

LEGISLATIVE ASSEMBLY

NOTICES AND ORDERS OF THE DAY

No. 178

TUESDAY, 17 NOVEMBER 2015, 2.00 p.m.

Prayers *

Petitions

Papers

Giving Notices of Motion

Brief Ministerial Statements *

Questions Without Notice – approximately 2.00 p.m. each day

Matter of Public Interest – one per week on any day

Private Members' Business – 4.30 p.m. to 6.00 p.m. Wednesdays

Grievances – approximately 9.00 a.m. Thursdays

Private Members' Statements – 12.50 p.m. Thursdays

* *Note: On days when the Assembly meets at 2.00 p.m. Brief Ministerial Statements and Questions Without Notice will follow immediately after Prayers.*

Memorandum: *An electronic version of the Assembly's Questions on Notice booklet is available on the Parliament's Internet site at www.parliament.wa.gov.au.*

BILLS – NOTICES OF MOTION

1. Licensing Provisions Amendment Bill 2015 (Notice given – 12/11/15)

The Minister for Finance: To move –

That a Bill for “An Act to amend the following –

- the *Auction Sales Act 1973*;
 - the *Debt Collectors Licensing Act 1964*;
 - the *Land Valuers Licensing Act 1978*;
 - the *Mining Act 1978*;
 - the *Motor Vehicle Dealers Act 1973*;
 - the *Real Estate and Business Agents Act 1978*;
 - the *Settlement Agents Act 1981*;
 - the *Transport Co-ordination Act 1966*.” be introduced and read a first time.
-

GOVERNMENT BUSINESS – ORDERS OF THE DAY

1. ***City of Perth Bill 2015** (Minister for Local Government) (No. 135, 2r. – 21/5/15)
Second reading. Adjourned debate (Leader of the House).
2. **Noongar (Koorah, Nitja, Boordahwan) (Past, Present, Future) Recognition Bill 2015** (Premier) (No. 112, 2r. – 14/10/15)
Second reading. Adjourned debate (Mr M. McGowan).
3. **Natural Gas (Canning Basin Joint Venture) Agreement Amendment Bill 2015** (Minister for State Development) (No. 144, 2r. – 10/9/15)
Second reading. Adjourned debate (Mr D.A. Templeman).
4. **Local Government Legislation Amendment Bill 2014** (Minister for Local Government) (No. 108, 2r. – 27/11/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
5. **Integrity (Lobbyists) Bill 2014** (Premier) (No. 98, 2r. – 26/11/14)
Second reading. Adjourned debate (Ms R. Saffioti).
6. **Appropriation (Capital 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 106, 2r. – 27/11/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
7. **Appropriation (Recurrent 2010-11 to 2013-14) Supplementary Bill 2014** (Treasurer) (No. 105, 2r. – 27/11/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
8. ***Aboriginal Heritage Amendment Bill 2014** (Deputy Premier) (No. 81, 2r. – 27/11/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
9. **Land Acquisition Legislation Amendment (Compensation) Bill 2014** (Premier) (No. 100, 2r. – 27/11/14)
Second reading. Adjourned debate (Mr D.A. Templeman).
10. ***Joint Standing Committee on Delegated Legislation – Application of Standing Orders** (Leader of the House)
Consideration in detail of Legislative Council Message No. 67.
11. **Premier's Statement**
Adjourned debate (Leader of the House) on the question, That the Premier's Statement be noted.
12. ***Aquatic Resources Management Bill 2015** (Deputy Premier) (No. 52, 2r. – 24/2/15)
Second reading. Adjourned debate (Mr D.A. Templeman).
13. **Aquatic Resources Legislation Amendment Bill 2015** (Deputy Premier) (No. 51, 2r. – 24/2/15)
Second reading. Adjourned debate (Mr D.A. Templeman).
14. **Building and Construction Industry Training Fund and Levy Collection Amendment Bill 2015** (Minister for Training and Workforce Development) (No. 137, 2r. – 18/6/15)
Second reading. Adjourned debate (Mr D.A. Templeman).
15. **Road Traffic Legislation Amendment Bill (No. 2) 2015** (Minister for Road Safety) (No. 151, 2r. – 11/11/15)
Second reading. Adjourned debate (Mr D.A. Templeman).

16. Anzac Day Amendment Bill 2015 (Minister for Veterans) (No. 158, 2r. – 11/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

17. Anzac Day Amendment Bill (No. 2) 2015 (Minister for Veterans) (No. 159, 2r. – 11/11/15)

Second reading. Adjourned debate (Mr D.A. Templeman).

18. Executive Officer Remuneration (Government Entities) Legislation Amendment Bill 2015 (Premier) (No. 148, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

19. Main Roads Amendment Bill 2015 (Minister for Transport) (No. 154, 2r. – 12/11/15)

Second reading. Adjourned debate (Ms S. McGurk).

LEGISLATION COMMITTEE TO REPORT

***Public Health Bill 2014**

***Public Health (Consequential Provisions) Bill 2014**

(Minister for Health) (Nos 103, 104, 2r. – 26/11/14) – 19 November 2015

PRIVATE MEMBERS' BUSINESS – NOTICES OF MOTION

1. Acknowledgement of Fire-fighters (Notice given – 17/2/15, renewed 23/6/15)

Ms M.M. Quirk: To move –

That this House records its appreciation and acknowledgement of volunteer and career fire-fighters who have tirelessly fought a succession of large fires in recent weeks. Without those extraordinary efforts the property losses would have been considerably larger and more lives put at peril. This House also expresses our thanks to interstate fire-fighters from New South Wales and Victoria who travelled to Western Australia to relieve weary local fire-fighters.

2. Unemployment Rates in Western Australia (Notice given – 11/8/15)

Mr M. McGowan: To move –

That this House condemns the Barnett Government for the increasing rate of unemployment, and failing to diversify the economy to create more jobs for the more than 94,000 unemployed West Australians.

3. Anti-Methamphetamine Advertising (Notice given – 22/4/15, renewed 23/9/15)

Mr M. McGowan: To move –

That this House supports the use of funds designated for the Bigger Picture advertising campaign to be transferred to the creation and implementation of an anti-methamphetamine advertising and public education campaign.

4. RSPCA (Notice given – 7/5/15, renewed 15/10/15)

Mr M. McGowan: To move –

That this House endorses the good work of the RSPCA and supports its continued government funding and role in handling prosecutions. Further, that this House rejects Liberal Party calls for an inquiry into this worthy organisation.

5. **Role of the Auditor General** (Notice given – 20/10/15)

Mr W.J. Johnston: To move –

That this House:

- (1) acknowledges that the current requirement that the Auditor General submit his audit reports pursuant to Regulations 29 and 30 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* with the Minister for Energy before tabling his reports with Parliament is in direct conflict with the role of the Auditor General as an independent officer of Parliament; and
- (2) calls on the Government to immediately amend Regulation 31 of the *Electricity Corporations (Electricity Generation and Retail Corporation) Regulations 2013* so that the Auditor General tables these reports first with Parliament.

PRIVATE MEMBERS' BUSINESS – ORDERS OF THE DAY

1. **Constitution Amendment (Recognition of Aboriginal People) Bill 2014**

(Ms J. Farrer) (No. 77, 2r. – 11/6/14) (last debated – 19/11/14)

Second reading. Adjourned debate (Mr P. Papalia).

2. **Council Amalgamation Process** (Moved – 13/11/13) (last debated 19/11/14)

Adjourned debate (Mr D.J. Kelly – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House condemns the Barnett Government for creating chaos and confusion amongst Local Governments with its shambolic and dysfunctional Council amalgamation process.

3. **Radiation Safety Amendment Bill 2014** (Mr R.H. Cook) (No. 110, 2r. – 26/11/14)

Second reading. Adjourned debate (Leader of the House).

4. **Polling on Council Amalgamation Processes** (Moved – 26/11/14)

Adjourned debate (Minister for Local Government – continuation of remarks) on the motion moved by Mr D.A. Templeman –

That this House:

- (a) condemns the Premier and the Minister for Local Government for allowing, through its forced amalgamation process, some communities in the metropolitan area an opportunity to have a poll under the Dadour Provisions in the *Local Government Act 1995* about their local council's future, while others have not been given that democratic right; and
- (b) further supports all affected communities having a right to a poll on their council's future.

5. Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013 (Moved – 11/3/15)

Adjourned debate (Mr D.A. Templeman) on the motion moved by Mr C.J. Tallentire –

That the *Environment Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 2013* under the *Environmental Protection Act 1986*, a copy of which was laid upon the table of the House on Tuesday, 18 February 2014, are hereby disallowed.

6. TAFE Course Fees (Moved – 25/2/15) (last debated – 11/3/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr F.M. Logan –

That this House condemns the Barnett Government for its massive increase in TAFE course fees and its sustained undermining of TAFE.

7. Remote Aboriginal Communities (Moved – 25/3/15)

Adjourned debate (Premier – continuation of remarks) on the motion moved by Mr B.S. Wyatt –

That the House condemns the Premier for the ongoing uncertainty, confusion and fear that he has created in remote Aboriginal communities since stating that he would close 150 remote communities and calls on the Premier to immediately:

- (a) seek to have the Commonwealth Government reverse or delay its decision to cease funding remote Aboriginal communities;
- (b) clarify on what basis the Government will base its decision on which communities are worthy of future Government investment;
- (c) outline the base line data that the Government has collected to justify the Premier's statement that remote communities have failed; and

outline the Government support that will be provided to those people currently living on remote communities to ensure that their closure will result in better social outcomes.

8. Criminal Code Amendment (Interference with War Memorials) Bill 2015 (Mr P.B. Watson) (No. 130, 2r. – 22/4/15)

Second reading. Adjourned debate (Mr R.F. Johnson).

9. Unemployment in Western Australia (Moved – 18/3/15) (last debated – 6/5/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms J.M. Freeman –

That this House calls on the Barnett Government to immediately tackle the rising unemployment rate in Western Australia, with particular focus on those suburbs and towns of significantly high unemployment, which the Barnett Government has failed to address.

10. Criminal Code Amendment (Criminal Damage to Places of Worship) Bill 2015 (Ms M.M. Quirk) (No. 120, 2r. – 18/3/15) (last debated – 13/5/15)

Second reading. Adjourned debate (Mr W.J. Johnston – continuation of remarks).

11. Suburban Planning (Moved – 17/6/15) (Amendment moved – 17/6/15)

Adjourned debate (Ms E. Evangel – continuation of remarks) on the amendment moved by the Minister for Planning –

To delete all words after “House” with the view to inserting:

“

- (1) acknowledges the population growth pressures and demographic changes which are occurring in Western Australia, including an aging population and an increasing number of single and two person households;
- (2) acknowledges that issues which need to be addressed through the planning system include:
 - (a) increasing the effective use of existing infrastructure;
 - (b) housing diversity and affordability; and
 - (c) transport costs; and
- (3) supports actions being taken by the Government to ensure increases in housing density and diversity occur in appropriately targeted areas, including a review of the changes which were made to the Residential Design Codes regarding multi-unit housing developments in 2010.

”.

on the motion moved by Ms R. Saffioti –

That this House calls on the Barnett Government to implement a more strategic approach to planning our suburbs to regain public confidence in density and to ensure local communities are heard.

12. Natural Resource Management Groups Funding (Moved – 24/6/15)

Adjourned debate (Minister for Environment – continuation of remarks) on the motion moved by Mr C.J. Tallentire –

That this House condemns the Barnett Government for its failure to fund natural resource management groups in a timely and adequate manner.

13. Taking of Property on Just Terms Bill 2014 (Mr M.J. Cowper) (No. 78, 2r. – 25/6/14) (Restored – 13/8/15)

Second reading. Adjourned debate (Mr M.J. Cowper – continuation of remarks).

14. Emergency Services Levy (Moved – 9/9/15)

Adjourned debate (Mr A. Krsticevic) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for misappropriating funds collected by the Emergency Services Levy for purely administrative purposes instead of for frontline emergency needs, and calls for a system of independent allocation of ESL funds to be implemented as recommended in the first Keelty inquiry.

15. Major Events (Ticket Scalping) Bill 2014 (Mr M. McGowan) (No. 111, 2r. – 23/9/15)

Second reading. Adjourned debate (Mr A. Krsticevic).

16. Local Government Amendment (Regional Subsidiaries) Bill 2014 (Mr S. Love) (No. 83, 2r. – 11/9/14) (restored – 24/9/15)

Second reading. Adjourned debate (Dr A.D. Buti).

17. Housing Supply (Moved – 16/9/15) (last debated – 15/10/15)

Adjourned debate (Mr F.M. Logan – continuation of remarks) on the motion moved by Ms R. Saffioti –

That this House expresses concern that the Government's Perth and Peel@3.5 million plan does not provide for an adequate level of housing supply for the future.

18. Attacks on the RSPCA (Moved – 21/10/15)

Adjourned debate (Ms S. McGurk – continuation of remarks) on the motion moved by Mr M. McGowan –

That this House condemns the Liberal, National and Shooters & Fishers parties for their attacks on the RSPCA.

19. Seniors in Western Australia (Moved – 11/11/15)

Adjourned debate (Mr D.A. Templeman – continuation of remarks) on the motion moved by Ms M.M. Quirk –

That this House condemns the Barnett Government for the increasing rate of unemployment, and failing to diversify the economy to create more jobs for the more than 94,000 unemployed West Australians.

20. Limitation Amendment (Child Sexual Abuse Actions) Bill 2015 (Dr G.G. Jacobs) (No. 160, 2r. – 12/11/15)

Second reading. Adjourned debate (Mrs M.H. Roberts).

* Denotes amendments appearing in the Notices and Amendments section of the Notice Paper.

‡ Denotes second reading debate on the Bill is being undertaken cognately with a principal Bill, and no further second reading debate will occur.

AWAITING GOVERNOR'S MESSAGE**1. Peel-Harvey Catchment Management Bill 2014** (Mr C.J. Tallentire) (No. 82, 2r. – 25/6/14) (Restored – 13/8/15) (last debated – 16/9/15)

Second reading.

COMMITTEES TO REPORT

<i>Committee</i>	<i>Date Due</i>
<i>Joint Standing Committee on Audit:</i> Inquiry into the Budget, Organisational Structure and Resourcing Needs of the Office of the Auditor General	
<i>Joint Standing Committee on Delegated Legislation:</i> Inquiry into Access to Australian Standards Adopted in Delegated Legislation	
<i>Education and Health Standing Committee:</i> Inquiry into the Transition and Operation of Services at Fiona Stanley Hospital	19 November 2015
<i>Community Development and Justice Standing Committee:</i> Inquiry into the Methods Employed by Western Australia Police to Evaluate Performance	7 April 2016
<i>Joint Standing Committee on the Commissioner for Children and Young People:</i> Review of the Functions Exercised by the Commissioner for Children and Young People	7 April 2016
<i>Economics and Industry Standing Committee:</i> Inquiry into Technological and Service Innovation in Western Australia	30 June 2016
<i>Public Accounts Committee:</i> Inquiry into Information and Communications Technology (ICT) Procurement and Contract Management	25 August 2016

GOVERNMENT RESPONSES TO COMMITTEE RECOMMENDATIONS

<i>Committee</i>	<i>Ministers to Respond</i>	<i>Date Due</i>
Public Accounts Committee – Review of Auditor General Reports No. 4 Selected Reports 2013 and 2014	Minister for Health; Minister for Police; Parliamentary Secretary to the Minister for Mental Health	24 December 2015
Community Development and Justice Standing Committee – Report No. 10: A Measure of Trust – How WA Police Evaluates the Effectiveness of its Response to Family and Domestic Violence	Minister for Police; Minister Representing the Attorney General	22 January 2016

NOTICES AND AMENDMENTS

Aboriginal Heritage Amendment Bill 2014 (No. 81-1)

Clause 18.

The Deputy Premier: To move –

Page 19, lines 16 to 20 – To delete the lines and substitute:

“

(3) In section 28(4):

(a) delete “Subject to subsection (3), the” and insert:

The

(b) delete “Minister from a panel of names submitted for the purposes of this Act by the Registrar.” and insert:

Minister.

”.

Clause 43.

The Deputy Premier: To move –

Page 34, line 13 – To delete “5” and substitute:

“ 6 ”.

=====

Aquatic Resources Management Bill 2015 (No. 52-1)

Clause 145.

The Deputy Premier: To move –

Page 105, Table item 5 in the 3rd column – To insert after “who”:

“ holds an aquaculture licence and ”.

=====

City of Perth Bill 2015 (No. 135–I)

The Minister for Local Government: To move –

That the scope of the City of Perth Bill 2015 be extended to allow amendments to be moved by the Minister for Local Government to insert new clauses into the Bill relating to disclosure of financial interests provisions in the *Local Government Act 1995*.

Clause 11.

Mr D.A. Templeman: To move –

Page 7, after line 13 – To insert:

“

(aa) to act in a transparent manner in the performance of his or her duties by, in addition to the disclosure provisions under the *Local Government Act 1995* or any other written law, complying with the following requirements:

- (i) to notify the chief executive officer of the City of Perth in writing within 10 days of the acceptance of a financial or other contribution to travel and to include:
 - I. the name and address of the person who made the financial or other contribution to travel;
 - II. the date on which the contribution was accepted;
 - III. a description, and the estimated value, of the contribution;
 - IV. the date of travel; and
 - V. the nature of the relationship between the councillor and the person who made the contribution,

and to ensure that such details are included in a register of travel which must be maintained by the chief executive officer and updated monthly on the City of Perth website; and

- (ii) to ensure that all details included in a notification to the chief executive officer of the acceptance of a notifiable gift are included in the register of gifts which must be updated monthly by the chief executive officer on the City of Perth website;

”.

New Clause 15A.

Mr D.A. Templeman: To move –

Page 10, after line 25 – To insert:

“

15A. Future alteration to City of Perth boundaries only to be made by Act of Parliament

After the coming into effect of the Act, any future alteration to the boundaries of the district of Perth may only be made by Act of Parliament.

”.

Clause 20.

Mr D.A. Templeman: To oppose the clause.

Clause 22.

The Minister for Local Government: To move –

Page 15, line 15 – To delete the line and substitute:

“

- (b) divide the district of Perth into wards; or
- (c) change the boundaries of the district of Perth.

”.

New Clause 36A.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36A. Section 5.78 amended

In section 5.78(1) delete “5.82, 5.83,”.

”.

New Clause 36B.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36B. Section 5.82 amended

(1) Delete section 5.82(1) and insert:

- (1A) A relevant person is to disclose each gift received by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the gift by the relevant person.
- (1) The disclosure is to include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the gift.

(2) In section 5.82(2):

- (a) delete “in a return”;
- (b) in paragraph (a)(i) delete “the return period; and” and insert:

a year; and

”.

New Clause 36C.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36C. Section 5.83 amended

(1) Delete section 5.83(1) and insert:

- (1A) A relevant person is to disclose each financial or other contribution that has been made to any travel undertaken by the person.
- (1B) The disclosure is to be made in writing to the CEO.
- (1C) The disclosure is to be made within 10 days of receipt of the contribution by the relevant person.
- (1) The disclosure is to include the following —
 - (a) a description of the contribution;
 - (b) the name and address of the person who made the contribution;
 - (c) the date on which the contribution was received;
 - (d) the estimated value of the contribution at the time it was made;
 - (e) the nature of the relationship between the relevant person and the person who made the contribution;
 - (f) a description of the travel;
 - (g) the date of travel.

(2) In section 5.83(2):

- (a) delete “in a return”;
- (b) in paragraph (d)(i) delete “the return period; and” and insert:

a year; and

”.

New Clause 36D.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36D. Sections 5.89A and 5.89B inserted

After section 5.88 insert:

5.89A. Register of gifts and contributions to travel

- (1) A CEO is to keep a register of gifts and contributions to travel.
- (2) The register is to contain a record of the disclosures made under sections 5.82 and 5.83.
- (3) The register is to be in the form that is prescribed (if any).
- (4) The CEO is to make the register available for public inspection.
- (5) The CEO is to publish the register on the local government's official website.
- (6) As soon as practicable after a person ceases to be a person who is required under section 5.82 or 5.83 to make a disclosure, the CEO is to remove from the register all records relating to that person.
- (7) Disclosures made under section 5.82 or 5.83 and removed from the register under subsection (6) are, for a period of at least 5 years after the person who made the disclosure ceases to be a person required under section 5.82 or 5.83 to make a disclosure —
 - (a) to be kept by the CEO; and
 - (b) to be made available for public inspection.

5.89B. Offence to fail to disclose under sections 5.82 and 5.83

A relevant person must comply with the requirements of sections 5.82 and 5.83 in relation to the disclosure of information.

Penalty: a fine of \$10 000 or imprisonment for 2 years.

”

New Clause 36E.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36E. Section 5.89 amended

In section 5.89 delete “5.70 or 5.71” and insert:

5.70, 5.71, 5.82 or 5.83

”

New Clause 36F.

The Minister for Local Government: To move –

Page 24, after line 23 – To insert:

“

36F. Section 9.25 amended

In section 9.25(1) after “5.78,” insert:

5.89B,

”.

Clause 37.

Mr D.A. Templeman: To oppose the clause.

=====

Joint Standing Committee on Delegated Legislation – Application of Standing Orders

Legislative Council Message No. 67.

The Legislative Council acquaints the Legislative Assembly that it has passed the following resolution and invites the Legislative Assembly to agree to same –

In relation to the constitution, powers and procedure of the Joint Standing Committee on Delegated Legislation –

- (1) The Standing Orders applicable to committees of the Legislative Council will apply to the Committee's proceedings except to the extent that they impinge upon the functioning of the Committee.
- (2) Legislative Assembly Standing Orders 249(1), (2) and (3), 252, 254, 262, 263 and 264 will apply to the Legislative Assembly Members of the Committee.
- (3) Any Member of the Legislative Council or Legislative Assembly may participate in the taking of oral evidence by the Committee, and by leave of the Committee, its deliberations and proceedings but may not vote, move any motion, or be counted for the purpose of a quorum.
- (4) Leave under (3) may be given only for a specific inquiry, but any Member of the Legislative Council or Legislative Assembly may be given leave in relation to more than one inquiry.

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Public Health Bill 2014 (No. 103–1)

Clause 168.

The Minister for Health: To move –

Page 137, line 25 – To delete “advocate” and substitute:

“ representative ”.

Clause 174.

The Minister for Health: To move –

Page 141, after line 8 – To insert:

“

- (6) This section overrides the *Poisons Act 1964*, the *Medicines and Poisons Act 2014* and the *Misuse of Drugs Act 1981*.

”.

New Clause 187A.

The Minister for Health: To move –

Page 154, after line 20 – To insert:

“

187A. Chief Health Officer may authorise persons to administer, manufacture, supply or prescribe poisons

- (1) In this section —

poison —

- (a) until the commencement of the *Medicines and Poisons Act 2014* section 3, has the meaning given in the *Poisons Act 1964* section 5(1); and
 - (b) after the commencement of the *Medicines and Poisons Act 2014* section 3, has the meaning given in that section.
- (2) For the purposes of emergency management during a public health state of emergency —
- (a) the Chief Health Officer may authorise a person, or class of persons, to administer, manufacture, supply or prescribe a poison; and
 - (b) a person authorised under paragraph (a) may administer, manufacture, supply or prescribe a poison.
- (3) The Chief Health Officer may give directions in relation to the exercise of a power under subsection (2)(b).
- (4) When exercising a power under subsection (2)(b), a person must comply with —
- (a) the terms and conditions of the authorisation (if any); and
 - (b) any directions of the Chief Health Officer given under subsection (3).
- (5) This section overrides the *Poisons Act 1964*, the *Medicines and Poisons Act 2014* and the *Misuse of Drugs Act 1981*.

”.

New Clause 187B.

The Minister for Health: To move –

Page 154, after line 20 – To insert:

“

187B. Further provisions relating to authority to administer, manufacture, supply or prescribe poisons

- (1) In this section —
authorisation means an authorisation given under section 187A(2)(a);
direction means a direction given under section 187A(3).
- (2) An authorisation —
 - (a) is subject to any limitation in a declaration under section 158(3)(b) or 160 or 161; and
 - (b) must state that it is given under section 187A; and
 - (c) must generally describe the public health state of emergency to which it relates; and
 - (d) must specify —
 - (i) the person, or class of persons, to whom it applies; and
 - (ii) the poison, or class of poisons, to which it applies; and
 - (iii) the terms and conditions (if any) to which it is subject.
- (3) The Chief Health Officer may vary or revoke an authorisation or a direction.
- (4) Authorisations and directions, and variations and revocations of authorisations or directions —
 - (a) may be given orally or in writing; but
 - (b) if given orally, must be put in writing as soon as is practicable.
- (5) A failure to put an authorisation or direction, or a variation of an authorisation or direction, in writing does not invalidate the authorisation, direction or variation or anything done under the authorisation or direction.
- (6) The powers that an authorisation confers on a person are in addition to, and do not limit, the powers that the person may have under another written law or other law.

”.

Clause 229.

The Minister for Health: To move –

Page 179, line 22 – To delete “subsection (3)(a)” and substitute:

“ subsection (3)(b) ”.

Clause 286.

The Minister for Health: To move –

Page 209, lines 13 to 16 – To delete the lines and substitute:

“

- (4) A person who, at the request or direction of an authorised officer or emergency officer or a person authorised under section 187A(2)(a), assists the officer or person to exercise a power under this Act is to be taken to be performing a function under this Act for the purposes of this section.

”

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Public Health (Consequential Provisions) Bill 2014 (No. 104–1)

Clause 36.

The Minister for Health: To move –

Page 21, lines 9 to 17 – To delete the lines and substitute:

“

- (1) In section 335(1) delete “her,” and insert:

the midwife,

”

New Clause 89A.

The Minister for Health: To move –
Page 61, after line 11 – To insert:

“

89A. Section 360 amended

Delete section 360(2) to (5) and insert:

- (2) Local laws and regulations made under this Act may create offences with —
 - (a) a maximum penalty of not more than \$10 000; and
 - (b) if the offence is a continuing offence, a daily penalty of not more than \$1 000.
- (3) For the purposes of subsection (2) —
 - (a) local laws and regulations may provide for the imposition of a minimum penalty for an offence; and
 - (b) the level of the penalty for an offence (whether the maximum penalty or a minimum penalty) may be related to either or both of the following —
 - (i) the circumstances or extent of the offence;
 - (ii) whether the offender has committed previous offences and, if so, the number of previous offences that the offender has committed.

”

Clause 99.

The Minister for Health: To move –
Page 74, after line 6, the Table the 15th row – To delete the 2nd column.

New Clause 174A.

The Minister for Health: To move –
Page 103, after line 22 – To insert:

“

174A. Section 157 deleted

Delete section 157.

”

Clause 210.

The Minister for Health: To move –

Page 115, line 11 – To delete “sections 171, 173 and 174” and substitute:

“ sections 171, 173, 174 and 174A ”.

Clause 266.

The Minister for Health: To move –

Page 125, lines 11 to 17 – To delete the lines and substitute:

“ (6) In section 360(3)(a) delete “local laws and”. ”.

KIRSTEN M. ROBINSON

Clerk of the Legislative Assembly