

ROYAL PERTH HOSPITAL PROTECTION BILL 2013

Second Reading

Resumed from 23 June.

HON DONNA FARAGHER (East Metropolitan — Minister for Planning) [10.08 am]: I rise today as the lead speaker on behalf of the government for the Royal Perth Hospital Protection Bill 2013 that was introduced by Hon Sue Ellery some time ago. The bill is designed to protect the functions of Royal Perth Hospital on the central business district site. The passing of this bill will require the approval of both houses of Parliament should any future government contemplate that the hospital situated on the site be closed. For members who might not be aware, the bill is essentially identical to the bill introduced in Parliament in 2008 by the Liberal–National government, by the former Minister for Health, Hon Dr Kim Hames. The Royal Perth Hospital Protection Bill 2008 passed the Legislative Assembly but lapsed in this house when Parliament was prorogued in 2012. In 2013, the Royal Perth Hospital Protection Bill before us was introduced by the opposition. As I said, it is an identical bill to that of the government. In 2013, that bill passed the Legislative Assembly with the support of the government and, I think, without progressing to the consideration in detail stage. I will say something about that and the situation we find ourselves in here today.

The opposition's tactic is interesting, given the history of the bill and that it was the government that decided to commit to saving Royal Perth Hospital in the first place. Let us never forget that it was the Labor Party when in government, not the Liberal Party, that wanted to close Royal Perth Hospital; that is a fact. The government has always been committed to protecting Royal Perth Hospital as a major tertiary hospital providing an extensive range of tertiary-level medical, surgical and emergency services for adults across a range of clinical fields, including housing a 30-bed adult major trauma unit—I will say a bit more about that in a moment—and supporting thriving research and education. This, of course, is part of the government's outstanding record in delivering major improvements to our health system, and I will refer to a couple of them.

There is absolutely no doubt that this government has a very strong record in health services in Western Australia. Health's operating budget for 2016–17 is \$8.6 billion, which represents an increase of 80 per cent from the \$4.8 billion in the 2008–09 budget, when we came into government. We have continued to invest through a \$7 billion investment in capital expenditure, creating a world-class public hospital and health system in Western Australia. That has included the commissioning and construction of major new facilities as well as major refurbishments at our hospitals and campuses across the length and breadth of Western Australia. Those redevelopments include Fiona Stanley Hospital. As a very proud member of the East Metropolitan Region, I could not have been prouder to be part of the opening of the \$360 million Midland Public Hospital in November last year, the first new public hospital in the Swan region for more than 60 years. I was born at Swan District Hospital, an absolutely fantastic hospital, but there is no doubt that the services and support provided at the new hospital are second to none. I had to take my little boy to the after-hours clinic there where we got fantastic service in a bright new environment; it is fantastic.

Hon Peter Collier: Did they look after him, my little godson?

Hon DONNA FARAGHER: They did look after your godson very well.

An opposition member interjected.

Hon DONNA FARAGHER: I find it interesting that members opposite—one member in particular—are always very negative about Midland Public Hospital. I indicate also that they were all there at the opening. Dave Kelly was right at the front. He wanted to be there and get me in the photo. It was unbelievable.

Several members interjected.

The PRESIDENT: Order, members! We know that the member on their feet has the right to speak. Only the odd constructive interjection is useful in debate, but with a clamour of noise from all quarters of the chamber, it is not helpful; it is not constructive.

Hon DONNA FARAGHER: Members opposite do not like to hear the truth and the fact is the good members of the East Metropolitan Region on this side of the house were joined at the opening, and it was great to see them, but the constant negativity —

Several members interjected.

The PRESIDENT: Order, members!

Hon Alyssa Hayden interjected.

The PRESIDENT: Order! I will say one more thing.

Hon Alyssa Hayden interjected.

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy
Chair

The PRESIDENT: Order! We know that these debates on Thursday mornings are time-limited debates; therefore, it is very unfair of members to continually interrupt and eat into the time of any member on their feet. Let every member who has the opportunity to put their case do so and then, in turn, you will have the opportunity to do the same in your own right.

Hon DONNA FARAGHER: All I will say is that the constant negativity falls short when the members for Midland, Bassendean and others were all at the opening of the hospital, saying what a great thing it is and having their photos taken. I just make that point.

Other major projects have been underway right across not only metropolitan Perth, but also the state. The \$170 million Albany Health Campus opened in May 2013 and the \$120.4 million Busselton Health Campus opened in March 2005.

Hon Alyssa Hayden interjected.

The PRESIDENT: Hear, hear! Sorry!

Hon DONNA FARAGHER: I like the endorsement, Mr President! There is the Exmouth health service redevelopment and works have been progressed to replace a number of remote Aboriginal health clinics. There are many examples of this government delivering improved health outcomes right across Western Australia.

I turn back to Royal Perth Hospital. As part of the introduction of the East Metropolitan Health Service, which came into effect on 1 July this year, Royal Perth Hospital is the major tertiary hospital for the East Metropolitan Region. Each year, it sees approximately 74 000 emergency department patients, approximately 59 000 patients are admitted to the hospital, around 283 000 patients have outpatient appointments and approximately 8 000 people have elective surgery. The hospital employs over 3 500 staff. As I said at the commencement of my remarks, Royal Perth Hospital continues to provide an extensive range of tertiary level medical, surgical and emergency services. It includes adult major trauma, complex and elective surgery, highly specialised surgical services, tertiary mental health, specialist medical services and a range of same-day clinical support services. As a designated provider of major trauma services for adults in Western Australia, it treats approximately 80 per cent of the state's major trauma cases. Indeed, more than 5 000 trauma patients are admitted annually, with over 500 of these patients classed as major trauma. In conjunction with spinal, plastic, orthopaedic and neurosurgical services, the service I referred to at the beginning of my remarks provides state-of-the-art, multi-disciplinary emergency trauma and critical care for patients suffering complex injuries. The quality of care provided through this unit has been recognised with formal level 1 trauma verification from the Royal Australasian College of Surgeons. Trauma verification is a standardised process designed to test the resilience and performance of a trauma service. A multi-discipline team of clinicians travel to the country's trauma services to examine all areas of care, from patient admission through to discharge and rehabilitation.

There is no doubt that the Liberal–National government has also made capital investments at Royal Perth Hospital of around \$50 million since 2008. This included an expansion of the emergency department in 2012 to provide an additional 12 beds. There have been other major improvements, including the redevelopment of the breast clinic, the relocation of the plastics clinic and the refurbishment of the medical oncology department. The current budget allocation of \$19 million over two years between 2015–16 and 2016–17 is to address priority critical infrastructure works. This, combined with the comments I have already made about the government's very strong commitment to the health system in Western Australia, demonstrates the Liberal–National government's ongoing commitment to Royal Perth Hospital. That is why we are supporting the bill, which was originally the government's bill.

I will also add—I have had a conversation with Hon Sue Ellery behind the Chair—that I noted when I was rereading the bill this morning that clause 4 of the bill refers to the Hospitals and Health Services Act 1927.

Hon Sue Ellery: It is also at clause 6.

Hon DONNA FARAGHER: I thank the member for that. Clauses 4 and 6 refer to an act that is no longer in operation because it has been replaced by the Health Services Act, which was passed in this place earlier this year. I expect we will go into committee for that, but I indicate that the government will support those amendments.

HON ALANNA CLOHESY (East Metropolitan) [10.20 am]: It is a pleasure to talk on this really important bill, the Royal Perth Hospital Protection Bill 2013. It is important for people in the East Metropolitan Region who access this hospital, particularly those in the Mount Lawley electorate. Many people use Royal Perth Hospital not only as an emergency service but also for the range of other services that are available in that hospital. I had a conversation with a parent who had recently used the orthopaedic services about that family's experience. This bill is particularly important because, as members will know, the WA Labor Party has always wanted to retain Royal Perth Hospital, despite the misrepresentations of Labor's position on maintaining

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy Chair

Royal Perth Hospital. Back in 2008, the then Leader of the Opposition, Colin Barnett, said that he would introduce legislation to ensure that future governments would not be able to reverse the decision to not close the hospital. That was back in 2008, but here we are in 2016 dealing with a bill from WA Labor to prevent the closure of Royal Perth Hospital. This bill will protect Royal Perth Hospital.

Clause 5 of the bill, “Continuation of Royal Perth Hospital”, provides for the retention of Royal Perth as a public hospital on the prescribed site—that is, the current site. That is critically important to this bill. As we have had heard in this and in other debates, Royal Perth Hospital suffered at the hands of the Barnett–Redman government from promise after promise and broken promise after broken promise about planning and funding; in particular, the member for Mount Lawley, Michael Sutherland, made several promises to the electorate of Mount Lawley during the 2008 and 2013 election cycles. None of those promises has eventuated in reality. The first promise in 2008 was for a \$508 million redevelopment of Royal Perth Hospital. Of course, that promise was broken as that money did not eventuate. In 2009–10, \$2.5 million was promised for planning for the redevelopment of the hospital. That money did not eventuate. There was also a promise of \$2.8 million for modifications. In that same period, 450 staff were axed from Royal Perth Hospital. I do not call that successful planning. I call that broken promise after broken promise and clear mismanagement.

Several members interjected.

The PRESIDENT: Order! It is an open debate and I am sure the members interjecting will get the opportunity, if they wish, to make their contribution, in turn.

Hon ALANNA CLOHESY: This shows the government’s lack of vision and clear mismanagement of what it intended to do over the future of the hospital. In 2012–13, \$22 million was allocated in the state budget for the stage 1 redevelopment plan. No planning has occurred and we are still faced with the idea from this government that it might do some planning, but no planning has occurred. In 2013–14, \$180 million was allocated in the state budget over three years. That money did not eventuate and did not go to Royal Perth Hospital; in fact, that money disappeared from the forward estimates. As I mentioned, in 2014–15, \$180 million disappeared from the line item in the forward estimates and was replaced with \$8 million for planning. We went from a promise in 2008 of \$508 million for the redevelopment of Royal Perth Hospital, with none of that money being allocated by 2014–15, to an allocation in the 2014–15 state budget of \$8 million for planning. Year after year after year, this government promised that Royal Perth Hospital would receive substantial funding for redevelopment and/or planning, but none of that has eventuated. All that eventuated was the axing of 450 staff. The 2015–16 state budget included a promised allocation of \$19 million, but, again, that has not eventuated. I was pleased to hear and welcome the Minister for Health’s current version of the government’s plans for Royal Perth Hospital, but, as I said, that is the current version and we cannot necessarily believe it will eventuate because of the history of promises and broken promises by this government since 2008.

Clause 6, “Services to be provided”, will allow for medical and support services to be maintained at Royal Perth Hospital. We have never had a clear understanding from this government, or from the local member for Mount Lawley, about the kinds of services that will be provided at and the future of Royal Perth Hospital. The government has been chopping and changing with promises and broken promises. This government cannot be believed when it says it wants to continue to protect Royal Perth Hospital. That is why this bill is critically important.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chair of Committees (Hon Liz Behjat) in the chair; Hon Sue Ellery (Leader of the Opposition) in charge of the bill.

Clause 1: Short title —

Hon NICK GOIRAN: My question to the member with carriage of the bill is about the second reading speech. The second reading speech stated that the 2009 version of this bill sat in the other place for 1 458 days before it was passed. Is that correct?

Hon SUE ELLERY: I thank the member for the question. From the information that has been provided to me, I understand that is correct, but if the member is asking whether I have personally added up all the days, I cannot attest to that. That information was provided to me and I have no reason to believe that it is not correct.

Hon NICK GOIRAN: I guess my question, then, to the Leader of the Opposition is: she has been provided with some information that figure is 1 458 days; is she able to make that information available?

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy
Chair

Hon SUE ELLERY: I thank the member for the question. I am not sure where he is heading with this. The advice was provided verbally to me by my colleague, the shadow Minister for Health. I did not ask him to demonstrate to me how he reached the conclusion that that was the accurate number of days.

Hon NICK GOIRAN: The member would accept that she has to take responsibility for the number of days mentioned in the second reading speech, given that it is her speech and not that of her colleague, the shadow minister.

Hon SUE ELLERY: I thank the member for the question. If the member has some information that he thinks demonstrates that that number is inaccurate, I will happily take that information from him. I would happily consult with the shadow Minister for Health after the debate has concluded in the house and, if I need to stand later and correct the parliamentary record, I will do so, but I do not have any information in front of me right now that will be able to assist the member. If he has such information, I will happily receive it.

Hon NICK GOIRAN: I ask the member about some assertions made in the second reading speech. It was stated that the 2009 bill lapsed, having not been debated for 12 months. In fact, it states that this happened on no fewer than three occasions. Is the Leader of the Opposition able to advise the committee about the number of occasions on which the opposition brought the matter on for debate?

Hon SUE ELLERY: Is the member asking how many times the opposition brought the matter on for debate in the Legislative Assembly?

Hon Nick Goiran: Yes.

Hon SUE ELLERY: I am not able to provide that information without going back and checking through *Hansard*. If the member has done that, and thinks that I need to correct the record, he could let me know.

Hon NICK GOIRAN: To assist members in their consideration of the bill, and to assist the member with the carriage of the bill, I make the observation that the answer would be zero, because if the bill had lapsed because it had not been brought on for debate, then plainly the opposition did not bring it on for debate.

Hon Sue Ellery: The first bill was the minister's bill—the government's bill.

Hon NICK GOIRAN: Yes—the 2009 bill, but the opposition did not bring it on for debate.

Hon Sue Ellery: The opposition can't bring it on for debate.

Hon NICK GOIRAN: Never?

The DEPUTY CHAIR: Order! One speaker at a time; we will do it the way we normally do in committee, even though it is a bit unusual.

Hon NICK GOIRAN: The point is that in the second reading speech the member made the point that on three occasions the bill had to be reinstated, having not been brought on for debate by anybody, whether the government or the opposition. Through her interjection, I think the member is suggesting to me that the opposition cannot bring the bill on for debate. That is not my understanding. Certainly, in this chamber, a member can bring a bill on at any time—it does not have to be the member's own bill—just as, at the moment we are debating the Royal Perth Hospital Protection Bill 2013. If the government wanted to bring it on for debate, it could do so.

I will move on to a further area. I would be interested in the member indicating to us the basis upon which it is suggested in the second reading speech, and I quote —

WA Labor accepts that the Western Australian public supported the retention of Royal Perth Hospital ...

Hon SUE ELLERY: On what basis does the opposition accept that the Western Australian public supports the retention of Royal Perth Hospital? That would be on the basis of the public debate that was conducted in the lead-up to the 2008 election and subsequently.

Hon NICK GOIRAN: I understand from the member that the basis is the outcome of the 2008 election.

Hon SUE ELLERY: That is not what I said. I said, on the basis of the public debate during the course of the 2008 election campaign and subsequently.

Hon NICK GOIRAN: I might reread for the benefit of the member what the second reading speech actually states. I quote —

WA Labor accepts that the Western Australian public supported the retention of Royal Perth Hospital at the 2008 election.

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy
Chair

Hon Sue Ellery: I have nothing to add to what I have already said.

Hon NICK GOIRAN: The question I have, then, is: is the member indicating in the second reading speech that because the Liberal Party won the 2008 election, that is the basis upon which WA Labor accepts that the Western Australian public supports the retention of Royal Perth Hospital?

Hon SUE ELLERY: I have nothing to add to what I have already said on that matter.

Hon NICK GOIRAN: My proposition to the committee is that the second reading speech makes it clear that WA Labor accepts that the Western Australian public supported the retention of Royal Perth Hospital in the 2008 election. Those were the words chosen to be read into this place by the member with carriage of this bill. Plainly, the only way she can reasonably interpret that is that because the Liberal Party made a promise and won the election, it therefore had a mandate in government, and WA Labor accepts that. The basis upon which I say that is that, at the beginning of the second reading speech, the member said —

In 2008 the WA Liberal Party promised the people of Western Australia that it would retain Royal Perth Hospital as an inner-city tertiary hospital by passing into law the Royal Perth Hospital Protection Bill.

Later, in the same speech, the member said —

WA Labor accepts that the Western Australian public supported the retention of Royal Perth Hospital at the 2008 election. The electorate made its opinion clear and the previous minister has stated that he believes it contributed significantly to the Liberal Party's election victory that year. WA Labor also accepts that the public's opinion was driven, in part, by its concern about the uncertain future of the hospital and the jobs of those people who work at the hospital.

That is what the second reading speech states. I am not sure how that can be interpreted as anything other than an indication by, in this instance, a responsible opposition, that the government has a mandate. I am asking the member whether that is what was intended in the words of the second reading speech.

The member is unwilling to assist by clarifying that. In the absence of any further comments by the member I put it to the committee that the only reasonable interpretation is that the WA Labor Party is saying that it accepts that the Liberal Party won the 2008 election and has a mandate on this issue, and that is why it accepts that the Western Australian people have provided their public support for the retention of the hospital. I congratulate the opposition for taking that position, which, interestingly, is in stark contrast to the position it took last week on another matter currently before the federal parliament, in which it did not seem to think that the outcome of an election provides a mandate on promises made to the people. It seems that opposition members are able to understand the relevance of an election and promises and mandates when it suits them, but on other occasions they conveniently forget those things.

I will move to a different topic, Madam Deputy Chair.

The DEPUTY CHAIR: That is wise.

Hon NICK GOIRAN: That is before she draws my attention to the relevance of my comments.

The DEPUTY CHAIR: Yes.

Hon NICK GOIRAN: I ask the member what level of public consultation has been undertaken on this bill.

Hon SUE ELLERY: I am advised by my colleague the shadow Minister for Health that he consulted with the range of health stakeholders that he normally deals with. Beyond that, I am not able to provide the member with any additional information.

Hon NICK GOIRAN: I was distracted for a moment there. I was handed a supplementary notice paper that indicates that some amendments will be made to this bill. We will get to those clauses in a minute, but from the little part I caught, I think the member said that some level of consultation has taken place.

Hon SUE ELLERY: I said that I am advised by my colleague the shadow Minister for Health that he consulted with the normal range of health stakeholders that he deals with. I am not able to provide the member with any greater detail than that.

Hon NICK GOIRAN: It would assist me if I could be provided with a list of the "normal range of stakeholders" that the shadow minister deals with. Given it is obvious that this member has a responsibility for the conduct of this bill, I wonder whether she might be able to confer with her colleague and provide that list.

Hon SUE ELLERY: I am happy to raise the member's query with my colleague after we have dealt with the bill today.

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy
Chair

Hon NICK GOIRAN: It is open for the member to ask that we adjourn this bill so that she can consult with her colleague, get the list and then come back and deal with the matter. It is not really satisfactory for the member to suggest that she provide a list of stakeholders after the bill has passed.

Hon SUE ELLERY: If that is the way the member wants to move, I guess he can so move and test the will of the chamber. I think I have given a perfectly reasonable commitment. I am happy to take up his query with my colleague and provide him with that list. I see no need to hold up the debate today.

Hon NICK GOIRAN: The problem I have is that if the member provides me with a list of the “normal range” of people the shadow Minister for Health consults—I think those were the words the member used—after the bill has passed, and if I find out after the bill has passed that some of those stakeholders are not happy with any element of the bill, there is no capacity for me to further engage with the member on the concerns of those stakeholders. That is why we need that list of people now so we know whether there are any concerns.

The DEPUTY CHAIR: Members, the question is that clause 1 do stand as printed.

Hon NICK GOIRAN: Let us be clear that it is the Leader of the Opposition, who from time to time makes robust contributions in this house particularly on government bills and who understandably wants to hold the government to account for the quality of and the basis for its bills, who is not prepared to provide us before the passage of this bill with a list of those stakeholders who have been consulted so that we can find out whether there are concerns with the bill.

Hon Helen Morton: The issue is she doesn't know.

The DEPUTY CHAIR: Are you seeking the call?

Hon Helen Morton: So coming in here with a bill —

The DEPUTY CHAIR: Order! There is only one speaker at a time, and if you want to seek the call, you know the proper process.

Hon NICK GOIRAN: I guess I am making the point that if members want to bring a private member's bill into this house, they are quite entitled to. Any one of the 36 members in this place is able to bring in a private member's bill, but if they want to bring it in, they have to be prepared. It is pretty unsatisfactory for the member to continuously respond to questions by saying, “I am not really sure, but verbally my shadow colleague has told me; I think it is 1 458 days; I'm not really sure who has been consulted, but it is the normal range of people; I'm not going to provide you with a list; and I'm not really interested in deferring debate.” Those responses come from a Leader of the Opposition who would like to very much move from one side of the chamber to the other. I fear for the people of Western Australia if that is the standard we will receive one day in the future should the opposition leader ever achieve her ambition. I think that if the shoe were on the other foot, we would not hear the end of it if we were unable to provide something as basic as a list of people who had been consulted; yet the Leader of the Opposition thinks it is acceptable to tell us that she will provide that information after the bill has been passed. It is grossly unacceptable. As I say, if the shoe were on the other foot, we would not hear the end of it. I might add that we would probably hear not just one member of the opposition but all opposition members make that point. They would stand and make lengthy speeches, outraged that we were not able to provide them with something as simple as a list of people who had been consulted. For all I know, in the absence of the information that the Leader of the Opposition refuses to provide before the passage of this bill, there are people who have been consulted—this “normal range” of people the shadow Minister for Health consults with. I do not know who this “normal range” of people includes. They may include people who have expressed concern about an element of the bill. It may be the case that they are not concerned about the general policy of the bill, but they may be concerned about one or more elements. Indeed, as I have already flagged, I have been provided with a supplementary notice paper that indicates that some amendments will need to be made to the bill. It is clear that someone has consulted with this member and flagged with her the need to make some amendments.

Hon Donna Faragher: It was me, honourable member.

Hon NICK GOIRAN: Is that not telling? It has been the hardworking government minister who has drawn that to the attention of the opposition leader who wants to hide information from us today. It has taken the hardworking government minister to make sure that the bill is at least going to be amended to reflect what I notice is the actual act that needs to be referred to, not what I presume—we will find out in due course when we ask further questions on this—is the former act, or perhaps the repealed act.

Since the opposition leader wants to be incredibly unhelpful and not provide me with a list of people who have been consulted, other than to refer to them as the “normal range” of people the shadow minister consults with, that leads me conveniently to ask the Leader of the Opposition why it is necessary to refer to the Health Services Act 2016 and not the Hospitals and Health Services Act 1927.

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy Chair

The DEPUTY CHAIR: Leader of the Opposition, you may want to answer that now, but it might be more appropriate to answer it at clause 4. That question is not really within the scope of debate on clause 1.

Hon SUE ELLERY: I am happy to be guided by you, Madam Deputy Chair, but I am happy to answer the member's question. As the minister representing the Minister for Health pointed out in her second reading contribution, the reason the amendment is necessary is that since this bill was first read into the house, the Hospitals and Health Services Act 1927 has been replaced by the Health Services Act 2016. That is why the amendment is necessary—to make sure that we are referring to accurate legislation. I thank the minister for bringing that to my attention. That is why I asked that the amendments be drawn up in the form that they are for clauses 4 and 6.

Hon NICK GOIRAN: When did the Health Services Act 2016 come into effect?

Hon SUE ELLERY: It is my recollection that it certainly passed the house in about the middle of May. I have not checked when it achieved royal assent. It passed through the house in May 2016.

Hon NICK GOIRAN: Is the member willing to ascertain when it received royal assent and to advise the house?

Hon SUE ELLERY: I am sure that the member could find out that information in a variety of ways. I do not have it in front of me now. I can get it for the member if he has no other way of getting it himself. I am happy to undertake to find out the date on which it received royal assent.

The DEPUTY CHAIR (Hon Liz Behjat): Perhaps I might be able to assist the Leader of the Opposition there and let members know that the bill was assented to on 26 May 2016.

Hon NICK GOIRAN: As I understand it, on 26 May this year the Health Services Bill 2016 received royal assent. When did the member make the decision to propose these amendments?

Hon SUE ELLERY: I thank the member for his line of questioning. About 20 minutes ago is when I made the decision to move the amendments. If it helps the member, I am happy to say that the minister was very helpful. I asked her this morning before we began what the government's position was going to be on the bill and she said that the government would be supporting it. However, she said that we would have to check about a possible amendment because since the bill was first read in, the relevant act had changed. I know that I did the second reading of the bill after the Hospitals and Health Services Act was replaced, so I should have picked it up earlier. I apologise to the house for that gross error. I should have picked it up but I did not; the minister drew it to my attention today. I therefore asked that a supplementary notice paper be drafted to reflect the amendments that are necessary to give effect to the bill.

Hon NICK GOIRAN: I thank the member for that clarification; that was quite helpful. The Leader of the Opposition indicated that she should have picked this up earlier. Is there anything else in the bill she wishes to draw to our attention that should have been picked up earlier?

Hon SUE ELLERY: Not that I am aware of.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Term used: Royal Perth Hospital —

Hon NICK GOIRAN: Clause 3 is a very important clause in this bill because it defines “Royal Perth Hospital”. I note in particular that it states that it means —

... that part of the public hospital of that name situated on the land being any of the following —

It then outlines in three paragraphs—(a), (b) and (c)—the different certificates of title that are said to make up Royal Perth Hospital. Is the member in a position to table for us those three certificates of title?

Hon SUE ELLERY: No, I am not able to. The explanatory memorandum sets out the definitions and the two folios that the certificates of title appear within. This is in exactly the same terms as the definition used in the bill prepared by the former Minister for Health, Hon Kim Hames, and presented to the Legislative Assembly some years back now. I do not have the certificates of title in front of me.

Hon NICK GOIRAN: The member says that she cannot table the certificates of title. Will she table the certificates of title?

The DEPUTY CHAIR: The Leader of the Opposition is indicating no.

Hon NICK GOIRAN: Just to clarify, is that no, she will not respond to the question, or, no, she will not table them?

Hon SUE ELLERY: I was not going to respond to the question but I have now stood up, so I will. I am not in a position to do that. I am not sure how it would assist the member in any additional way. If the member thinks that to help him make up his mind he needs some particular bit of information that he could get only out of the certificates of title, he could perhaps explain what that is, but I do not have them and I am not in a position to seek them.

Hon NICK GOIRAN: As I indicated at the beginning, clause 3 defines a very important term. This clause defines what is meant by “Royal Perth Hospital”. The Leader of the Opposition in her private member’s bill to this chamber has indicated that this is how Royal Perth Hospital should be defined, and in particular indicates that it should be three certificates of title as outlined in the bill. The reason I ask the Leader of the Opposition to give some consideration to tabling those certificates of title is that if we are going to define “Royal Perth Hospital” in this way, surely we need to be confident that these are the correct certificates of title that make up Royal Perth Hospital. I accept that the Leader of the Opposition says that she does not have them in front of her at the moment; that is fine. I just ask whether she will table them so that we can have confidence that what we are saying is defining Royal Perth Hospital is actually correct.

Hon Alyssa Hayden: That is a very reasonable question.

Hon SUE ELLERY: I note the interjection that it is a very reasonable question. I think it would be if members on the other side were saying that they did not trust Hon Kim Hames and they did not trust the current health minister, both of whom have indicated that these folios are the ones that contain the correct certificates of title. This was in the original bill that went before the Legislative Assembly. It is in the private member’s bill that has been before the Legislative Assembly and is now before the Legislative Council. Both Ministers for Health were satisfied, and are satisfied, that the folios referred to in this clause accurately reflect the certificates of title that apply to Royal Perth Hospital.

Hon NICK GOIRAN: Has the Leader of the Opposition herself sighted the three certificates of title that she indicates to the chamber should make up Royal Perth Hospital?

Hon SUE ELLERY: I have not, but perhaps, unlike the member opposite, I trust that Hon Kim Hames got it right and I trust that Hon John Day got it right when he provided advice to the minister who represents him in this place that these are the correct folios to refer to.

Hon NICK GOIRAN: The question for the member is: what if they got it wrong?

The DEPUTY CHAIR: Leader of the Opposition? Members, the question is that clause 3 do stand as printed.

Hon NICK GOIRAN: The member does not want to answer my question. If there is a prospect that the information is incorrect, it seems to me that the member thinks that close enough is good enough. The Leader of the Opposition thinks it is important enough to be so precise in this bill as to list the certificates of title as being volume 2726, folio 337; volume 2726, folio 337; and volume 2726, folio 339. However, the member has not seen those certificates of title and has said, “Well, somebody else said that that was it so that must be right, but I’m not going to check and I’m not going to make sure that the chamber has got that information before it. And, even though I don’t have the information before me, I’m not even willing to undertake to table it.” I find that extraordinary. As I said earlier, if the shoe was on the other foot, we would hear about this till the cows came home. I can just picture it now—members on the other side would be quoting to us about the certificates of title. They would probably go into the ancient histories about how certificates of title first came into existence in Western Australia, and probably tell us about how anything wrong with the certificate of title system is all the Liberal Party’s fault and anything good about it is courtesy of the Labor Party, and we would have all these history lessons. The one important thing is to look at the certificates of title and for the member with carriage of the bill to have that confidence, and then provide the information to the chamber, but that is asking too much. This is the same member who, as I said earlier, would one day like to find herself on the other side of the chamber. It is absolutely extraordinary and totally unsatisfactory. If I have said it once, I will say it again: if the shoe was on the other foot, we would not hear the end of it. I find it totally unacceptable that this member is completely unprepared for today’s debate. She is not able to provide us with basic information and is unwilling to consult her colleague, who she apparently trusts has got everything right. For all I know that colleague she has spoken to has not looked at the certificates of title either. What will potentially happen is that there will be a problem that someone will identify later, and then we will have to try to ram through some amendment bill to fix the problem. This is the same member who 20 minutes ago said that she was not aware that there was a problem with clauses 4 and 6, and only thinks it now that the hardworking minister in this chamber has drawn it to her attention, and she is happy enough to have the supplementary notice paper prepared. Maybe there is a need for another one. We will not know, because the member is not willing to provide us with that information.

The member is not prepared to provide me with a list of stakeholders, is not prepared to tell me about the information on the 1 458 days and is not prepared to provide the information on the certificates of title. Basically, the only reason that there are any amendments and the only reason we are in committee now is that a member of the government has drawn to the attention of the member that there is a problem. The very gracious member who has carriage of this bill has been good enough to prepare a supplementary notice paper! That is the standard that we are receiving in the chamber today and the member expects me to be thrilled about that, no doubt. I am entirely uncomfortable with the proposition that we are enshrining into the law of this state the definition of “Royal Perth Hospital” on the basis of a member who has not viewed the certificates of title and will not provide them to the chamber. Will the member undertake to provide to the chamber and table at some later stage the certificates of title? We know it is not with her at the moment, because she is not prepared for today’s proceedings; she just came in here expecting that we are all just going to agree to a private member’s bill on which the work has not been done and which has to be fixed by the government. Will the member at a later stage, when she views the certificates of title and has confidence in the bill that she has provided to the chamber, table the certificates of title?

Hon SUE ELLERY: I thought that I had already answered that question, but I am happy to say it again. I am not sure I will be able to, but I will certainly undertake to take up the member’s query with my colleague the shadow Minister for Health. But I do not know that I will say, “And therefore I will make sure that I can come back at some later date and actually table the certificates.” I would not want to mislead the member into thinking that I will do that, but I will certainly raise his query with my colleague the shadow Minister for Health.

Hon Helen Morton: Anybody can get a copy.

Hon NICK GOIRAN: Hon Helen Morton is absolutely correct. Anybody can get a copy of a certificate of title; it just requires a bit of effort. I find it extraordinary that the Leader of the Opposition, who has some resources at her disposal—in fact, the opposition has some resources at its disposal—is unable to undertake to search for a certificate of title and provide a copy to the chamber and table it. I totally accept that while the member is sitting here at the committee table, it is impractical to do so, hence why I suggested earlier a short adjournment to obtain these things. It is impractical to do so at the moment and that is fine. But to suggest “I do not want to commit to providing it at a later stage” is extraordinary. There is no basis to say, “I cannot provide it at a later stage”, other than an unwillingness to do so. I will just give the Leader of the Opposition a further opportunity to undertake to the chamber that a certificate of title search will be undertaken by the member so that we can have the confidence that the very words she has chosen to bring to the chamber as a new law of Western Australia are the correct ones.

Hon SUE ELLERY: I have nothing to add to what I have already said.

Hon NICK GOIRAN: Not for the first time this morning we have a reluctance—in fact, I would say a refusal—by the member, with the conduct of the bill, to provide the basic information that the chamber is asking for. I will conclude on this point that it remains completely unsatisfactory to me that the member with the carriage of this bill expects us, in a few moments’ time, to pass and agree to clause 3 of the bill, when the member herself indicates she has never seen the certificates of title. She has not seen them and cannot provide an undertaking to the chamber that they will be tabled at a later stage. She is unwilling to do so, and refuses to do so, but says, “I still want you to pass the bill in its current form. This clause is good enough; close enough is good enough”. I get the impression she is not even that fussed; she just wants it to be passed. That is totally unsatisfactory and not of the standard suitable for the Legislative Council of Western Australia. It might be the type of standard that we would expect in some other place, but it is absolutely unacceptable for the house of review of the Parliament of Western Australia to be told, “I can’t provide you with the basic information that is available. If I had made an effort, I would be able to go and get it, but I am not prepared to do that. I am going to talk to my shadow minister.” Why? Why does the member need to talk to the shadow minister? He is not the one with the conduct of the bill; Hon Sue Ellery is the one with the conduct of the bill. She should do the search; she has the resources in the Leader of the Opposition’s office. Go and do a certificate of title search and table it in the chamber. But, no, that is too much effort, yet she still wants to try to pretend to the people of Western Australia that she would be suitable to swap chairs with Hon Peter Collier. Let me tell the member this much: if Hon Peter Collier was sitting in that chair at the moment, he would make sure that the information was available to the chamber. If he could not provide it, he would not say, “I will have to talk to somebody else and I might be able to provide it.” One thing is for sure: the Leader of the House in this place is always cognisant of the need to provide information to members. But the Leader of the Opposition seems to think that that is something that can be dispensed with from time to time—that it is an optional thing. That is grossly unsatisfactory.

I conclude with this point: I am totally uncomfortable with what is happening here. The member is unprepared for today’s debate. She has not done the work and cannot provide us with the basic information.

Several members interjected.

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy Chair

The DEPUTY CHAIR: Order! One person at a time. Hon Nick Goiran, you are starting to repeat yourself in a lot of the statements that you are making now. I note that you did say that you would conclude your remarks, and I counsel you that that is probably the best course of action.

Hon NICK GOIRAN: Thanks, Madam Deputy Chair. It is terrific to see that now that the cavalry has arrived, suddenly we have interjections from members who have not been following the debate. For the benefit of those members, and since they were absent, I will quickly conclude by indicating that the clause we are about to agree to is one that the member is unable to prove to the chamber is correct.

Withdrawal of Remark

Hon SALLY TALBOT: Madam Deputy Chair, can I ask you to remind the member on his feet that there is a convention that is respected by all sides —

Several members interjected.

The DEPUTY CHAIR (Hon Liz Behjat): Order! Excuse me, I am chairing this debate. Nobody on the other side of the chamber is—I am—and the call is with Hon Sally Talbot on a withdrawal of remark.

Hon SALLY TALBOT: Thank you, Madam Deputy Chair. There might be a few other reminders that you need to issue to other members of this chamber about the way we respect the Chair. There is a convention that is respected on both sides of the house that when members are absent from the chamber, there are no references to the fact that they may not have been following the debate. There are absolutely no grounds for drawing that conclusion. The honourable member would do well, bearing in mind the likely future shift in the benches in this place, to remember that that is a convention that ought to be respected by both sides of the house. I am quite sure that members on my side who were not in the chamber were indeed continuing to follow the debate, because we regard it as very important.

Hon NICK GOIRAN: I thank the member for raising this and I am happy to withdraw those remarks.

Debate Resumed

Hon NICK GOIRAN: I was saying to members that we are being asked to agree to the definition of Royal Perth Hospital. We are being told that it consists of three certificates of title. The member with the carriage of the bill indicates that she has never seen the certificates of title and is unwilling to provide an undertaking —

The DEPUTY CHAIR: Order! There is a lot of audible of conversation going on around the chamber. Members have come into the chamber because obviously they are interested in the debate. Perhaps they could pay attention to what is being said in the chamber.

Hon NICK GOIRAN: I will try to conclude on this point, but it is difficult with all the interruptions. My point to members is that we are about to agree to clause 3 of the bill. Clause 3 defines Royal Perth Hospital. It does so by providing three certificates of title.

The DEPUTY CHAIR: In fact, Hon Nick Goiran, it is two certificates of title.

Hon NICK GOIRAN: Thank you, Madam Deputy Chair. It provides them in circumstances in which the member has never seen the certificates of title and is unwilling to provide an undertaking to the chamber—either now by way of a short adjournment, or at a later stage—that the certificates of title will be tabled and provided to this place so that we can have confidence that the certificates of title referred to in the bill are correct. That is what is happening at the moment; that is what is being agreed to. As I indicated, I am incredibly uncomfortable with it. Members opposite know that the member is completely unprepared for today and that this is totally unsatisfactory. If the shoe were on the other foot, members opposite would not tolerate this situation, yet they are expecting it from the government today.

The DEPUTY CHAIR: Now you are definitely repeating yourself, Hon Nick Goiran.

Hon NICK GOIRAN: Thank you. With those concluding remarks I can only hope that the member will reflect on this after the passage of the bill today and will nevertheless at a later stage do a certificate of title search and provide it to the house. I can only hope that the member will do that. We cannot guarantee it and there certainly has not been any undertaking today.

Clause put and passed.

Clause 4: Operation of Act —

Hon SUE ELLERY: I move —

Page 2, lines 22 and 23 — To delete “*Hospitals and Health Services Act 1927.*” and substitute —

Health Services Act 2016.

This amendment is to delete the reference to the Hospitals and Health Services Act 1927 and replace it with the correct title of the act that came into effect in May this year; namely, the Health Services Act 2016.

Hon DONNA FARAGHER: As I foreshadowed in my contribution to the second reading debate, the government will support this amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 5: Continuation of Royal Perth Hospital —

Hon NICK GOIRAN: What is meant by the word “resolution” in clause 5?

Hon SUE ELLERY: Clause 5 deals with the continuation of Royal Perth Hospital and the use of the word “resolution” in that clause is to provide for the retention of a public hospital on the described site unless a resolution approving the closure has been passed by each house of Parliament. It has the normal meaning that is used in parliamentary debates. That means a decision would need to be made by both houses. The way that is normally done is by way of some form of motion. It has the normal meaning as it has in parliamentary processes.

Clause put and passed.

Clause 6: Services to be provided —

Hon SUE ELLERY: I move —

Page 3, line 5 — To delete “*Hospitals and Health Services Act 1927*” and substitute —
Health Services Act 2016

This amendment is to delete the same words and insert the same words as we did in the amendment I moved to clause 4, and for the same purpose.

Hon DONNA FARAGHER: I again indicate that, as per clause 4, the government will support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 9 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and, by leave, the report adopted.

Remaining Stages — Standing Orders Suspension — Motion

On motion without notice by **Hon Sue Ellery (Leader of the Opposition)**, resolved with an absolute majority —

That the standing orders be suspended so far as to enable the bill to pass through its remaining stages in this sitting.

Third Reading

HON SUE ELLERY (South Metropolitan — Leader of the Opposition) [11.21 am]: I move —

That the bill be now read a third time.

HON NICK GOIRAN (South Metropolitan) [11.22 am]: I note that the Royal Perth Hospital Protection Bill 2013 that we are about to agree to is in an identical form to what it was at the second reading stage. The house has had the opportunity to consider the matter in committee and has made the decision to make no amendments to the bill. No doubt we will be able to pass this bill very shortly, with the concurrence of everybody in the house.

I might add that for my part I have absolutely no confidence in the accuracy of every element of this bill. The member with the carriage of the bill has been unable to provide information to the house to ensure that we might have the confidence that the information in the bill is correct. We have seen a point-blank refusal to provide basic information, including information about who has been consulted. We were told that there was some kind of consultation with a normal range of people, whoever that might be and however many people that might be, but there was a refusal to provide a list of those people. That means we will be passing a bill in a few moments’ time when we have not had the benefit of knowing who the stakeholders were and whether they had any concerns. In addition, we are passing a bill that will define Royal Perth Hospital by way of several certificates of

Hon Donna Faragher; Hon Alanna Clohesy; Hon Nick Goiran; Hon Sue Ellery; Hon Dr Sally Talbot; Deputy
Chair

title. This is being passed despite the fact that the member with the carriage of the bill has never seen the certificates of title and is refusing to provide an undertaking to the house that they will be provided at a later stage.

Notwithstanding all those things, the Leader of the Opposition still expects us to pass the bill today, as we have done. We have even suspended standing orders so that everything can fly through today at great speed. It reminds me of another private member's bill that was introduced by the same member. Let me say that it had the same quality to it—the member was completely unprepared on that occasion to provide information to the house. The same thing has happened again today, yet we are still expected to agree to these things. We are expected to agree to things not just in the normal course, I might add, but we are expected to agree to these things whilst taking unconventional approaches. I find that totally unacceptable. The member opposite was not prepared to deal with this matter today and was unwilling to even adjourn for a brief period so that the house might be properly provided with information. She expects the good grace of every member of the house just to go with the flow and agree with the process but will not even provide a simple undertaking to the house. I remain lacking in confidence that this bill has had the proper scrutiny that it deserves. The member opposite was unwilling to provide that scrutiny. I was quite happy to provide it, but one can only provide the scrutiny if there is a little bit of cooperation. That was not shown today. That is very disappointing, to say the least. Today, this member has proven to be incapable of becoming the Leader of the House because there is not at least a willingness to provide information to the house. That would surely be the number one criteria. If she were to become the Leader of the House, she at least has to be willing to provide information to the house. The member thinks it is good enough to say to us that she has had a conversation with the shadow minister, who is from the other place. That is not good enough; it is totally unsatisfactory. Being the house of review, we hope that there have been no errors made this morning as the Leader of the Opposition rams the bill through today. We certainly hope that there will be no errors.

I conclude by saying thank goodness for Hon Donna Faragher, because if it were not for this hardworking minister, the bill would have been absolutely flawed. I take the opportunity as I conclude to correct what I said earlier. The bill before us is different from the bill after the second reading because we have corrected a couple of clauses—clauses 4 and 6. All due credit to Hon Donna Faragher, the hardworking minister, who is very deserving of her place on the government benches and for assisting the uncooperative Leader of the Opposition with her bill.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.