the bill and, if they are prepared to speak on the bill, reframe their own notes around the changes and the notices from the other place, so that they can value-add to the parliamentary process of debate. The process ensures that we correctly scrutinise the bill and apply our own filter of experience, knowledge and expertise to represent the key stakeholders in our communities in our approach to dealing with the bill. There is some logic to why the standing orders exist.

On occasions, this may not occur. It may be that legislation has to be hurried through this place for some reason. We now find that we are in the situation in which a bill will be received from the Council and taken immediately to the second reading stage. We do not know when the legislation will arrive, by the way. When it gets here—it might get here late tonight—we will have to go straight to the second reading stage on the day it is received, as the Leader of the House has outlined, and then progress through all the remaining stages without delay. We are to go from the second reading stage into consideration in detail and then into the third reading without delay. If amendments are to be moved, I do not quite know how that would work in this situation. In any case, we will have to move very quickly through all the stages.

Even though it is not considered to be an urgent bill—we know that because an urgent bill sits under standing order 168 and we are not looking at the legislation in the context of an urgent bill—we are almost treating it as if it were urgent, and we need to ask why. If the minister in the other place is advocating that this legislation is really important because of school enrolments, we need to understand why this bill was not brought on at the beginning of the year to be dealt with properly in preparation for enrolments for 2020. I checked the Department of Education website to see what the dates were to enrol in school. On the page titled “Enrolling in school” it states —

In Western Australia, children can start their education in Kindergarten, however compulsory schooling starts the following year in Pre-primary.

Who needs to enrol?

You need to apply to enrol your children in school for 2020 if they are:

- starting Kindergarten—4 years old by 30 June 2020
- starting Pre-primary, the first year of compulsory school ... by 30 June ...

So 30 June is a key date. It then states —

Enrolments are now open. Please return your application to your local school by Friday 26 July 2019.

We are not coming back to this place until 6 August. The government will bring the Public Health Amendment (Immunisation Requirements for Enrolment) Bill, with amendments from the other place, into this place at some point tonight and we will have to deal with it as quickly as possible. The government is not calling it urgent, but it is certainly being treated as a pseudo-urgent bill, and now I see why. It is because school enrolments are currently open. That in itself is an issue, because the bill seeks to capture children at enrolment to be immunised, but people will have already enrolled their children before the enrolment cut-off date of 26 July and before the legislation has gone through.

I sat in on some of the debate on this bill by opposition and crossbench members in the other place last night and caught up with some of my colleagues to ask how that was progressing. They put the question to Minister Ellery, who is handling the bill in the other place on behalf of Minister Cook in this place. I am told that she said that the bill was not really urgent; it is just that it had to meet a time line. People obviously questioned her on that and she said that it was to take advantage of enrolments, as I have outlined. However, she also acknowledged in her answers in that place that this bill is still not going to be perfect for 2020. The fact that she acknowledges, as Minister for Education, that this bill will not be perfect for 2020 leads me to ask: why did the government not aim for it to be perfect in 2020 by bringing it on at the beginning of the year? That would have meant that the government would be well prepared for 2020 and we would have proper legislation that can be properly scrutinised along with the Department of Education's processes, and the schools and kindies will be ready for it.

The Minister for Education and Training also confirmed in the other place that children who will have been missed by this legislation have already enrolled. She also said that she was trying to maximise the benefit for 2020, but recognised that there may be some children in this transition period who have already enrolled and will not be captured by this legislation. By the Minister for Education's own admission, it has not been well managed. We have only to look at the bills that have been brought into this Parliament since February 2019. I will quickly go over them. They are the Bail Amendment (Persons Linked to Terrorism) Bill, the Betting Control Amendment (Taxing) Bill, the Child Support (Commonwealth Powers) Bill, the Consumer Protection Legislation Amendment Bill, the Criminal Appeals Amendment Bill, the Infrastructure Western Australia Bill, the Local Government Legislation Amendment Bill, the Pay-roll Tax Assessment Amendment Bill, the Revenue Laws Amendment Bill, the TAB (Disposal) Bill, the Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill and the Waste Avoidance and Resource Recovery Amendment (Container Deposit) Bill (No. 2). That is a fair bit of stuff. I have no doubt that on their own they are probably important bills that are to try to achieve some government outcome, but by the minister's own admission this is clunky. This is not good enough. The immunisation of children to try to prevent transmittable and contagious diseases is a serious matter. The intent of this bill is absolutely supported by the opposition. We know what the government is trying to do—we support it—but why is the government trying to ram it through literally at the eleventh hour on the second last night of Parliament before the winter recess, and telling us that we have got to get it back to the Legislative Council tomorrow so that it can sign-off on it if we make any amendments? This is just silly.

We want the government to understand that it could have done a lot better here. We also understand that the other place intends to move four amendments to the bill. In fact, one of those amendments to deal with clause 4, to amend the definition of "child care service", has been deferred by the minister to get more information. Hopefully, she will get that information today so she is able to bring that information in her message to this house so that we will know what we are dealing with. There will be very limited opportunity for us to examine the bill. If it comes to this house after 8.00 pm tonight, we will not have much of an opportunity to make phone calls to stakeholders to find out what they think of the amendments that have been debated or on what has been going on. Yes, we have had time to look at the bill and to get briefings on it, but the bill is left exposed with all these amendments and by ramming it through on the second last night of sitting.

I have had a discussion with the minister in the courtyard and suggested that the opposition may want to move an amendment so that the onus is on the government to take a whole-of-government approach to ensure that the catch-up immunisation program for exempt children, some of whom will be refugees, for example, or children whose parents receive Centrelink payments—they are two categories of many that qualify for an exemption under this bill—has a time line. What is the catch-up program and is the government going to set a time line for that catch-up? That is something that we might have wanted to move and debate, but by virtue of what is going on, we will not get that opportunity, or we will certainly feel constrained to not take that opportunity. I do not think that is appropriate.

I genuinely think that the Leader of the House and the Minister for Health could have done better because this is a seriously important bill for the health and wellbeing of the children in Western Australia. The bill should have come to this place well ahead of a number of the bills that I have listed in my short speech today. However, as I said, we will support the government to bring it on to try help the government to achieve its outcomes, but we ask that the government give due consideration to proposed amendments that will help the bill be more effective.

MRS L.M. HARVEY (Scarborough — Leader of the Opposition) [1.07 pm]: I, too, rise to express my dismay at the shambolic management of legislation by this government over the past two years. Last night, we sat in this house and listened to an abusive tirade by the Minister for Transport. She accused the opposition of disrespecting Parliament and not following due process when we had been appropriately interrogating legislation that we do not believe in and do not believe is appropriate. From 10.30 last night, we received abuse from that minister for 45 minutes. That is what happened last night. At the end of the night, the Leader of the House came to us and said, “We really need your help.” A very important bill for the immunisation of children has been introduced in the other place for some reason, even though it is the responsibility of the Minister for Health, and this house will be given insufficient time to interrogate it. After looking at that legislation and the proposed amendments, we have found that legislation to be substandard. It contains exclusions for the very groups of vulnerable children who need access to immunisation services: children deemed to be most at risk of these diseases because they live in unfortunate circumstances, particularly in regional communities. We have been told that we will get the rest of today and tonight to scrutinise that legislation, which has not even passed the other place. That house has only just started sitting for the day. Apparently, this legislation is required for the start of enrolments for next year. Enrolments have already commenced. Why was it not brought to the chambers earlier in the year? Why is it being driven in right at the eleventh hour? We knew in January this year that we were in for an early and virulent flu season. Hello? Would the government not be thinking about vaccination? Would it not be thinking that it had better make sure that all kids are vaccinated against all those diseases we can prevent, just in case they get flu as well? What if someone had the flu and then managed to get whooping cough as a complication? Would a responsible government not think, front and centre, that there are vulnerable groups of children? These are people who are new migrants to the state from countries that have never heard of vaccination, Indigenous children, children who may fall through the cracks because they have families that do not have the usual structure we have come to expect, or children who may not visit the doctor as often as other kids and have access to that information from a doctor or nurse about the importance of vaccination. We would think that at the start of the year, when flu presentations started to peak well in advance of expectations, that the government might ask, “What do we need to do about vaccination for our children? What do we need to do to ensure that vaccination rates are up, so we do not have a catastrophic flu season, with vulnerable children getting preventable diseases because they have dropped off the vaccination program?” Instead, we had a bill read in only a couple of weeks ago. The Legislative Council has been told to rush it through. There are amendments on the supplementary notice paper because the legislation is substandard, and we have a truncated time in which to scrutinise very important legislation. This bill is important not only for the groups of children who are currently not vaccinated, but also because population health works only if there is a maximum participation rate. This is a really important piece of legislation.

Going to the heart of the matter, do we really need legislation for this in the first place? If the government knows that vaccination rates are falling, why not just run an education program through schools? Why not just get the vaccination bus out there with the nurses, the educators and the doctors, and speak to the families whose children are not vaccinated and get them started on a program? Find out where they live; just go and do it. We do not need legislation to vaccinate kids. There has to be a program out in the community that finds out whether children are vaccinated and if they are not, vaccinate them. We do not need legislation to do that. Does anyone think that legislation is going to help one more child to get a vaccination for whooping cough? No, it is not. We need an education campaign—we need people getting those parents to bring those kids to the medical people who can vaccinate them against these preventable diseases. We will cooperate and bring this legislation through. We understand the agenda. Members on this side of house believe in vaccination. We understand the importance of it. We will help the government, on the second-last day before the winter recess, to get this legislation through.

Let us have a look at the precedent for this. In this chamber, we have had numerous requests from the start of this term of government to bring legislation through that was apparently urgent. What have they been? There was the Salaries and Allowances Amendment (Debt and Deficit Remediation) Bill 2017. That legislation was being rushed through before the Salaries and Allowances Tribunal had made a determination on the salaries of members of Parliament, senior public servants et cetera. It was declared urgent. We had to race it through both houses of Parliament—sitting late, very dramatic. Before the legislation was even through, the SAT handed down a judgement on the salaries of senior executives that was utterly consistent with the government’s policy; it did not even need the legislation.

Then we had the Dangerous Sexual Offenders Legislation Amendment Bill 2017, which supposedly had to be rushed through. We still do not know why, because it has had absolutely no impact on any dangerous sex offenders being released. They are still being released—it made no difference whatsoever—but we had to rush it through.

Do members remember why we had to rush it through? We had to rush it through because the release of a dangerous sex offender was imminent and we needed to try to get the legislation through to prevent that. Did it prevent it? No, it did not.

Then we had the Health Practitioner Regulation National Law (WA) Amendment Bill 2017. My understanding of this legislation was that it was required to bring the Western Australian regulation into a national framework. It was known about months and months in advance. We had to rush that through, I think in the dying days of 2017, because this government could not get its act together. We had the Domestic Violence Orders (National Recognition) Bill 2017. We supported that legislation. Was it urgent? Yes, it was urgent, because it was not given priority in the Parliamentary Counsel's Office and was not drafted in time to get it through Parliament in an appropriate time line. We had the Civil Liability Legislation Amendment (Child Sexual Abuse Actions) Bill 2017.

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Mrs L.M. HARVEY: We have also had the Sentence Administration Amendment Bill 2017. I will not be lectured about disrespecting the processes of this Parliament by people on the government benches when the government rushes through urgent legislation that is subsequently found not to be urgent at all. The strata legislation had to be rushed through. There was all sorts of urgency—"We've got to get this in action. The strata industry is in chaos." Guess what? The regulations have now been pushed out by another two months. That legislation happens to be flawed. It is flawed legislation, because we were not given the time by this government to scrutinise it appropriately. That is what shambolic management of government business is all about.

Members on this side will support this legislation going through. Once more, we will support a circumvention of the protocols and traditions of this Assembly chamber to help the government with its shambolic management of business through both chambers. Perhaps one of the things that might help is if the government could get on to Hon Sue Ellery in the other place and have her talk to the crossbench and get its cooperation with this legislation. My understanding is that the government does not have control of the upper house because of the numbers, but it also does not have a manager of government business in the other place who is prepared to lower herself to speak to the crossbench, who could help her get her legislation through.

Several members interjected.

The ACTING SPEAKER: Members!

Mrs L.M. HARVEY: As I said earlier, we will support this legislation. The people on the opposition benches support vaccination for children, but I will draw to the attention of the Leader of the House —

Ms A. Sanderson interjected.

The ACTING SPEAKER: I am going to start calling people, because I think there have been too many interruptions.

Mrs L.M. HARVEY: I draw to the attention of the Leader of the House that every time we are asked to circumvent the processes of this chamber because of the mismanagement of legislation by the government's ministers, we will remind the government of it again and again. When the government wants our cooperation to get this legislation through, it can use its numbers and it can use the gag, but I can say now that when it goes to the Legislative Council and we let members know of the inappropriate treatment of legislation through this chamber, they will —

Ms A. Sanderson: Are you going to let them filibuster at will? Is that what you are going to let them do over there?

The ACTING SPEAKER: Thank you, member.

Mrs L.M. HARVEY: I will take that interjection from the member for Morley. This government has been winding up the media. One government backbencher, a parliamentary secretary, has put mistruths on his webpage about the surrogacy legislation and the reasons for Hon Nick Goiran standing in Parliament for many hours to speak on that legislation.

Several members interjected.

The ACTING SPEAKER: Thank you, members!

Mrs L.M. HARVEY: No, the parliamentary secretary put a link on his webpage and requested that people harass and lobby me about the voluntary euthanasia legislation, based on what happened with the surrogacy legislation. Hon Nick Goiran stood on his feet in that chamber for hours and hours because this government was too pigheaded to give him a report that cost \$250 000 and was 100 per cent relevant to the surrogacy legislation. The government would not release all the information that member needed to interrogate the legislation. That legislation

subsequently went to a committee of the other place, and the legal advice provided to the committee, which is publicly available, shows that that legislation is fatally flawed. Hon Nick Goiran was 100 per cent right. He saw that it was fatally flawed and he said, "I'm not going to roll over and be bullied by some left-wing agenda and not interrogate legislation" and now we have found out that he was correct.

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): Thank you, members. I would like to hear the member in silence, please. I will have to start calling people.

Mrs L.M. HARVEY: I will not as Leader of the Opposition —

Ms A. Sanderson interjected.

The ACTING SPEAKER: Member for Morley, I am calling you for the first time.

Mrs L.M. HARVEY: I will not as Leader of the Opposition gag any of my members on any debate. We do not have a massive factional base that forces us to vote en bloc on conscience issues. I put it to this chamber that those opposite are going to have egg on their face when they understand how fatally flawed the surrogacy legislation is. It is not about the issue; rather, it is about the fact that it is not going to work because the government did not do the job properly.

I return to the point at hand. We will support the government in rushing through its legislation on no jab, no play childhood vaccination, when they finish with it in the other place and it gets here. We have demonstrated that we are happy to sit here for as long as it takes to interrogate legislation. We demonstrated that last night, and we are committed to that as an opposition because our job is to scrutinise the shoddy legislation that those on the government benches put forward in both chambers. We will do that, and we are proud of the job we do. I hope that government members will speak to the Minister for Transport; Planning. Before she stands in this chamber to try to shame us and tell us that we disrespect the processes of this place, government members should show her the list of urgent legislation for which the government requires the opposition's cooperation to bring through and ask her to treat us, this place and every member's contribution with a little respect, such as I have not received from the member for Morley during this contribution.

MR R.H. COOK (Kwinana — Minister for Health) [1.32 pm]: I appreciate people's perspectives on this issue. They are classic opposition debates. I cannot remember a year when we have not had this debate. The theme of it is always shoddy government legislation, dreadful processes, poor planning and poor legislation.

Mr A. Krsticevic interjected.

Mr R.H. COOK: I remember giving the same speeches, member for Carine.

Several members interjected.

The ACTING SPEAKER: Member for Carine, I do not want to hear from you again. Member for Morley, I would hate to double the number of people I have asked to leave this place. I have thrown out one person.

Ms A. Sanderson: I can count.

The ACTING SPEAKER: Well, I want to make it perfectly clear that I do not really want to throw you out, but I will if I have to.

Mr R.H. COOK: I do wish that one day the member for Carine would participate in a debate in this place rather than just use his usual tactics of yelling from the mid-benches. He could join us in the legitimate parts of *Hansard* every now and then.

Mr A. Krsticevic interjected.

The ACTING SPEAKER: Member for Carine!

Mr R.H. COOK: I understand that the opposition has a job to do. I appreciate the points that have been made. The difference between the speeches we make and those made from the opposition benches is that the Liberal Party always has control of the upper house. That luxury has never been afforded to us because of our electoral system. The fact of the matter is that we require the opposition to assist us to manage the legislative process by having some sort of party discipline and cooperation in the way that it deals with legislation in the other place. The fact is that the opposition in the Legislative Assembly has no control over what goes on in the other house or it refuses to accept any control of it. It seems to reject the fact that it has any sort of control. When opposition members talk about the lackadaisical process of legislation through the Parliament, they cannot divorce themselves from having responsibility for it.

The legislation that we will be debating, hopefully when the legislation passes through the upper house in a timely manner, is about two things. First, it is about the health of our kids; and, second, it is about implementing a Liberal

government policy. Let us not forget that. This is about implementing a Liberal Party policy. We come to this place with this legislation in the spirit of cooperation. It is complex legislation because the childcare and preschool system in the eastern states is different from ours, and ours requires quite complex legislation. But remember we are coming to this place to implement policies that have been put forward by a Liberal government, and in the spirit of bipartisanship and cooperation that the Premier brought to this debate, we are trying to implement this policy in the best possible time. As I said, the legislation is about the health of our kids. The Leader of the Opposition was right when she said that people have applied to enrol, but this is about when enrolments are accepted, which happens at the end of July. We want this legislation in place and ready for the 2020 school year, and that is why it is important that we consider, pass and implement this important Liberal government policy as soon as possible before we finish for the winter break.

As I said, we are coming to this place with a spirit of cooperation and bipartisanship to make sure that we implement former Prime Minister Turnbull's commitment. We are endeavouring to do so, but this should not be the stuff of political pointscore. We are not seeking to divide the house. Members would have seen that debates in the other place are respectful and done in the spirit of cooperation in the same way in which this policy was struck in the first instance. We are looking for the opposition's cooperation. We have offered briefings on this legislation. I think the latest, member for Churchlands, was yesterday. We stand ready to make sure that members opposite are confident with the legislation. Some consideration and time has been put into the drafting of the legislation to make sure that it considers all the issues involved, particularly balancing the need to keep people in education with the need to look after public health. It is important legislation, and from that perspective we seek the cooperation of the other side to make sure that we consider it today. For that reason, the Leader of the House has done the right thing in signalling that this legislation be brought in forthwith. We look forward to discussing it in detail. We will have the opportunity to discuss it in detail, armed with the briefings and the lengthy consideration that has already been undertaken in the other place. We should have every confidence that Parliament has every opportunity to put in place appropriate legislation.

MR D.A. TEMPLEMAN (Mandurah — Leader of the House) [1.38 pm] — in reply: I appreciate the opposition's support for the motion before us. I will make one comment. In the weekly letter that I send out to the manager of opposition business and the Leader of the Nationals WA prior to sitting weeks, I particularly highlighted this bill, stating —

I also advise that when the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019* is received from the Legislative Council, the Bill will be a priority for passage.

If the Council's Message is received on Tuesday 25 June, as anticipated —

That did not happen —

the Bill will be a priority on Wednesday 26 June, and the House will sit late on Wednesday 26 June and Thursday 27 June, if required, to ensure the Bill passes all stages next week.

The opposition was given notice last week through my letter. Indications were made that we would sit late, as we did last night and as indeed we will tonight, because we were anticipating that the bill would be received last night. That did not happen, as the health minister highlighted. We do not control the operations of the other place. However, notice was given last week about the urgency of this bill when it enters this chamber. The motion that I gave notice of late last night was simply to reinforce the urgency and the need to have that bill passed before we rise tomorrow afternoon. If any member was under the illusion that no notice was given or that this was a surprise, I refer them to my letter to them —

Mr S.K. L'Estrange: Your execution is very different to your notice.

Mr D.A. TEMPLEMAN: I will quote from the letter again —

I also advise that when the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019* is received from the Legislative Council, the Bill will be a priority for passage.

If the Council's Message is received on Tuesday 25 June, as anticipated, the Bill will be a priority on Wednesday 26 June, and the House will sit late on Wednesday 26 June and Thursday 27 June, if required, to ensure the Bill passes all stages next week.

That is very clear.

Mr S.K. L'Estrange: This is an opportunity for us to give you feedback on your approach.

Mr D.A. TEMPLEMAN: The member received the letter. I am sure that he had a discussion with his leadership team about their tactics or strategy for the week. I do not support the assumption that no notice was given about the intention and the importance of this bill and, indeed, how it will be dealt with when the message is received from the Legislative Council.

Extract from *Hansard*

[ASSEMBLY — Wednesday, 26 June 2019]

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Mr David Templeman; Mr Sean L'Estrange; Mrs Liza Harvey; Mr Roger Cook

I thank the opposition for its support. When the bill enters the house, I look forward to giving it the appropriate consideration. I think that all members would agree on the urgency and importance of this bill with regard to immunisation and that it needs to be passed before we rise tomorrow and be put in place.

Question put and passed.