

**PUBLIC HEALTH AMENDMENT
(IMMUNISATION REQUIREMENTS FOR ENROLMENT) BILL 2019**

Committee

Resumed from an earlier stage of the sitting. The Chair of Committees (Hon Simon O'Brien) in the chair; Hon Sue Ellery (Minister for Education and Training) in charge of the bill.

Progress was reported after new clause 11A had been agreed to.

Clauses 12 to 21 put and passed.

Postponed clause 4: Section 4 amended —

The clause was postponed on 25 June after it had been partly considered.

HON SUE ELLERY: We deferred clause 4 because I was to seek some further advice on why the government wanted to keep clause 4 in its original form in the bill. Hon Nick Goiran essentially put that there was no difference between the proposed amendment and original clause 4. The government wants the original clause in the bill, rather than relying on the provision in the amendment for regulations. As the amendment is drafted, there is a risk that we could be dealing with a bill that could become outdated quite quickly as the enrolment requirements would not apply to those specified childcare services defined in the Education and Care Services National Regulations 2012. A change to those regulations at a national level could result in a section of this act becoming redundant or having an unintended effect. For example, we may want to change the scope of the proposed exemptions, and we would want the flexibility to do that. With regard to clause 4 in particular, a change at a national level to include a service such as occasional or mobile care as an education and care service under the national law would mean that those services would come under the scope of the enrolment requirement when the intention is that they should not. Keeping the provision in the regulations would mean that a change at a national level could be easily reflected. If it was included in the act, the legislation would need to be amended through Parliament, become redundant, or have an unintended effect. Including the clause 4 provision in the regulations rather than the act also gives a flexibility to add or remove care services if, during the implementation, we find that particular services require exemption or inclusion from the requirements.

Postponed clause put and passed.

Title put and passed.

Report

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

As to Third Reading — Standing Orders Suspension — Motion

HON SUE ELLERY (South Metropolitan — Minister for Education and Training) [6.07 pm] — without notice: I move —

That so much of standing orders be suspended so as to enable the bill to be read a third time forthwith.

HON NICK GOIRAN (South Metropolitan) [6.07 pm]: I think it is important for us to note at this point that what is happening is highly irregular. Because the government chose to bring this bill in so late and because it is so insistent that it needs to pass before 30 June, it now needs to dispense with the standing orders, tear them apart, and pretend they do not exist so that it can launch this bill to the other place and rush it through over the next 24 hours. I, for one, am appalled that this government has been so poor in the management of its legislative program that the opposition has been left with no alternative but to not oppose this suspension of standing orders. I hope that the government understands that this is not to be considered a precedent. There may well be other bills on which the government would like to do this and I am not necessarily saying that I will agree on future occasions.

HON AARON STONEHOUSE (South Metropolitan) [6.08 pm]: I actually share the sentiments of Hon Nick Goiran on this one. We have gone through a long process through the Committee of the Whole House in amending this bill. Several amendments have been made. I have not yet seen a final version of the bill—no-one has. I have been following the debate pretty closely, but even then, several amendments were agreed to and several amendments were not agreed to, so I do not know what the final bill looks like. No-one really knows that at this point. Normally, there would be an adjournment, which would give members time to range over the bill and give third reading speeches. We have not really had that opportunity yet. I think it is inappropriate. I do not know what the will of the house will be, but I am not in favour of proceeding straight to the third reading after finishing the Committee of the Whole House stage when we have not had a chance to consider the final form that this bill now takes.

The ACTING PRESIDENT (Hon Adele Farina) [6.09 pm]: An absolute majority is required to pass this suspension motion. Having counted the house and an absolute majority of members being present and there being no dissentient voice, I declare that the motion is passed.

Extract from *Hansard*

[COUNCIL — Wednesday, 26 June 2019]

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Hon Sue Ellery; Hon Nick Goiran; Hon Aaron Stonehouse; Acting President

Question put and passed with an absolute majority.

Third Reading

Bill read a third time, on motion by **Hon Sue Ellery (Minister for Education and Training)**, and transmitted to the Assembly.