

PUBLIC HEALTH (CONSEQUENTIAL PROVISIONS) BILL 2014

Committee

The Deputy Chair of Committees (Hon Simon O'Brien) in the chair; Hon Donna Faragher (Minister for Planning) in charge of the bill.

Clause 1 put and passed.

Clause 2: Commencement —

Hon DONNA FARAGHER: The government proposes a lot of amendments opposing clauses. The government seeks to oppose clause 2 and replace it with a new commencement provision.

Clause put and negated.

New clause 2 —

Hon DONNA FARAGHER: I move —

Page 2, after line 3 — To insert —

2. Commencement

(1) This Act comes into operation as follows —

(a) Part 1 — on the day on which this Act receives the Royal Assent;

(b) Part 2 — on a day fixed by proclamation;

(c) the rest of the Act — on a day fixed by proclamation, and different days may be fixed for different provisions.

(2) Subsection (1)(c) is subject to sections 212 and 353.

As currently drafted, clause 2 requires all of part 3 to come into operation on the same day. There may, however, be a need for different provisions in part 3 to come into operation on different days; therefore, the purpose of the new clause is to provide the flexibility required to ensure that relevant provisions can come into operation at the appropriate time.

New clause put and passed.

Clauses 3 to 54 put and passed.

Clause 55: Section 340AB amended —

Hon DONNA FARAGHER: I move —

Page 36, lines 14 and 15 — To delete “Hospital Board of King Edward Memorial Hospital,” and insert —

chief executive of the health service provider for King Edward Memorial Hospital under the *Health Services Act 2016*,

Clause 55 makes various references to hospital boards. The purpose of the proposed amendments is to align the language in that clause with the new framework provided by the Health Services Act 2016.

Amendment put and passed.

Hon DONNA FARAGHER: I have a further amendment to this clause. I move —

Page 36, line 25 — To delete “Hospital Board of that hospital; and” and insert —

chief executive of the health service provider for that hospital under the *Health Services Act 2016*;
and

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 56 to 100 put and passed.

Clause 101: Various references to “Health Act 1911” amended —

Hon DONNA FARAGHER: I move —

Page 78, after line 11, the Table the 7th row the 2nd column — To delete “s. 39(2)(a)(i), 69(8)(a) and 95(4)(f)(iii)” and insert —

s. 39(2)(a)(i), 69(8)(a) and (9A)(b) and 95(4)(f)(iii)

This amendment is similar to the previous amendment. It addresses a technical issue arising from the commencement of the Liquor Legislation Amendment Act 2015. The purpose of this amendment is to align the language in the new provision with the framework provided by the Public Health Bill.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 102 to 110 put and passed.

New Division 5A —

Hon DONNA FARAGHER: I move —

Page 84, after line 17 — To insert —

Division 5A — *Botanic Gardens and Parks Authority Act 1998* amended

110A. Act amended

This Division amends the *Botanic Gardens and Parks Authority Act 1998*.

110B. Section 44A amended

Delete section 44A(1) and insert:

(1) In this section —

Chief Health Officer has the meaning given in the *Public Health Act 2014* section 4(1);

public health has the meaning given in the *Public Health Act 2014* section 4(1).

Note: The heading to amended section 44A is to read:

Chief Health Officer responsible for public health matters

110C. Various references to Executive Director amended

In the provisions listed in the Table delete “Executive Director, Public Health” (each occurrence) and insert:

Chief Health Officer

Table

44A(2)	44A(3)
44A(4)(a) and (b)	44A(5)
53A(2)	

The proposed amendments address various technical issues arising from the commencement of the City of Perth Act 2016. Amongst other things, that act amended the Botanic Gardens and Parks Authority Act 1998 to preserve the capacity of the executive director of public health to exercise the powers and authority of a local government over land to which that act applies. The purpose of the proposed amendments, therefore, is to align the language in those new provisions with the framework provided by the Public Health Bill.

New division put and passed.

Clauses 111 to 147 put and passed.

Clause 148: Section 3 amended —

Hon DONNA FARAGHER: I move —

Page 95, lines 3 to 12 — To delete the lines.

I foreshadow that when we come to clause 149, the same reasoning for this amendment will apply to an amendment to that clause. The proposed amendment addresses a technical issue arising from the commencement of the Mental Health Legislation Amendment Act 2014. As the Mental Health Legislation Amendment Act has now come into operation, subclause (2) is redundant and the purpose of the proposed amendment is to delete that subclause.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 149: Section 6 amended —

Hon DONNA FARAGHER: I move —

Page 95, line 23 — To delete the line.

I move this amendment for the same reasons contained in the explanation for the amendment to clause 148.

Amendment put and passed.

Hon DONNA FARAGHER: I move —

Page 96, line 1 — To delete the line.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 150 to 152 put and passed.

Clauses 153 to 159 —

Hon DONNA FARAGHER: These clauses are part of division 15. I indicate, for the benefit of members, that we will be opposing that entire division. I presume that we will have to go through each clause separately, but I will take advice on that. The amendments provided by part 3, division 15, relate to the Hospitals and Health Services Act 1927. In view of the fact that the Health Services Act 2016 will come into operation, these clauses are no longer appropriate and should be opposed.

The DEPUTY CHAIR: Minister, I take it that under standing order 132, you wish to deal with clause 153 through to clause 159 as one question?

Hon DONNA FARAGHER: Yes.

Leave granted for clauses 153 to 159 to be considered together.

Clauses put and negated.

Clauses 160 to 165 put and passed.

New clause 165A —

Hon DONNA FARAGHER: I move —

Page 101, after line 3 — To insert —

165A. Section 3 amended

(1) In section 3(1) delete the definition of *Executive Director, Public Health*.

(2) In section 3(1) insert in alphabetical order:

Chief Health Officer has the meaning given in the *Public Health Act 2014* section 4(1);

Again, this new clause relates to new clause 165B, which we will come to. Both new clauses relate to technical issues arising from the commencement of the Liquor Legislation Amendment Act 2015. The purpose of the proposed amendment is to align the language in that provision in the Liquor Control Act 1988 with the framework provided by the Public Health Bill.

New clause put and passed.

New clause 165B —

Hon DONNA FARAGHER: I move —

Page 101, after line 3 — To insert —

165B. Section 64 amended

Delete section 64(1C)(c) and insert:

(c) the Chief Health Officer;

New clause put and passed.

Clause 166: Section 69 amended —

Hon DONNA FARAGHER: I intend to oppose this clause and then move a new clause 166. The content of clause 166 is no longer appropriate due to the technical issues arising from the commencement of the Liquor Legislation Amendment Act 2015. As such, we are seeking to oppose that clause and replace it with a new clause 166.

Clause put and negated.

New clause 166 —

Hon DONNA FARAGHER: I move —

Page 101, after line 3 — To insert —

166. Section 69 amended

- (1) In section 69(8a) delete “Executive Director, Public Health —” and insert:
Chief Health Officer —
- (2) In section 69(9A) delete “Executive Director, Public Health” and insert:
Chief Health Officer

New clause put and passed.

Clauses 167 to 176 put and passed.

Clauses 177 to 183 —

Hon DONNA FARAGHER: I indicate that we will be opposing those clauses in division 21 as they relate to technical issues surrounding the commencement of the Mental Health Legislation Amendment Act 2014. As the Mental Health Act 1996 has now been repealed, these clauses are redundant and should be opposed.

Leave granted for clauses 177 to 183 to be considered together.

Clauses put and negatived.

New Division 25A —

Hon DONNA FARAGHER: I move —

Page 108, after line 20 — To insert —

Division 25A — *Private Hospitals and Health Services Act 1927* amended

190A. Act amended

This Division amends the *Private Hospitals and Health Services Act 1927*.

190B. Section 2 amended

In section 2(1) delete the definition of *infectious disease*.

Proposed new part 3, division 25A, again addresses another issue arising from the Health Services Act 2016. Although that act deletes much of the content of the Hospitals and Health Services Act 1927, some content will remain and the title of that act will be changed to the Private Hospitals and Health Services Act 1927. The purpose of the new division is to enable the deletion of the definition provided by that act when that definition becomes redundant as a consequence of the Public Health Bill.

New division put and passed.

Clauses 184 to 196 put and passed.

Clause 197: Schedule 3 amended —

Hon DONNA FARAGHER: I move —

Page 110, lines 20 to 24 — To delete the lines.

This amendment addresses the fact that the Mental Health Legislation Amendment Act 2014 has come into operation. We are seeking to delete subclause (1).

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 198 to 205 put and passed.

Clause 206: Section 5 amended —

Hon DONNA FARAGHER: I indicate that we will be opposing this clause. The amendment provided to clause 206 relates to section 5 of the University Medical School, Teaching Hospitals, Act 1955. As that section will be repealed by the Health Services Act 2016, this clause is redundant and should be opposed.

Clause put and negatived.

Clauses 207 to 212 put and passed.

Clause 213: Certain provisions repealed if not commenced: *Mental Health Legislation Amendment Act 2014* —

Hon DONNA FARAGHER: I again indicate that we will be opposing this clause. It relates to the commencement of the Mental Health Legislation Amendment Act 2014. Given that it has now come into operation, this clause is redundant and should be opposed.

Clause put and negatived.

Clauses 214 to 256 put and passed.

New Division 14A —

Hon DONNA FARAGHER: I move —

Page 123, after line 14 — To insert —

Division 14A — Part XIII B amended

256A. Section 340AB amended

In section 340AB (3)(d) delete “Princess Margaret Hospital for Children,” and insert:

Perth Children’s Hospital,

The proposed new part 4, division 14A, enables a reference to Princess Margaret Hospital in the Health (Miscellaneous Provisions) Act 1911 to be changed to Perth Children’s Hospital.

Hon SUE ELLERY: I hate to throw a spanner in the works but the Perth Children’s Hospital is not operating yet. If we delete a reference to the Princess Margaret Hospital for Children, firstly, do we leave the capacity of coverage of Princess Margaret Hospital for Children without creating a gap, and secondly, should we put in provisions that refer to a hospital that has not yet opened?

Hon DONNA FARAGHER: As I understand it, the new clause will not come into effect until the hospital becomes operational. The reason we have to amend the provision relates to the membership of the perinatal and infant mortality committee. One member of that committee is to be a medical practitioner who specialises in neonatal paediatrics at Princess Margaret Hospital for Children. Because Princess Margaret Hospital will obviously be closing, we need to be clear that it will become the medical practitioner at Perth Children’s Hospital, but it will not come into effect until the new hospital starts to operate.

New division put and passed.

Clauses 257 to 259 put and passed.

Clause 260: Section 344C amended —

Hon DONNA FARAGHER: I move —

Page 124, line 2 — To delete ““133,” and insert —

“133(1),

The proposed amendment addresses a drafting error. It incorrectly refers to section 133 of the Health (Miscellaneous Provisions) Act 1911 rather than to section 133, subsection 1. This amendment corrects that error.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 261 to 283 put and passed.

New Clause 283A —

Hon DONNA FARAGHER: I move —

Page 128, after line 15 — To insert —

283A. Schedule 6 amended

After Schedule 6 clause 5(2) insert:

(2A) The persons who held office under section 340AB(3)(d) as members of the Perinatal and Infant Mortality Committee, or as deputies of those members, immediately before the coming into operation of the *Public Health (Consequential Provisions) Act 2014* section 256A continue in office, under and subject to Part XIII B, as members or, as the case requires, deputies of members of the Committee until the expiry of their respective terms as if they had been appointed by the Minister on the nomination of the chief executive of the health service provider for Perth Children’s Hospital under the *Health Services Act 2016*.

This provision relates back to new part 4, division 14A, that we just agreed to. The proposed new clause provides a transitional provision that is required as a consequence of the insertion of that new part. The purpose of the new clause is to ensure that an existing member of the perinatal and infant mortality committee can continue for the remainder of his or her term, despite the name change.

New clause put and passed.

Clauses 284 to 288 put and passed.

Clauses 289 and 290 —

Hon DONNA FARAGHER: I indicate that I will seek leave to deal with clauses 289 and 290 together because they both relate to division 3. We will oppose these clauses due to technical issues that arise from the commencement of the City of Perth Act 2016. That relates to both clauses 289 and 290.

Leave granted for clauses 289 to 290 to be considered together.

Clauses put and negatived.

Clauses 291 to 310 put and passed.

Clause 311: Section 69 amended —

Hon DONNA FARAGHER: I indicate to the chamber that we will oppose this clause and I will seek to move to insert a new clause 311 to align the language of the Liquor Legislation Amendment Act 2015 with the framework provided by the Public Health Bill.

Clause put and negatived.

New Clause 311 —

Hon DONNA FARAGHER: I move —

Page 137, after line 9 — To insert —

311. Section 69 amended

- (1) In section 69(8)(a) delete “*Health (Miscellaneous Provisions) Act 1911*; or” and insert —

Public Health Act 2014; or

- (2) In section 69(9A)(b) delete “*Health (Miscellaneous Provisions) Act 1911*.” and insert —

Public Health Act 2014.

New clause put and passed.

Clauses 312 to 353 put and passed.

Title put and passed.

Report

Bill reported, with amendments.